

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
November 21, 2024**

SUMMARY

A request by Massie Holdings LLC (owner) for approval of a Conditional Use Permit (CUP) to allow 806 Boulder Drive to be used as a short-term rental for a maximum of 8 transient guests up to 210-nights annually pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m) of the Unified Development Code. The 0.22-acre subject site is zoned R-1 (One-family Dwelling), is located northeast of Campus View Drive approximately 310-feet east of intersection of UMC Drive and Boulder Drive, and is addressed 806 Boulder Drive.

DISCUSSION

The applicant seeks approval of a conditional use permit (CUP) to allow their 1929 sq. ft two-story single-family dwelling containing 4-bedrooms and 2.5 baths 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.

A site-specific evaluation of the property found that the home has an attached 2-car garage and the existing driveway serving the property has sufficient on-site/off-street capacity to support 2 UDC compliant parking spaces outside of public right of way. Based on this finding, should approval of the requested CUP be considered, it will be necessary to recommend a **“condition of approval”** that ensures both parking spaces within the attached 2-car garage are made available at all times the dwelling is in use as an STR. Such condition is necessary to 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. Any condition of approval proposed is subject to final approval by the City Council.

Review of available code violation records associated with this property has identified a single violation from May 1, 2024. This violation was associated with the applicant’s operation of a rental property without Certificate of Compliance (COC) which was resolved on May 28, 2024 by issuance of a “long-term” rental COC expiring in June 2027. No other violation records have been identified for this property. It worth noting that 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, operation of a STR up to June 1, 2025 is permissible without a license. Approval of this request would ensure the current STR is compliant in advance of the June 1, 2025 licensure deadline.

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 the not the applicant’s principal residence and was disclosed as having been previously offered as a short-term rental since approximately 2023. According to the applicant, in 2023 the dwelling was used approximately 9-nights. In 2024, the dwelling has been used for STR purposes for approximately 71 nights. On-line reviews for the dwelling confirm usage as an STR starting in November 2023 and continuing into early November 2024. The dwelling is listed on AirBnB at <https://www.airbnb.com/rooms/1018791444590258968>. Review of on-line rental platforms such as AirBnB, VRBO, Booking.com, and Furnishedfinders.com has identified potentially up to 3 additional STRs within a 300-foot radius 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 10 transient guests. This conclusion is made following 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 for 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. Available on-site/off-street parking, inclusive of the garage spaces, 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 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 in all directions of similar size and lot area which are located within the R-1 zoning district. The subject dwelling has a fenced-in rear yard with some mature vegetation. 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 along both sides of the Boulder Drive frontage and provide connection to the Hinkson Trail at the end of UMC Drive east of the subject dwelling. There is no ADU on the property.

Based on public notification letters, there are 26 individual properties within 185-feet and 2 neighborhood associations within 1,000 feet of the subject dwelling. Of the 26 properties, 11 are owner-occupied and 15 are rental. Given the R-1 zoning of the surrounding dwellings, the maximum "long-term" rental occupancy of each dwelling unit would be 3-unrelated individuals.

As of preparing this report, a single email and written letter of opposition (attached) were received. The email requested confirmation with respect to the City's possible enforcement of HOA covenants relating to operation of an STR within the neighborhood. The letter in opposition cites concerns relating to the loss of neighborhood ambience, safety, comfort, and property value as well as concerns about compliance with HOA covenants and rules. It should be noted that Sec. 29-1.7 of the UDC specifically addresses the City's participation in the enforcement of "third-party private restrictions". Specifically, Sec. 29-1.7(c) of the UDC indicates that the City shall not be obligated to enforce such provisions.

The subject dwelling is owned by an LLC. Based on this ownership, approval of the requested CUP would represent the LLC's "one and only" STR license pursuant to Sec. 29-3.3(vv)(2)(ii) of the UDC. The dwelling **is** registered as a long-term rental. Given this status, the applicant could offer the dwelling to an individual for a period of 30 days or greater without impacting the number of available STR rental nights and would not be required to pay accommodation taxes for such stays.

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 on the location information provided within the application, this agent is located within Boone County.

Based on a site-specific evaluation, it would appear that access to the dwelling does not require ascending or descending steps to enter the structure. As such, compliance with the accessibility

provisions of Sec. 29-3.3(vv)((2)(xiv) of the UDC may not 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 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 2 UDC compliant parking spaces outside the public right of way and an attached 2-car garage. As such and given the desired transient guest occupancy (8 total), a **"condition of approval"** is deemed necessary to ensure that sufficient on-site parking is provided at all times the dwelling is used for STR purposes. 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. 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 2023. In 2023 the dwelling was used for approximately 9 nights. In 2024 the dwelling has been used for approximately 71 nights. Based on on-line reviews the dwelling has been actively listed and made available since November 2023 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.

Aside from the single regulatory violation of operating a rental property without a Certificate of Compliance, the dwelling has been used as a 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 26 surrounding parcels within 185-feet of the subject dwelling, it appears 11 are owner-occupied and 15 are rental units. The 15 rental units, per the UDC definition of "family" and the R-1 zoning, are permitted to be occupied by up to 3-unrelated individuals each.

