

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
October 24, 2024**

SUMMARY

A request by Jessica Yankee (agent), on behalf of James and Betsy Waldman (owners), for approval of a Conditional Use Permit (CUP) to allow 316 N. West Boulevard to be used as a short-term rental for a maximum of 4 transient guests and up to 210-nights annually pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m) of the Unified Development Code. The 0.16-acre site is zoned R-2 (Two-family Dwelling), is located on the east side of N. West Boulevard approximately 180-feet south of the Again Street, and is addressed 316 N. West Boulevard.

DISCUSSION

This request seeks approval of a conditional use permit (CUP) to allow the property owner's the legal right to offer their 2-bedroom home as a short-term rental to a maximum of 4 transient guests for up to 210-nights annually. The dwelling is not the owner's principal residence and has not been previously offered as a short-term rental; however, is legally licensed for use as a "long-term" rental. The subject property is zoned R-2 (Two-family Dwelling).

Given the dwelling is not the owner's principal residence it is considered a "Tier 2" STR and subject to the provisions of Sec. 29-3.3(vv)(1)(ii)(B) and Sec. 29-3.3(vv)(2) of the UDC. Additionally, the CUP criteria of Secs. 29-6.4(m)(2)(i) and (iii) are required to be evaluated. The following discussion provides 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 owners seek to offer the dwelling to a maximum of 4 transient guests for up to 210-nights annually. Review of the Boone County Assessor's records finds that the home is an approximate 744 sq. ft single-story structure containing 2-bedrooms/1 bath and has a detached 1-car garage. A site-specific evaluation of the property found that the existing driveway serving the dwelling is capable of supporting 4 UDC compliant off-street parking spaces.

Based upon the stated **bedroom** square footages shown within the application, it would appear that the dwelling is only capable of supporting a maximum of 3 transient guests. This conclusion is made following review of the most current edition of the adopted International Property Maintenance Code (IPMC) and Sec. 404.4.1 thereof in which it is stated that every bedroom shall contain not less than 70 sq. ft. of floor area and for every bedroom occupied by **more than** one occupant there shall be no less than 50 sq. ft. of floor area per occupant thereof. Final verification of the maximum occupancy allowed within the dwelling will be determined by the City's Housing and Neighborhood Services Department in conjunction with the required compliance checks for conformance with the provisions Chapter 22, Art. 5 (Rental Unit Conservation Law) prior to issuance of an STR Certificate of Compliance.

The authorized maximum occupancy will appear on the STR Certificate of Compliance and is required to be included on any website or other media advertising the dwelling for STR usage. If the Commission desires to restrict the occupancy requested based the preliminary occupancy findings, such action may be addressed via a "**condition of approval**" with justification stating why such condition is offered. Any condition of approval proposed is subject to final approval by the City Council.

Within the required 185-foot notification radius, the subject dwelling is surrounded to the north, south, and east by single-family dwellings located on R-2-zoned lots. A single parcel, two lots north of the subject dwelling, is zoned R-1 and improved with a single-family dwelling. West of the subject dwelling is West Boulevard Elementary School.

Aside from the school, the subject dwelling is generally consistent in structure size and lot area with that of surrounding development. The subject dwelling has a fully fenced in rear yard and shares a driveway access from N. West Boulevard with the neighboring property to the north. Once outside of the right-of-way, the shared access splits into two defined driveway lanes accommodating required off-street parking for the lots. The length of the driveway serving the subject dwelling is sufficient to support 4 UDC compliant parking spaces.

The subject dwelling is supported by adequate public infrastructure (i.e. electric, sewer, & water) and there are no known issues with available capacity to serve the dwelling as an STR. Sidewalk is installed along the western frontage of N. West Boulevard between I-70 Dr SW and W. Ash Street. No sidewalk exists along the eastern frontage of the roadway between these points; however, a delineated bike lane is provided. A marked pedestrian crossing is north of the subject dwelling at the intersection of Again Street and N. West Boulevard.

