

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
April 10, 2025**

SUMMARY

A request by Tia Brown (owner) to allow 5 McBaine Avenue to be used as a short-term rental for a maximum of 6 transient guest and up to 120-nights annually pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m)(2) of the Unified Development Code. The 0.21-acre, R-1 (One-family Dwelling) zoned, subject site is located approximately 200 feet north of the intersection of West Broadway and McBaine Avenue.

DISCUSSION

The applicant seeks approval of a conditional use permit (CUP) to allow their 1,344 sq. ft. single-family dwelling to be used as a short-term rental for a maximum of 6 transient guests and up to 120-nights annually. The dwelling is a 3-bedroom 1-bath home. The proposed STR is located within an R-1 (One-family Dwelling) district and it not the applicant's primary residence. It is worth noting that the applicant is not seeking a 210-night STR; however, has chosen to self-restrict the dwelling's usage to 120-nights. To ensure that the applicant's self-restriction is applied to the use of this dwelling, a **"condition of approval"** must be added to this request that stipulates the maximum number of STR rental nights annually is 120-nights.

A site-specific evaluation of the property found that the home does not have a garage but rather a long driveway serving the property. The driveway has sufficient on-site/off-street capacity to support 3 UDC-compliant parking spaces outside of the public right-of-way. Given the number of desired guests (6), a minimum of 3 UDC-compliant on-site/off-street parking spaces must be provided. Compliance with the minimum parking standards of Sec. 29-3.3(vv)(1)(ii)(B)(2) is met given the existing driveway length and the desired transient guest occupancy.

A review of available violation records associated with this property has identified 1 Landscape Violation case. The violation was due to turf weeds and turf grass being over 12 inches in height. The violation has been resolved. In 2024, the property was occupied for 44 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 an STR until June 1, 2025, is permissible without a license. Approval of this request would ensure the current STR is compliant before the June 1, 2025 licensure deadline. The applicant must fully comply with the City's regulatory standards (i.e. obtain their STR Certificate of Compliance and Business License) by June 1, 2025. If these final regulatory steps are not completed, the STR would be operating in violation of the city code and would be subject to enforcement action which may include fines and revocation of the CUP if granted.

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 2023. According to the applicant, in 2024, the dwelling was used for approximately 44 nights. Online reviews for the dwelling show usage as an STR starting in March 2023 and continuing into the present. The dwelling is listed on Airbnb at

<https://www.airbnb.com/rooms/726154076549664872>. The listing contents is consistent with the STR application. As a condition of licensure, the listing will be checked to ensure it is still conforming to the issued CUP and corresponding licenses. The listing will undergo periodic review to ensure future compliance.

A review of online rental platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinder.com identified 5 additional unlicensed STRs within a 300-foot radius of the subject dwelling. On Airbnb, 2 unlicensed STRs were identified. The first link is to the STR case (Case 135-2025) that appears on the Commission's April 10 agenda that will precede this matter during the public hearing, <https://www.airbnb.com/rooms/726154076549664872> and <https://www.airbnb.com/rooms/33911463> is the other identified unregistered STR. The remaining 3 unregistered STRs were identified on Furnishedfinder.com at https://www.furnishedfinder.com/property/388199_1, https://www.furnishedfinder.com/property/755375_1, and https://www.furnishedfinder.com/property/604631_1. Also, Grant Elementary School is within 1,005 ft of the proposed STR.

Based on the stated **bedroom** square footages shown within the application, it would appear that the dwelling would be capable of supporting the maximum (8) transient guests allowed by the ordinance. This conclusion is made following a review of the most current edition of the adopted International Property Maintenance Code (IPMC) and Sec. 404.4.1 thereof in which it is stated that every bedroom shall contain not less than 70 sq. ft. of floor area and every bedroom occupied by **more than** one occupant there shall be no less than 50 sq. ft. of floor area per occupant thereof. Given the limitations imposed by Sec. 29-3.3(vv)(2)(v) with respect to maximum occupancy, the owner is seeking approval for 6 transient guests which is the maximum permitted. Available on-site/off-street parking would support this number of guests.

A final verification of the maximum occupancy allowed within the dwelling will be determined by the City's Housing and Neighborhood Services Department in conjunction with the required compliance checks for conformance with the provisions Chapter 22, Art. 5 (Rental Unit Conservation Law) prior to issuance of a STR Certificate of Compliance. No occupancy over 6 transient guests would be permitted. 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. If the Commission desires to restrict the occupancy such action may be addressed via a **"condition of approval"** with justification stating why such condition is offered. Any condition of approval proposed is subject to final approval by the City Council.

