

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: December 15, 2025

Re: 411 McBaine Avenue – STR Conditional Use Permit (Case #11-2026)

Impacted Ward: Ward 1

Executive Summary

Approval of this request would grant a conditional use permit (CUP) to allow 411 McBaine Avenue to be used as a 210-night, maximum of 4 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 subject property is 0.2-acres in size, is zoned R-MF (Multiple-family Dwelling), and is located approximately 35-feet south of the McBaine Avenue and Lincoln Drive intersection.

Discussion

Paula Clayton (agent), on behalf of Jennifer Hempel and Paula Clayton (owners), seeks approval to allow 411 McBaine Avenue to be used as a 210-night, maximum of four guests short-term rental (STR) pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m)(2) of the Unified Development Code (UDC). The 0.2-acre subject site is zoned R-MF (Multiple-family Dwelling) and is not the applicant's principal residence. The property has not been previously used as a short-term rental.

It should be noted that the submitted application sought approval for a maximum of 6 transient guests. This level of occupancy was reduced during the public hearing, at the applicant's request, to a maximum of 4 transient guests. This reduction matches available on-site parking.

The subject dwelling is a 3-bedroom, 2-bathroom single-family home that appears to meet the minimum space requirements to accommodate four transient guests under the City-adopted International Property Maintenance Code (IPMC). Compliance with the IPMC will be verified prior to issuing the STR Certificate of Compliance. The authorized occupancy and allowable rental nights must also be included on any website where the dwelling is advertised as an STR. The owner will use a designated agent, a local Boone County resident located 3.6 miles (approximately 11 minutes) from the property, to address regulatory issues that arise when the dwelling is in STR use. The property is owned by a married couple; therefore, approval of the CUP would constitute the couple's one and only STR license within the City's municipal limits.

A review of major listing platforms including Airbnb, Vrbo, Booking.com, and Furnished Finder, as well as the City's STR records, did not identify any additional licensed STRs within 300 feet of the subject property. Within the 185-foot notification radius, there are 38 properties of which 9 appear to be owner-occupied and 29 appear to be rental properties. Adjacent properties to the north, south, and east are zoned R-MF, while those to the west are

zoned R-2. Both the R-2 and R-MF zoning districts allow a maximum of four unrelated occupants per dwelling when used as long-term rentals. The revised transient guest occupancy now **matches** the allowed un-related occupants within surrounding development per dwelling.

The property's driveway can accommodate one UDC-compliant parking space, and the attached one-car garage provides an additional on-site space, meeting the requirement of two spaces for the requested four guests. The dwelling is accessed from McBaine Avenue, a local residential street that allows on-street parking, and sidewalks are provided on both sides of the street. The site's access design is consistent with surrounding residential development and believed sufficient to accommodate future traffic demand without compromising public safety.

Since the applicant's acquisition of the property there have been no identified regulatory violations and the property is not presently being used as an STR. The purpose of this application is to ensure full city regulatory compliance prior to using the property as an STR. Given the lack of regulatory violations, the home's general conformity to its surroundings, and the amended number of transient guests sought staff believes approval of the CUP would not be incompatible with the adjoining neighborhood. The enacted STR regulations provide means by which to address potential negative impacts that include nightly usage restrictions, a violation reporting procedure, fines, and authority to revoke a STR Certificate of Compliance after **two** verified violations within a 12-month period.

Given the dwelling sought for licensure is not the owners' "principal residence" a CUP is necessary to allow for its legal operation as an STR. The STR CUP process requires an analysis of the general and supplemental CUP criteria shown within Sec. 29-6.4(m)(2)(i) and (iii) of the UDC. A full description of this analysis is found in the attached Planning and Zoning Commission staff report.

Should the CUP be granted, full regulatory compliance with the provisions of Chapter 22, Article 5 (Rental Unit Conservation Law), and Chapter 13 (Business Licensing) of the City Code is required. As part of the required Business License procedure, the owner will be required to remit accommodation taxes pursuant to the requirements of Chapter 26 (Taxation) of the City Code.

The Planning and Zoning Commission held a public hearing on this request at its November 20, 2025 meeting. Staff presented their report and summarized their findings regarding the **technical requirements** demonstrated in the STR application. The applicant and designated agent were also present to answer questions from the Commission. Three members of the public commented that the property would be better suited for long-term residential use. Additional written public correspondence submitted has been attached to this report.

After closing the public hearing, there was general discussion by the Commission and a series of comments relating to the home's initial construction and the loss of "affordable" housing. For this discussion, the Commission considered a motion to approve the requested CUP, allowing 411 McBaine Avenue to operate as a 210-night STR with a maximum

occupancy of four guests, subject to the condition that the parking space within the attached one-car garage be made available during STR use. The vote on the motion resulted in a (4–4) tie which is considered a recommendation of denial.

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

Fiscal Impact

Short-Term Impact: None 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

Deny the conditional use permit allowing 411 McBaine Avenue to operate as a 210-night STR with a maximum occupancy of four guests, subject to the condition that the parking space within the attached one-car garage be made available when the dwelling is used as an STR, as recommended by the Planning and Zoning Commission.