

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
March 6, 2025**

SUMMARY

A request by Mark Silveria (owner) for approval of a Conditional Use Permit (CUP) to allow 100 Gipson Street to be used as a short-term rental for a maximum of 6 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. The approximately 0.26-acre, R-1 (One-family Dwelling) zoned, subject site is located at the corner of North Garth Avenue and Gipson Street, and includes the address 100 Gipson Street.

DISCUSSION

The applicant seeks approval of a conditional use permit (CUP) to allow their 1,821 sq. ft. single-family dwelling to be used as a short-term rental for a maximum of 6 transient guests up to 210 nights annually. The applicant has stated that the dwelling has four bedrooms, three on the main level and one on the lower level. According to the Boone County Assessor's site, the dwelling contains three bedrooms and two bathrooms. No permits have been identified for the construction of the bedroom in the basement. As part of the STR Licensing process, a full structural inspection will be performed by Neighborhood Services and the Building and Site Development Division of Community Development. These inspections may require corrective action be taken to ensure building code compliance. The home is located within an R-1 (One-family Dwelling) district.

A site-specific evaluation of the property found that the home has an attached 1-car garage and the existing driveway serving the property has sufficient on-site/off-street capacity to support 4 UDC-compliant parking spaces outside of the public right of way. Given the number of desired guests, a minimum of 3 UDC-compliant on-site/off-street parking spaces must be provided. Based on this finding, compliance with the minimum parking standards of Sec. 29-3.3(vv)(1)(ii)(B)(2) and for the desired transient guest occupancy is met.

A review of available code violation records associated with this property has identified 2 violations. These violations occurred in 2021 and dealt with non-compliance with the City's Landscape Management and Streets and Sidewalks standards relative to the growth of poisonous sumac. The violations have been resolved.

The property has operated as a short-term since 2018. In 2024, the property was operated and occupied as a short-term rental for 161 nights. Pursuant to Sec. 29-3.3(vv)(2)(i) of the UDC, full compliance with the adopted short-term rental regulations was delayed until June 1, 2025. As such, the operation of an STR until June 1, 2025, is permissible without a license. Approval of this request would ensure the current STR is compliant before the June 1, 2025 licensure deadline. The applicant must fully comply with the City's regulatory standards (i.e. obtain their STR Certificate of Compliance and Business License) by June 1, 2025. If these final regulatory steps are not completed, the STR would be operating in violation of the city code and would be subject to enforcement action which may include fines and revocation of the CUP if granted.

APPLICATION EVALUATION

The submitted application is subject to both the general and conditional use permit provisions governing short-term rentals identified within Sec. 29-3.3(vv)(1)(ii)(B) and Sec. 29-3.3(vv)(2) as well as Sec. 29-6.4(m)(2)(i) and (iii) of the UDC, respectively. The following analysis provides an overview of the submitted application and these criteria.

The dwelling is not the applicant's principal residence and was disclosed as having been previously offered as a short-term rental since 2018. According to the applicant, in 2024 the dwelling was used approximately for 161 nights. Online reviews for the dwelling show usage as an STR starting in August

2018 and continuing to the present. The dwelling is presently being offered via two different listings. One of the listings pertains to the main floor <https://www.airbnb.com/rooms/49691287>, and the other listing is exclusively the basement <https://www.airbnb.com/rooms/27488716>. It would further appear that the basement is also listed on Furnishedfinders.com at <https://www.furnishedfinder.com/property/792336> 1. Should the requested CUP be approved, offering the dwelling as two separate STR listings will no longer be permitted and the listings, as a condition of licensure, would be required to be modified to accurately conform to the issued CUP and corresponding licenses. The listing would undergo periodic review to ensure future compliance.