Within the required 185-foot notification radius, the subject dwelling abuts other single-family structures in all directions of similar size and lot area. There are a combination of zoning districts surrounding the property including R-1, R-2, and R-MF. The subject dwelling has a fenced-in rear yard. The dwelling is supported by adequate public infrastructure (i.e. electric, sewer, & water) and there are no known issues with available capacity to serve the dwelling as an STR. Sidewalks are installed on both sides of McBaine Avenue and on-street parking is allowed.

Based on public notification letters, there are 43 individual properties within 185-feet and 4 neighborhood associations within 1,000 feet of the subject dwelling. Of the 43 properties, it appears 7 are owner-occupied dwellings and 36 are rental dwellings. For the surrounding dwellings zoned R-1, the maximum "long-term" rental occupancy of each dwelling unit would be 3-unrelated individuals. As for the surrounding dwellings zoned R-2 and R-MF, 4-unrelated individuals are permitted to live together.

The subject dwelling is owned by an individual. Based on this ownership, approval of the requested CUP would be the owner's "one and only" STR license within the City pursuant to the provisions of Sec. 29-3.3(vv)(2)(ii) of the UDC. The application indicates that the owner will use a 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 designated agent is a resident of Boone County located approximately 3.8 miles (10 minutes) from the dwelling if the need arises to address compliance matters.

Based on a site-specific evaluation, it would appear that access to the dwelling requires ascending 3 steps to enter the structure. As such, compliance with the accessibility provisions of Sec. 29-3.3(vv)((2)(xiv) of the UDC may be required. A final determination of required compliance will be completed prior to issuance of a STR Certificate of Compliance by the Housing and Neighborhood Services Department and Building and Site Development Division of Community Development. During the site-specific inspection of the dwelling, no signage was identified as being present to advertise the dwelling as an STR. Such signage would be permissible provided it is no greater than 1 sq. ft. in area and is non-illuminated.

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-1 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 a driveway parking capable of accommodating 3 UDC compliant parking spaces outside the public right of way. A minimum of 3 UDC compliant parking spaces must be provided to support the desired 6 transient guests.

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 are all improved with single-family residences on lots of similar size and square footage. Adjoining developments are within the R-1, R-2, and R-MF zoning districts. 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. According to online reviews, usage of the dwelling appears to have begun in March of 2023. In 2024, the applicant indicated the home was used for 44 nights.

The adopted STR regulations provide standards by which potential negative impacts of operating the dwelling as an STR may be mitigated and afford a method of regulatory reporting/enforcement that prior to February 2024 were nonexistent within the City’s municipal code. The regulatory standards ensure added scrutiny is placed on the dwelling’s operation as a commercial use. Should violations of the regulatory provisions raise to the level requiring action, such action may include, in addition to fines, revocation of the STR Certificate of Compliance.

With the lack of identified/reported violations pertaining to the current owner’s usage, there is nothing to suggest that the operation of the dwelling as a STR would be non-compliant or incompatible with the surrounding neighborhood. Based upon property owner notification letters, of the 43 surrounding parcels within 185-feet of the subject dwelling, it appears 7 dwellings are owner-occupied and 36 are rental units. Given the UDC definition of “family” all dwelling units surrounding the subject site, owner and renter occupied, would be permitted to be occupied by up to 3-unrelated individuals in the R-1 zoning district and 4-unrelated individuals in the R-2 and R-MF zoning district.

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

The site is accessed from McBaine Avenue through a traditional driveway approach. McBaine Avenue is a residential street that has sidewalks on both sides of the streets and permits on-street parking. The site has adequate on-site/off-street parking to meet the regulatory requirements for use as an STR. In the event a guest parked on the street, on-street parking would not create visual obstructions given the parcel is mid-block and not at an intersection. The design of the parking and the site's access is consistent with other residential development within the neighborhood and is believed 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 approval of the CUP.

(F) The proposed conditional use will not cause significant adverse impacts to surrounding properties.

36 of the 43 parcels within 185-feet of the subject site appears to be used for rental purposes. The 7 remaining structures are owner-occupied. The structures are located within the R-1, R-2, and R-MF zoning districts. The R-1 zoning would legally permit 3-unrelated individuals to live within each dwelling if used for rental purposes, whereas R-2 and R-MF permit 4-unrelated individuals. While approval of a CUP allowing the subject dwelling to be used as a 120-night STR with a maximum of 6 transient guests could be considered more intense than adjacent owner & rental-occupied single-family dwellings, there is no evidence to suggest that such usage would create adverse impacts.

