



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: October 21, 2024

Re: 1419 N. Azalea Street – STR Conditional Use Permit (Case # 217-2024)

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 eight transient guests subject to a supplemental condition that **both** of the parking spaces within the dwelling's attached 2-car garage are made available when the dwelling is used for STR purposes. The supplemental condition was recommended given the available driveway parking is sufficient to only accommodate two legally parked vehicles. A minimum of 1 parking space for every 2 transient guests is required by the STR regulations. Based on this requirement, a minimum of 4 off-street parking spaces are necessary to support the desired 8 transient guests.

The dwelling unit proposed to be used for STR purposes **is not** the applicant's principal residence. The dwelling has not been previously offered as an STR. The subject property is zoned R-1 (Single-family Dwelling) and is addressed as 1419 N. Azalea Street.

Discussion

Matthew Patterson (owner) is seeking approval of a conditional use permit (CUP) to allow 1419 N. Azalea Street to be used as a 210-night short-term rental (STR) for a maximum of 8 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 zoned R-1 (Single-family Dwelling), located approximately 360-feet southeast of the intersection of Audubon Drive and N. Azalea Street, and is addressed 1419 N. Azalea Street.

The subject dwelling is a 3-bedroom, 2-bath single-family home with an attached 2-car garage. The dwelling is not the owner's principal residence, has not been previously used for STR purposes, and is not registered as a "long-term" rental. Pursuant to Sec. 29-3.3(vv)(1)(ii)(B) of the UDC, prior to the "legal" use of the dwelling as an STR the owner must be granted the requested CUP. Approval of the requested CUP would constitute the owner's "one and only" STR license inside the city's municipal limits.

Following issuance of the required CUP, the owner will be required to comply with the requirements of Chapter 22, Article 5 (Rental Unit Conservation Law) and Chapter 13 (Business Licensing) of the City Code. Additionally, following the issuance of the STR Certificate of Compliance and Business License, the owner will be required to remit accommodation taxes pursuant to the requirements of Chapter 26 (Taxation) of the City Code.



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Per the submitted STR application and supplemental CUP questions, the dwelling is sought to be used for a maximum of 210-nights annually as an STR. The requested 210-nights of maximum usage is consistent with the limitations established by the provisions of Sec. 29-3.3(vv) of the UDC.

When not in use as an STR, the owner has indicated that the home will be unoccupied. While this response has been provided, it should be noted that owner may choose to register the dwelling as a traditional long-term rental. If so registered, guest stays of 30 days or greater are not subject to the STR regulations and such usage would not be counted against the STR "night" limitations. Furthermore, guest stays 30 days or greater are not subject to the payment of accommodation taxes.

The desired eight-guest occupancy is the maximum permitted per the provisions of Sec. 29-3.3(vv) of the UDC. The desired occupancy is further consistent with the available on-site parking (driveway and garage spaces) associated with single-family structure.

To ensure required parking is met at all times the home is used for STR purposes, the Planning and Zoning Commission recommended an additional condition be placed upon the approval of the CUP. This condition stipulates that **both** of the parking spaces within the attached 2-car garage be made available when the dwelling is offered as an STR. Without such a condition, the site is only improved with sufficient on-site/off-street parking to accommodate two legally parked vehicles in the driveway which would limit transient guest occupancy to a maximum of 4.

Final transient occupancy will be established following a dwelling unit specific evaluation in accordance with the provisions of Chapter 22, Article 5 of the City Code. Additionally, full regulatory compliance with the provisions of Sec. 29-3.3(vv), Chapter 13, and Chapter 26 of the City Code, respectively, will be confirmed prior to issuance of a STR Certificate of Compliance and/or Business License. The maximum occupancy and authorized rental "nights" associate with the dwelling will be shown on the issued STR Certificate of Compliance and must appear on any website listing upon which the dwelling is offered for rental.

N. Azalea Street is a "loop" street that connects to Audubon Drive to the west. The subject site is bordered on the east by the US 63 South off-ramp to Stadium Boulevard and is surrounded by other single-family residences. The subject dwelling is consistent in size, style, and bedroom mix as those adjoining it. Twenty-three public hearing letters were distributed for this request. Of these notices, 12 were sent to property owners and nine were sent to tenants within 185-feet of the subject site. One notice was also sent a recognized neighborhood association within 1,000-feet of the subject site and the Council Ward member.

While the use of 1419 N. Azalea Street as a short-term rental would be considered inconsistent with the generally prevalent owner-occupied nature of adjacent dwellings, the dwelling is within a neighborhood of mixed occupancy (12 owner-occupied and nine rental)



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and structures of similar size and bedroom mixture. The enacted STR regulations provide the City with options to address potential negative impacts that may be introduced into the neighborhood through the granting of a CUP allowing the dwelling to operate as an STR. The regulations restrict nightly usage and include other restrictions for which violations can be reported which could result in enforcement action, up to and including, revocation of the STR Certificate of Compliance.

There were several public comments (see attached) submitted with this request. Several individuals spoke during the public hearing citing concerns relating to noise, traffic, and land use incompatibility should the CUP be approved. As noted above, the enacted STR regulations provide opportunities for future enforcement should the expressed concerns rise to a level that such action is needed. It is also worth noting, that staff was unable to identify any other STRs within a 300-ft radius of the subject property.

Given a CUP is necessary to allow for the legal operation of the dwelling as an STR, an analysis of the general and supplemental CUP criteria shown within Sec. 29-6.4(m)(2)(i) and (iii), respectively, were performed. Following this analysis, staff concluded the use of the dwelling as a 210-night STR with a maximum of eight transient guests, subject to the condition that **both** of the parking spaces within the attached 2-car garage be available while the dwelling was used for STR purposes, would be 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 Planning and Zoning Commission staff report.

The Planning and Zoning Commission held a public hearing on this matter at its September 19, 2024 meeting. Staff provided its report. The public hearing was opened and several members of the public spoke in opposition to the request given concerns about traffic, noise, and incompatibility with existing development. The applicant addressed the Commission indicating that he was previously a resident of the dwelling when attending the University of Missouri and understands the concerns of the surrounding neighbors; however, does not foresee the dwelling's use as an STR as impacting the neighborhood. He noted that the "designated agent" for addressing concerns with the dwelling was the property owner immediately adjacent to the dwelling.

Following closure of the public hearing, the Commission recommended approval of the requested CUP to permit 1419 N. Azalea Street as a 210-night STR with a maximum of eight transient guests, subject to the condition that "**both** of the parking spaces within the attached 2-car garage be made available when the dwelling was used for STR purposes." The motion was approved by a vote of (6-0).

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



Fiscal Impact

Short-Term Impact: None are anticipated.

Long-Term Impact: Usage of the dwelling as an STR will result in the collection of accommodation taxes which will assist the Convention and Visitor's Bureau in their marketing efforts relating to the City. While increases in public service demand is possible, such demands are not foreseen to be greater than a typical single-family home. Such increases may or may not be off-set by increased user-fees or property tax collection.

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 to allow 1419 N. Azalea Street to be operated as a 210-night short-term rental for a maximum of 8 transient guests, subject to the CUP including the condition that "**both** of the parking spaces within the attached 2-car garage be made available when the dwelling is used for STR purposes" as recommended by the Planning and Zoning Commission.