The adopted STR regulations do not prohibit the applicant from seeking to have the dwelling licensed as both a short- and long-term rental concurrently. Based on records research the property is presently licensed as an active longer-term rental with a license expiring in 2028. While "dual" registration is permitted, usage of the dwelling as both a short- and long-term rental as **two functionally** separate dwelling units concurrently would not be permitted given the dwelling's location within an R-1 zoning district. Per UDC regulations, a two-family dwelling is not permitted within the R-1 zone and may only be permissible following the issuance of a CUP for an accessory dwelling unit (ADU). However, given this dwelling is not presently the principal residence of the applicant or a "long-term" tenant such CUP request would not conform to current Planning Commission procedure of applying a "special" use condition upon R-1 ADU requests that stipulate one of the dwellings located on the property shall be occupying by a "long-term" resident.

A review of online rental platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinders.com identified 1 additional unlicensed STR approximately 385-feet north of the subject dwelling.

Based upon the stated **bedroom** square footages shown within the application, it would appear that the dwelling would be capable of supporting more than the maximum transient guests allowed by the ordinance and exceed what is sought by the applicant. This conclusion is made following a review of the most current edition of the adopted International Property Maintenance Code (IPMC) and Sec. 404.4.1 thereof in which it is stated that every bedroom shall contain not less than 70 sq. ft. of floor area and every bedroom occupied by **more than** one occupant there shall be no less than 50 sq. ft. of floor area per occupant thereof. Given the limitations imposed by Sec. 29-3.3(vv)(2)(v) with respect to maximum occupancy, the owner is seeking approval for 6 transient guests which is two fewer than the maximum permitted and potentially allowed by bedroom floor area. Available on-site/off-street parking, exclusive of the garage space, would support the number of guests identified in the STR application as well as the maximum (8 guests) permitted by the STR regulations.

A final verification of the maximum occupancy allowed within the dwelling will be determined by the City's Housing and Neighborhood Services Department in conjunction with the required compliance checks for conformance with the provisions Chapter 22, Art. 5 (Rental Unit Conservation Law) prior to issuance of a STR Certificate of Compliance. Should the Commission desire to approve this application, it is recommended that "special" approval condition be added that restricts maximum occupancy to that stated in the applicant's submission. Such a condition would limit transient guest occupancy to a maximum of 6 guests. The authorized occupancy will appear on the STR Certificate of Compliance and is required to be included on any website or other media advertising the dwelling for STR usage. Any condition of approval proposed is subject to final approval by the City Council.

Within the required 185-foot notification radius, the subject dwelling abuts other single-family structures in all directions of similar size and lot area that are located within the R-1 zoning district. The subject dwelling has a fenced-in rear yard. The dwelling is supported by adequate public infrastructure (i.e.

electric, sewer, & water) and there are no known issues with available capacity to serve the dwelling as an STR. Street parking is allowed, though there are no sidewalks installed on either side of Gipson Street.

Based on public notification letters, there are 19 individual properties within 185-feet and 1 neighborhood association within 1,000 feet of the subject dwelling. Of the 19 properties, it appears 14 are owner-occupied dwellings and 5 are rental dwellings. Given the R-1 zoning of the surrounding dwellings, the maximum “long-term” rental occupancy of each dwelling unit would be 3-unrelated individuals. It should be noted that there is a school within 1,000 of the proposed STR.

The subject dwelling is owned by an individual. Based on this ownership, approval of the requested CUP would constitute the applicant’s “one and only” STR license within the City pursuant to the provisions of Sec. 29-3.3(vv)(2)(ii) of the UDC. The application indicates that applicant will be the designated agent to address compliance matters should they arise while the dwelling is offered for STR purposes. Based upon the location information provided within the application, this applicant is a resident of Boone County and is located approximately 5.5 miles (15 minutes) from the dwelling in the event that need arises to address compliance matters.

