



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: June 2, 2025

Re: 534 West Southampton Drive– STR Conditional Use Permit (Case #168-2025)

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 four transient guests. The dwelling unit is not the applicant's principal residence and has been previously used as a short-term rental. The subject property is zoned R-2 (Two-family Dwelling) and is addressed 534 West Southampton Drive.

Discussion

Richard and Tamela Wyatt (agents), on behalf of The Wyatt Family Trust (owner), seeks approval to allow 534 West Southampton Drive to be used as a short-term rental (STR) for maximum of four transient guests and up to 210-nights annually pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m)(2) of the Unified Development Code (UDC). The 0.28-acre subject site is zoned R-2 (Two-family Dwelling).

The subject dwelling is the west-side 2-bedroom, 1.5 bath portion of a duplex dwelling that has an attached 1-car garage. The dwelling is not the owner's principal residence and has previously been used as a short-term rental. The stated bedroom square foot areas appear to conform to 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 the issuance of the STR Certificate of Compliance. The approved occupancy and authorized rental nights will be shown on the issued STR Certificate of Compliance and must appear on any website listing where the dwelling is offered for rental.

The applicant indicates that a member of the owner's trust, who is a Boone County resident, will act as the "designated agent" to address regulatory issues when the dwelling is used as an STR. Approval of the CUP would constitute the LLC's or any members of the LLC their "one and only" STR license within the City's municipal limits.

Evaluation of typical listing platforms such as Airbnb, Vrbo, Booking.com, and Furnished Finder identified 1 additional unregistered STR property within a 300-foot radius of the subject property. The identified STR is the other half of the duplex structure that is the subject of this request. The owner has stated that this half of the structure is now a long-term rental.

There are 22 parcels within 185-feet of which 21 appear to be used for rental purposes and one appears to be owner-occupied. The immediately adjacent properties south of West Southampton Drive are located in the R-2 zoning district. An R-2 zoning designation would



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permit a maximum “long-term” rental occupancy of 4-unrelated individuals. Property immediately north of West Southampton Drive is located within an R-1 zoning district where maximum “long-term” rental occupancy is limited to 3-unrelated individuals.

The subject dwelling is consistent in size, style, and bedroom mix as those adjoining it and south of West Southampton Drive. Single-family detached homes are located north of West Southampton Drive. The property has a driveway capable of supporting 1 UDC-compliant on-site/off-street parking space, and the dwelling has an attached 1-car garage. To ensure parking compliance and to support the desired four transient guests, the parking space within the garage will need to be available when the dwelling is used as an STR in addition to the driveway space.

The dwelling is accessed from West Southampton Drive, a neighborhood collector that does not permit on-street parking. Sidewalks are installed on both sides of West Southampton Drive. The design of the site’s access is consistent with other surrounding residential development and is sufficient to support future traffic generation without compromising public safety.

Given no outstanding violations associated with this property were identified and the dwelling’s general conformity to its surroundings, staff believes approval of the CUP would not be incompatible with the adjoining neighborhood. 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 and possible 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 CUP is necessary to allow for its continued operation as an STR. 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 in the attached Planning and Zoning Commission staff report.

Should the CUP be granted, the owner and the dwelling will be required to obtain full regulatory compliance with the provisions of Chapter 22, Article 5 (Rental Unit Conservation Law), and Chapter 13 (Business Licensing) of the City Code. As part of the required 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 May 8, 2025 meeting. Staff provided a report and described their findings related to what was shown within the STR application. The applicant spoke on the purpose of the request and was available to answer Commissioner questions. No members of the public spoke in opposition to this request. A total of 4 written comments (attached) have been submitted in support of the request. The written letters of support stated that there have not been experiences of disturbances such as noise, traffic, or parking.



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Following the closure of the public hearing, a motion to approve the requested CUP to permit 534 West Southampton Drive to be operated as a 210-night STR with a maximum of 4 transient guests subject to the garage parking space being made available when the home was in use as an STR was made which resulted in a unanimous (8-0) vote of approval.

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 a conditional use permit to allow 534 West Southampton Drive to be operated as a 210-night short-term rental for a maximum of 4 transient guests subject to the condition that the parking space within the attached 1-car garage be made available while the dwelling is in STR use as recommended by the Planning and Zoning Commission.