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 21, 2024
Re: 210 Bourn Avenue – STR Conditional Use Permit (Case # 218-2024)

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 four transient guests subject to a supplemental condition that the parking space within the dwelling's attached one-car garage be available when the dwelling is used for STR purposes. The supplemental condition was recommended given the available driveway parking is only sufficient to accommodate one legally parked vehicle. A minimum of one parking space for every two transient guests is required by the STR regulations. Based on this requirement, a minimum of two off-street parking spaces are necessary to support the desired four transient guests.

The dwelling unit proposed to be used for STR purposes **is not** the applicant's principal residence and has not been previously offered as an STR. The subject property is zoned R-1 (Single-family Dwelling) and is addressed as 210 Bourn Avenue.

Discussion

Nicholas Hermann (owner) is seeking approval of a conditional use permit (CUP) to allow 210 Bourn Avenue to be used as a 210-night short-term rental (STR) for a maximum of four transient guests pursuant to the provisions of Sec. 29-3.3(vv) and Sec. 29-6.4(m) of the Unified Development Code. The 0.28-acre subject property is zoned R-1(Single-family Dwelling), located approximately 600-feet northeast of the intersection of Concordia Drive and Bourn Avenue, and is addressed 210 Bourn Avenue.

The subject dwelling is a 1,500 sq. ft walkout single-family structure containing 2-bedrooms/2 baths with an attached 1-car garage. The dwelling is not the owner's principal residence, has not been previously used for STR purposes, and 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. Approval of the requested CUP would constitute the owner's "one and only" STR license inside the city's municipal limits.

Following issuance of the required CUP, the owner will be required to comply with the requirements of Chapter 22, Article 5 (Rental Unit Conservation Law) and Chapter 13 (Business Licensing) of the City Code. Additionally, following the issuance of the STR Certificate of Compliance and Business License, the owner will be required to remit accommodation taxes pursuant to the requirements of Chapter 26 (Taxation) of the City Code.

Per the submitted STR application and supplemental CUP questions, the dwelling is sought to be used for a maximum of 210-nights annually as an STR. The requested 210-nights of usage is consistent with the limitations established by the provisions of Sec. 29-3.3(vv) of the UDC. When not in use as an STR, the owner has indicated that the dwelling would potentially be used by family members for periods of potentially 4-6 months annually. Additionally, the owner indicates the dwelling may be used for "longer-term" rental purposes for traveling nurses or similar users.

Occupancy by family members or tenants for periods of 30 days or greater are allowed provided the dwelling is registered as a "long-term" rental. When in use as a long-term rental those nights would not count toward the nightly usage limitations established by the STR regulations and submission of accommodation taxes would not be required. Registration as a long-term rental can occur at the time the Housing and Neighborhood Services Department reviews this request for prior to the issuance of the required STR Certificate of Compliance.

As stated, the owner seeks to use the 2-bedroom home for a maximum of four transient guests. This desired occupancy is within limitations established by the provisions of Sec. 29-3.3(vv) of the UDC. Furthermore, the desired occupancy would be consistent with the available on-site parking (driveway and garage space) associated with single-family structure.

To ensure required parking is met at all times the home is used for STR purposes, the Planning and Zoning Commission recommended an additional condition be placed upon the approval of the CUP that stipulates the parking space within the attached 1-car garage be made available when the dwelling is offered as an STR. Without such a condition, the site is only improved with sufficient on-site/off-street parking to accommodate one legally parked vehicle in the driveway which would limit transient guest occupancy to a maximum of two.

Final transient occupancy will be established following a dwelling unit specific evaluation in accordance with the provisions of Chapter 22, Article 5 of the City Code. Additionally, full regulatory compliance with the provisions of Sec. 29-3.3(vv), Chapter 13, and Chapter 26 of the City Code, respectively, will be confirmed prior to issuance of a STR Certificate of Compliance and/or Business License. The maximum occupancy and authorized rental "nights" associated with the dwelling 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.

Bourn Avenue is a local residential street running north-south between W. Broadway and Rollins Road. The subject site is bordered on the east by Stadium Boulevard and is surrounded by other single-family residences. The subject dwelling is consistent in size, style, and bedroom mix as those adjoining it. Twenty-two public hearing letters where distributed with respect to this request. Of these notices, 13 were sent to property owners and six were sent to tenants within 185-feet of the subject site. Two notices were sent to recognized

neighborhood associations within 1000-feet of the subject site and a notice was sent to the Council Ward member.

While the use of 210 Bourn Avenue as a short-term rental would be considered inconsistent with the generally prevalent owner-occupied nature of adjacent dwellings, the dwelling is within a neighborhood of mixed occupancy (13 owner-occupied and six rental units) and is proposed to be operated in a structure of similar size and bedroom mixture. The rental homes within the area are permitted per the definition of "family" to be occupied by a maximum of three un-related individuals.

The enacted STR regulations provide the City with options to address potential negative impacts that may be introduced into the neighborhood through the granting of the requested CUP allowing the dwelling to operate as an STR. These regulations restrict nightly usage and include other restrictions for which violations can be reported which could result in enforcement action, up to and including, revocation of the STR Certificate of Compliance.

Prior to the Planning Commission's public hearing, several telephone inquiries were made with respect to the request seeking confirmation on the future use of dwelling. Concerns were expressed about the potential expansion/introduction of additional "half-way/group homes" within neighborhood as well as potential neighborhood incompatibility. There were no public comments provided during the Planning Commission's public hearing. As noted above, the enacted STR regulations provide opportunities for future enforcement to address possible neighborhood incompatibilities should they rise to a level that requires action.

It is also worth noting, that staff was unable to identify any other STRs within a 300-ft radius of the subject property. 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 two additional STRs across Stadium Boulevard (350-feet east) of which one is legally registered, on East Briarwood, and the other is unregistered.

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. 29-6.4(m)(2)(i) and (iii), respectively, was performed. Following this analysis, staff concluded the use of the dwelling as a 210-night STR with a maximum of four transient guests, subject to the condition that the parking space within the attached 1-car garage 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 19, 2024 meeting. Staff provided its report and the applicant provided an overview of the request clarifying the duration of his personal use of the property and ability to act as the

"designated agent" when the dwelling was in use as an STR. No other members of the public addressed the Commission.

Following closure of the public hearing, the Commission voted 6-0 on a motion to approve the requested CUP to permit 210 Bourn Avenue to be operated as a 210-night STR. The motion was for a maximum of four transient guests, subject to the condition that the CUP stipulate, "The parking space within the attached 1-car garage be made available when the dwelling was used for STR purposes".

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 the 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 be off-set by 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 a conditional use permit to allow 210 Bourn Avenue as a 210-night short-term rental, for a maximum of four transient guests, subject to the CUP including the condition that "the parking space within the attached 1-car garage be made available when the dwelling is used for STR purposes," as recommended by the Planning and Zoning Commission.