AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
September 5, 2024

SUMMARY

A request by Randall F. Kilgore (owner) for approval of a Conditional Use Permit (CUP) to allow an 800 sq. ft. "suite" within property addressed 804 Fairway Drive 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 0.29-acre subject site is zoned R-1 (Single-family Dwelling), is located approximately 150-feet northeast of the intersection of Country Club Drive and Fairway Drive, and is addressed 804 Fairway Drive.

DISCUSSION

The applicant is seeking approval of a conditional use permit (CUP) to allow an 800 sq. ft. "suite" within his 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 applicant is seeking to use an approximate 800 sq. ft. portion of his principal residence at 804 Fairway Drive as an STR. This square footage was originally constructed as an attached bedroom "suite" to the existing single-family home to provide living accommodations for a family member. Since its construction, the family's needs have changed and the space is no longer used as originally constructed; however, given it is integration into the principal dwelling it could be easily re-adapted for those purposes. The applicant indicates that he seeks to use the "suite" to accommodate 2 transient guests and has been offering the "suite" as a traditional bed & breakfast prior to making this application.

The home is identified on the Boone County Assessor site as containing 3 bedrooms and 3 baths. The "suite" to be used as the STR consists of 1 bedroom and an attached bathroom. The overall home contains 2,665 square feet of living area and occupies a site containing approximately 0.29-acres. The number of bedrooms, dwelling square footage, and lot area are generally consistent with the surrounding neighborhood. The dwelling is located within the Country Gardens subdivision, northwest of the Columbia Country Club golf course clubhouse, and has access from Country Club Drive as well as Vine Street via Charles Street which has three connections to Old Highway 63 (Monroe, Gordon, and McAlester) to the west.

Based upon a physical site inspection of the property there are 4 compliant on-site driveway parking spaces and a 2-car garage. The applicant indicates that a single space within the garage would be available to STR guests. Given the amount of on-site parking, the property is over-parked with respect to the STR provisions which required on-site parking at a rate of 1 space per 2 transient guests. The desired guest occupancy of 2 individuals can be fully accommodated on-site.

While no written public comment has been received with respect to this application, telephone inquiries about it have revealed a concern among residents within the neighborhood with respect to the amount of traffic and parking generated by the operation of the Columbia Country Club. The golf club is a legally permissible use within the R-1 zoning district and has parking that would otherwise meet minimum UDC standards.

There are no current parking restrictions along Fairway Drive or the majority of Country Club Drive that would prohibit parking by golf club patrons or visitors. Fairway Drive is a standard curb and gutter

street; however, is not improved with sidewalk along either roadway frontage. Country Club Drive does not have curb and gutter or sidewalks. According to public comments when golf club patrons park along Country Club Drive, passage of two-way vehicle traffic is compromised. This is an existing condition and is not seen as being exacerbated given the applicant's ability to meet all required on-site parking standards of the STR regulations. Resolution of expressed concerns may be best accomplished through homeowner association discussion with management of the Columbia Country Club and/or the City's Public Works Department – Traffic Division.

As noted, the applicant is seeking to use a single 800 sq. ft. "suite" within the exiting dwelling to host a total of 2 transient guests. While 2 transient guests have been indicated as the desired occupancy, verification of the permissible maximum number of guests 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). If the Commission desires to restrict the occupancy to that stated in the application a "condition" of approval would be advised.

The subject property is owned jointly by a Trust consisting of the applicant and his partner. As such, approval of the CUP would represent the Trust's "one and only" STR license pursuant to Sec. 29-3.3(vv)(2)(ii) of the UDC. The overall dwelling and more specifically the "suite" to be used for STR purposes **is not** registered as a long-term rental. The applicant has stated that "suite" has been used as a bed and breakfast prior to the adoption of the STR regulations in February 2024. The applicant has designated a member of the Trust (i.e. the applicant's partner) to be available to address compliance matters should he personally be unavailable while the "suite" is being used as an STR. The applicant has indicated that under general circumstances the property is not vacated while it is being used by transient guests. The "suite" is fully accessible without entry through the principal living areas of overall dwelling into which it is integrated.