A single telephone inquiry has been received with respect to this application seeking general information on what was being requested. Based on public notification letters, there are 15 individual properties within 185-feet and 2 neighborhood association within 1,000 feet of the subject dwelling. Of the 15 properties, 7 are owner-occupied, 7 are rental, and 1 is a public school. The 7 rental units, based on the UDC definition of "family" and their R-2 zoning designation, could be occupied by a maximum of 4 unrelated individuals each.

The subject dwelling is owned by a "husband and wife". As such, approval of the requested CUP would represent this couples "one and only" STR license pursuant to Sec. 29-3.3(vv)(2)(ii) of the UDC. The dwelling **is** registered as a long-term rental with a certificate of compliance expiring in August 2027. This existing licensure would allow the dwelling to be utilized for "long-term" rental purposes (stays greater than 30 consecutive days) when not in use as an STR. Such use would not impact STR authorized rental nights and would not trigger payment of accommodation taxes. The owners have provided verification that prior to this request the dwelling has not previously been used for STR purposes and was not found to be listed on any platforms such as AirBnB, VRBO, booking.com or furnishedfinders.com.

The owners have designated the agent associated with this application as their "designated agent" to be available to address compliance matters should they arise while the dwelling is offered for STR purposes. Location information for this agent is within Boone County. Access to the dwelling requires ascending 4-steps to enter the structure. As such, compliance with the accessibility provisions of Sec. 29-3.3(vv)((2)(xiv) of the UDC may be required. A final determination of required compliance will be completed prior to issuance of STR Certificate of Compliance and will be evaluated by 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 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 was 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-2 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. The dwelling has a detached 1-car garage; however, this was not included in the available on-site parking.

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 to the north, east, and south of the subject dwelling are developed with single-family structures on lots of similar size and square footage. Based on a search of typical listing platform such as AirBnB, VRBO, Booking.com, and Furnishedfinders.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; however, is presently authorized to be used as a “long-term” rental with a certificate of compliance expiring in August 2027.

The adopted STR regulations provide standards by which potential negative impacts of operating the dwelling as an STR may be mitigated and afford a method of regulatory reporting/enforcement that prior to February 2024 were nonexistent within the City’s municipal code. The regulatory standards ensure added scrutiny is placed on the dwelling’s operation as a commercial use. Should violations of the regulatory provisions raise to the level requiring action, such action may include in addition to fines, 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 owners would be non-compliant or incompatible with the surrounding neighborhood. The home has been previously operated as a traditional long-term rental with no evidence of being non-compliant. Based upon property owner notification letters, of the 15 surrounding parcels within 185-feet of the subject dwelling, it appears 7 are owner-occupied, 7 are rental units, and 1 is a public school. The 7 rental units, per the UDC definition of “family” and the R-2 zoning, are limited to 4-unrelated individuals each.

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

The site is accessed from N. West Boulevard via a “shared” driveway approach connecting to the public street. After entering the site, the driveway splits into two defined lanes to accommodate required off-street parking for the subject dwelling and the dwelling to the north. As noted, the driveway is capable of accommodating 4 vehicles outside of the public right of way. Given the location of the West Elementary School to the west, the western frontage of N. West Boulevard is signed as a “No Parking” zone. The east side of N. West Boulevard permits general on-street parking in accordance with city ordinances.

Given the amount of off-street parking provided on the subject parcel and the 4 desired transient guests, the required off-street parking necessary to meet the UDC is 2 spaces. The driveway parking available exceeds this requirement by 2 spaces. 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.

- (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 a long-term rental containing the same number of occupants as sought with the requested CUP. There are no known infrastructure issues associated with the site that would be negatively impacted by approval of the CUP.

