City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning
To: City Council
From: City Manager & Staff
Council Meeting Date: October 7, 2024
Re: 4105 Glenview Court – STR Conditional Use Permit (Case # 200-2024)

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 six transient guests subject to a supplemental condition that **one** of the dwelling's two garage spaces be made available when the dwelling is used for STR purposes. The supplemental condition was recommended given the available driveway parking on the subject site is only sufficient to accommodate two legally parked vehicles. A minimum of 1 parking space for every 2 transient guests is required by the STR regulations.

The dwelling unit is the applicant's principal residence and has been offered as an STR, based on listing platform data, since September 2021. The subject property is zoned R-1 (Single-family Dwelling) and is addressed as 4105 Glenview Court.

Discussion

Oscar and Gloria Ignacio (owners) are seeking approval of a conditional use permit (CUP) to allow 4105 Glenview Court to be used as a 210-night short-term rental (STR) for a maximum of six transient guests pursuant to the provisions of Sec. 29-3.3(vv) and Sec. 29-6.4(m) of the Unified Development Code. The 0.37-acre subject property is zoned R-1(Single-family Dwelling), located 250-feet southwest of the intersection of Springdale Drive and Glenview Court, and addressed as 4105 Glenview Court.

The subject dwelling is a 3-bedroom, 2-bath split-level single-family home. The applicants have indicated that the use of the dwelling as an STR will be limited to the upper level of the home and that the basement/lower level will not be accessible to transient guests. The dwelling is the owner's principal residence and has been actively used as a STR since September 2021 based on listing platform data. The home is not registered as a "long-term" rental.

Pursuant to Sec. 29-3.3(vv)(1)(ii)(B) of the UDC, prior to the "legal" use of the dwelling as an STR the owner must be granted the requested CUP and then comply with the requirements of Chapter 22, Article 5 (Rental Unit Conservation Law) and Chapter 13 (Business Licensing) of the City Code. Approval of the requested CUP would constitute the owner's "one and only" STR license inside the city's municipal limits. Additionally, if the CUP is granted and following the issuance of a STR Certificate of Compliance and Business License, the owners will be required to remit accommodation taxes pursuant to the requirements of Chapter 26 (Taxation) of the City Code.

The upper level of the dwelling is proposed to be used as an STR for a maximum of 210-nights annually. When not in use, given the dwelling is the owner's principal residence, it would be occupied by them. The requested maximum usage is consistent with the limitations established by the provisions of Sec. 29-3.3(vv) of the UDC. It should be noted that if the requested CUP is not approved the owners would be entitled, subject to regulatory compliance, an STR Certificate of Compliance for 120-nights. The applicants have chosen to seek approval for 210-nights to allow maximum flexibility in the usage of their principal residence.

The applicants have not indicated a desire to register the dwelling as a traditional long-term. If desired, guest stays of 30 days or greater are not subject to the STR regulations. If the dwelling were used as a long-term rental, the long-term rental days are not counted against the STR "night" limitations and the dwelling would not be subject to the payment of accommodation taxes.

As stated in the attached application materials and accompanying Planning and Zoning Commission staff report, the applicants are seeking a maximum of six transient guests within the 3-bedroom home. This desired occupancy does not exceed the provisions of Sec. 29-3.3(vv) which limits occupancy to a maximum of eight transient guests. The desired occupancy is further consistent with the available on-site parking (driveway and garage space) associated with single-family structure.

To ensure **one** of the two garage spaces is made available at all times when the dwelling is offered as an STR, the Planning and Zoning Commission recommended an additional condition be placed upon the approval of the CUP. This condition specifically requires one garage space be made available at all times the dwelling is used as an STR. Without such a condition, the site is only improved with sufficient on-site parking to accommodate two legally parked vehicles in the driveway which would limit transient guest occupancy to a maximum of 4.

Final transient occupancy as well as full regulatory compliance with the provisions of Sec. 29-3.3(vv), Chapter 22, Article 5, and Chapters 13 and 26 of the City Code will be confirmed at the time a dwelling unit inspection is performed and prior to issuance of a STR Certificate of Compliance. Maximum 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.

As noted, the dwelling desired to be used for STR purposes is a single-family home. The dwelling is located on a cul-de-sac street that provides access to a total of 10 homes. The subject dwelling is consistent in size, style, and bedroom mix as those adjoining it. Twenty-three public hearing letters where distributed with respect to this request. Twenty were sent to property owners and one letter was sent to a tenant within 185-feet of the subject site. One recognized neighborhood association and the Council Ward representative were also notified.

While the use of 4105 Glenview Court as a short-term rental would be considered inconsistent with the generally prevalent owner-occupied nature of adjacent dwellings, the dwelling has been operating as an STR since September 2021 without incident and is the applicant's principal residence. Public comments (see attached) have expressed concerns with personal safety, noise, traffic, and land use incompatibility should the CUP be approved. Approval of the CUP would "legalize" the operation of this dwelling as an STR as well as afford neighbors and the City opportunities for future enforcement should the expressed concerns rise to a level that such action is needed. It is also worth noting, that staff was unable to identify any other STRs within a 300-ft radius of the subject property.

Given a CUP is necessary to allow for the legal operation of the dwelling as an STR, an analysis of the general and supplemental CUP criteria shown within Sec. 29-64(m)(2)(i) and (ii), respectively, was performed. Following this analysis, staff concluded the use of the dwelling as a 210-night STR with a maximum of 6 transient guest, subject to the condition that **one** garage space be made available while the dwelling was used for STR purposes, would not be incompatible with the surrounding land uses. Furthermore, approval of the CUP would result in the fulfillment of several policies, strategies and actions of the City's adopted comprehensive plan. A full description of this analysis is found within the attached Planning and Zoning Commission staff report.

The Planning and Zoning Commission held a public hearing on this matter at its September 5, 2024 meeting. Staff provided its report. The public hearing was opened and several members of the public spoke in opposition to the request given concerns about personal safety, traffic, noise, incompatibility, and duration of available STR nights. The applicant spoke in response the concerns expressed and stated that they were supportive of the condition on making available one parking space within the garage to meet parking requirements. The applicant also provided clarification regarding their personal use of the property while being offered as an STR.

During and following closure of the public hearing, Commissioners commented on the apparent lack of communication between the neighbors opposing the request and the applicant. Commissioners did not find that sufficient testimony was offered to support concerns regarding enhanced traffic congestion or noise impacts; however, noted that approval of the CUP would place the dwelling's usage under greater scrutiny given the City has a licensure process. The Commission also referenced that the use had been operating since September 2021 without apparent issue.

Following discussion, a motion was made to approve the requested CUP to permit 4105 Glenview Court to be operated as a 210-night STR with a maximum of six transient guests, subject to the condition that the CUP stipulate "**one** garage parking space shall be made available when the dwelling is used for STR purposes". The motion was approved by a vote of 6-0.

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 in 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 off-set 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 4105 Glenview Court to be operated as a 210-night short-term rental for a maximum of 6 transient guests, subject to the CUP including the condition that "**one** garage parking space shall be made available when the dwelling is used for STR purposes" as recommended by the Planning and Zoning Commission.