The property upon which the principal dwelling is located is not improved with an ADU. If such a structure were proposed, all R-1 regulatory requirements would be triggered. Furthermore, the portion of the principal dwelling to be used for STR purposes (i.e. the "suite") is not capable of being classified as an ADU given it is not a "complete" dwelling unit in that it does not contain a kitchen. However, if modifications were made to the principal dwelling to incorporate kitchen facilities into the "suite" there would be an opportunity for the "suite" to be considered as an attached/integrated ADU of the principal dwelling unit.

An inspection of the property did identify signage associated with wayfinding to the "suite". Such signage was not visible from the public street, does not exceed the maximum area allowed by the STR regulations, and was not illuminated. The applicant has provided the full listing address of the "suite" as it appears on the AirBnB.com website. Staff was unable to locate the "suite" on any other STR listing platforms; however, did note that the "suite" appears on a Facebook page. Based on the guest feedback as shown on AirBnB, it appears that the "suite" has been used for guest accommodations since October 2016.

Access into the dwelling is at grade with a "zero" barrier threshold via non-sloping concrete sidewalk extending from the driveway along the southern property line of the overall parcel. 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.

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). A site-specific inspection finds that compliant driveway parking is sufficient to accommodate 4 vehicles and the applicant has provided verbal verification that 1 of the 2 garage spaces would be made available to meet the regulatorily required 1 space of on-site parking necessary to support the 2 desired 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 developed with single-family dwellings on lots of similar size and square footage. Based on AirBnB reviews (the only listing platform the "suite" is found upon), it has had an on-line presence since October 2016. And, while the suite's usage as a guest accommodation would not be considered consistent with its surroundings, it has been operated apparently without incident since October 2016 to the present. The fact that the dwelling is the applicant's principal residence is also a factor that is believed relevant when considering a recommendation on the approval or denial of the CUP.

Additionally, the adopted STR standards provide guidelines by which the possible negative impacts of operating the "suite" as an STR may be mitigated as well as also places added scrutiny on its operation as an STR. And finally, it is worth noting that 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 October 2016, legalizing the use now is not foreseen as being detrimental to the surrounding area.

Based upon property owner notification letters, of the 16 surrounding parcels within 185-feet of the subject site, it appears 15 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 Fairway Drive via a traditional driveway approach connecting to the public street. As noted the driveway is capable of accommodating 4 vehicles outside of the public right of way. The subject property is on the east side of Fairway Drive. General on-street parking is permitted in accordance with city ordinances.

Fairway Drive connects to Country Club Drive to the south and Vine Street to the north which then connects to Charles Street to the west. Charles Street connects to Old Highway 63 via Monroe, Gordon, and McAlester Streets. As noted in the "overall" summary of this application, concerns have been expressed, via telephone discussion, that traffic generated by the Columbia Country Club impact Fairway Drive and Country Club Drive. Use of Fairway Drive by other residents for parking of their guest's vehicles or those of the Columbia Country Club is not prohibited. During a site-specific inspection of the property, staff did not identify any existing parking issues; however, it should be noted that this inspection was mid-morning, not during peak hours of the golf club's operations.

Authorizing the use of the integrated "suite" within the subject dwelling for STR purposes for 2 transient guests does not give rise to concerns that congestion would become an issue upon Fairway Drive that would lead to compromised public safety. The concerns relating to safety and capacity appear to be existing and not caused by the applicant's current use of the "suite" as an STR. All required parking can be accommodated on-site.

(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 "suite" and for that matter the entire principal dwelling. Potential increases in public infrastructure usage when the "suite" 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 "suite" 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 on listing platform reviews, has been used as a guest accommodation since October 2016. The subject site has a partial fenced-in rear yard that is heavily landscaped with natural features. The entry to the "suite" is from a "shared" large patio within the center of the rear yard. While the "suite" has line of sight to neighboring properties to north there is no visual access from the east or south property lines given either the natural vegetation or installed opaque screening.

