

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
November 20, 2025**

SUMMARY

A request by Paula Clayton (agent), on behalf of Jennifer Hempel and Paula Clayton (owners), to allow 411 McBaine Avenue to be used as a 210-night, maximum of 6 guests short-term rental (STR) pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m)(2) of the Unified Development Code. The 3-bedroom, 2-bathroom home has an attached 1-car garage and driveway capacity to support 1 UDC-compliant on-site parking space. If the application is approved, the applicant will need to install 1 additional UDC-compliant parking space in order to accommodate the requested 6 guests. Until the parking space is installed, the maximum number of guests the property can support is 4. The 0.20-acre subject site is located on the west side of McBaine Avenue, approximately 35 feet south of its intersection with Lincoln Drive.

DISCUSSION - APPLICATION EVALUATION

The applicant seeks to obtain a conditional use permit (CUP) to allow 411 McBaine Avenue to be used as a short-term rental (STR) pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m)(2) of the Unified Development Code. As of June 1, 2025, any dwelling operated as an STR must fully comply with the provisions of the STR regulations, which include the acquisition of an STR Certificate of Compliance, Business License, and submission of accommodation taxes. Approval of this request is a required prerequisite to proceeding forward in obtaining the STR certificate and business license.

The subject dwelling has not previously been used as an STR. Subject to the outcome of this application, operation of the dwelling as an STR 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.

The following is a site-specific analysis of the property desired to be used as a short-term rental:

Dwelling Unit Details

Property Address	411 McBaine Avenue
Zoning	R-MF (Multiple Family Dwelling)
STR Request Type	Tier 2, 210 nights
Maximum Guests Requested	6, currently supports 4
Bedrooms	3
Parking Spaces	3 spaces required. Currently 1 garage and 1 driveway parking space on-site. 1 additional space to accommodate 6 guests.
Abutting Properties	R-MF to the north, south, and east. R-2 to the west.

Owner/Agent

Owner	Jennifer Hempel and Paula Clayton
Designated Agent	Jessica Simpson
Agent's Distance to Property	3.6 miles, 11 minutes

Listing Information

Listing Links	Has not been previously used as an STR
STR previously offered?	No
STRs within 300 feet?	None
Primary residence?	No
Previous Violations?	None

Conditional Use Analysis

This application has been analyzed pursuant to the provisions of Sec. 29-6.4(m)(2)(i) and (iii) of the UDC. Staff's analysis is shown below, and the owners' analysis of these criteria is attached.

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, or to be operated up to 210 nights in a residential zoning district, is subject to approval of a CUP. The submitted application has illustrated compliance with the technical regulatory standards established within Sec. 29-3.3(vv) of the UDC. Additional regulatory review to ensure full compliance with the provisions of both the UDC and Rental Unit Conservation Law will occur following approval of the CUP, prior to issuance of a STR Certificate of Compliance and business license.

- (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, it 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 in fulfilling the idea of supporting mixed-use 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 are site are improved with single and multi-family residences. The dwelling has not been structurally modified to accommodate the STR use and appears to be a single-family dwelling from the frontage. The dwelling has not been previously operated as a short-term rental, and there are no violations associated with the property under the applicant's ownership. Given these factors, there is no evidence to support a claim or reason to conclude, notwithstanding the increased possible occupants, that issuance of a CUP would create an incompatible use within the remainder of the neighborhood.

While the frequency of occupant turnover may be greater than that of surrounding development, the impacts of this turnover rate may be no more significant than those of other single and multi-family dwellings within the neighborhood with higher usage levels by family or guests.

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

The site is accessed from McBaine Avenue through a traditional driveway approach similar to the adjoining development. McBaine Avenue is a 28-foot wide public street that allows on-street parking along both frontages and has sidewalks installed on both sides. The street is believed to have sufficient capacity to handle the additional potential traffic volumes generated by the requested STR.

The driveway serving the subject property provides 1 parking space, and the attached garage adds 1 additional space. The parking requirement is not met for the 6 requested guests; however, it is supportive of a guest occupancy of 4 guests at this time. If the applicant desires to maximize the occupancy as requested within the application, 1 additional on-site parking space must be added. If approval is to be recommended, a condition must be added to the recommendation that stipulates occupancy is limited to 4 guests until 1 additional parking space is added on-site. Staff finds that the design of the parking provided 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.**

Of the surrounding 38 properties, 9 appear to be owner-occupied and 29 appear to be rentals. The subject site is surrounded by R-MF zoned properties to the north, south, and east, with R-2 zoned properties to the west. Dwellings in these districts are permitted a maximum of 4 unrelated individuals living together when used as a long-term rental. The proposed CUP, if authorized and the condition of installing 1 parking space is met, would permit 6 unrelated individuals to occupy

the dwelling when used as an STR. Given that the dwelling has not been previously used as an STR and the dwelling currently meets the requirements for 4 guests, it would appear that issuance of the CUP would be appropriate. The Planning and Zoning Commission may recommend, followed by City Council approval, a lesser guest occupancy as part of the CUP approval process if a reduction is believed necessary.

