



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 18, 2024

Re: 121 N. West Boulevard – STR Conditional Use Permit (Case # 248-2024)

Executive Summary

Approval of this request would grant a conditional use permit (CUP) for the operation of a 210-night short-term rental (STR) with a maximum of four transient guests. Approval is subject to a supplemental condition that **one** of the parking spaces within the dwelling's attached 2-car garage **AND** the carport parking space are made available when the dwelling is used for STR purposes. This supplemental condition was recommended given the dwelling has no available driveway parking sufficient to accommodate legally parked vehicles. Short-term rental regulations require a minimum of one parking space for every two transient guests. Based on this requirement, a minimum of two off-street parking spaces are necessary to support the desired four transient guests.

The dwelling unit proposed for STR purposes **is not** the applicant's principal residence. The dwelling **has been** previously offered as an STR since December 2020. The subject property is zoned R-2 (Two-family Dwelling) and is addressed as 121 N. West Boulevard.

Discussion

Jessica Yankee (owner) is seeking approval of a Conditional Use Permit (CUP) to allow 121 N. West Boulevard to be used as a short-term rental for a maximum of 4 transient guests and up to 210-nights annually pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m) of the Unified Development Code. The 0.27-acre site is zoned R-2 (Two-family Dwelling), is located at the southwest corner of N. West Boulevard and W. Ash Street, and is addressed 121 N. West Boulevard.

The subject dwelling is a 3-bedroom, 2-bath single-family home with an attached 2-car garage and a carport. The dwelling is not the owner's principal residence, has been previously used for STR purposes since December 2020. In calendar year 2023, the dwelling was used for STR purposes approximately 130-nights and was occupied by the applicant's family for several weeks. Estimated usage in 2024 is forecast to be similar to 2023. The dwelling is not registered as a "long-term" rental.

Pursuant to Sec. 29-3.3(vv)(1)(ii)(B) of the UDC, prior to the "legal" use of the dwelling as an STR the owner must be granted the requested CUP which would legitimize its current usage. It is worth noting that no compliant record exists for the subject dwelling or property with respect to its usage as an STR. If the applicant's request is granted, the CUP would constitute the owner's "one and only" STR license inside the city's municipal limits.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Following issuance of the required CUP, the owner will be required to comply with the requirements of Chapter 22, Article 5 (Rental Unit Conservation Law) and Chapter 13 (Business Licensing) of the City Code. Additionally, following the issuance of the STR Certificate of Compliance and Business License, the owner will be required to remit accommodation taxes pursuant to the requirements of Chapter 26 (Taxation) of the City Code.

Per the submitted STR application and supplemental CUP questions, the dwelling is sought to be used for a maximum of 210-nights annually as an STR. The requested 210-nights is consistent with the limitations established by Sec. 29-3.3(vv) of the UDC. When not in use as an STR, the owner has indicated it would be occupied approximately 2-4 weeks annually for personal use by immediate family.

It is worth noting that the owner may choose to register the dwelling as a traditional long-term rental. If so registered, guest stays of 30 days or greater are not subject to the STR regulations and such usage would not be counted against the STR "night" limitations. Furthermore, guest stays 30 days or greater are not subject to the payment of accommodation taxes.

As stated, the owner seeks to use the 3-bedroom home for a maximum of 4 transient guests. This desired occupancy is less than what may otherwise be permitted per Sec. 29-3.3(vv) with respect to occupancy loads and available on-site parking. Based upon the square footage of bedrooms/sleeping spaces, it appears that the dwelling can accommodate more than four guests. Furthermore, it would appear that available off-street parking would accommodate an additional two guests for a maximum guest load of six guests. During the Planning Commission public hearing the applicant disclosed that the attached 2-car garage is only capable of accommodating one parked vehicle given the garage door functionality. As such and based on this disclosure, the requested guest occupancy of four is the maximum permissible.

To ensure required parking is met at all times the home is used for STR purposes, the Planning and Zoning Commission recommended an additional condition be placed upon the approval of the CUP. This condition stipulates that **one** of the parking spaces within the attached 2-car garage **AND** the carport space be made available when the dwelling is offered as an STR. Without such a condition, on-site/off-street parking would not be possible given the subject property does not have a driveway which can legally accommodate the required two parking spaces necessary to support the four transient guests.

Final transient occupancy will be established following a dwelling unit specific evaluation in accordance with the provisions of Chapter 22, Article 5 of the City Code. Additionally, full regulatory compliance with the provisions of Sec. 29-3.3(vv), Chapter 13, and Chapter 26 of the City Code, respectively, will be confirmed prior to issuance of a STR Certificate of Compliance and/or Business License. The maximum occupancy and authorized rental "nights" associated with the dwelling will be shown on the issued STR Certificate of



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Compliance and must appear on any website listing upon which the dwelling is offered for rental.