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. The applicant indicates that the "suite" would be used personally for between 7-14 days 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 applicant indicates that there are no other established STRs within 300 feet of the subject dwelling. Staff reviewed the websites of AirBnB, VRBO, and Booking.com and were unable to locate any additional STRs within the 300-feet radius. Based on telephone inquiries, adjacent neighborhoods have stated they believe an STR is being operated within the neighborhood; however, based on the description provided it would not be within 300-feet of the subject property.

(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 used previously as a bed and breakfast. Staff has confirmed that the dwelling is listed on AirBnB and has reviews dating back to October 2016. 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 offering the "suite" as an STR would not increase the intensity of the use of the property. Based on the site-specific inspection, staff would agree that offering the 800 sq. ft. "suite" would have limited impacts. If the "suite" were offered as a traditional long-term rental, a tenant would be arriving and departing at times and with similar frequency to that likely being experienced by its use as an unregistered STR. The property has sufficient, if not excessive, parking to support the use of the "suite" as a STR on-site.

It is staff's belief that authorizing the CUP allowing use of the "suite" as a 210-night, 2 guest STR would not result in creating any greater impacts (parking or noise) on the neighborhood than what is presently being experienced. The concerns with respect to parking that have been expressed have clearly been associated with the operations of the golf club not of the applicant's operation of the "suite" as a guest accommodation since October 2016.

As noted, the subject property has a partially fenced-in rear yard that is heavily landscaped with natural features. The entry to the "suite" is from a "shared" large patio within the center of the rear yard. While the "suite" has line of sight to neighboring properties to north there is no visual access from the east or south property lines given either the natural vegetation or installed opaque screening. These features make the "suite" imperceptible to the general public.

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

The applicants indicate that there is support for the approval of the CUP to allow legal operation of the "suite" as an STR. No written support was provided with the application and no written support or opposition has been received since notification of this application was provided. The inquires that have been received sought information and provided observations of existing conditions generally negatively impacted by the operations of the golf club and not of the applicant's use of the "suite" as a guest accommodation.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow the 800 sq. ft. "suite" within the dwelling addressed 804 Fairway Drive such that it may be used as a short-term rental for a maximum of 210-nights for 2 transient guests would be appropriate. Staff finds that the location of the principal dwelling is within a neighborhood of owner-occupied housing that is of similar in size and bedroom mixture. The "suite" is accessible via a private rear-entry that is tied into the overall dwelling's private, code-compliant driveway. From the street, the "suite" appears to be an integrated portion of the home that goes entirely unnoticed if one is not aware of its existence.

The "suite", based on on-line reviews, has been in operation as a guest accommodation since October 2016 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.

RECOMMENDATION

Approval of the conditional use permit to allow the 800 sq. ft. “suite” within the dwelling addressed as 804 Fairway Drive to be operated as a 210-night short-term rental for a maximum 2 transient guests.

ATTACHMENTS

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

HISTORY

Annexation date	1952
Zoning District	R-1 (Single-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Country Club Gardens Blk. 2, Lot 3

SITE CHARACTERISTICS

Area (acres)	0.29 acres
Topography	Gradual downhill slope from east to west
Vegetation/Landscaping	Turf and with trees and natural ground cover in rear yard
Watershed/Drainage	Hinkson Creek
Existing structures	Single-family home

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

Fairway Drive	
Location	Along western edge of property
Major Roadway Plan	Local residential
CIP projects	N/A
Sidewalk	None

PARKS & RECREATION

Neighborhood Parks	Stephens Lake Park
Trails Plan	Stephens Lake Park Perimeter Trail, Hinkson Crk Trail
Bicycle/Pedestrian Plan	N/A

PUBLIC NOTIFICATION

17 “public hearing” letters were mailed to property owners and tenants within 185-feet of the subject property on August 19, 2024. Notice was sent to 2 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 20, 2024.

Public Notification Responses	Telephone inquiries seeking application information & expressing concern with traffic and parking overflow from Columbia Country Club and operation of other alleged STRs within neighborhood.
Notified neighborhood association(s)	Country Club Estates and Strawberry Hill
Correspondence received	N/A

Report prepared and approved by: Patrick Zenner