Any potential negative impacts can be mitigated through the adopted regulatory provisions that provide a means to report and address violations. The regulations permit imposition of fines and possible revocation of the STR Certificate of Compliance after 2 **verified** violations within a 12-month period.

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 registrants have stated that the dwelling is an investment property with the plan to serve as the registrants' principal residence upon retirement. Until then, the property will be used approximately 50 to 85 days per year to maintain the property. The primary motivation for the STR operation is to keep the property well-maintained, cover operating expenses, and prevent long-term vacancy until the registrant is able to occupy the home.

- (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 registrants have stated there is not an STR within 300 feet upon reviewing the area. Staff's review of rental sites did not identify licensed short-term rentals within 300 feet.

- (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 registrants have not previously operated an STR so there is not a history of complaints, denied certificates of compliance, or revocations associated with the registrant.

- (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 registrants have responded, stating the STR is not expected to cause increased traffic or noise and will maintain an intensity similar to the surrounding neighborhood. As a general staff observation, using the subject dwelling for transient accommodations for 210 nights annually could result in increased impacts; 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 registrants have stated they are proactively engaging with the immediate neighbors, notifying them of the STR application and operating procedures. The adjacent property occupant to the south has expressed opposition to the proposed STR and has been provided with the registrants' contact information. The registrant has further stated that they are committed to maintaining a positive relationship with the surrounding properties.

CONCLUSION

Given staff's technical review of the submitted application and analysis of the criteria above, notwithstanding the increased level of unrelated occupancy that may result if additional parking is added, issuance of a conditional use permit to allow 411 McBaine Avenue to be operated as a 210-night, maximum of 6 guests STR upon the installation of 1 additional UDC-compliant parking space is not believed to be significantly incompatible with the surrounding development. The property will be permitted to operate with a maximum of 4 guests until the parking space is added, which is consistent with the maximum occupancy allowed in R-2 and R-MF districts if the dwellings are used as long-term rentals.

With the lack of STR operation history and no identifiable violation records associated with the dwelling under the applicant's ownership, there is no evidence to support that the neighborhood would be negatively impacted by the dwelling's use as an STR. The applicant is not presently operating the dwelling as an STR and has sought licensure prior to beginning the operation of such. Approval of the CUP would authorize the applicant to pursue "legal status" to operate the dwelling as an STR 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 and would fulfill several policies, strategies, and actions of the Columbia Imagined Comprehensive Plan.

RECOMMENDATION

Approve the conditional use permit to allow 411 McBaine Avenue to be operated as a STR subject to:

1. The maximum occupancy shall not exceed 4 transient guests regardless of occupancy allowed by the most recently adopted edition of the International Property Maintenance Code (IPMC) until 1 additional UDC-compliant parking space has been added to the site allowing the dwelling to be then used for a maximum of 6 guests
2. A maximum of 210 nights of annual usage
3. The attached 1-car garage shall be made available while the dwelling is in STR use

ATTACHMENTS

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

HISTORY

Annexation date	1826
Zoning District	R-MF (Multiple-family Dwelling)
Land Use Plan designation	Neighborhood
Previous Subdivision/Legal Lot Status	Smithton Addition

SITE CHARACTERISTICS

Area (acres)	0.2 acres
Topography	Flat
Vegetation/Landscaping	Trees and grass lawn
Watershed/Drainage	Flat Branch
Existing structures	Single-family home

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

McBaine Avenue	
Location	Along eastern edge of property
Major Roadway Plan	Local, Residential
CIP projects	N/A
Sidewalk	Installed

PARKS & RECREATION

Neighborhood Parks	Douglass Park, Worley Street Park, Downtown Optimist Park
Trails Plan	Downtown Optimist Park Trail
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

52 “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. All “public hearing” letters were distributed on November 3, 2025. The public hearing ad for this matter was placed in the Tribune on November 20, 2025.

Public Notification Responses	None at the time of writing
Notified neighborhood association(s)	West Ash
Correspondence received	1 letter in opposition

Report prepared by: Ross Halligan

Approved by: Patrick Zenner