

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
July 10, 2025**

SUMMARY

A request by Scott Claybrook (agent), on behalf of 905 Hirth Ave LLC (owner), to allow 905 Hirth Avenue to be used as a short-term rental for a maximum of 4 transient guests up to 210 nights annually pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m)(2) of the Unified Development Code. The 0.13-acre, R-2 (Two-family Dwelling) subject site is located at the southwest corner of Hirth Avenue and Sexton Road, and is addressed 905 Hirth Avenue.

DISCUSSION

The applicant seeks approval of a conditional use permit (CUP) to allow a single-family dwelling to be used as a short-term rental for a maximum of 4 transient guests and up to 210-nights annually. The application states that the dwelling has 2 bedrooms and 1 bathroom. The applicant has indicated that they do not use the dwelling as a residence themselves. The home is located in an R-2 (Two-family Dwelling) zoning district and is not the applicant's primary residence. The dwelling does presently have a "long-term" rental certificate associated with it as a "single" rental unit which expires in 2027.

A site-specific evaluation of the property finds that the driveway serving the property does have sufficient on-site/off-street capacity to support the minimum 2 required UDC-compliant parking spaces outside of the public right-of-way. This was concluded based off of the paved parking pads provided outside of the public right-of-way. The subject property, in addition to the primary dwelling unit, also supports a legally permitted Accessory Dwelling Unit (ADU). Pursuant to Sec. 29-3.2(gg)(6) of the UDC and given the ADU is a 1 bedroom dwelling, no additional on-site/off-street parking was required for the ADU. If this CUP request is approved, the STR would be required to use all available on-site/off-street parking to ensure STR regulation compliance which will result in the resident occupying the ADU to use on-street parking to store any vehicles.

The subject dwelling has been offered as a short-term rental since September 2021 based on AirBnB reviews for the property. The applicant indicated that the dwelling unit was offered as an STR for 365 days in 2024. A review of available violation records from the Housing and Neighborhood Services Department and Columbia Police Department **specifically** associated with this property identified no open violation cases associated with the current owner.

Pursuant to Sec. 29-3.3(vv)(2)(i) of the UDC, dwellings used prior to June 1, 2025 were allowed to operate without a CUP, STR Certificate of Compliance or a Business License. Following June 1, 2025, any dwelling operated as an STR must fully comply with the provisions of the STR regulations which include acquisition of an STR Certificate of Compliance, Business License, and submission of accommodation taxes. Approval of this request is a required prerequisite to proceed forward in obtaining the STR certificate and business license.

While final action on this request is pending, enforcement action on the operation of the dwelling as an STR would be suspended. Continued operation of the subject dwelling as an STR following City Council action without acquiring the STR certificate of compliance and business license would constitute an **illegal** land use and would be subject to revocation of the CUP, if authorized, as well as other enforcement actions identified in the City Code.

APPLICATION EVALUATION

The submitted application is subject to both the general and conditional use permit provisions governing short-term rentals identified within Sec. 29-3.3(vv)(1)(ii)(B) and Sec. 29-3.3(vv)(2), as well as,

Sec. 29-6.4(m)(2)(i) and (iii) of the UDC. The following analysis provides an overview of the submitted application and these criteria.

The dwelling is not the applicant's principal residence and has been previously offered as a short-term rental since September 2021 as supported by online reviews at the following link: <https://www.airbnb.com/rooms/51947577>. In 2024, the dwelling was offered for approximately 365 nights as an STR.

The listing content matches that shown within the STR application. A periodic review of the listing will be performed to ensure its continued compliance with any issued STR CUP and/or licensure conditions. A review of online rental platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinder.com did not identify additional unregistered STR property within 300-feet north of the subject site.

The owner is seeking approval for 4 transient guests which is within the limitations imposed by Sec. 29-3.3(vv)(2)(v) of the UDC and is supported by the number of available on-site/off-street parking spaces. Based upon the application stated **bedroom** square footages, it appears the dwelling would be capable of supporting the requested 4 transient guests based on the occupancy criteria contained in Sec. 404.4.1 of the most current city-adopted edition of the International Property Maintenance Code (IPMC).

