

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
October 9, 2025**

SUMMARY

A request by Kirsten Craver (agent), on behalf of HAE Properties, LLC (owner), to allow 308 North Ninth Street to be used as a short-term rental for a maximum of 8 transient guests and 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 4-bedroom, 2-bath home has a driveway with sufficient capacity to support 4 UDC-compliant on-site/off-street parking spaces. The 0.14-acre subject site is located on the east side of North Ninth Street approximately 200-feet north of Park Avenue.

DISCUSSION - APPLICATION EVALUATION

The applicant seeks to obtain a conditional use permit (CUP) to allow 308 North Ninth Street 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 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.

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

Modern aerial photography of the subject site shows an approximate 60-foot deep gravel driveway with capacity to support 3 UDC-compliant parking spaces which is one less than required by the STR regulations for the desired occupancy. However, historical aerials from 2011 show the gravel driveway extending to a garage in the rear of the property which is approximately 76-feet in length from the property line and would be long enough to accommodate 4 UDC-compliant required parking spaces to support the desired occupancy.

Section 29-6.5(d) of the UDC addresses the **maintenance** of nonconforming site features such as a gravel driveway as being permissible; however, expressly prohibits the **expansion** of such features without compliance with the standards of the UDC. New gravel driveways are expressly prohibited by the UDC to serve any structure type. Staff has concluded that the applicant may maintain the gravel driveway in the condition as it has previously existed before. The applicant was notified, and has since poured gravel to maintain the historic conditions of the driveway. The subject site presently has sufficient parking on-site/off-street for the 8 guests requested in this case.

This property currently has 5 code violations on file, 4 of which are from the start of the STR's operation to present. Two of these cases are solid waste violations that have been resolved, and one landscape management case regarding weeds and unmowed grass, is also resolved. The applicant was sent a notice of illegal STR operation on August 4, 2025, and applied for the STR Conditional Use Permit on September 1, 2025.

The following is a site-specific analysis of the property.

Dwelling Unit Details

Property Address	308 North Ninth Street
Zoning	R-MF (Multiple Family Dwelling)
STR Request Type	Tier 2, 210 nights
Maximum Guests Requested	8
Bedrooms	4
Parking Spaces	4 required, 4 provided
Abutting Properties	R-MF to the north, west, and south. M-OF (Mixed Use, Office) to the east

Owner/Agent

Owner	HAE Properties, LLC
Designated Agent	Kirsten Craver
Agent's Distance to Property	7 miles, 15 minutes from property

Listing Information

Listing Links	https://www.airbnb.com/l/8yLSOlaw
STR previously offered?	Yes, beginning September 2021 according to applicant. Listing reviews date back to March 2021. Operated 32 nights in 2024
STRs within 300 feet?	One unregistered at 302 North Ninth Street, Listing: https://www.airbnb.com/rooms/877817382882258512
Primary residence?	No
Previous Violations?	One code case regarding illegal STR operation, 3 regarding solid waste/health nuisance, one landscape management during STR operation time frame

Conditional Use Analysis

This application triggers approval of a conditional use permit (CUP) and has been analyzed pursuant to the provisions found in Sec. 29-6.4(m)(2)(i) and (iii) of the UDC. Staff's analysis of these provisions is shown below. The owner's analysis of the criteria is attached to this report.

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 for up to 210 nights in a residential zoning district is subject to approval of a CUP. The submitted application has illustrated compliance with the minimum regulatory standards established within Sec. 29-3.3(vv) of the UDC with the exception of providing required on-

site/off-street parking. 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 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, 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 are improved with one- and two- family residences on lots of similar size and square footage. 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 would be the number of unrelated individuals permitted within the structure when compared to adjacent R-MF and M-OF zoned property which is restricted to no more than 4 when dwellings are used for long-term rental purposes. Additionally, the frequency of occupant turnover maybe greater than that of surrounding development.

While the frequency of occupant turnover maybe greater than that of surrounding development, given the dwelling is generally surrounded by other rental properties, with 43 of 48 surrounding properties being used for rental purposes, and being on the northern edge of the downtown M-DT district, the impacts of this turnover rate may not be significantly noticeable given the current activity levels within the surrounding neighborhood.

