

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
November 6, 2025**

SUMMARY

A request by Devin Kelly (owner) to allow 302 N. Ninth Street to be used as a 210-night, maximum 4 guest short-term rental (STR) pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m)(2) of the Unified Development Code. The 2-bedroom, 1-bath home will have to install a driveway accessing North Ninth Street to ensure that the required 2 UDC-compliant on-site/off-street parking spaces exist prior to final licensure of the dwelling for STR use. The 0.12-acre subject site is located on the east side of North Ninth Street, approximately 70 feet north of its intersection with Park Avenue.

DISCUSSION - APPLICATION EVALUATION

The applicant seeks to obtain a conditional use permit (CUP) to allow 302 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.

The owner of this subject site was notified of illegal STR operation on September 23, 2025 via letter. The applicant applied for the STR CUP on October 2, 2025. 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.

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

Dwelling Unit Details

Property Address	302 North Ninth Street
Zoning	R-MF (Multiple Family Dwelling)
STR Request Type	Tier 2, 210 nights
Maximum Guests Requested	4
Bedrooms	2
Parking Spaces	2 space are required and will need to be constructed prior to issuance of STR Certificate of Compliance or business license
Abutting Properties	R-MF to the north, west, and south. M-OF (Mixed Use, Office) to the east

Owner/Agent

Owner	Devin Kelley
Designated Agent	Devin Kelley
Agent's Distance to Property	15.9 miles, 25 minutes from property

Listing Information

Listing Links	https://www.airbnb.com/rooms/877817382882258512
STR previously offered?	Offered since November 2023, no usage data for 2024 provided (offered 365 nights)
STRs within 300 feet?	308 North Ninth Street (pending Council approval 11/17/25)
Primary residence?	No
Previous Violations?	3 cases. 2 resolved solid waste violations and one illegal short-term rental letter sent on 9/23/2025 and CUP application received 10/03/2025

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 technical 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. While the proposed dwelling is within 300-feet of another pending legal STR, evaluation of this factor is not a technical requirement, but rather a discretionary decision of the Planning and Zoning Commission and City Council. Additional regulatory review to ensure full compliance with the remaining UDC and Rental Unit Conservation Law requirements will occur upon issuance of the CUP and prior to issuance of an 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, there would be no increase in the level of occupancy allowed within the dwelling when compared to adjacent R-MF and M-OF zoned property which is restricted to no more than 4 unrelated people when those dwellings are used for long-term rental purposes.

Additionally, the frequency of occupant turnover is unlikely to be any greater than that of surrounding development given the dwelling is surrounded by other rental properties, with 45 of 50 properties within 185-feet being used for rental purposes, and due to the fact that the dwelling is located on the northern edge of the downtown M-DT district. Any possible increase or potential impacts of a higher 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, 70-feet north of Park Avenue, and obtains its sole access from North Ninth Street. The applicant will be required to install a on-site driveway capable of supporting 2 UDC-compliant parking spaces to meet the parking requirements to support the desired 4 guests. There are sidewalks installed along both sides of North Ninth Street. Staff finds that the once parking is installed, the site's access and parking will be sufficient to support future traffic generation without compromising public safety. Presently the property has no on-site parking.

- (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 which is the same as that proposed for the subject dwelling as an STR. This level of occupancy, given the dwelling's use as an STR since November 2023 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 "The property may occasionally be used by us for short stays, but it will not serve as our primary residence."

- (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 "To my knowledge, only one other STR application exists within 300 feet. I am not aware of any others. Neighbor support will further confirm that this use will not oversaturate the area.". Staff has identified one additional STR property within 300-feet of the dwelling, at 308 North Ninth Street.

- (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 "This property has no history of complaints. It holds an outstanding reputation on STR platforms. We maintain open communication with neighbors and address any concerns immediately. Compliance has been consistently upheld.". Staff has noted 3 notices of violation attributed to this property, 2 resolved solid waste violations and one illegal short-term rental violation. Notice of the short-term rental violation was sent on September 23, 2025 and the application for CUP consideration was received October 3, 2025.

(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 “The proposed use will not increase traffic, parking demand, or noise. The property has already operated below the maximum allowed nights without issue. It has proven to work smoothly in the neighborhood.”

As a general staff observation, using the subject dwelling for transient accommodations for 210-nights with a maximum of 4 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. It should be noted that the occupancy sought is **NO** greater than that allowed if the dwelling were used as a traditional long-term rental in the R-MF zoning district.

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

In response to this question, the registrant answered “Yes. Neighboring property owners are supportive, and I will submit written evidence of this. Our business presence next door allows for direct oversight and regular contact with neighbors, which further ensures accountability and responsiveness.”. At the time of report publication, 4 letters of support and no letters of opposition had been received regarding this case.

CONCLUSION

Given staff’s technical review of the submitted application and the analysis of the above criteria, notwithstanding the subject dwelling’s location within 300-feet of another STR, issuance of a conditional use permit to allow 302 North Ninth Street to be operated as a 210-night, maximum 4 guest STR, subject to the installation of a parking area sufficient to support 2 UDC-compliant parking spaces, is not believed incompatible with the surrounding development. The property abuts R-MF properties to the north, west, and south and M-OF to the east. The proposed occupancy of 4 guests would be the same as that allowed in adjacent R-MF and M-OF zoning districts, and 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 November 2023.

Approval of the CUP would grant “legal status” to the existing use and close the current Notice of Violation issued on September 23, 2025 for operating a short-term rental without a license. Furthermore, if the CUP is approved, it will 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 302 North Ninth Street to be operated as a STR subject to:

1. The maximum occupancy of 4 transient guests;
2. A maximum of 210-nights of annual rental usage;
3. Installation of a UDC-compliant parking area capable of supporting 2 parking spaces prior to issuance of an STR Certificate of Compliance or business license

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	Residential District
Previous Subdivision/Legal Lot Status	Wilson 2 nd Addition

SITE CHARACTERISTICS

Area (acres)	0.12 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

North Ninth Street	
Location	Location
Major Roadway Plan	Major Roadway Plan
CIP projects	CIP projects
Sidewalk	Sidewalk

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

80 “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 October 20, 2025. The public hearing ad for this matter was placed in the Tribune on October 21, 2025.

Public Notification Responses	None
Notified neighborhood association(s)	NCCNA/Shoe Factory Dist, NCCNA, NCCNA/Douglass Pk
Correspondence received	4 letters of support

Report prepared by: Kirtis Orendorff

Approved by: Patrick Zenner