Based on a site-specific evaluation, it would appear that access to the dwelling requires ascending a step to enter the structure. Compliance with the accessibility provisions of Sec. 29-3.3(vv)((2)(xiv) of the UDC may be required. A final determination of required compliance will be completed prior to issuance of an STR Certificate of Compliance by the Housing and Neighborhood Services Department and Building and Site Development Division of Community Development. During the site-specific inspection of the dwelling no signage was identify as being present to advertise the dwelling as an STR. Such signage would be permissible provided it is no greater than 1 sq. ft. in area and was non-illuminated.

Sec. 29-6.4(2)(i) General CUP Review Criteria:

As noted, given this application triggers approval of a conditional use permit (CUP) the following analysis of the provisions found in Sec. 29-6.4(m)(2)(i) and (iii) of the UDC have been performed. The owner has provided their analysis of these criteria (see attached) and the staff’s analysis is provided below. The standard criteria are shown in **bold text** followed by staff’s response.

(A) The proposed conditional use complies with all standards and provisions in this chapter applicable to the base and overlay zone district where the property is located;

A short-term rental that is not a long-term resident’s principal residence is permitted within the R-1 zoning district subject to approval of the requested conditional use permit (CUP). The submitted application (see attached) has illustrated compliance with the minimum regulatory standards established within Sec. 29-3.3(vv). A site-specific inspection finds that the dwelling has a driveway parking capable of accommodating 4 UDC compliant parking spaces outside the public right of way and an attached 1-car garage. A minimum of 3 UDC compliant parking spaces must be provided to support the desired 6 transient guests.

Additional regulatory review to ensure full compliance with the provision of Sec. 29-3.3(vv) and Chapter 22, Art. 5 (Rental Unit Conservation Law) of the City Code will occur if the CUP is granted prior to issuance of a STR Certificate of Compliance. The subject dwelling is not located within an overlay district that would otherwise prohibit the proposed use of the dwelling as an STR.

(B) The proposed conditional use is consistent with the city's adopted comprehensive plan;

The comprehensive plan does not speak directly to the use of residential dwellings for alternative purposes such as an STR; however, does contain policies, strategies, and actions relating to the topics of livable and sustainable neighborhoods, land use and growth management, and economic development. The adoption of the regulatory provisions governing the use of a residential dwelling for STR purposes is seen as addressing several of these policies, strategies, and actions.

With respect to the goal of creating **livable and sustainable neighborhoods**, approval of the requested CUP would support the mixed-use concepts of Policy # 2, Strategy # 1 (page 144) of the Plan. While this strategy focuses on the concept of creating “nodes” of neighborhood scale commercial and service uses as a high priority, the first “action” within the strategy recommends using planning tools and decision-making to locate small-scale commercial and service businesses adjacent to residential development. STRs have been determined to be a commercial use and offer a “community-wide” service by providing supplemental housing for visitors to Columbia. Staff believes adoption of the STR regulations and their requirement of a CUP are relevant planning and decision-making tools consistent with the intent of this Policy and assist to fulfill the idea of supporting mixed-uses within residential neighborhoods.

With respect to **land use and growth management**, Policy # 3, Strategy # 3 (page 146 of the Plan) would be fulfilled given the regulatory limitations on occupancy and rental nights that are contained within Sec. 29-3.3(vv).

And finally, with respect to **economic development**, Policy # 3, Strategy # 2 (page 149 of the Plan) would be fulfilled by supporting local entrepreneurial ventures. The adopted regulatory provisions governing the use of a residential dwelling for STR purposes were created with options to allow owners and/or renters the ability to participate in the STR market subject to reasonable regulation. This ability for participation not only supports individual entrepreneurial ventures, but also broader city-wide economic objectives relating to tourism and tourism-related activities.

(C) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site;

The properties surrounding the subject site are all improved with single-family residences on lots of similar size and square footage. All adjoining development is within the R-1 zoning district. Based on a search of typical listing platform such as AirBnB, VRBO, Booking.com, and Furnishedfinders.com the dwelling was identified as being a listed short-term rental. The applicant has indicated that the home has been previously used as a STR since 2018. In 2024 the dwelling was used for approximately 161 nights. Based on online reviews the dwelling has been actively listed and made available since August 2018 to the present.

