AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
September 5, 2024

SUMMARY

A request by Oscar and Gloria Ignacio (owners) for approval of a Conditional Use Permit (CUP) to allow 4105 Glenview Court to be used as a short-term rental for a maximum of 210-nights annually pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m) of the Unified Development Code. The 0.37-acre subject site is zoned R-1 (Single-family Dwelling), is located 250-feet southwest of the intersection of Springdale Drive and Glenview Court, and addressed as 4105 Glenview Court.

This item was originally advertised for consideration at the August 22, 2024 Planning Commission meeting; however, was delayed due to an unforeseen meeting cancellation. The following report has been modified since its original publication to incorporate supplemental public correspondence as well as new CUP code compliance findings submitted by the applicant.

DISCUSSION

The applicants are seeking approval of a conditional use permit (CUP) to allow the ground floor of their principal residence to be used as a 210-night short-term rental. The subject property is zoned R-1 (Single-family Dwelling). The request is considered a "Tier 2" STR and is subject to the provisions of Sec. 29-3.3(vv)(1)(ii)(B) and Sec. 29-3.3(vv)(2) of the UDC. Additionally, given a CUP is triggered, the criteria of Sec. 29-6.4(m)(2)(i) and (iii) are required to be evaluated. The following discussion will provide an overview of the application and dwelling-unit specific characteristics as well as an analysis of the CUP criteria.

The application states that the owners will only be offering the main floor of their home as an STR to a maximum of 6 transient guests and that the basement of the structure would not be made available for STR use. The home is identified on the Boone County Assessor site as containing 3 bedrooms and 2 baths. This information is consistent with that shown on the STR application. The home contains 1,276 square feet of living area on the main level and occupies a site containing approximately 0.37-acres. The number of bedrooms, dwelling square footage, and lot area are generally consistent with the surrounding neighborhood. The dwelling is located on a cul-de-sac street that contains a total of 10 lots.

Based upon a physical inspection of the property there are 2 compliant on-site driveway parking spaces and 2 garage parking spaces available. This parking arrangement would permit a maximum of 8 transient guests pursuant to the required on-site parking standard of 1 space per 2 transient guests. **It should be noted**, that the applicant is seeking CUP authorization to permit a maximum of 6 transient guests within the main level of the dwelling. Such transient occupancy would require that a **minimum** of 3 code compliant on-site parking spaces be provided. The applicant has confirmed that at least 1 of the garage spaces would be made available when the dwelling is used for STR purposes exceeding the available on-site driveway parking.

Should the Commission be inclined to approve this request and also desire to ensure that the garage space is provided within the available on-site parking, it would be appropriate to recommended that a special **"condition"** of CUP approval be added. This approval condition could read as follows:

> "When the dwelling is used for STR purposes, no less than 1 of the 2 garage spaces within the dwelling shall be made available to any transient guests".

This recommended "condition" is permissible given the Commission is considering a CUP; however, would require final Council action to become effective. If approved by Council, the Housing and

Neighborhood Services Department would be informed and any future STR Certificate of Compliance associated with this dwelling would contain the condition.

As noted, the exiting dwelling contains a total of 3 bedrooms and the desired transient guest occupancy is a total of 6 guests. While 6 transient guests have been indicated as desired, verification of the maximum guest occupancy will be performed by the City's Housing and Neighborhood Services Department utilizing the criteria contained within the most recently adopted edition of the IPMC (International Property Maintenance Code). Furthermore, guest occupancy may be conditionally restricted to correspond to available driveway parking and garage spaces as noted above.

The subject property is owned jointly by both a husband and a wife. As such, approval of the CUP would represent this couple's "one and only" STR license pursuant to Sec. 29-3.3(vv)(2)(ii) of the UDC. The applicant's home **is not** presently registered as a long-term rental; however, has been previously used for STR purposes prior to the adoption of the STR regulations in February 2024. Given the proposed dwelling is the applicant's principal residence, they have chosen to not designate an agent to represent the property should they not be present during its use as an STR. This lack of identifying a designated agent is permissible; however, means that the applicant would be required to be within Boone County and available 24/7, 365-days to address possible complaints. The submitted application, does not provide clarity if the owner would vacate the property during its use as an STR.

The property upon which the dwelling is located is not improved with an ADU. If such a structure were proposed, all R-1 regulatory requirements would be triggered. There is no visible signage that indicates the dwelling is presently being utilized for STR purposes. The applicant has provided the full listing address of the dwelling as it appears on the VRBO.com website. Staff was unable to locate the structure on the AirBnB website; however, based on submitted public correspondence it would appear the dwelling is also listed on www.booking.com as well as www.gites.fr.

