

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
September 4, 2025**

**SUMMARY**

A request by Amber and Mark Weigel (owners) to allow 11 S. Heather Lane 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 3-bedroom, 2-bath home has an attached 2-car garage and sufficient driveway capacity to support 2 UDC-compliant parking spaces. The driveway and garage spaces are to be used when the dwelling is in use as an STR. The 0.21-acre subject site is located on the west side of S. Heather Lane, approximately 300 feet south of the intersection of W. Broadway and S. Heather Lane.

**DISCUSSION - APPLICATION EVALUATION**

The applicant seeks to obtain a conditional use permit (CUP) to allow 11 S. Heather Lane 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 the 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 final action on this request is pending, enforcement action on the operation of the dwelling as an STR will be suspended. Continued operation of the subject dwelling as an STR following City Council action without acquiring the STR certificate of compliance and business license would constitute an illegal land use 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 desired to be used as a short-term rental.

**Dwelling Unit Details**

<b>Property Address</b>	11 South Heather Lane
<b>Zoning</b>	R-1 (One-Family Dwelling)
<b>STR Request Type</b>	Tier 2, 210 nights
<b>Maximum Guests Requested</b>	8
<b>Bedrooms</b>	3
<b>Parking Spaces</b>	4 spaces are required. 2 are provided in driveway. A minimum of 2 garage parking spaces must be provided when STR is in operation
<b>Abutting Properties</b>	R-1 to north, south, east, and west

### Owner/Agent

<b>Owners</b>	Amber and Mark Weigel
<b>Designated Agent</b>	Roger Helmka
<b>Agent's Distance to Property</b>	1 minute, lives across the street

### Listing Information

<b>Listing Links</b>	<a href="https://www.airbnb.com/rooms/723947003082426544">https://www.airbnb.com/rooms/723947003082426544</a>
<b>STR previously offered?</b>	Usage started October 2022. In 2024, the property was rented for 129 nights
<b>STRs within 300 feet?</b>	None
<b>Primary residence?</b>	No
<b>Previous Violations?</b>	Illegal short-term rental case, will be closed if CUP is granted and full STR licensing process is completed

### Conditional Use Analysis

This application requires 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 owners' 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. Additional regulatory review to ensure full compliance with the provisions of both the UDC and Rental Unit Conservation Law will occur following issuance of a CUP 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 all improved with single-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. Given the property has operated at the desired level of guest occupancy since 2022 and has not resulted in an identified complaint record, issuance of a CUP for its continued operation is not believed to be incompatible with its surroundings.

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. While the frequency of occupant turnover may be greater than that of surrounding development, the impacts of this turnover rate may be no more significant than those of other single-family homes within the neighborhood that have higher levels of usage by family or guests.

The dwelling’s location is located near an entrance to the neighborhood. Given this location, the potential higher frequency in turnover may be less impactful to the other dwellings due to there not being a need to drive through the existing subdivision to access the property. Furthermore, the property has a fenced-in rear yard.

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

The site is accessed from South Heather Lane through a traditional driveway approach similar to the adjoining development. The driveway on the subject property provides 2 parking spaces. To ensure regulatory compliance with the desired guest load, the 2 spaces in the attached garage will need to be available while the subject site is in use as an STR. Staff finds that the design of the parking provided 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.**

Of the surrounding 23 properties, 8 appear to be owner-occupied and 13 appear to be rental. The property is surrounded by R-1 zoned properties to the north, south, east, and west. Dwellings within the R-1 zoning district permit 3 individuals living together when used as a long-term rental. The proposed CUP, if authorized, would permit 8 unrelated individuals to occupy the dwelling when used as an STR. Given the dwelling's past use as an STR since 2022 without apparent incident, it would appear that issuance of the CUP would be appropriate.

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?**

The registrants have stated they stay at the property occasionally, 2-3 times per year.

- (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 applicant has answered "no" to this question. Staff's review of rental sites did not identify licensed short-term rentals within 300 feet.

- (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 has stated there have been zero complaints associated with this property. A review of City code violations supports this answer.

- (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 that operating as an STR has not and will not increase the intensity of traffic or noise. 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.

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

The applicant stated there are is support from neighboring property owners. As of writing this report, staff has not received any form of support.

**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 11 South Heather Lane to be operated as a 210-night, 8 guests STR would not result in a use significantly incompatible with the surrounding development. The property abuts R-1 zoned properties to the north, south, east, and west. While the proposed occupancy of 8 guests would be greater than that allowed in R-1 zoned properties, there is no evidence to support that the neighborhood would be negatively impacted by the dwelling's use as an STR. The dwelling has been used as an STR since 2022 and was occupied 129 nights in 2024.

Approval of the CUP would authorize the applicant to pursue "legal status" to operate the dwelling as an STR 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 11 South Heather Lane to be operated as a STR subject to:

1. The maximum occupancy shall not exceed 8 transient guests regardless of occupancy allowed by the most recently adopted edition of the International Property Maintenance Code (IPMC)
2. A maximum of 210 nights of annual usage
3. The 2 garage spaces shall be made available while the dwelling is in STR use

**ATTACHMENTS**

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

**HISTORY**

<b>Annexation date</b>	1955
<b>Zoning District</b>	R-1 (One-family Dwelling)
<b>Land Use Plan designation</b>	Residential District
<b>Previous Subdivision/Legal Lot Status</b>	Leawood

## SITE CHARACTERISTICS

<b>Area (acres)</b>	0.21 acres
<b>Topography</b>	Flat
<b>Vegetation/Landscaping</b>	Trees and grass lawn
<b>Watershed/Drainage</b>	Merideth Branch
<b>Existing structures</b>	Single-family home

## UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

## ACCESS

South Heather Lane	
<b>Location</b>	Along eastern edge of property
<b>Major Roadway Plan</b>	Local Residential
<b>CIP projects</b>	N/A
<b>Sidewalk</b>	Not installed

## PARKS & RECREATION

<b>Neighborhood Parks</b>	Fairview Hollow Nature Area
<b>Trails Plan</b>	None
<b>Bicycle/Pedestrian Plan</b>	None

## PUBLIC NOTIFICATION

33 “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. All “public hearing” letters were distributed on August 18, 2025. The public hearing ad for this matter was placed in the Tribune on August 19, 2025. Ran in the tribune august

<b>Public Notification Responses</b>	None at the time of writing
<b>Notified neighborhood association(s)</b>	Bourn Avenue, Off Broadway Condominiums
<b>Correspondence received</b>	1 email asking about tracking violations

Report prepared by: Ross Halligan

Approved by: Patrick Zenner