The site is accessed from W. Ash Street by a short driveway approach into the attached 2-car garage and carport. Given the dwelling's location at the intersection of N. West Boulevard and W. Ash Street there is no on-street parking permitted along the parcel's W. Ash Street frontage east of the driveway apron up to the intersection. On-street parking; however, is permitted along the N. West Boulevard frontage in accordance with city ordinances. Sidewalk is installed along the western frontage of N. West Boulevard extending between I-70 Dr SW and approximately Stewart Road. Sidewalk exists along the eastern frontage of the N. West Boulevard from W. Ash Street eastward to Stewart Road. A delineated bike lane is provided along both the eastern and western frontage of North and South West Boulevard.

The subject dwelling is consistent in size, style, and bedroom mix as those adjoining it. 26 public hearing letters were distributed with respect to this request. Of these letters, nine were sent to property owners and 12 were sent to tenants within 185-feet of the subject site. Four letters were sent to recognized neighborhood associations within 1,000-feet of the subject site and one letter was provided to the Council Ward representative.

The use of 121 N. West Boulevard as a short-term rental may be considered consistent with the tenancy of adjacent development. It is worth noting that surrounding zoning in all directions from the subject property is R-2 and consists of a majority of rental units which, by the definition of "family", permit a maximum of four unrelated individuals per dwelling unit – an occupancy no greater than that sought by the applicant. The dwelling has operated as an STR since December 2020 without apparent incident and approval of the requested CUP would permit such use to be legally continued. Given there is no identified record of violation of other city regulations, the continued operation of the dwelling as an STR would not appear to be incompatible with the surrounding neighborhood.

The enacted STR regulations provide the City with options to address potential negative impacts that may be introduced into the neighborhood through the granting of a CUP allowing the dwelling to operate as an STR. The regulations restrict nightly usage and include other restrictions for which violations can be reported which could result in enforcement action, up to and including, revocation of the STR Certificate of Compliance.

There were several inquiries relating to this request and one public comment (see attached). Those inquiring were more interested in knowing if the dwelling was to be demolished than commenting on its continued use as an STR. The written public comment indicated support of the request. A single individual spoke at the Planning Commission's public hearing expressing concern about loss of housing for either rental or ownership and sought clarification on if the City was benefiting from authorizing dwellings to being used for STR purposes. Staff noted that the City would be collecting accommodation taxes if the request were approved. It is worth noting, that staff was unable to identify any other STRs within a 300-ft radius of the subject property.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Given a CUP is necessary to allow for the legal operation of the dwelling as an STR, an analysis of the general and supplemental CUP criteria shown within Sec. 29-6.4(m)(2)(i) and (iii), respectively, were performed. Following this analysis, staff concluded the use of the dwelling as a 210-night STR with a maximum of 4 transient guests, subject to the condition that **one** of the parking spaces within the attached 2-car garage **AND** the carport space be made available while the dwelling was used for STR purposes, would not be incompatible with the surrounding land uses. Furthermore, approval of the CUP would result in the fulfillment of several policies, strategies and actions of the City's adopted comprehensive plan. A full description of this analysis is found within the attached Planning and Zoning Commission staff report.

The Planning and Zoning Commission held a public hearing on this matter at its October 24, 2024 meeting. Staff provided its report. The public hearing was opened and the applicant addressed the Commission and answered several questions. A single member of the public spoke citing concerns about the loss of available housing for rental and homeownership to STR use; however, did not indicate direct opposition to the request.

Following closure of the public hearing, the Commission made a motion to approve the requested CUP to permit 121 N. West Boulevard to operate as a 210-night Short Term Rental with a maximum of four transient guests. The motion included the condition that the CUP stipulate "**one** of the parking spaces within the attached 2-car garage **AND** the carport space be made available when the dwelling was used for STR purposes." The motion was approved by a vote of (8-0).

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

Fiscal Impact

Short-Term Impact: None are anticipated.

Long-Term Impact: Usage of the dwelling as an STR will result in the collection of accommodation taxes which will assist the Convention and Visitor's Bureau in their marketing efforts relating to the City. While increases in public service demand is possible, such demands are not foreseen to be greater than a typical single-family home. Such increases may or may not be off-set 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 issuance of a conditional use permit to allow 121 N. West Boulevard to be operated as a 210-night short-term rental for a maximum of 4 transient guests regardless of the occupancy permitted by the IPMC, subject to the CUP including the condition that “**one** of the parking spaces within the attached 2-car garage **AND** the carport space be made available when the dwelling is used for STR purposes” as recommended by the Planning and Zoning Commission.