The adopted STR regulations provide standards by which potential negative impacts of operating the dwelling as an STR may be mitigated and afford a method of regulatory reporting/enforcement that prior to February 2024 were nonexistent within the City's municipal code. The regulatory standards ensure added scrutiny is placed on the dwelling's operation as a commercial use. Should violations of the regulatory provisions raise to the

level requiring action, such action may include, in addition to fines, revocation of the STR Certificate of Compliance.

The dwelling has been used as an STR without apparent incident. Given the lack of identified/reported violations, there is nothing to suggest that the continued operation of the dwelling as an STR would be non-compliant or incompatible with the surrounding neighborhood. Based upon property owner notification letters, of the 19 surrounding parcels within 185-feet of the subject dwelling, it appears 14 are owner-occupied and 5 are rental units. Given the UDC definition of "family" all dwelling units surrounding the subject site (owner- and renter-occupied) would be permitted occupancy by up to 3-unrelated individuals.

(D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion;

The site is accessed from Gipson Street via a traditional driveway approach. Gipson Street is a residential street that does not have sidewalks and permits on street parking. The site has adequate on-site/off-street parking to meet the regulatory requirements for use as an STR.

In the event a guest parked on the street, on-street parking could potentially create a visual obstruction turning onto Garth Avenue if the guest were to park close to the intersection. The design of the parking and the site's access are consistent with other residential development and are believed sufficient to support future traffic generation without compromising public safety.

(E) Sufficient infrastructure and services exist to support the proposed use, including, but not limited to, adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided; and

The site is sufficiently served with public infrastructure to support its use as an STR. There are no known infrastructure capacity issues associated with the site that would be negatively impacted by approval of the CUP.

(F) The proposed conditional use will not cause significant adverse impacts to surrounding properties.

5 of the 19 parcels within 185-feet of the subject site appear to be used for rental purposes. The 14 remaining structures are owner-occupied. All structures are located within an R-1 zoning district and given the R-1 zoning are permitted to have a maximum of 3-unrelated individuals within each dwelling if used for rental purposes. While approval of a CUP allowing the subject dwelling to be used as a 210 night STR with a maximum of 6 transient guests could be considered more intense than adjacent owner & rental occupied single-family dwellings there is no evidence to suggest that such usage would create adverse impacts. The applicant states the dwelling has been as an STR since 2018 and online listing records have verified the dwelling's use as an STR since August 2018. As noted, the dwelling has been made available throughout 2024 for approximately 161 nights without apparent incident or complaint.

If the CUP is approved, potential negative impacts can be mitigated through the adopted regulatory provisions which provides a means by which to report and address those impacts including fines and revocation of the STR Certificate of Compliance. Furthermore, the

subject site has a fenced-in rear yard and parking sufficient to accommodate the required on-site/off-street parking outside the public right of way.

Sec. 29-6.4(2)(iii) Supplemental STR CUP Review Criteria:

- (A) Whether the proposed STR is used for any part of the year by the registrant as a residence. If so, for how long?**

The owner has stated that the proposed STR is not used by the registrant for any part of the year.

- (B) Whether or not there are established STRs within three hundred (300) feet of the proposed STR measured in all directions from property lines “as the crow flies.”**

The owner indicates that they are unaware of other established STRs within 300 feet of the subject dwelling. Staff reviewed the websites of AirBnB, VRBO, Booking.com, and Furnishedfinders.com and identified 1 additional unlicensed STR property, <https://www.airbnb.com/rooms/921811521623886722>, approximately 385-feet north of the subject site.

- (C) Whether the proposed registrant has previously operated an STR and if such operation has resulted in a history of complaints, a denied STR certificate of compliance, or revocation of an issued STR certificate of compliance.**

The owner has stated that the dwelling has been operated as an STR since 2018 and that there have been no complaints or city code violations. Staff’s review of City complaint records has not uncovered complaints associated with the property other than those from 2021 which have been resolved.

