



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: May 19, 2025

Re: 115 Clinton Drive – STR Conditional Use Permit (Case #130-2025)

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 eight transient guests. The dwelling unit is not the applicant's principal residence and has been offered as an STR since 2023. In 2024, the dwelling was used for a total of 136 nights. The subject property is zoned R-2 (Two-family Dwelling) and is addressed 115 Clinton Drive.

Discussion

Claire Altman (owner), seeks approval of a conditional use permit (CUP) to allow 115 Clinton Drive to be used as a short-term rental for a maximum of eight 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 (UDC). The 0.52-acre site is zoned R-2 (Two-family Dwelling), is located southwest of the intersection of Ash Street and Clinton Drive, and addressed as 115 Clinton Drive.

The subject dwelling, a 4-bedroom, 2.5 bath home with a detached 2-car garage, is not the owner's principal residence, has been used as an STR since 2023, and was rented for 136 nights in 2024. The desired rental nights and guest occupancy are consistent with the limitations established by the STR regulations. The stated bedroom square footages appear to conform with the minimum areas necessary to support the desired level of occupancy when evaluated against the adopted International Property Maintenance Code (IPMC). Final compliance with these provisions will be verified prior to issuance of the STR Certificate of Compliance. The approved occupancy and authorized rental "nights" are required to 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 applicant has indicated that they will act as the "designated agent" to address regulatory issues and their permanent residence is located in Boone County as required by ordinance. Approval of the CUP would constitute the applicants "one and only" STR license inside the municipal limits.

Evaluation of typical listing platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinders.com identified one additional STR within a 300-foot radius of the subject dwelling at 121 N West Boulevard. The subject dwelling is located within 185-feet of 17 individual properties and within 1,000-feet of six neighborhood associations. Nine of the 17 properties within 185-feet are owner-occupied and eight are rental. Given the R-2 zoning of



City of Columbia

701 East Broadway, Columbia, Missouri 65201

the adjacent properties a maximum "long-term" rental occupancy of 4-unrelated individuals is permitted.

The subject dwelling is consistent in size, style, and bedroom mix as those adjoining it. The property has two driveways capable of supporting the required four on-site/off-street parking spaces necessary for the desired occupancy of eight guests. The dwelling is accessed from Clinton Drive, a local residential street, that no sidewalks; however, permits on-street parking on both sides. The design of the site's access is consistent with other neighboring residential development and is believed sufficient to support future traffic generation without compromising public safety. No active code violations were associated with the subject property.

Given the lack of code violation history and the dwelling's general conformity to its surroundings, approval of the CUP is not believed incompatible with the adjoining development. The enacted STR regulations provide the City with options to address potential negative impacts including nightly usage restrictions and other means for which violations can be reported and acted upon which include fines, up to and including, revocation of the STR Certificate of Compliance after two verified violations within a 12-month period.

Given the dwelling sought for licensure is not the applicant's "principal residence," a Conditional Use Permit was necessary to allow for its continued operation. The STR CUP process requires an analysis of the general and supplemental CUP criteria shown within Sec. 29-6.4(m)(2)(i) and (iii) of the UDC. A full description of this analysis is found within the attached Planning and Zoning Commission staff report.

Should the CUP be granted, the owner and dwelling will be required to obtain full compliance 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.

The Planning and Zoning Commission held a public hearing on this matter at their April 24, 2025 meeting. Staff provided its report and described its findings related to what was shown on the STR application. The applicant gave a presentation on the purpose of the request and was available to answer Commissioner questions. One member of the public had a question on the technical aspects of the case. No written comments to the request were submitted.

Following closure of the public hearing a motion to approve the requested CUP to permit 115 Clinton Drive to be operated as a 210-night STR with a maximum of 8 transient guests. The motion was approved by a vote of (6-2).



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701 East Broadway, Columbia, Missouri 65201

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 conditional use permit allowing 115 Clinton Drive to be operated as a 210-night short-term rental for a maximum of 8 transient guests as recommended by the Planning and Zoning Commission.