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

7 of the 15 parcels within 185-feet of the subject site are used for rental purposes. The structures located on these parcels are zoned R-2 and are legally permitted to have up to 4-unrelated individuals within each dwelling unit. The proposed transient guest occupancy is consistent with the permitted occupancy of the rental housing. While approval of a CUP allowing the subject dwelling to be used as a 210-night STR may be considered more intense than adjacent residential development, given the potential for higher resident turnover, there is no evidence to suggest that such usage would create adverse impacts.

The dwelling has not been previously used as an STR and the current regulatory standards provide a means by which to report and mitigate impacts that may arise. Furthermore, the subject site has a fenced-in rear yard and parking sufficient to accommodate double the regulatorily required parking off-street from N. West Boulevard.

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 owners have stated that the dwelling would be occupied by them when visiting family locally throughout the year; however, did not specify a duration of time.

- (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 owners indicate that there are no other established STRs within 300 feet of the subject dwelling. Staff reviewed the websites of AirBnB, VRBO, Booking.com, and Furnishedfinders.com and were unable to locate any additional STRs within the 300-foot 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 owners have stated that the dwelling has not been previously used as an STR; however, was used for “long-term” rental purposes previously. A current “long-term” rental certificate has been issued for this property with an expiration date of August 2027.

(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 owners have 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 as dwelling unit desirability, pricing, rental occupancy, etc. The current regulatory structure provides standards allowing for monitoring and mitigation of possible negative outcomes.

Finally, given the subject parcel’s R-2 zoning and ability to be occupied by up to 4-unrelated individuals it is uncertain if the occupancy loading would be significantly different if the CUP were approved. It is worth noting that, 50% of the surrounding residential structures are rental and also zoned R-2 with the ability to be occupied by the same number of renters as that requested for occupancy if the subject dwelling were used as an STR.

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

The owners state that there are no known objections. No correspondence has been received in support or opposition to this request.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow 316 N. West Boulevard to be operated as a short-term rental with a maximum of 4 transient guests (subject to occupancy verification) and rental usage up to 210-nights annually would be appropriate. The property has sufficient on-site/off-street parking to accommodate the proposed guests and is located within a neighborhood of mixed tenancy consisting of 7 owner-occupied and 7 rental structures of similar size and bedroom mixture. Compliance with the accessibility requirements of Sec. 29-3.3(vv)(2)(xiv) will be determined prior to STR Certificate of Compliance issuance.

The dwelling unit has not been previously offered as an STR; however, is licensed as a long-term rental. Approval of a CUP would permit legal use of the dwelling as an STR and affords neighbors as well as the City additional regulatory tools to ensure compliance. 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 316 N. West Boulevard to be operated as a 210-night STR for a maximum of 4 transient guests.

ATTACHMENTS

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

HISTORY

Annexation date	1929
Zoning District	R-2 (Two-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Lot 4 of Western Heights Subdivision

SITE CHARACTERISTICS

Area (acres)	0.16 acres
Topography	Sloping westward from rear to front.
Vegetation/Landscaping	Turf and with trees and natural ground cover
Watershed/Drainage	County House Branch
Existing structures	Single-family home & detached 1-car garage

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

N. West Boulevard	
Location	Along western edge of property
Major Roadway Plan	Major Collector
CIP projects	N/A
Sidewalk	None on eastern frontage. Installed on western frontage

PARKS & RECREATION

Neighborhood Parks	Worley Street Park & Again Street Park-School
Trails Plan	None
Bicycle/Pedestrian Plan	On-street bike lane along both frontages of West Boulevard

PUBLIC NOTIFICATION

23 “public hearing” letters were mailed to property owners and tenants within 185-feet of the subject property. 2 letters provided to City-recognized neighborhood associations within 1000-feet of the subject property. All “public hearing” letters were distributed on October 7, 2024. The public hearing ad for this matter was placed in the Tribune on October 8, 2024.

Public Notification Responses	Telephone inquiry seeking information on request.
Notified neighborhood association(s)	Highland Park, West Ash
Correspondence received	None

Report prepared and approved by: Patrick Zenner