Access into the dwelling requires ascending stairs to reach the entry doorway. Given the dwelling is the applicant's principal residence, it is not subject to the accessibility provisions of Sec. 29-3.3(vv)(2)(xiv) of the UDC. Any platform listing should contain a disclosure that the dwelling is not ADA accessible given the stairs that must be ascended. None of the site listings indicate that the dwelling is not ADA accessible.

As noted, given applicant's request triggers approval of a conditional use permit (CUP) it must also be evaluated against the criteria of Sec. 29-6.4(m)(2)(i) and (iii). The applicant has provided their analysis of these criteria (see attached) and the staff's analysis are provided below. The standard criteria are shown in **bold text** followed by staff's response.

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

(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 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); however, a site-specific inspection finds compliant driveway parking is sufficient to accommodate only two vehicles. The owner has provided verbal verification that 1 of the 2 garage spaces would be made available to meet the regulatorily required 3 on-site parking spaces to support the 6 desired transient guests. To ensure that the additional garage space is made available while the dwelling is offered as an STR, it would be appropriate to add a CUP approval condition such that this requirement is made clear.

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 developed with single-family dwellings on lots of similar size and square footage. Based on reviews from the existing platform listings that the dwelling appears (VRBO, Booking.Com, and Gites.fr), there is an online record that the dwelling has been made available to transient guests since September 2021. While its use as a short-term rental is not consistent with its surroundings, the dwelling has been so used since September 2021 without apparent incident. The fact that the dwelling is the applicant’s principal residence is also believed a relevant factor to consider when rendering a recommendation on the approval or denial of the CUP.

Furthermore, the adopted STR standards provide guidelines by which the possible negative impacts (as expressed in the attached public correspondence) may be mitigated and also place added scrutiny on the property with respect to its operation as an STR. Finally, violations of the STR regulations are now capable of being acted upon give implementation of a registration and licensure process which allows the City an avenue to take effective enforcement actions should violations rise to a level that requires revocation of the STR Certificate of Compliance. Given the property appears to have operated without incident since September 2021, legalizing the use now is not foreseen as being detrimental to the surrounding area.

Based upon property owner notification letters, of the 21 surrounding parcels within 185-feet of the subject site, it appears 20 are owner-occupied dwellings with 1 being a rental unit. All parcels surrounding the subject dwelling are improved with single-family detached housing.

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

The site is accessed from Glenview Court via a traditional driveway approach connecting to the public street. As noted the driveway is capable of accommodating 2 vehicles outside of the public right of way and behind the existing sidewalk. The subject property is on the west side of Glenview Court which has sidewalk along both street frontages. General on-street parking is permitted in accordance with city ordinances.

Glenview Court provides access to 10 total lots. The use of the subject dwelling for as an STR for 6 transient guests does not give rise to concerns that congestion would become an issue upon this street leading to compromised public safety. The use of Glenview Court by other residents for parking of their guest's vehicles is not prohibited. Site inspection did not identify any existing parking issues.

Glenview Court is accessed from Springdale Drive, one of two accesses into the Springdale Estates subdivision. Springdale Drive is a standard residential street with 50-feet of right of way and 32-feet of pavement and permits curbside parking. There are 13 individual driveways connected to Springdale Drive and it provides the sole access to approximately 43 platted lots within overall development. While parking is allowed along Springdale Drive, traffic congestion or impediments to traffic flow were not observed when visiting the subject property. Furthermore, given its "flared" right of way at the its intersection Oakland Gravel Road it is capable of being modified to accommodate turn lanes if necessary in the future.

The traffic anticipated to be generated by the use of the subject property as an STR is not foreseen as creating issues or added congestion within the vicinity. While traffic volumes may be significant at times on Springdale Drive this is likely more the result of traffic using Smiley Lane for inbound/outbound trips from Springdale Estates instead of Thornberry Drive which appears to have been the main access into the development. Thornberry Drive extends from Oakland Gravel Road almost fully through the development whereas approximately 1/3 of the development is not accessible from Springdale Drive directly.

(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 the use of the existing dwelling. Potential increases in public infrastructure usage when the dwelling is offered for STR purposes has not been identified as impactful to current services.

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

Approval of the requested CUP and authorization to use the dwelling an STR for up to 210-nights annually is not foreseen as creating any greater level of adverse impact upon the surrounding properties than may already exist. The dwelling, based listing site reviews, has been used as a STR since September 2021. The subject site has an open-slat fenced-in backyard with typical outdoor play equipment and other amenities found within single-family residential neighborhoods. The nearest structure to the shared rear lot line of the subject property is approximately 55-feet. The rear lots of adjoining development are maintained in turf.