The dwelling has been listed as an STR since 2023 and, as noted, the dwelling was made available throughout 2024 for 44 nights. If the CUP is approved, potential negative impacts can be mitigated through the adopted regulatory provisions which provides a means by which to report and address those impacts including fines and revocation of the STR Certificate of Compliance. Furthermore, the subject site has a fenced-in rear yard 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 applicant has stated that the proposed STR will not be used by themselves.

(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 indicates they are unaware of other established STRs within 300 feet of the subject dwelling. Staff reviewed the websites of Airbnb, VRBO, Booking.com, and

Furnishedfinder.com and identified 5 additional unregistered STR properties. Depending on the recommendation of Case #135, the matter of concentration may become an issue of concern. As mentioned in Case #135's report, the subject site is approximately 55 feet south of 9 McBaine Avenue. 5 and 9 McBaine Avenue could be considered the center of a future concern with respect to concentration for this area given the amount of outstanding unregistered STRs identified surrounding these properties. Both properties possess the necessary infrastructure to accommodate the desired use.

A factor that may be worth considering with respect to the impacts that having two STRs within 300-feet of each other is the intensities of their usage if not authorized as an STR. 9 McBaine is located in an R-MF zoning district and has sufficient lot area, if redeveloped, to accommodate more than one dwelling unit which would result in additional occupant loads, traffic, and other neighborhood impacts. The requested transient guest occupancy for this property is commensurate with the its zoning designation.

Whereas 5 McBaine is located in an R-1 zoning district and can only be used as a single-family dwelling. Its transient guest occupancy is restricted by available on-site/off-street parking. Furthermore, it should be restated that this applicant is seeking to self-restrict the dwelling's STR usage to 120-nights versus the available 210-nights that could have been requested. Given these factor's staff does not believe approval of the requested CUP for this site is inappropriate notwithstanding its close proximity to another dwelling seeking licensure concurrently.

(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 answered "no" to this question. Review of City code violation records supports their 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 applicant has responded "no" to this question. As a general staff observation, using the subject dwelling for transient accommodations for 120-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 applicant is also self-restricting to 120-nights of rental compared to the 210-nights possible. This restriction would further mitigate any possible impacts operating as an STR.

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

The applicant answered that the neighbors to have full knowledge and support of the STR. There have been no letters of support or opposition to this request to support the applicant's assertion.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow 5 McBaine Avenue to be operated as a short-term rental with

a maximum of 6 transient guests and rental usage up to 120-nights annually would be appropriate notwithstanding its location within 300-feet of another dwelling seeking licensure approval. The property is located within a neighborhood that possesses more rental dwellings than owner-occupied, the applicant is self-restricting the nightly usage to 120-nights annually, and the site otherwise meets all regulatory requirements necessary to support an STR.

Approval of the CUP would grant “legal status” to this 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 5 McBaine Avenue to be operated as a STR subject to:

1. A condition that the maximum annual usage of the dwelling for STR purposes shall exceed 120-nights; and
2. The maximum occupancy permitted within the dwelling shall not exceed 6 transient guests regardless of potential occupancy allowed by most recently adopted edition of the International Property Maintenance Code (IPMC)

ATTACHMENTS

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

HISTORY

Annexation date	1826
Zoning District	R-1 (One-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Henry Wise Subdivision

SITE CHARACTERISTICS

Area (acres)	0.21 acres
Topography	Sloping from east to west
Vegetation/Landscaping	Trees and natural ground cover
Watershed/Drainage	Flat Branch
Existing structures	Single-family home

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

McBaine Avenue	
Location	Along eastern edge of property
Major Roadway Plan	Residential street
CIP projects	N/A
Sidewalk	Installed

PARKS & RECREATION

Neighborhood Parks	Worley Street Park, Flat Branch Park
Trails Plan	MKT Connector, MKT Trail
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

60 “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. 4 letters were sent to neighborhood associations within 1,000 feet of the subject site. All “public hearing” letters were distributed on March 24, 2025. The public hearing ad for this matter was placed in the Tribune on March 25, 2025.

Public Notification Responses	None
Notified neighborhood association(s)	Historic Old Southwest, West Ash, Historic West Broadway, Park Hill
Correspondence received	None

Report prepared by: Ross Halligan

Report approved by: Patrick R. Zenner