AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
September 19, 2024

SUMMARY

A request by Nicholas Hermann (owner) for approval of a Conditional Use Permit (CUP) to allow 210 Bourn Avenue 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 0.28-acre subject site is zoned R-1 (Single-family Dwelling), is located approximately 600-feet northeast of the intersection of Concordia Drive and Bourn Avenue, and is addressed 210 Bourn Avenue.

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DISCUSSION

The applicant is seeking approval of a conditional use permit (CUP) to allow their 2-bedroom home to be used as a 210-night short-term rental. The dwelling is not the applicant's principal residence and has not been previously offered as a short-term rental. The subject property is zoned R-1 (Single-family Dwelling). Given the dwelling is not the applicant's principal residence it 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 submitted STR application (attached) indicates that the applicant seeks to offer the dwelling to a maximum of 4 transient guests. Review of the Boone County Assessor's records finds that the home is an approximate 1,500 sq. ft walkout containing 2-bedrooms/2 baths with an attached 1-car garage. A site-specific evaluation of the property found that the existing driveway serving the site is capable of supporting one UDC compliant off-street parking space. Given the information within application, records research, and site-specific inspection, it would appear that the desired maximum of 4 transient guests would be capable of being supported.

Prior to issuance of a STR Certificate of Compliance, 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 requested such action may be addressed via a "condition" of approval with justification stated when such condition is offered. Any restriction proposed is subject to final approval by the City Council.

The dwelling is surrounded by other single-family structures that are all zoned R-1. The subject property is located on the east side of Bourn Avenue and backs to the southbound lanes of Stadium Boulevard. The property is consistent in size with that of surrounding development and has a fully fenced in rear yard. The parcel is supported by adequate public infrastructure (i.e. electric, sewer, & water) and adjoins a public street. No sidewalk is present along Bourn Avenue.

A single telephone inquiry has been received with respect to this application seeking information, but also expressing concern that the use may generate neighborhood quality of life issues. Based on public notification letters, there are 19 properties within 185-feet and 2 neighborhood association within 1,000 feet of the subject property. Of the 19 properties, 13 are owner-occupied and 6 are rental. The 6 rental units, based on the UDC definition of "family" and their R-1 zoning designation, would only be permitted to be occupied by a total of 3 unrelated individuals.

The subject property is owned by a husband and wife. As such, approval of the requested CUP would represent the couple's "one and only" STR license pursuant to Sec. 29-3.3(vv)(2)(ii) of the UDC. The applicant has not designated an "agent" to oversee the operations of this property while in use as an STR. Not designating an agent is permissible per Sec. 29-3.3(vv); however, implies that the applicant will be available, within Boone County, 24/7, 365 days per year to address possible compliance matters should they arise while the dwelling is offered for STR purposes.

The dwelling **is not** registered as a long-term rental; however, should the applicant desire to seek such designation that would be permissible. As noted, this dwelling has not previously been used for STR purposes and was not found to be listed on any platforms such as AirBnB or VRBO.

Access to the dwelling is at grade and will not be required to meet the exterior accessibility requirements of Sec. 29-3.3(vv)(2)(xiv). However, given the dwelling is not the applicant's principal residence, interior compliance with these provisions will be reviewed prior to the issuance of a STR Certificate of Compliance. Final review for such compliance will be coordinated between the staff of the Housing and Neighborhood Services Department and Building and Site Development Division of Community Development.

The property upon which the dwelling is located is not improved with an ADU. During the site-specific inspection of the property 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 were non-illuminated.

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 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 compliant driveway parking is sufficient to accommodate 1 vehicle. The dwelling has a 1-car attached garage. The application notes that 3 parking spaces are available. The site-specific inspection identified a gravel parking area adjacent to the drive as being present; however, such surface is not UDC code compliant therefore cannot be considered as contributing to the overall off-street parking available to the dwelling. Furthermore, the driveway length prior to entering the public right of way was not greater than 36-feet from the face of the structure. 36-feet of driveway length would be necessary to exist to have space for 2 vehicles.

Given this is not the applicant's principal residence it is assumed that the garage spaces would be made available to guests. If this assumption is correct, parking sufficient to accommodate the 4 desired transient guests. **It should be noted** that the application does not clearly state usage of the garage would be made available when the home is used as an STR. If the Commission desires to condition approval of the request on the garage spaces

being made available to support 4 transient guests a motion to add such a condition to a recommendation of approval would be appropriate.

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 a search of typical listing platform such as AirBnB, VRBO, and Booking.com the dwelling was not found to be listed as an STR. Furthermore, the applicant has indicated that the home has not been previously used for such purpose.

The adopted STR regulations provide standards by which possible negative impacts of operating the dwelling as an STR may be mitigated which, prior to February 2024, were nonexistent within the City's municipal code. The inclusion of these regulatory standards also ensures added scrutiny is placed on the dwelling's operation as an STR. And finally, it is worth noting that violations of the STR regulations are now capable of being acted upon given 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 has not previously been operated as an STR there is no record to suggest that its operation as one by the applicant would be non-compliant or incompatible with the surrounding neighborhood. Based upon property owner notification letters, of the 19 surrounding parcels within 185-feet of the subject site, 13 are owner-occupied dwellings with 6 being rental units. The 6 rental units, per the UDC definition of "family" and the R-1 zoning, are limited to 3 unrelated individuals.

