

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
May 22, 2025**

SUMMARY

A request by Jamie Kroll (owner) to allow a “portion” of the dwelling located at 209 Alexander Avenue to be used as a short-term rental for a maximum of 6 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 approximately 0.19-acre, R-2 (Two-Family Dwelling) zoned subject site is located northwest of the intersection of Ash Street and Alexander Avenue.

DISCUSSION

The applicant seeks approval of a conditional use permit (CUP) to allow a portion of the existing single-family dwelling (main and lower levels) to be used as a short-term rental for a maximum of 6 transient guests and up to 210-nights annually. The application stated that the dwelling has 3 bedrooms and 2 bathrooms; however, the Boone County Assessor’s Records indicate the home has 4 bedrooms and 3 bathrooms. The applicant has indicated that they use the “attic” space within the dwelling (presumably 1 bedroom and 1 bath) as their “in-town” residence. The home is located in an R-2 (Two-family Dwelling) district and is not the applicant’s primary residence. The dwelling presently has a “long-term” rental certificate associated with it as a “single” rental unit expiring in 2027.

A site-specific evaluation of the property found that the shared driveway serving the property has sufficient on-site/off-street capacity to support 4 UDC-compliant parking spaces outside of the public right-of-way. A minimum of 3 UDC-compliant on-site/off-street parking spaces must be provided to meet regulatory requirements.

A review of available violation records from the Housing and Neighborhood Services Department and Columbia Police Department **specifically** associated with this property identified 1 violation case from September 23, 2024, was been resolved on October 7, 2024. This violation was regarding vegetation exceeding property boundaries and onto the curb.

The subject dwelling has been offered as a short-term rental since May 2022 based on reviews on the property’s AirBnB listing. In 2024, the property was occupied for 105 nights as an STR. Pursuant to Sec. 29-3.3(vv)(2)(i) of the UDC, full compliance with the adopted short-term rental regulations was delayed until June 1, 2025. As such, the operation of this dwelling as an STR, while not fully compliant with the adopted STR regulations, is permissible without a license and is not considered “**illegal**”, but rather “**not regulatorily conforming**”.

Approval of this request would permit continued use of the dwelling as an STR subject to full compliance with the City’s regulatory standards (i.e. obtain their STR Certificate of Compliance and Business License) post June 1, 2025. If these final regulatory steps are not completed, the STR would then be deemed to be operating “**illegally**” and in violation of the city code. Such **illegal** operation would be subject to enforcement actions, up to and including, fines and possible revocation of any issued CUP.

APPLICATION EVALUATION

The submitted application is subject to both the general and conditional use permit provisions governing short-term rentals identified within Sec. 29-3.3(vv)(1)(ii)(B) and Sec. 29-3.3(vv)(2), as well as, Sec. 29-6.4(m)(2)(i) and (iii) of the UDC. The following analysis provides an overview of the submitted application and these criteria.

The dwelling is not the applicant's principal residence and has been previously offered as a short-term rental since May 2022 as supported by online reviews at the following link: <https://www.airbnb.com/rooms/48769730?locale=en-US>. The listing content matches that shown within the STR application and as a condition of licensure will be periodically evaluated to ensure its continued compliance with any issued STR CUP or licensure conditions. In 2024, the dwelling was used for approximately 105 nights as an STR.

A review of online rental platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinder.com did identify 1 additional unregistered STR property approximately 200-feet north of the subject site. This property is listed at <https://www.airbnb.com/rooms/52778084?locale=en-US>.

Based upon the stated **bedroom** square footages shown within the application, it would appear that the dwelling would be capable of supporting the requested 6 transient guests based on the occupancy criteria contained in Sec. 404.4.1 of the most current edition of the International Property Maintenance Code (IPMC) as adopted by the City of Columbia. The owner is seeking approval for 6 transient guests which is within the limitations imposed by Sec. 29-3.3(vv)(2)(v) of the UDC and is supported by the number of available on-site/off-street parking spaces inclusive of the garage parking space.

