

Council Memo

Department Source: Community Development

To: City Council

From: City Manager & Staff

Council Meeting Date: July 20, 2026

Re: 1309 W Worley Street – STR Conditional Use Permit (Case #166-2026)

Impacted Ward: Ward 1

Executive Summary

Approval of this request would grant a Conditional Use Permit (CUP) to allow 1309 W Worley Street to be used as a 210-night, maximum four-guest short-term rental pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m)(2) of the Unified Development Code. The R-1 zoned subject property is 0.23 acres in size and is located around 80 feet east of the intersection of Pennant Street and W Worley Street.

Discussion

Tracy Buesing (owner) seeks a CUP to use the dwelling addressed 1309 W Worley as a short-term rental for up a maximum of 210-nights and four transient guests. The two bedrooms allocated to STR use meet the minimum square footage required to accommodate the desired four transient guests per the City-adopted International Property Maintenance Code (IPMC).

The owner will use a designated agent, a local Boone County resident located 7 miles (10 minutes) from the subject site, to respond to regulatory or operational issues that arise when the dwelling is in use as an STR. The property is intended to be principally owner-occupied, but the designated agent will be available when the owner is out of town. Approval of this CUP would constitute the owner's one and only STR license within the City's municipal limits.

A review of Airbnb, Vrbo, Booking.com, Furnished Finder, and City records did not identify any additional licensed STRs within **300 feet** of the subject property. Within the 185-foot notification radius, there are 15 dwelling units, of which at least three appear to be owner-occupied. Adjacent properties are zoned R-1 and R-2.

The applicant has at least 2 on-site parking spaces available, with two being in the existing driveway, and one in the garage. In order to meet the parking requirement for four transient guests, the garage space **does not** need to be made available for transient guests. Access to the dwelling is provided via Worley Street, a local major collector street. Parking is not restricted along this property's frontage on Worley by ordinance, but there is limited paved width and on-street parking is unlikely to occur. The access arrangement is consistent with surrounding residential development and is believed to be adequate to accommodate anticipated traffic without compromising public safety.

Staff has not identified other **technical** reasons to conclude that the proposed STR would be incompatible with the surrounding neighborhood. There have been no citations issued with the respect to the dwelling's current usage. The property was previously used for short-term

rental purposes under this owner, but this was prior to enforcement of the STR regulations while the owner was traveling internationally.

The City's STR regulations provide mechanisms to address potential adverse impacts, including limits on rental nights, a formal violation reporting process, fines, and the authority to revoke a STR Certificate of Compliance following two verified violations within a 12-month period. The owner was alerted their property was operating as an illegal STR in April of 2026, requesting compliance by May 8 of 2026. The owner's application to receive a STR CUP to register their property was received prior to the requested deadline for compliance in the aforementioned notification.

Given that the dwelling sought for licensure is the owner's "principal residence" and 210 nights of use are being requested, a CUP is necessary to allow for its legal operation. 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 requested 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 June 11, 2026 meeting. Staff presented their report and summarized the findings regarding the application's compliance with applicable **technical standards**. The owner was present to respond to questions from the Commission. The owner noted they received notification for illegal operation and acted immediately, as they were unaware there was an STR ordinance that had been adopted by the City. Two members of the public spoke regarding the request. One asked if a variance had been received for the driveway location, which appeared to be encroaching into the typical side yard setback. The second noted that locator maps created by City Staff could be more visually distinct for those with difficulties seeing/distinguishing color.

Following the closure of the public hearing, the Commission engaged in limited discussion regarding the request, mostly centered around the compliance of the existing parking. Staff found the minutes from the Board of Adjustment where it was confirmed a variance for the paving of this driveway was approved. A motion was made to approve the request to permit 1309 W Worley to be operated as a 210-night, maximum four-guest short-term rental which passed by a vote of 6-0.

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

Fiscal Impact

Short-Term Impact: None anticipated.

Long-Term Impact: Increased usage of the dwelling as an STR will result in the potential for higher collection of accommodation taxes, which will assist the Convention and Visitors Bureau in its marketing efforts relating to the city. While increases in public service demand are possible, such demands are not foreseen to be greater than a typical single-family home. Such increases may or may not be offset 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 Conditional Use Permit to allow 1309 W Worley Street to operate as a 210-night short-term rental for a maximum of four guests as recommended by the Planning and Zoning Commission.