



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 18, 2024

Re: 316 N. West Boulevard – STR Conditional Use Permit (Case # 249-2024)

Executive Summary

Approval of this request would grant a conditional use permit (CUP) for the operation of a 210-night short-term rental (STR) with a maximum of four transient guests. The dwelling unit proposed for STR purposes **is not** the applicant's principal residence. The dwelling **is** a registered "long-term" rental with a certificate expiring in August 2027. The dwelling has not previously been offered as an STR; however, has been listed on AirBnB as a rental unit available for stays greater than 30 days. The subject property is zoned R-2 (Two-family Dwelling) and is addressed as 316 N. West Boulevard.

Discussion

Jessica Yankee (agent), on behalf of James and Betsy Waldman (owners), seeks approval of a Conditional Use Permit (CUP) to allow 316 N. West Boulevard to be used as a short-term rental for a maximum of 4 transient guests and up to 210-nights annually pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m) of the Unified Development Code. The 0.16-acre site is zoned R-2 (Two-family Dwelling), is located on the east side of N. West Boulevard approximately 180-feet south of the Again Street, and is addressed 316 N. West Boulevard.

The subject dwelling is a 2-bedroom, 1-bath single-family home with a detached 1-car garage. A site-specific evaluation found that the existing driveway serving the dwelling is capable of supporting 4 UDC compliant off-street parking spaces. The dwelling is not the owner's principal residence; however, is currently a licensed "long-term" rental with a certificate expiring in August 2027. The dwelling has not been previously used for STR purposes; however, has been listed on AirBnB as a rental unit available for stays greater than 30 days.

Pursuant to Sec. 29-3.3(vv)(1)(ii)(B) of the UDC, prior to the "legal" use of the dwelling as an STR the owners must be granted the requested CUP which would authorize its use on a nightly basis. It is worth noting that no compliant record exists for the subject dwelling or property with respect to its usage as a rental property. During the Planning Commission hearing, the owner's agent noted that the property is marketed to traveling nurses for longer, but not 12 month stays, given its size and proximity to the MU Campus and other medical facilities within the city. If this request were granted, the CUP would constitute the property owners "one and only" STR license inside the city's municipal limits. Furthermore, the agent representing this request would also be the "designated agent" for the owners should regulatory matters arise requiring immediate local attention.



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Following issuance of the required CUP, the owners will be required to comply with the requirements of Chapter 22, Article 5 (Rental Unit Conservation Law) and Chapter 13 (Business Licensing) of the City Code. Additionally, following the issuance of the STR Certificate of Compliance and Business License, the owner will be required to remit accommodation taxes pursuant to the requirements of Chapter 26 (Taxation) of the City Code.

Per the submitted STR application and supplemental CUP questions, the dwelling is sought to be used for a maximum of 210-nights annually as an STR. The requested 210-nights is consistent with the limitations established by Sec. 29-3.3(vv) of the Unified Development Code. When not in use as an STR, the owners have indicated the dwelling would be occupied by them when visiting family locally. The application did not provide a duration of such occupancy annually.

It is worth noting that when the dwelling is used as a traditional long-term rental, defined as continuous guest stays of 30 days or greater, the dwelling would not be subject to the STR regulations. Such stays do not count against the Short Term Rental "night" limitations and city accommodation taxes do not apply.

As stated, the owner seeks to use the 2-bedroom home for a maximum of four transient guests. This desired occupancy would appear greater than what may otherwise be permitted per Sec. 29-3.3(vv) with respect to occupancy loads given the stated square footage of bedrooms/sleeping spaces. It would appear a maximum of three guests is all that the dwelling can accommodate. Final determination of transient occupancy will be established following a dwelling unit specific evaluation in accordance with the provisions of Chapter 22, Article 5 of the City Code.

Furthermore, full regulatory compliance with the provisions of Sec. 29-3.3(vv), Chapter 13, and Chapter 26 of the City Code, respectively, will be confirmed prior to issuance of a STR Certificate of Compliance and/or Business License. The maximum occupancy and authorized rental "nights" associated with the dwelling will be shown on the issued STR Certificate of Compliance and must appear on any website listing upon which the dwelling is offered for rental.

