

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

SUMMARY

A request by Annette Humphries (agent), on behalf of KSBF Properties, L.P. (owner), to allow 1510 Marylee Drive 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 approximately 0.23-acre, R-1 (One-family Dwelling) zoned, subject site is located at the corner of Mills Drive and Marylee Drive and includes the address of 1510 Marylee Drive.

DISCUSSION

The applicant seeks approval of a conditional use permit (CUP) to allow their 2,700 sq. ft. single-family dwelling containing 5 bedrooms and 2 bathrooms to be used as a short-term rental for a maximum of 8 transient guests up to 210 nights annually. The home is located within an R-1 (One-family Dwelling) district and is not the applicant's primary residence.

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

A review of available code violation records associated with this property has not identified any violations. The property has operated as a short-term rental since 2020 to the present. In 2024, the property was occupied for 97 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 2020. According to the applicant, in 2024, the dwelling was used for approximately 97 nights. Online reviews for the dwelling show usage as an STR starting in September 2020 and continuing into December 2024. The dwelling is listed on Airbnb at <https://www.airbnb.com/rooms/45114623>.

It should be noted that the AirBnB listing and property records are consistent in that there are 5 bedrooms within the dwelling. However, the AirBnB listing indicates a total of 3 bathrooms and the property records indicate a total of 2. While a discrepancy has been identified, it is possible that the installation of bathroom fixtures within the dwelling did not require the issuance of a building permit and

that the property records have not be recently updated. The significance of this finding will be addressed as part of the Housing and Neighborhood Services Department inspection should the dwelling be issued a CUP authorizing its use as an STR. It is possible that corrective permitting may be required to retroactively ensure building code compliance has been achieved.

The listing description will be required, as a condition of licensure, to be modified to accurately reflect any conditions imposed by the approved CUP and will undergo periodic review to ensure compliance with the issued licenses. A review of online rental platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinders.com identified 2 additional STR within a 300-foot radius of the subject dwelling listed on Furnishedfinders.com.

Based upon the stated **bedrooms** 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. 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) concerning 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 of 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 via 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 to the north, south, and west of similar size and lot area located in the R-1 district. A mixture of single-family structures and two-family structures are located to the east that are of similar size and lot area; however, are within an R-2 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 the available capacity to serve the dwelling as an STR. Sidewalks are not installed on either Marylee Drive or Mills Drive, and street parking is not allowed along Mills Drive.

Based on public notification letters, there are 28 individual properties within 185-feet and 1 neighborhood association within 1,000 feet of the subject dwelling. Of the 28 properties, 12 are owner-occupied and 16 are rentals. Given the R-1 and R-2 zoning of the surrounding dwellings, the maximum "long-term" rental occupancy of each dwelling unit would be 3-unrelated individuals for R-1 zoned properties, and 4-unrelated individuals for R-2 zoned properties.

The subject dwelling is owned by a Limited Partnership. Based on this ownership, approval of the requested CUP would be the group'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 group will use a designated agent to address compliance matters should they arise while the dwelling is offered for STR purposes. Based on the location information provided within the application, this agent is located within Boone County and is 0.3 miles (2 minutes) from the subject dwelling.

Based on a site-specific evaluation, it would appear that access to the dwelling requires ascending steps to enter the front of 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 the 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-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 driveway parking capable of accommodating 4 UDC compliant parking spaces outside the public right of way and an attached 2-car garage. 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 to the north, south, and west are improved with single-family detached dwellings within an R-1 zone. Properties to the east are single- and two-family dwellings within an R-2 zone. Generally, all single-family structures surrounding the subject site are on lots of similar size and are of similar square footage. Adjoining development to the east is based on a search of typical listing platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinders.com the dwelling was identified as being a listed short-term rental. In 2024 the dwelling had been used for approximately 97 nights. Based on online reviews the dwelling has been actively listed and made available since September 2020 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 28 surrounding parcels within 185-feet of the subject dwelling, it appears 12 are owner-occupied and 16 are rental units.

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

The site is accessed from Marylee Drive via a traditional driveway approach. A secondary driveway is located on Mills Drive and predates current UDC access restriction standards. Marylee Drive is a residential street that does not possess sidewalks and permits on street

parking. Mill Drive is signed as “No Parking” given it functions as a neighborhood collector between Forum Boulevard (east) and Chapel Hill Road (southwest).

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 Marylee Drive, such on-street parking could create visual obstructions at its with Mills Drive. Parking on Mills Drive is prohibited. The design of the parking and the site’s access is consistent with other residential developments within the neighborhood 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.**

16 of the 28 parcels within 185-feet of the subject site are used for rental purposes. The 12 remaining structures are owner-occupied. Generally, the owner-occupied structures are located within the R-1 zoning district to the north, south, and west and the rental structures are located in the R-2 zoning district to the east. Given these zoning designations, the maximum number of unrelated individuals permitted in each dwelling would be either 3 (R-1) or 4 (R-2), respectively.

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 applicant states the dwelling has been used as an STR since 2020; Online listing records/reviews have verified the dwelling’s use as an STR since September 2020. As noted, the dwelling was made available throughout 2024 for approximately 97 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 2 additional unlicensed STR properties, https://www.furnishedfinder.com/property/493930_1 and https://www.furnishedfinder.com/property/491232_1.

(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 2020 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.

(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. While on-line records research has identified the dwelling as being offered as STR since September 2020, the applicant has confirmed the property has been used as an STR since 2020. Notwithstanding this discrepancy, the level of use as a STR has not generated a complaint record.

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

The owner has answered “no” to this question. As of writing this report, 3 public inquiries by telephone 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 1510 Marylee Drive 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 and not require any approval conditions. Adequate parking exists on-site/off-street to support the desired number of transient guests. The subject dwelling shares its eastern boundary with an R-2 zoning district creating an environment of mixed-tenancy. Within the 185-foot notification radius there are 16 rental properties and 12 owner-occupied properties of similar size and bedroom mixture.

According to the applicant, the dwelling unit has operated since 2020 as an STR; Review of listing site records confirm that the dwelling has been listed and made available since September of 2020. 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 allowing 1510 Marylee Drive to be operated as an STR :

1. A maximum occupancy of 8 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	1964
Zoning District	R-1 (One-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Arthur G Gibb Subdivision

SITE CHARACTERISTICS

Area (acres)	0.23 acres
Topography	Sloping slightly to south from the north
Vegetation/Landscaping	Trees and natural ground cover
Watershed/Drainage	Flat Branch, Hinkson Creek
Existing structures	Single-family home w/ attached 2-car garage

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

Marylee Drive	
Location	Along western edge of property
Major Roadway Plan	Residential street
CIP projects	N/A
Sidewalk	N/A

Mills Drive	
Location	Along southern edge of property
Major Roadway Plan	Residential Street
CIP projects	N/A
Sidewalk	N/A

PARKS & RECREATION

Neighborhood Parks	Westwinds Park, MKT Nature and Fitness Trail, County House Trail
Trails Plan	None
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

38 “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 and 1 letter was provided to the neighborhood association All “public hearing” letters were distributed on February 17, 2025. The public hearing ad for this matter was placed in the Tribune on February 20, 2025.

Public Notification Responses	3 general information inquiries via phone call
Notified neighborhood association(s)	Chapel Woods Neighborhood Association
Correspondence received	1 letter of opposition

Report prepared by: Ross Halligan

Report approved by: Patrick R. Zenner