

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
April 10, 2025**

SUMMARY

A request by Francee Gordon (owner) to allow 9 McBaine Avenue to be used as a short-term rental for a maximum of 8 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 0.37-acre, R-MF (Multiple-family Dwelling) zoned, subject site is located approximately 300 feet north of the intersection of West Broadway and McBaine Avenue.

DISCUSSION

The applicant seeks approval of a conditional use permit (CUP) to allow their 1,367 sq. ft. single-family dwelling to be used as a short-term rental for a maximum of 8 transient guests and up to 210-nights annually. The applicant has stated that the dwelling has 4 bedrooms, 2 on the main level and 2 on the upper level, and 2.5 baths. According to the Boone County Assessor's site, the dwelling contains 2 bedrooms and 1 bath. No permits have been identified for the construction of the 2 additional bedrooms and 1.5 baths. 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. The inspections may require corrective action to be taken to ensure building code compliance. The home is located in an R-MF (Multiple-family Dwelling) district and is not the applicant's primary residence.

A site-specific evaluation of the property found that the home does not have a garage but rather a gravel driveway and pad for parking. The parking area serving the property has sufficient on-site/off-street capacity to support 5 UDC-compliant parking spaces outside of the public right-of-way. Given the number of desired guests, a minimum of 4 UDC-compliant on-site/off-street parking spaces must be provided. Compliance with the minimum parking standards of Sec. 29-3.3(vv)(1)(ii)(B)(2) is met given available parking area when compared to the desired transient guest occupancy.

A review of available violation records associated with this property have identified 6 violation cases. The violations were 3 Health Nuisance violations, 1 Residential Parking violation, 1 Landscape Management violation, and 1 Residential Solid Waste violation. All of the listed violations have since been resolved and were opened prior to the applicant's ownership of the property. In 2024, the property was occupied for 155 nights as an STR.

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. The following analysis provides an overview of the submitted application and these criteria.

The dwelling is not the applicant's principal residence and has been previously offered as a short-term rental since 2022. According to the applicant, in 2024, the dwelling was used for approximately 155 nights. Online reviews for the dwelling show usage as an STR starting in December 2022 and continuing into the present. The dwelling is listed on Airbnb at <https://www.airbnb.com/rooms/54176114>. The listing content matches that shown within the STR application. As a condition of licensure, the listing will be checked to ensure it is still conforming to the issued CUP and corresponding licenses. The listing will undergo periodic review to ensure future compliance.

A review of online rental platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinder.com identified 5 additional unlicensed STRs within a 300-foot radius of the subject dwelling. On, Airbnb, 2 unlicensed STRs were identified. The first link is to the STR case (Case # 136-2025) that appears concurrently on the Commission's April 10 agenda, <https://www.airbnb.com/rooms/726154076549664872> and <https://www.airbnb.com/rooms/33911463> is the other identified unregistered STR. The remaining 3 unregistered STRs were identified on Furnishedfinder.com at https://www.furnishedfinder.com/property/388199_1, https://www.furnishedfinder.com/property/755375_1, and https://www.furnishedfinder.com/property/604631_1. Also, Grant Elementary School is within 1,030 ft of the proposed STR.

Based upon the stated **bedroom** square footages shown within the application, it would appear that the dwelling would be capable of supporting the maximum 8 transient guests allowed by the ordinance. 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 8 transient guests which is the maximum permitted. Available on-site/off-street parking would support this number of guests.

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. No occupancy over 8 transient guests would be permitted. 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. If the Commission desires to restrict the occupancy such action may be addressed through a "**condition of approval**" with justification stating why such condition is offered. 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. There are a combination of zoning districts surrounding the property including R-1, R-2, and R-MF. 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. Sidewalks are installed on both sides of McBaine Avenue and on-street parking is allowed.

Based on public notification letters, there are 28 individual properties within 185-feet and 4 neighborhood associations within 1,000 feet of the subject dwelling. Of the 28 properties, it appears 11 are owner-occupied dwellings and 17 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 for dwellings within the R-1 district and 4-unrelated individuals for dwellings within the R-2 and R-MF districts.