The site is accessed from N. West Boulevard via a "shared" driveway approach connecting to the public street. After entering the site, the driveway splits into two defined lanes to accommodate required off-street parking for the subject dwelling and the dwelling to the north. The driveway serving the subject dwelling is capable of accommodating 4 vehicles outside of the public right of way. Given the location of the West Elementary School to the west, the western frontage of N. West Boulevard is signed as a "No Parking" zone. The east side of N. West Boulevard permits general on-street parking in accordance with city ordinances. Given the amount of off-street parking provided and the maximum of four desired guests, the required off-street parking for the STR use is exceeded by two spaces. Given this overage of available parking staff does not believe approval of the request would result in congestion issues upon the adjacent street network.



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Sidewalk is installed along the western frontage of N. West Boulevard between I-70 Dr SW and W. Ash Street. No sidewalk exists along the eastern frontage of the roadway between these points; however, a delineated bike lane is provided. A marked pedestrian crossing is north of the subject dwelling at the intersection of Again Street and N. West Boulevard.

The subject dwelling is consistent in size, style, and bedroom mix as those adjoining it. 23 public hearing letters were distributed with respect to this request. Of these letters, seven were sent to property owners and seven were sent to tenants within 185-feet of the subject site. Two letters were sent to recognized neighborhood associations within 1000-feet of the subject site and one letter was provided to the Council Ward representative.

The use of 316 N. West Boulevard as a short-term rental may be considered inconsistent with the tenancy of adjacent development which is equally split between owner-occupied and rental occupied housing given potential for higher occupant turnover. However, it is worth noting that surrounding zoning in all directions from the subject property is R-2 with the exception of a single R-1 zoned lot two parcels north of the subject site. Given this zoning and the definition of "family", each of the adjacent parcels, except the R-1 parcel, could be occupied by a maximum of 4 unrelated individuals – an occupancy no greater than that sought by the applicant.

The dwelling has previously operated as a long-term rental capable of accommodating up to 4 unrelated individuals and has been so licensed without apparent incident. Approval of the requested Conditional Use Permit would permit the owners an additional option to use their property for shorter stays than historically. Given there is no identified record of violation of other city regulations, approval of the requested CUP does not appear to be incompatible with the surrounding neighborhood.

The enacted STR regulations provide the City with options to address potential negative impacts that may be introduced into the neighborhood through the granting of a CUP allowing the dwelling to operate as an STR. The regulations restrict nightly usage and include other restrictions for which violations can be reported which could result in enforcement action, up to and including, revocation of the STR Certificate of Compliance.

There was a single telephone inquiry with respect to this application seeking clarification on what was being sought. There was no public testimony offered during the Planning Commission's public hearing in support of or opposition to the request. Staff was unable to identify any other STRs within a 300-foot radius of the subject property.

Given a CUP is necessary to allow for the legal operation of the dwelling as an STR, an analysis of the general and supplemental CUP criteria shown within Sec. 29-6.4(m)(2)(i) and (iii), respectively, were performed. Following this analysis, staff concluded the use of the dwelling as a 210-night STR with a maximum of four transient guests is compatible with the surrounding land uses. Furthermore, approval of the CUP would result in the fulfillment of several policies, strategies and actions of the City's adopted comprehensive plan. A full



description of this analysis is found within the attached Planning and Zoning Commission staff report.

The Planning and Zoning Commission held a public hearing on this matter at its October 24, 2024 meeting. Staff provided its report. The public hearing was opened and the owner's agent addressed the Commission and answered several questions. No members of the public spoke in favor or opposition to the request. Following closure of the public hearing and limited Commission discussion, a motion was made to approve the requested CUP to permit 316 N. West Boulevard to be operated as a 210-night STR with a maximum of 4 transient guests. The motion was approved by a vote of (8-0).

A copy of the Planning and Zoning Commission staff report, locator maps, STR application, and Supplemental "Conditional Accessory/Conditional Use Questions", public correspondence, and meeting minute excerpts are attached for review.

Fiscal Impact

Short-Term Impact: None are anticipated.

Long-Term Impact: Usage of the dwelling as an STR will result in the collection of accommodation taxes which will assist the Convention and Visitor's Bureau in their marketing efforts relating to the City. While increases in public service demand is possible, such demands are not foreseen to be greater than a typical single-family home. Such increases may or may not be off-set by increased user-fees or property tax collection.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Resilient Economy, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Livable & Sustainable Communities, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Economic Development

Legislative History

Date	Action
N/A	N/A

Suggested Council Action

Approve the issuance of a conditional use permit to allow 316 N. West Boulevard to be operated as a 210-night short-term rental for a maximum of 4 transient guests as recommended by the Planning and Zoning Commission.