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 dwelling serves as the applicant's principal residence and would be occupied by them when not in use for STR purposes.

(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 applicant indicates that there are other STRs within 300 feet of the subject dwelling. Staff reviewed the websites of both AirBnB, VRBO, Booking.com, and Gites.fr and were unable to locate any additional STRs within the 300-feet 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 applicant has stated the dwelling has been used as an STR for the prior 4 years. Staff has confirmed that the dwelling is listed on VRBO.com, Booking.com, Gites.fr and has reviews dating back to September 2021. The City has no records of complaints being reported for this property or dwelling.

(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 applicant has noted that the dwelling is on a cul-de-sac and has driveway parking for 4 vehicles. The total depth of the driveway, approximately 38-feet, has been measured to the edge of Glenview Court from the dwelling not to the property line. On-site driveway depth is 25-feet measured from the property/right of way line to the dwelling and only accommodates 2 compliant parking spaces within the driveway. The applicant has verbally indicated that 1 of the garage spaces within the 2-car garage will be made available for STR use.

The use of the property for as a 210-night, 6 guest STR is not anticipated to generate any more noise than is presently being experienced within the neighborhood. As noted, the rear yard of the parcel is fenced similar to adjacent development and has a rear yard that places the dwelling approximately 150-feet to the nearest residential structure. The southern side yard is screen with natural vegetation and northern side yard is elevated.

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

The applicants indicate that there are no HOA covenants restricting the desired use. Public correspondence has been received in support and opposition to the request. Those opposed have stated that approval of the CUP would result in increased traffic, safety issues, and is excessive in its duration as principal reasons for their opposition. All public comments that have been received are attached to this report including comments from applicant providing "rebuttal" responses to public concerns expressed prior to the originally scheduled public hearing on August 22, 2024.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow 4105 Glenview Court to be used as a short-term rental for a maximum of 210-nights for 6 transient guests would be appropriate **provided** a condition stipulating that 1 of the 2 garage spaces be required to be made available to transient guests when the dwelling is used for STR purposes. If the no condition is recommended staff is not supportive of the requested 6 transient guest; however, would support a recommendation permitting the dwelling to be used by a maximum of 4 guests.

Staff finds that the dwelling is located in a neighborhood of owner-occupied housing that is of similar in size and bedroom mixture. The dwelling appears to have been operated as an STR since September 2021 without incident. Approval of a CUP would "legalize" the use and afford neighbors and the City additional regulatory tools to ensure future compliance. Furthermore, 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.

With the exception of potentially not meeting required parking without use of a garage space, the application appears to fully comply with the "land use" requirements of Sec. 29-3.3(vv) and the CUP provisions of Sec. 29-6.4(m)(2)(i) and (iii) of the UDC. Additional reviews will be performed by the City's Housing and Neighborhood Services Department to ensure compliance with the requirements of Chapter 22, Art. 5 (Rental Unit Conservation Law) of the City Code.

RECOMMENDATION

Approval of the conditional use permit to allow 4105 Glenview Court to be operated as a 210-night short-term rental for a maximum 6 transient guests, subject to the following:

1. **1 garage parking space be required to be available whenever the dwelling is used for STR purposes; and**
2. **Final compliance reviews are completed by the City's Housing and Neighborhood Services Department following City Council action.**

ATTACHMENTS

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

HISTORY

Annexation date	1964
Zoning District	R-1 (Single-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Lot 19 Springdale Estates Plat 1

SITE CHARACTERISTICS

Area (acres)	0.37 acres
Topography	Gradual slope to southeast
Vegetation/Landscaping	Turf and with trees along Glenview Ct and in rear yard
Watershed/Drainage	Bear Creek
Existing structures	Single-family home

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

Glenview Court	
Location	Along eastern edge of property
Major Roadway Plan	Local residential
CIP projects	N/A
Sidewalk	Existing on both side of right of way

PARKS & RECREATION

Neighborhood Parks	Lange Park
Trails Plan	Lange Park Trail
Bicycle/Pedestrian Plan	N/A

PUBLIC NOTIFICATION

23 “public hearing” letters were mailed to property owners and tenants within 185-feet of the subject property on August 23, 2024 providing notice of the new September 5, 2024 hearing date. Notice was sent to 1 city-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property. The public hearing ad for this matter was placed in the Tribune on August 6, 2024.

Public Notification Responses	Email inquiry seeking application information
Notified neighborhood association(s)	Oaks
Correspondence received	N/A

Report prepared and approved by: Patrick Zenner