



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: September 3, 2024

Re: 307 St. Joseph Street, Unit D – Short Term Rental Conditional Use Permit (Case # 193-2024)

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 4 transient guests at property addressed as 307 St. Joseph Street, specifically within Unit D of the existing 4-unit multi-family structure occupying the property. The dwelling within which the STR would be operated is not the property owner's principal residence; however, the unit is presently registered as a lawful "long-term" rental and is not presently being offered as a short-term rental.

Discussion

Dawn Hough (agent), on behalf of Yellow Lab Properties (owner), is seeking approval of a conditional use permit (CUP) to allow Unit D of the existing 4-unit multi-family building on property addressed as 307 St. Joseph Street to be used as a 210-night short-term rental (STR) for a maximum of 4 transient guests pursuant to the provisions of Sec. 29-3.3(vv) and Sec. 29-6.4(m) of the Unified Development Code. The 0.24-acre subject property is addressed 307 St. Joseph Street and is zoned R-MF (Multiple-family Dwelling).

The subject dwelling is a 2-bedroom unit that is part of 4-unit multi-family building occupying the site. The dwelling sought for STR designation is identified as "Unit D" within the existing structure and is not the owner's principal residence; however, is a registered "long-term" rental. Pursuant to Sec. 29-3.3(vv)(1)(ii)(B) of the UDC, prior to use of the dwelling unit 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.

Unit D proposed to be used as an STR for a maximum of 210-nights annually and will not be used by the owner for any period through the year. The requested maximum usage is consistent with the limitations established by the provisions of Sec. 29-3.3(vv) of the UDC. Given the dwelling is a registered "long-term" rental it is legally permitted to be rented to a tenant not considered a "transient guest" for stays of 30 days or greater subject to a long-term rental agreement. When the dwelling is used in this manner, the days of "long-term" rental are not counted against the STR "night" limitations and the dwelling would not be subject to the payment of accommodation taxes.



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The attached application materials further indicate a maximum of four transient guests are sought to occupy the dwelling unit while it is being used for STR purposes. This desired occupancy does not exceed the provisions of Sec. 29-3.3(vv) which limit occupancy to a maximum of 8 transient guests and is not greater than that generally allowed within the R-MF zoning district (a maximum of four unrelated occupants). The desired occupancy is further consistent with the available on-site parking associated with the overall multi-family structure which provides a minimum of two parking spaces for each dwelling unit.

Transient guest occupancy will be confirmed at the time a dwelling unit specific inspection is performed in accordance with the provision of Chapter 22, Article 5 by staff of the Housing and Neighborhood Service Department. The permitted maximum occupancy will be required to 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 part of an existing 4-unit multi-family structure and is surrounded by sites developed with single and multi-unit structures of which many are registered long-term rentals or other institutionally managed properties. While use of Unit D as a short-term rental would be considered inconsistent with the generally prevalent "long-term" rental nature of adjacent dwellings, such conversion is not believed significantly more detrimental to the surrounding area. This conclusion is based upon the belief that Unit D, being part of a larger multi-family structure could be for a multitude of reasons, held off the market from long-term rental use. If this were to occur, the vacancy created would be no different than that created by the selective use of the unit as a short-term rental. The greater impact upon the existing developed environment is the frequency of occupant change; however, this frequency is limited to 210-nights annually.

Furthermore, the development surrounding the subject site and Unit D has similar operational characteristics, aside from long-term tenancy, akin to that of a short-term rental with individuals coming and going at various times of the day, week, and month as well as having individuals other than the primary resident visiting. It should be noted, at the southern end of St. Joseph Street there are multi-story student rentals and across from the subject property is a multi-tenant building operated by Boone County Family Resources.

Based upon property owner notification letters, of the 23 surrounding parcels within 185-feet of the subject site it would appear that only four are owner occupied. Thirteen parcels accommodate a total of 22 long-term rental units with the remaining six parcels being used commercially or lying vacant. The use of Unit D for short-term rental purposes is not believed inconsistent with the existing land use pattern. Furthermore, there would appear to be no other STRs within a 300-ft radius of the subject property; however, several are nearby to the south and east. Unit D is not presently be used as a short-term rental and there are no known complaints or violations associated with the use of the dwelling unit as a "long-term" rental.

The dwelling is accessed from St. Joseph Street via a compliant "commercial" driveway apron that enters into the site's compliant 8-space parking lot. Surrounding development accesses St. Joseph Street similarly. Within the 8-space parking lot are two spaces signed



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specifically for Unit D. This amount of parking meets the parking required by Sec. 29-3.3(vv) for the requested 4 transient guests. Sec. 29-3.3(vv) states 1 parking space for each two (2) transient guests shall be provided for a Tier 2 or Tier 3 STR.

It should be noted that parking on St. Joseph is subject to the North Village “parking permit” program. This program authorizes “long-term” tenants the opportunity to use on street spaces when on-site space is not available. The applicant provided testimony that each dwelling unit is provided one permit for on-street parking upon signing a “long-term” lease. Current practice is that “long-term” tenants park on street and their guests use the on-site parking spaces allocated to their dwelling unit. Given Unit D will not be a “long-term” resident’s principal residence for potentially 210-nights annually this additional parking space has not been considered with the CUP application. As such, the occupancy within Unit D is limited by available on-site parking. The building in which Unit D is located is on the west side of St. Joseph Street and has direct access to sidewalks along both street frontages. The existing sidewalk network provides connectivity to Park Avenue and destination to the south within the Central City.

Given a CUP is necessary to allow for the legal operation of Unit D 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 four transient guest is compatible 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 Staff Report to the Planning and Zoning Commission.

The Planning and Zoning Commission held a public hearing on this matter at its August 8, 2024 meeting. Staff provided its report and the applicant’s agent provided an overview of the request. The applicant’s agent indicated that the desired to seek STR designation for Unit D was in response to requests for additional “short-term” housing options are the property from several of their long-term residents. Member of the public sought clarification with respect to the requirement that ADA accessibility be provided to the unit and inquired if that would be applicable to interior spaces as well as exterior entry. Staff noted it was their understanding ADA access was mandated to the entry of the unit pursuant to the STR regulations; however, additional code evaluation would be necessary to determine if such accessibility would be required internally. No other members of the public spoke regarding the request.

Following the closure of the public hearing there was limited Planning Commission discussion. Following discussion, a motion was made to approve the requested CUP which was approved by a vote of (7-0).

A copy of the Planning and Zoning Commission staff report, locator maps, STR application, and Supplemental “Conditional Accessory/Conditional Use Questions”, and meeting minute excerpts are attached for review.



Fiscal Impact

Short-Term Impact: None are anticipated.

Long-Term Impact: Minimal. Usage of the dwelling as an STR may generate additional demand for services; however, collection of accommodate tax revenue and increased utility usage fees may or may not off-set such increases.

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 for 307 St. Joseph Street Unit D to be used as a 210-night short-term rental for a maximum of four transient guests as recommended by the Planning and Zoning Commission.