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

The site is accessed from Boulder Drive via a traditional driveway approach. Boulder Drive is a residential street that has sidewalks along both sides and permits on street parking. The site has adequate on-site/off-street parking to meet the regulatory requirements for use

as an STR provided an “approval condition” is recommended requiring that the attached 2-car garage is made available at all times the dwelling is used for STR purposes. The design of the parking and the site’s access is consistent with other residential development 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.**

15 of the 26 parcels within 185-feet of the subject site are used for rental purposes. The structures located on these parcels are zoned R-1 and are legally permitted to have up to 3-unrelated individuals living within each dwelling unit. 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 used since November 2023 as an STR and has been used within 2024 for approximately 71-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 dwelling was purchased in 2023 as college housing for a family member (Carter Massie) who also serves in the 139th Airlift Wing at Rosecrans Air Force Base, St. Joseph, MO. Due to his specific job he is frequently called up for training missions, temporary deployments, and international deployments. In the Fall of 2023, the home was placed on Airbnb to offset the operating expenses of the property while property was not being occupied by family due to deployments. Utilizing the property as a short-term rental allows the family to not worry if Carter will have housing upon his return (there is no need for him to sublet to a long-term renter, etc.). It also allows Carter to return to his base for Active Duty assignments on summer breaks without having to find long-term summer tenants. This ability to use the property as a short-term rental, and take the property off the rental market when needed serves his erratic and unpredictable schedule as a member of the Armed Forces.

(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 potentially 3 additional STR properties within the 300-foot radius.

(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 late 2023 and that there have been no complaints (see attached CUP Application Additional Information) Aside from the one violation of operating a rental property without a Certificate of Compliance, staff has not identified any complaint record or other city code violations. The property presently has an active “long-term” rental certificate that expires in June 2027.

(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 dwelling unit desirability, pricing, rental occupancy, etc. The current regulatory structure provides standards allowing for monitoring and mitigation of possible negative outcomes. Furthermore, according AirBnB on-line reviews the dwelling has been offered as STR since November 2023 with a cumulative total to date of approximately 80 rental nights. This level of use has not generated a compliant record.

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

The owner states that they have friendly and positive relationships with neighboring properties and property owners. A single letter (attached) of opposition has been received citing concerns of detracting from the “ambiance, safety, comfort, and property values” in the neighborhood and potential violations of the Seven Oaks covenants and rules. An additional inquiry was received seeking how potential HOA restrictions may be impacted by this request’s possible approval.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow 806 Boulder 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 **provided** that a condition addressing the required on-site/off-street parking be established. The property is located within a neighborhood of mixed tenancy consisting of 11 owner-occupied and 15 rental structures of similar size and bedroom mixture. Compliance with the accessibility requirements of Sec. 29-3.3(vv)(2)(xiv) will be determined prior to STR Certificate of Compliance issuance.

The dwelling unit has operated since November 2023 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

Approval of the conditional use permit to allow 806 Boulder Drive to be operated as a 210-night STR for a maximum of 8 transient guests subject to:

1. Both garage parking spaces within the attached 2-car garage be made available at all times the dwelling is used for STR purposes; and
2. 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)

ATTACHMENTS

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

HISTORY

| | |
|--|---------------------------|
| Annexation date | 1964 |
| Zoning District | R-1 (One-family Dwelling) |
| Land Use Plan designation | Residential District |
| Previous Subdivision/Legal Lot Status | Lot 31, Seven Oaks Plat 1 |

SITE CHARACTERISTICS

| | |
|-------------------------------|---|
| Area (acres) | 0.22 acres |
| Topography | Sloping southward from front to rear. |
| Vegetation/Landscaping | Turf, trees, and natural ground cover |
| Watershed/Drainage | 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

| Boulder Drive | |
|---------------------------|---------------------------------|
| Location | Along northern edge of property |
| Major Roadway Plan | Residential street |
| CIP projects | N/A |
| Sidewalk | Installed |

PARKS & RECREATION

| | |
|--------------------------------|--|
| Neighborhood Parks | Grindstone Nature Area, Capen Park, Highpointe Park |
| Trails Plan | Hinkson Creek Trail & Connector, MU Recreation Trail |
| Bicycle/Pedestrian Plan | None |

PUBLIC NOTIFICATION

40 “public hearing” letters were mailed to property owners and tenants within 185-feet of the subject property. 2 letters were provided to City-recognized neighborhood associations within 1000-feet of the subject property and 1 letter was provided to the Council Ward representative. All “public hearing” letters were distributed on November 4, 2024. The public hearing ad for this matter was placed in the Tribune on November 5, 2024.

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|---|---|
| Public Notification Responses | One email seeking information on HOA covenant applicability and one letter of opposition. |
| Notified neighborhood association(s) | Seven Oaks (HOA), Grindstone/Rock Quarry |
| Correspondence received | 1 letter of opposition (attached) |

Report prepared by: Patrick Zenner

Report approved by: Tim Teddy