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

The site is accessed from Bourn Avenue via a traditional driveway approach connecting to the public street. As noted the driveway is capable of accommodating 1 vehicle outside of the public right of way. The subject property is on the east side of Bourn Avenue. General on-street parking along Bourn Avenue is permitted in accordance with city ordinances.

Bourn Avenue runs parallel to Stadium Boulevard between W. Broadway and Rollins Road. Access onto Bourn Avenue from W. Broadway is restricted to a right-in/right-out movement. Access to Rollins Road is considered "full". Concordia Drive connects to Bourn Avenue south of the subject site and provides additional westward street connectivity within the neighborhood.

Based on staff's site-specific inspection, it would appear authorizing the use of the dwelling for STR purposes for up to 4 transient guests does not give rise to concerns that congestion would become an issue upon the adjacent street network. The site has adequate off-street parking to support this number of guests sought.

(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 dwelling as an STR. 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.

6 of the 19 parcels within 185-feet of the subject site are used for rental purposes. These structures are legally permitted to have up to 3 unrelated individuals; however, there is no limitation on the number of related individuals that could occupy the 13 owner-occupied dwellings. While the potential for up to a maximum of 4 guests would be possible for 210-nights per year, there is no evidence to suggest that this occupancy load would create adverse impacts. The dwelling has not been previously used as an STR and the current

regulatory structure provides a means by which to report and mitigate impacts that may arise.

The subject site has a fenced-in rear yard that backs to Stadium Boulevard with a limited usable front yard. Given these site characteristics, any possibly adverse impact such as noise would be mitigated or at least no worse than traffic noise currently being experienced within the neighborhood from Stadium Boulevard.

The site has compliant off-street parking with the garage being made available to support the 4 guests sought for approval. If concern exists that parking would become an issue or the applicant does not make available the garage when guests occupy the dwelling as an STR it may be appropriate to consider a transient guest limitation based on available driveway parking.

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 applicant has stated that the dwelling would be occupied their parents for a period of time per year when not in use as an STR. The total duration of use was truncated in the submitted application.

(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 they are unaware of any other established STRs within 300 feet of the subject dwelling. Staff reviewed the websites of AirBnB, VRBO, and Booking.com and were able unable to locate any additional STRs within 300-feet of the subject site. Staff was able to located an STR near the intersection of Concordia Drive and Bourn Avenue (600-feet south) that is unlicensed as well as 2 more STRs across Stadium Boulevard (350-feet east). Of the 2 STRs east of Stadium Boulevard one is legally register and located on East Briarwood the other is unregistered.

(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 not been previously used as an STR.

(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 responded no to this question. As a general staff observation, using the dwelling for transient accommodations for 210-nights annually could result in increases; however, how significant is unknown given there is no historical record of STR use at this location. The significance of possible impacts is subject to many factors such dwelling unit desirability, pricing, rental occupancy, etc. The current regulatory structure provides standards by which to monitor and mitigate possible negative outcomes.

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

The applicant indicates there is support for the issuance of a CUP to allow the dwelling to be used for STR purposes; however, no correspondence to that effect was provided or received.

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 dwelling addressed 210 Bourn Avenue to be operated as a short-term rental for a maximum of 210-nights for 4 transient guests would be appropriate provided clarity on the availability of 1-car garage is provided. Without such clarity, the maximum occupancy given available compliant driveway spaces would be maximum of 2 guests.

Staff finds that the location of the dwelling is within a neighborhood of mixed ownership (13 owner-occupied and 6 rental) dwellings of similar size and bedroom mixture. The dwelling will be required to meet the accessibility requirements of Sec. 29-3.3(vv)(2)(xiv) from both an interior prospective only given access to the structure is at grade.

The dwelling unit has not been previously offered as an STR. Approval of a CUP would permit such use “legally” and afford neighbors and the City additional regulatory tools to ensure 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 dwelling addressed as 210 Bourn Avenue to be operated as a 210-night short-term rental for a maximum 4 transient guests subject to:

1. The 1-car garage being made available at all times when the dwelling is being used for STR purposes.

HISTORY

Annexation date	1955
Zoning District	R-1 (Single-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Mission Meadows, Lot 10

SITE CHARACTERISTICS

Area (acres)	0.28 acres
Topography	Sloping northeast to southwest. Walkout basement dwelling.
Vegetation/Landscaping	Turf with trees and natural ground cover in rear yard
Watershed/Drainage	County House Branch
Existing structures	Single-family home

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

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

PARKS & RECREATION

Neighborhood Parks	Clary-Shy Community Park
Trails Plan	None
Bicycle/Pedestrian Plan	N/A

PUBLIC NOTIFICATION

27 “public hearing” letters were mailed to property owners and tenants within 185-feet of the subject property. Notice was sent to 2 city-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property. All “public hearing” letters were distributed on September 3, 2024. The public hearing ad for this matter was placed in the Tribune on September 4, 2024.

Public Notification Responses	One telephone inquiry about application. Concern expressed about potential neighborhood impacts.
Notified neighborhood association(s)	Rockingham and Bourn Avenue
Correspondence received	N/A

Report prepared and approved by: Patrick Zenner