



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: July 7, 2025

Re: 411 North Brookline Drive – Short-Term Rental Conditional Use Permit (Case #193-2025)

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 8 transient guests. The dwelling unit is not the applicant's principal residence and has been used as a short-term rental full time since 2024. In 2024, the dwelling was used for a total of 109 nights. The subject property is zoned R-1 (One-family Dwelling) and is addressed 411 North Brookline Drive.

Discussion

Kyle Bogner (agent), on behalf of Kyle and Bailee Bogner (owners), for approval of a Conditional Use Permit (CUP) to allow 411 North Brookline Drive to be used as a short-term rental for a maximum of eight transient guests up to 210 nights annually subject to the standards of Sec. 29-3.3(vv) and 29-6.4(m)(2) of the Unified Development Code. The subject property contains approximately 0.22-acres, is located directly north and slightly west of the intersection of Danvers Drive and North Brookline Drive, is zoned R-1 (One-Family Dwelling), and is addressed 411 North Brookline Drive. The desired rental nights and guest occupancy are consistent with the limitations established by the STR regulations.

The subject dwelling is a 3-bedroom, 2-bathroom single-family home with an attached 2-car garage, is not the owner's principal residence, has been used as an STR full time since 2024, and was rented for 109 nights in 2024. The application stated bedroom areas appear to conform to with the minimum areas necessary to support the desired level of occupancy when evaluated against the most recent city-adopted edition of the International Property Maintenance Code (IPMC). Final compliance with these provisions will be verified prior to issuance of the Short-Term Rental 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 upon which the dwelling is offered for rental.

The applicant indicates that he and his wife (the owners) will act as the "designated agent" to address regulatory issues when the dwelling is used as an STR. The owners are Boone County residents which meets the requirements of Sec. 29-3.3(vv) of the UDC. Approval of the Conditional Use Permit would constitute the owner's "one and only" STR license within the City's municipal limits.

Evaluation of typical listing platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinder.com did not identify additional unregistered STR properties within a 300-foot radius of the subject property. There are 17 unique addresses and parcels within 185 feet of the site and 2 neighborhood association within 1,000 feet. Of the 17 properties, nine appear to be owner-occupied and 8 appear to be a rental properties. The adjacent properties



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north of North Brookline are located in the R-1 Single-family Dwelling zoning district, and properties south of North Brookline near this site are zoned R-1 as well. The property directly north of this site is zoned A Agriculture, but is improved with the synagogue for Congregation Beth Shalom and a detached single family home and accessory structures. The R-1 zoning designation permits a maximum "long-term" rental occupancy of 3-unrelated individuals.

The subject dwelling is consistent in size, style, and bedroom mix as those adjoining it. The property that has a driveway with sufficient on-site/off-street capacity to support 2 UDC-compliant parking spaces outside of the public right of way and an attached 2-car garage that can support two additional parked vehicles. The dwelling is accessed from North Brookline Drive, a local residential street that has sidewalk along the both edges of the street. Parking is permitted on either side of the street. The design of the site's access is consistent with other residential development within the surrounding neighborhood 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, no presence of additional STRs within 300-feet, and the dwelling's general conformity to its surrounding, 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 CUP is 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 in the attached Planning and Zoning Commission staff report.

Should the CUP be granted, the owners 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 owners 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 June 5, 2025 meeting. Staff provided a report and described their findings related to what was shown on the STR application. Two members of the public spoke regarding the request. The first spoke in support, the second noted concerns about STRs being available around children generally, and recalled an incident where a party occurred at the Short-Term Rental and they placed a call to Police. An additional comment from the public was made regarding short-term rental regulations, generally, but not specific to this case. The applicant then explained that the party that occurred was their fifth guest since listing their home for STR purposes and the guest used their parent's AirBnB account to make the reservation. As a



result of the experience, the applicant indicated that they are much more diligent with screening guests now.

Following closure of the public hearing, a motion to approve the requested CUP to permit 411 North Brookline Drive to be operated as a 210-night STR with a maximum of 8 transient guests, provided parking spaces in the attached garage are made available for guests. The motion was approved by a vote of (8-1).

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 issuance of a conditional use permit to allow 411 North Brookline to be operated as a 210-night short-term rental for a maximum of eight transient guests for STR purposes, subject to the applicant making 2 parking spaces within the attached garage available for guests.