Maximum occupancy within the dwelling will be determined by the City's Housing and Neighborhood Services Department as part of the required compliance checks for conformance with the provisions of Chapter 22, Art. 5 (Rental Unit Conservation Law) prior to issuance of a STR Certificate of Compliance. The requested occupancy of 6 transient guests is supported by available on-site/off-street parking. The authorized occupancy will appear on the STR Certificate of Compliance and is required to be included on any website or other media advertising the dwelling for STR usage.

Based on a site-specific evaluation, access to the dwelling appears to require ascending a step to enter the structure. Compliance with the accessibility provisions of Sec. 29-3.3(vv)((2)(xiv) of the UDC will be determined by the Housing and Neighborhood Services Department and Building and Site Development Division of Community Development as part of the STR Certificate of Compliance process.

The dwelling is supported by adequate public infrastructure (i.e. electric, sewer, & water) and there are no known issues with the available capacity to serve the dwelling as an STR. There are no sidewalks along Alexander Avenue. Parking is permitted along the eastern frontage of Alexander Avenue.

The subject dwelling abuts 23 other properties within the 185-foot notification radius. Of these properties, 7 are owner-occupied and 16 are rental units. The property is also within 1000-feet of 2 neighborhood associations and homeowners associations. The immediately adjoining properties are zoned R-2. R-2 parcels are permitted a maximum of 4-unrelated individuals when the dwellings are used as long-term rental dwellings.

The subject dwelling is owned by a husband and wife. Based on this ownership, approval of the requested CUP would be the "one and only" STR license issued to either the individual pursuant to the provisions of Sec. 29-3.3(vv)(2)(ii) of the UDC. The application indicates that the owner will be the designated agent to address compliance matters should they arise while the dwelling is offered for STR purposes. Based upon the location information provided within the application, the owner is a resident of Boone County located approximately 13 miles (20 minutes) from the dwelling if the need arises to address compliance matters.

Sec. 29-6.4(2)(i) General CUP Review Criteria:

As noted, given this application triggers approval of a conditional use permit (CUP) the following analysis of the provisions found in Sec. 29-6.4(m)(2)(i) and (iii) of the UDC have been performed. The owner has provided their analysis of these criteria (see attached) and the staff's analysis is provided below. The standard criteria are shown in **bold text** followed by staff's response.

(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 is permitted within the R-2 zoning district subject to approval of the requested conditional use permit (CUP). The submitted application (see attached) has illustrated compliance with the minimum regulatory standards established within Sec. 29-3.3(vv). A site-specific inspection finds that the dwelling has driveway parking capable of accommodating 4 UDC-compliant parking spaces outside the public right-of-way.

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. The subject dwelling is not located within an overlay district that would otherwise prohibit the proposed use of the dwelling as an STR.

(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 to the east, west, and south are all improved with one and two-family residences on lots of similar size and square footage. Adjoining development is within the R-2 zoning district. Of the 23 surrounding properties within 185-feet of the subject site 7 are owner-occupied and 16 are rental units. The use of the subject dwelling as a short-term rental has not resulted in it being modified structurally to accommodate its current use. The dwelling still appears from the street frontage to be a single-family dwelling. The dwelling is bounded on the south and west sides by natural vegetation serving as a buffer to adjacent dwellings. If the requested CUP is approved, the only potentially notable changes in this dwelling's character to those surrounding it would be the frequency of occupant turnover and number of unrelated individuals permitted within the dwelling.

A search of listing platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinder.com identified the dwelling as being listed as a short-term rental since May 2022 and found an additional unregistered short-term rental approximately 200-feet to the north. In 2024, the applicant indicated that the home was used for 105 nights.

The adopted STR regulations include provisions intended to mitigate the negative impacts of STR operations as a commercial use and afford a method of regulatory reporting/enforcement previously nonexistent within the City's municipal code. Should violations of the regulatory provisions rise to the level requiring action, such action may include, in addition to fines, revocation of the STR Certificate of Compliance following 2 **verified** complaints within a 12-month period.

