

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
July 18, 2024**

**SUMMARY**

A request by Jessica Yankee (agent), on behalf of Bruce M. and Deborah L. Polansky (owners), for a Conditional Use Permit (CUP) to allow the existing single-family dwelling at 400 Clinkscales Road 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 0.11-acre subject site is located at 400 Clinkscales Road and is zoned R-2 (Two-family Dwelling).

**DISCUSSION**

The applicant is seeking approval of a conditional use permit (CUP) to allow the existing 884 sq. ft. single-family dwelling to be used as a short-term rental, not occupied by a principal resident, for a maximum of 210-nights annually. This request 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 approval 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 application states the existing dwelling contains 3-bedrooms, is desired to be made available to a maximum of 5 transient guests, and has a total of 3 on-site parking space. Per the Boone County Assessor's records, the dwelling does contain 3-bedrooms. The desired occupancy, does not exceed the maximum of 8 allowed by Sec. 29-3.3(vv)(2)(v) of the UDC. However, in accordance with the provisions of this section, establishment of the maximum number of transient guests will be established following a dwelling-unit specific inspection performed by staff of the City's Housing and Neighborhood Services Department. Verification of bedroom and sleeping area square footage will be performed which will utilize criteria contained within the most recently adopted edition of the IPMC (International Property Maintenance Code). It should be noted that following this inspection it is possible a maximum occupancy may differ from that stated by the applicant. However, in no instance would more than 8 transient guests be permitted. Final transient guest occupancy is required to be displayed on the issued Short-term Rental Certificate of Compliance and any website upon which the dwelling is made available for rental.

Notwithstanding the above process for establishing maximum transient occupancy, the provisions of Sec. 29-3.3(vv) require on-site parking at a rate of 1 space per 2 transient guests be provided for a "Tier 2 or Tier 3" STR. This provision, based on available on-site parking, may also reduce the maximum number of transient guests permitted on a specific site. Based upon a physical site inspection of the subject site, the property has a shared 22-foot wide driveway approach onto Clinkscales Road with a dedicated driveway that is approximately 13-feet wide by 57-feet deep. This width and depth would afford the opportunity to accommodate up to 3 vehicles or a maximum of 6 transient guests. It should be noted that the UDC defines a parking space as being 8.5-feet wide by 18-feet deep. As noted, the on-site parking would limit maximum transient occupancy to no more than 6 guests irrespective of the square footage of the dwellings bedrooms or sleeping spaces.

The R-2 zoning of the property allows for tandem parking to be counted toward meeting the minimum 2 parking spaces for the single-family use. The current driveway would be considered consistent with this regulatory requirement. The depth of the driveway provides for additional off-street parking; therefore, satisfies the parking requirement shown within Sec. 29-3.3(vv)(1)(ii)(B)(2) of the UDC.

The application for use of the existing dwelling as an STR by the property owners represents their only application submitted to the City for consideration. The subject property is "jointly" owned and would

represent the owners “one and only” STR license pursuant to Sec. 29-3.3(vv)(2)(ii) of the UDC. The home is currently not a registered long-term rental; however, could be dually registered such that it became both available for STR use, up to 210-nights annually, and for use as a long-term rental. The property owners have designated the agent representing this request as their required “Designated Agent” given they are not local City of Columbia residents.

The property does not contain an approved Accessory Dwelling Unit (ADU) and is presently identified as “Robins Nest” via a sign compliant with the provisions of Sec. 29-3.3(vv)(2)(xiii) which is attached to the fence at the end of the driveway serving the property. Entry into the dwelling is at grade with no visible steps or stairs to ascend or descend. The Housing and Neighborhood Services Department inspection will determine compliance with the accessibility provisions of Sec. 29-3.3(vv)(2)(xiv) of the UDC.

As noted, given this request seeks approval of a conditional use permit (CUP) such that the existing dwelling can be used as a short-term rental for a maximum of 210-nights annually it must also be evaluated against the criteria of Sec. 29-6.4(m)(2)(i) and (iii). The applicant has provided its analysis of these criteria (see attached) and the staff’s analysis of these criteria are provided below. The 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) with respect to the number of transient occupants and on-site parking sought. 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. The plan; however, does contain policies, strategies, and actions relating to the topics of livable and sustainable neighborhoods, land use and growth management, and economic development. Adoption of the regulatory provisions governing the use of a residential dwellings for STR purposes is seen as addressing several of these policies, strategies, and actions as noted below.

With respect to the goal of creating **livable and sustainable neighborhoods**, Policy # 1, Strategy # 3 (page 144 of the Plan) would be fulfilled given there would be greater housing diversity and inclusivity of housing types within an existing residential neighborhood.

With respect to **land use and growth management**, Policy # 3, Strategy # 3 (page 146 of the Plan) is 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 all (owner or renter) 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 proposed 884 sq. ft. dwelling is consistent in its size and architectural characteristics when compared to adjacent dwellings. Based upon property owner notification letters, of the 17 surrounding parcels within 185-feet of the subject site only 2 are owner occupied with the remaining 15 parcels being either registered long-term rentals (12 dwellings), an institutional use (i.e. West Middle School), or legal non-conforming commercial uses (2). The use of the subject dwelling for short-term rental purposes is not believed inconsistent with the existing land use pattern.

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

The site is accessed from Clinkscates Road via a traditional driveway approach not unlike adjacent parcels. The subject property is on the east side of Clinkscates which is not improved with sidewalk. A sidewalk crossing is located to the north of the subject parcel at the signalized intersection of Clinkscates Road and W. Worley Street. Sufficient driveway depth exists to accommodate 3 parked vehicles. It should be noted that Clinkscates is signed as “no parking” on both side of the street from W. Worley Street to Lowe Street south of the subject property. The subject property is also located within a “school zone”.