Maximum occupancy will be determined by the City's Housing and Neighborhood Services Department as part of the required compliance checks for conformance with the provisions of Chapter 22, Art. 5 (Rental Unit Conservation Law) prior to issuance of a STR Certificate of Compliance. The authorized 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.

Based on a site-specific evaluation, access to the dwelling appears to require ascending steps to enter the structure. Compliance with the accessibility provisions of Sec. 29-3.3(vv)(2)(xiv) of the UDC will be determined prior to the issuance of a STR Certificate of Compliance.

The subject dwelling abuts 21 other properties within the 185-foot notification radius. Of these properties, 13 are owner-occupied and 8 are rental units. The property is also within 1000 feet of 1 neighborhood associations and/or homeowners associations. The immediate adjoining properties are zoned R-1 and R-2. The R-1 parcels permit a maximum of 3-unrelated individuals when used as a long-term rental dwelling. The R-2 parcels permit a maximum of 4-unrelated individuals when the dwellings are used as long-term rental dwellings.

The subject dwelling is owned by an "single-member" LLC. Based on this ownership, approval of the requested CUP would be the "one and only" STR license issued to the LLC or any of its members pursuant to the provisions of Sec. 29-3.3(vv)(2)(ii) of the UDC. The application indicates that the sole member (i.e. the applicant) of the LLC will act as the designated agent to address compliance matters should they arise while the dwelling is offered for STR purposes. Based on the submitted application, the applicant is a resident of Boone County located approximately 0.5 miles (2 minutes) from the dwelling.

Sec. 29-6.4(2)(i) General CUP Review Criteria:

As noted, given this application triggers approval of a conditional use permit (CUP) the following analysis of the provisions found in Sec. 29-6.4(m)(2)(i) and (iii) of the UDC have been performed. The owner has provided their analysis of these criteria (see attached) and the staff's analysis is provided below. The standard criteria are shown in **bold text** followed by staff's response.

(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 the dwelling has driveway parking capable of accommodating the minimum 2 UDC-compliant parking spaces outside the public right-of-way.

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.

(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 and offer a "community-wide" service by providing supplemental housing for visitors to Columbia. 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 to the east, west, and south are all improved with one and two-family residences on lots of similar size and square footage. Adjoining

development is within the R-1 and R-2 zoning districts. Of the 21 surrounding properties within 185-feet, 13 appear to be owner-occupied and 8 appear to be rental units. The dwelling has not been modified structurally to accommodate the STR use and appears from the street frontage to be a single-family dwelling.

If the requested CUP is approved, the only potentially noticeable change in this dwelling's character to those surrounding it would be the number of unrelated individuals permitted within the structure when compared with the adjacent R-1 zoned dwellings. The adjacent R-2 zoned properties allow the same number of occupants as that sought by the applicant. Additionally, while the frequency of occupant turnover maybe greater than that of surrounding development, the impacts of this turnover rate may not be significantly noticeable given the current activity levels within the surrounding neighborhood.

A search of listing platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinder.com identified the dwelling as being listed as a short-term rental since September 2021 and found no additional short-term rentals within 300 feet of the property. In 2024, the applicant indicates that the home was offered for 365 nights as an STR. This usage, based on review of violation records, did not result in any operational complaints.

Should complaints arise, the adopted STR regulations include provisions intended to mitigate the negative impacts of STR operations as a commercial use and afford a method of reporting/enforcement previously nonexistent within the City's municipal code. Should violations rise to the level requiring action, such action may include, in addition to fines, revocation of the STR Certificate of Compliance following 2 **verified** complaints within a 12-month period.

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

The site is located at the southeast corner of Hirth Avenue and Sexton Road; however, obtains its sole access from Hirth Avenue through a traditional driveway approach not unlike the majority of construction within the R-1 and R-2 districts surrounding the site. The driveway on the subject property has adequate on-site/off-street parking to meet the regulatory requirements for use as an STR with a maximum of 4 guests.

Hirth Avenue is a local residential street with parking permitted along both sides of the street. On-street parking is permitted on both sides of Sexton Road which is classified as a local residential street. Sidewalks are installed on the north side of Sexton Road. Staff finds that the design of the parking and the site's access is sufficient to support future traffic generation without compromising public safety.