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

The site is accessed from Alexander Avenue through a traditional driveway approach to a driveway not unlike the majority of construction within the R-2 district surrounding the site. The driveway is shared with 211 Alexander Avenue, which is also owned by the applicant. The site has adequate on-site/off-street parking to meet the regulatory requirements for use as an STR.

Alexander Avenue is a local residential street with parking along the eastern portion of the street. There are no sidewalks installed on either side of the road. These conditions are consistent with surrounding development within the R-2 district. Staff finds that the design of the parking 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.**

16 of the 23 parcels within 185-feet of the subject site appear to be used for rental purposes. The 7 remaining parcels are owner-occupied. The structures within this buffer are located within the R-2 zoning district. Dwellings within the R-2 permit 4-unrelated individuals in a dwelling unit. The requested occupancy would permit two additional unrelated individuals to occupy the property on a temporary basis than that permitted for long-term occupancy. Given the dwelling has been a listed STR since May 2022 and, as noted, was made available throughout 2024 for 105 nights without apparent incident there is no evidence to suggest that such usage has created adverse impacts.

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. The subject site has significant natural vegetation its southern and western boundaries and parking sufficient to accommodate the required on-site/off-street parking outside the public right of way.

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 registrant has stated "Occasional, off and on use throughout the week and on weekends. It is our in-town dwelling." in response to this question. The upper living space within the 4-bedroom dwelling is to be used by the applicant for personal use.

- (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 owner indicates "not to our knowledge". Staff has identified 1 additional unregistered STR property within approximately 200-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 applicant stated their property has been used as an STR in compliance before this application with no complaints.

- (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 owner has responded "no" to this question.

As a general staff observation, using the subject dwelling for transient accommodations for 210-nights annually 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 current regulatory structure provides standards allowing for monitoring and mitigation of possible negative outcomes. It is worth noting that the proposed transient occupancy sought is no greater than what is permitted within any adjoining R-2 zoned dwelling.

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

The owner answered that “adjacent property owners and renters are aware and supportive of this request. They are our friends and neighbors”. As of writing this report, there has been 1 letter supporting the STR.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow a “portion” of the dwelling located at 209 Alexander Avenue to be operated as a short-term rental with a maximum of 6 transient guests and rental usage up to 210-nights annually would not result in significant incompatibility with surrounding development. The property is located within a neighborhood that is predominantly comprised of rental dwellings that are zoned R-2. While the proposed occupancy of 6 guests would be greater than that allowed in adjacent development, there is no evidence to support that the neighborhood has been negatively impacted.

Approval of the CUP would grant “legal status” to this 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 a “portion” of the dwelling at 209 Alexander Avenue to be operated as a STR subject to:

1. The maximum occupancy of 6 transient guests be permitted on the main and lower levels of the dwelling subject to compliance occupancy standards of most recently adopted edition of the International Property Maintenance Code (IPMC); and
2. A maximum of 210-nights of annual usage

ATTACHMENTS

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

HISTORY

Annexation date	1905
Zoning District	R-2 (Two-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Smithton Addition

SITE CHARACTERISTICS

Area (acres)	0.19 acres
Topography	Flat
Vegetation/Landscaping	Trees and natural ground cover
Watershed/Drainage	Flat Branch
Existing structures	Two-family home

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

Alexander Avenue	
Location	Along eastern edge of property
Major Roadway Plan	Local Residential
CIP projects	N/A
Sidewalk	Installed on east side

PARKS & RECREATION

Neighborhood Parks	Worley Street Park
Trails Plan	None
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

53 “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 May 5, 2025. The public hearing ad for this matter was placed in the Tribune on May 6, 2025.

Public Notification Responses	None
Notified neighborhood association(s)	West Ash, Historic West Broadway
Correspondence received	1 email in support

Report prepared by: Kirtis Orendorff

Approved by: Patrick R. Zenner