The subject dwelling is owned by an individual. Based on this ownership, approval of the requested CUP would be the owner'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 the owner will use a 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, the designated agent is a resident of Boone County located approximately 3.5 miles (9 minutes) from the dwelling if the 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. As such, 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 a 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 identified 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 is 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-MF 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 driveway parking capable of accommodating 5 UDC compliant parking spaces outside the public right of way. A minimum of 4 UDC compliant parking spaces must be provided to support the desired 8 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. Adjoining developments are within the R-1, R-2, and R-MF zoning districts. A search of listing platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinder.com identified the dwelling as being listed as a short-term rental. According to online reviews, usage of the dwelling as an STR appears to have begun in December of 2022. In 2024, the applicant indicated that the home was used for 155 nights.

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

With the lack of identified/reported violations pertaining to the current owner’s usage, there is nothing to suggest that the operation of the dwelling as a STR would be non-compliant or incompatible with the surrounding neighborhood. Based upon property owner notification letters, of the 28 surrounding parcels within 185-feet of the subject dwelling, it appears 11 dwellings are owner-occupied and 17 are rental units. Given the UDC definition of “family” all dwelling units surrounding the subject site, owner and renter occupied, would be permitted to be occupied by up to 3-unrelated individuals in the R-1 zoning district and 4-unrelated individuals in the R-2 and R-MF zoning district.

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

The site is accessed from McBaine Avenue through a traditional driveway approach. McBaine Avenue is a residential street that has sidewalks on both sides of the street 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 would not create visual obstructions given the subject site is mid-block and not at a corner. The design of the parking and the site's access is consistent with other residential development within the neighborhood and is 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.

17 of the 28 parcels within 185 feet of the subject site appears to be used for rental purposes. The 11 remaining structures are owner-occupied. The structures are located within the R-1, R-2, and R-MF zoning districts. The R-1 zoning would legally permit 3-unrelated individuals to live within each dwelling if used for rental purposes, whereas R-2 and R-MF permit 4-unrelated individuals. While approval of a CUP allowing the subject dwelling to be used as a 210-night STR with a maximum of 8 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 dwelling has been listed STR since December 2022 and, as noted, was made available throughout 2024 for 155 nights. 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 registrant has stated that the proposed STR may possibly be used for personal purposes 1-4 weeks annually.

(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 5 additional unregistered STR properties. Again, one of the STRs included in this total is a case running concurrently with this request and is located approximately 55 feet south 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 applicant answered “no” to this question. Review of City code violation records supports their answer.

- (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.

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

The owner answered “yes” stating there is support from neighboring property owners. As of writing this report, there has been 3 emails supporting the STR.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow 9 McBaine Avenue to be operated as a short-term rental with a maximum of 8 transient guests and rental usage up to 210-nights annually would be appropriate. The property is located within a neighborhood that possesses more rental dwellings than owner-occupied.

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 9 McBaine Avenue to be operated as a STR subject to:

1. The maximum occupancy permitted within the dwelling shall not exceed 8 transient guests regardless of potential occupancy allowed by most recently adopted edition of the International Property Maintenance Code (IPMC)
2. A maximum of 210-nights of annual usage

ATTACHMENTS

- Locator maps
- STR Application
- Supplemental "Conditional Accessory/Conditional Use Questions"
- CUP Additional Applicant Information
- Public Correspondence

HISTORY

Annexation date	1826
Zoning District	R-MF (Multiple-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	McBaine Western Addition

SITE CHARACTERISTICS

Area (acres)	0.37 acres
Topography	Sloping from east to west
Vegetation/Landscaping	Trees and natural ground cover
Watershed/Drainage	Flat Branch
Existing structures	Single-family home

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

McBaine Avenue	
Location	Along eastern edge of property
Major Roadway Plan	Residential street
CIP projects	N/A
Sidewalk	Installed

PARKS & RECREATION

Neighborhood Parks	Worley Street Park, Flat Branch Park
Trails Plan	MKT Connector, MKT Trail
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

47 “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. 4 letters were sent to neighborhood associations within 1,000 feet of the subject site. All “public hearing” letters were distributed on March 24, 2025. The public hearing ad for this matter was placed in the Tribune on March 25, 2025.

Public Notification Responses	None
Notified neighborhood association(s)	Historic Old Southwest, West Ash, Historic West Broadway, Park Hill
Correspondence received	3 emails in support

Report prepared by: Ross Halligan

Report approved by: Patrick R. Zenner