(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 its use as an STR. There are no known infrastructure capacity issues associated with the site that would be negatively impacted by the approval of the CUP.

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

8 of the 21 parcels within 185-feet appear to be used for rental purposes. The remaining parcels appear to be owner-occupied. The structures within this buffer are located within the R-1 and R-2 zoning districts. Dwellings within the R-1 district permit 3-unrelated individuals while those within the R-2 district permit 4-unrelated individuals in a dwelling unit. The

requested STR occupancy would match the permitted occupancy in the subject dwelling when compared to surrounding development. Given the dwelling has been operated since 2021 as an STR and was offered for 365-nights in 2024 without apparent incident, there is no evidence to suggest that such usage has created adverse impacts.

Any potential negative impacts can be mitigated through the adopted regulatory provisions that provide a means to report and address violations as well as impose fines and possibly revoke the STR Certificate of Compliance after 2 **verified** violations within a 12-month period. The subject site has significant natural vegetation along its southern and western boundaries and parking sufficient to accommodate the required on-site/off-street parking outside the public right-of-way.

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 registrant has stated “no it is not” in response to this question.

- (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 owner indicates “I do not believe so”. Staff has identified zero additional unregistered STR property within approximately 300-feet of the dwelling.

- (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 stated their property has been used as an STR before this application with no complaints.

- (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 owner has responded “As a rental operated within the long-term rental environment, the property allows for the same usage that the STR is presently operated within” to this question.

As a general staff observation, using the subject dwelling for transient accommodations for 210-nights annually and a maximum of 4 guests could result in increases; however, how significant is unknown. 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.

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

The owner answered “Yes! Application will have a supportive document sent shortly (currently being prepared).” to this question. As of writing this report, one letter of support and a petition in support, both supplied by the applicant, have been received by staff.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow 905 Hirth to be operated as a 210-night, 4 guest STR would

not result in a use significant incompatibility with surrounding development. The property is located within a neighborhood that is predominantly comprised of owner-occupied dwellings within the R-1 and R-2 zoning districts. The proposed occupancy of 4 guests would match that allowed in adjacent development, on a temporary basis, therefore there is no evidence to support that the neighborhood has been negatively impacted given the dwelling has been in use as an STR since September 2021.

Approval of the CUP would grant “legal status” to this existing use and afford neighbors as well as the City additional regulatory tools to ensure compliance with the adopted standards governing STRs. Authorization of the CUP is not seen as being detrimental to adjacent properties given its marginal increase in occupancy and would fulfill several policies, strategies, and actions of the Columbia Imagined Comprehensive Plan.

RECOMMENDATION

Approve the conditional use permit to allow the dwelling at 905 Hirth Avenue to be operated as a STR subject to:

1. The maximum occupancy of 4 transient guests regardless of occupancy permitted by the most recently adopted edition of the International Property Maintenance Code (IPMC); and
2. A maximum of 210-nights of annual usage

ATTACHMENTS

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

HISTORY

Annexation date	1905
Zoning District	R-2 (Two-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Clinkscapes Subdivision

SITE CHARACTERISTICS

Area (acres)	0.13 acres
Topography	Flat
Vegetation/Landscaping	Trees and natural ground cover
Watershed/Drainage	Perche Creek
Existing structures	One-family home

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

Hirth Avenue	
Location	Along eastern edge of property
Major Roadway Plan	Local Residential
CIP projects	N/A
Sidewalk	None installed

Sexton Road	
Location	Along northern edge of property
Major Roadway Plan	Neighborhood Collector
CIP projects	N/A
Sidewalk	Installed on north side of street

PARKS & RECREATION

Neighborhood Parks	Worley Street Park
Trails Plan	N/A
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

48 “public hearing” letters were mailed to property owners and tenants within 185-feet of the subject property. 1 letter was provided to the Council Ward representative. 1 letter were sent to neighborhood associations and homeowners associations within 1,000 feet of the subject site. All “public hearing” letters were distributed on June 23, 2025. The public hearing ad for this matter was placed in the Tribune on June 24, 2025.

Public Notification Responses	None
Notified neighborhood association(s)	Ridgeway
Correspondence received	One letter of support and a petition in support, both supplied by the applicant

Report prepared by: Kirtis Orendorff

Approved by: Patrick Zenner