Exiting the parcel onto Clinkscates can, at times, be challenging; however, this condition is existing and experienced by all adjoining residential development. The approval of a CUP to allow the dwelling to be used as an STR is not seen as exacerbating this condition more than presently exists.

- (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 a single-family residence. Approval of a CUP to allow the dwelling to be used as a STR is not foreseen as negatively impacting available infrastructure.

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

Approval of the requested CUP to allow the dwelling to be used as a STR for a maximum of 210-nights annually is not foreseen as creating any greater level of adverse impact upon the surrounding properties than are already experienced. The subject property has a fully

fenced rear yard and is situated in an area of mixed uses off a primary north-south roadway corridor.

However, given the existing driveway approach is shared and there is no formal delineation between the parking areas for the subject dwelling and its northern neighbor this could result in an impact. It should be noted that shared driveway conditions exist to the north of the subject dwelling; therefore, concerns of potential impacts being greater on this parcel and its neighbor versus the adjacent properties is not known. Reducing conflicts in such situations is a mutual effort between adjacent property owners and can be mitigated by clearly defining where parking is to occur with respect to each dwelling unit.

**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 indicates that the dwelling would be used by them for **5 weeks annually**. The correspondence does not indicate what time of the year that would occur or if such occupancy will be consecutive or intermittent.

- (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 STRs within 300 feet of the subject dwelling. Staff reviewed both AirBnB and VRBO websites and was unable to identify any listed properties within 300 feet of the subject 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 has not previously sought STR authorization for this property. The applicant indicates no complaints against the property have been filed. The City has no records of complaints being reported for this property or dwelling.

- (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 noted that use of the property would not result in increased use intensity or traffic/noise if the property were permitted to be used as an STR. Staff would concur with the applicant's assessment. Given the dwelling's location along a major north-south street and being across from a school, the levels of traffic resulting from the use of the property with a maximum of 3 additional vehicles will have negligible impact upon the surrounding environment. Noise emanating from the dwelling is not likely to exceed that of surrounding residential development given the dwelling is consistent in its size and the maximum occupancy will be limited to 6 transient guests or 5 guests and indicated by the applicant. The rear yard of the parcel is fully screen from adjacent development.

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

No public comments have been provided relating to this request following distribution of property owner and tenant notification letters. The applicant indicated support has been

provided from neighboring property owners; however, no evidence of such support was provided with the application submission.

## **CONCLUSION**

Given the submitted application information and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow 400 Clinkscases Road to be used as a short-term rental for a maximum of 210-nights annually is appropriate. The subject site has sufficient on-site parking to support a maximum of 6 transient guests; however, the applicant seeks only to offer the dwelling to a maximum of 5 guests. The dwelling is consistent in size and character with the surrounding development context and its use as an STR is not believed to be detrimental to adjacent properties.

Granting the CUP would fulfill several policies, strategies, and actions of the Columbia Imagined Comprehensive Plan. Furthermore, the application appears to fully comply with the requirements of Sec. 29-3.3(vv) as it relates to the "land use" elements and Sec. 29-6.4(m)(2)(i) and (iii) of the UDC as it relates to the criteria for issuance of the CUP. Additional compliance review will be performed by the City's Housing and Neighborhood Services Department as part of the STR Certificate of Compliance issuance process as required by Chapter 22, Art. 5 (Rental Unit Conservation Law) of the City Code.

## **RECOMMENDATION**

Approval of the conditional use permit to allow 400 Clinkscases Road to be operated as a short-term rental for a maximum of 210-nights annually, subject to maximum occupancy and final compliance reviews being completed by the City's Housing and Neighborhood Services Department following City Council action.

## **ATTACHMENTS**

- Locator maps
- STR Application
- Supplemental "Conditional Accessory/Conditional Use Questions"

## **HISTORY**

<b>Annexation date</b>	1955
<b>Zoning District</b>	R-2 (Two-family Dwelling)
<b>Land Use Plan designation</b>	Residential District
<b>Previous Subdivision/Legal Lot Status</b>	Lot 1 Barkwell Place

## SITE CHARACTERISTICS

<b>Area (acres)</b>	0.11 acres
<b>Topography</b>	Generally flat
<b>Vegetation/Landscaping</b>	Existing storage facility outdoor parking area, gravel
<b>Watershed/Drainage</b>	Harmony Creek
<b>Existing structures</b>	Single-family dwelling, storage building

## UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

## ACCESS

<b>Clinkscales Road</b>	
<b>Location</b>	Along western edge of property
<b>Major Roadway Plan</b>	Major Collector
<b>CIP projects</b>	N/A
<b>Sidewalk</b>	Existing west side of right of way.

## PARKS & RECREATION

<b>Neighborhood Parks</b>	Clary-Shy Community Park, Again Street Park
<b>Trails Plan</b>	Proposed Trail or Pedway (along Clinkscales)
<b>Bicycle/Pedestrian Plan</b>	Proposed Trail or Pedway (along Clinkscales)

## PUBLIC NOTIFICATION

35 “public hearing” letters were mailed to property owners and tenants within 185-feet of the subject property on July 1, 2024. There were no City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property. A public hearing ad was placed in the Tribune on July 2, 2024.

<b>Public Notification Responses</b>	N/A
<b>Notified neighborhood association(s)</b>	N/A
<b>Correspondence received</b>	N/A

Report prepared and approved by: Patrick Zenner