- (D) Whether the proposed STR will increase the intensity of the use of the property and cause increased traffic or noise coming from the property.**

The owner has responded “no” to this question. As a general staff observation, using the subject dwelling for transient accommodations for 210 nights annually could result in increases; however, how significant is unknown. The significance of possible impacts is subject to many factors such as dwelling unit desirability, pricing, rental occupancy, etc. The current regulatory structure provides standards allowing for monitoring and mitigation of possible negative outcomes. Furthermore, according to Airbnb online reviews, the dwelling has been offered as STR since August 2018 and the applicant has stated the property has been used as an STR since 2018. This level of use has not generated a complaint record.

- (E) Whether there is support for the establishment of the proposed STR from neighboring property owners.**

The owner states that there is only one neighbor and they have not expressed concern with the short-term rental; however, no documentation has been supplied to support this assertion. It should be noted that the subject site shares a property line with three other parcels – one to the west and two to the south. Of these adjacent parcels, 2 are owner-occupied and 1 is a rental. It is unclear from the applicant’s statement if all adjoining parcels have been contacted regarding this application.

As of writing this report, one written public comment (see attached) was been received that expressed concerns about a “rezoning” which would allow the dwelling to be used by transient guests. Staff clarified the property was not being rezoned, but sought to allow transient guest as an STR. One additional phone inquiry has been received seeking general information regarding the request. No other public inquiries have been received.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow 100 Gipson Street to be operated as a short-term rental with a maximum of 6 transient guests and rental usage up to 210 nights annually would be appropriate. Such a licensure would reduce the potential for multiple short-term rentals occurring concurrently within the dwelling. The property is located within a neighborhood that is predominantly owner-occupied consisting of 14 owner-occupied and 5 rental properties of similar size and bedroom mixture.

The dwelling unit has operated since 2018 as an STR. Approval of the CUP would grant “legal status” to this use and afford neighbors as well as the City additional regulatory tools to ensure compliance with the adopted standards governing STRs. Authorization of the CUP is not seen as being detrimental to adjacent properties and would fulfill several policies, strategies, and actions of the Columbia Imagined Comprehensive Plan.

RECOMMENDATION

Approve the conditional use permit to allow 100 Gipson Street to be operated as an STR subject to:

1. The occupancy permitted within the dwelling being limited to a **maximum** of 6 transient guests regardless of potential occupancy allowed by most recently adopted edition of the International Property Maintenance Code (IPMC); and
2. A maximum of 210 nights of annual usage

ATTACHMENTS

- Locator maps
- STR Application
- Supplemental “Conditional Accessory/Conditional Use Questions”
- Public Correspondence

HISTORY

Annexation date	1956
Zoning District	R-1 (One-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Parkade Hills Addition 3

SITE CHARACTERISTICS

Area (acres)	0.26 acres
Topography	Sloping slightly to the east
Vegetation/Landscaping	Trees and natural ground cover
Watershed/Drainage	Bear Creek
Existing structures	Single-family home w/ attached 1-car garage

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

Gipson Street	
Location	Along northern edge of property
Major Roadway Plan	Residential street
CIP projects	N/A
Sidewalk	N/A

PARKS & RECREATION

Neighborhood Parks	Boxer Park, Bear Creek Trail, Parkade Park-School, Garth Nature Area, Proctor Park
Trails Plan	None
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

26 “public hearing” letters were mailed to property owners and tenants within 185-feet of the subject property. 1 letter was provided to the Council Ward representative. All “public hearing” letters were distributed on February 17, 2025. The public hearing ad for this matter was placed in the Tribune on February 18, 2025.

Public Notification Responses	1 general information phone call
Notified neighborhood association(s)	Vanderveen
Correspondence received	1 written comment,

Report prepared by: Ross Halligan

Report approved by: Patrick R. Zenner