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.

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

The site is located on the east side of North Ninth Street approximately 200-feet north of Park Avenue, and obtains its sole access from North Ninth Street through a traditional driveway approach not unlike the majority of development surrounding the site. The driveway on the subject property has adequate off-street parking to meet the regulatory requirements to support the desired 8 guests requested. Staff finds that the design of the parking provided and the site's access 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.

The subject site is adjacent to and across the street from single- and two-family homes within the R-MF and M-OF districts. Residential dwellings within the R-MF and M-OF districts are permitted to be occupied by no more than 4 unrelated individuals when used as long-term rental properties. The proposed CUP, if authorized, would permit double this occupancy. This level of occupancy, given the dwelling's use as an STR since September 2021 without apparent incident suggests that there is no evidence that such continued usage would create adverse neighborhood impacts.

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?

In response to this question, the registrant has stated "Not any set time, but from time to time it is used as office/work space during the day."

(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 registrant indicates “Surrounding houses are long term rentals for the most part.”. Staff has identified one additional unregistered STR property within 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 registrant has stated “The property has been operated as an STR for several years and has never had a complaint.” Staff has noted 4 notices of violation during the time frame of STR operation relating to matters not attributable to the dwellings use as an STR.

(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.

In response to this question, the registrant has stated “This STR will not increase the intensity of the use of the property nor cause increased traffic or noise.”

As a general staff observation, using the subject dwelling for transient accommodations for the requested annual nights and 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 regulatory structure provides standards for limiting impacts (occupancy and nights) and has enforcement mechanisms to mitigate of possible negative outcomes.

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

In response to this question, the registrant answered “The neighboring property owners lease their properties and use property managers. There has never been an issue with other property owners regarding the use of this property as an STR.” At the time of report publication, no written correspondence had been received by staff regarding this case.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, it is staff’s finding that granting a conditional use permit to allow 308 North Ninth Street to be operated as a 210-night, 8 guest STR, subject to re-establishment of the 2011 pre-existing gravel driveway would not result in a use significantly incompatibility with surrounding development. The property abuts R-MF properties to the

north, west, and south and M-OF to the east. While the proposed occupancy of 8 guests would be double that allowed in adjacent R-MF and M-OF zoning districts, there is no evidence to suggest that the neighborhood has been negatively impacted by this dwelling’s use as a STR which has been operating as such since September 2021. The applicant has an open notice of violation (NOV) for operating an STR without a license, opened in August 2025, which would be resolved if this request and the full STR licensure process is completed. Following receipt of the NOV, the applicant submitted this application on September 1, 2025.

Approval of the CUP would grant “legal status” to the 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 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 308 North Ninth Street to be operated as a STR subject to:

1. The maximum occupancy of 8 transient guests;
2. A maximum of 210-nights of annual rental usage;

ATTACHMENTS

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

HISTORY

Annexation date	1826
Zoning District	R-MF (Multi-Family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Wilson 2 nd Addition

SITE CHARACTERISTICS

Area (acres)	0.14 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

Ninth Street	
Location	Along western edge of property
Major Roadway Plan	Local Residential
CIP projects	N/A
Sidewalk	Installed on both sides of the street

PARKS & RECREATION

Neighborhood Parks	Paquin Park, Armory Sports and Recreation Center, Douglass Park, Field Park, Flat Branch Park, Parks and Recreation General Offices, Orr Street Park Property
Trails Plan	MKT Connector, Colt Railroad Trail, MKT Trail, Field Park Trail
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

81 “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. 2 letters were sent to neighborhood associations and homeowners associations within 1,000 feet of the subject site. All “public hearing” letters were distributed on September 9, 2025. The public hearing ad for this matter was placed in the Tribune on September 9, 2025.

Public Notification Responses	None
Notified neighborhood association(s)	North Central, NCCNA/Shoe Factory District
Correspondence received	None at time of writing

Report prepared by: Kirtis Orendorff

Approved by: Patrick Zenner