

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
February 6, 2025**

SUMMARY

A request by Courtney Pulley (Owner) for approval of a Conditional Use Permit (CUP) to allow 5406 Gemstone Way 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 29-6.4(m) of the Unified Development Code. The approximately 0.22-acre subject site is zoned R-1 (Single-family Dwelling), is located south of the intersection of Gemstone Way and Agate Way, and is addressed 5406 Gemstone Way. **(This item was tabled at the January 23, 2025 Planning Commission meeting).**

DISCUSSION

The applicant seeks approval of a conditional use permit (CUP) to allow their 1,484 sq. ft. one-story single-family dwelling with a walkout basement to be used as a short-term rental for a maximum of eight transient guests up to 210 nights annually. The applicant has stated that the dwelling has four bedrooms, three on the main level and one on the lower level, and an additional 240 sq. ft. of sleeping space on the lower level. According to the Boone County Assessor's site, the dwelling only contains three bedrooms and two bathrooms with no record of a finished basement. Review of City building permit records have not identified a properly issued building permit for the finishing of the lower level which occurred approximately 8 years ago per the applicant. As part of the STR Licensing process, a full inspection of the dwelling will be performed by Housing and Neighborhood Services Department and Building and Site Development Division. These inspections may require issuance of a remedial permit for the finished lower level. It is worth noting, that the subject dwelling was issued a "long-term" rental certificate of compliance in September 2024. As part of the required inspection process the finished lower level was acknowledged and one non-conforming bedroom was identified. The issued "long-term" rental certificate specifically restricted use of the non-conforming bedroom. The home is located within an R-1 (One-family Dwelling) district.

A site-specific evaluation has determined that the home has an attached 2-car garage and the existing driveway serving the property has sufficient on-site/off-street capacity to support 2 UDC-compliant parking spaces outside of the public right of way. Based on this finding, should approval of the requested CUP be considered, it will be necessary to recommend a "**condition of approval**" that stipulates garage parking spaces within the attached 2-car garage be made available at all times the dwelling is in use as an STR. Such condition is necessary to ensure compliance with the minimum parking standards of Sec. 29-3.3(vv)(1)(ii)(B)(2) and the desired transient guest occupancy. Given the number of desired guests, a minimum of 4 UDC-compliant on-site/off-street parking spaces must be provided. Any condition of approval proposed is subject to final approval by the City Council.

Review of available code violation records associated with this property has not identified a single violation. According to the applicant, the property is currently and has been operating as a short-term rental and mid-term rental since September 2022. The property also possesses a long-term rental licensure expiring in 2027. It worth noting that 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, operation of the dwelling as a STR up to June 1, 2025 is permissible without a license. Approval of this request would ensure the current STR has obtained the required CUP approval in advance of the June 1, 2025 licensure deadline. The applicant must become fully compliant 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, respectively. The following analysis provides an overview of the submitted application and these criteria.

The dwelling is not the applicant's principal residence and was disclosed as having been previously offered as a short-term rental since September 2022. According to the applicant, in 2024 the dwelling was used for 226-nights. Online reviews of the dwelling confirm usage as a STR starting by November 2022 and continuing to the present. The dwelling is listed on AirBnB at <https://www.airbnb.com/rooms/719638071951078178> and on VRBO <https://www.vrbo.com/3060946>. It should be noted that both listings presently indicate that the home is available for use by a maximum of 14 persons via 7 available beds within the home. The total number of bedrooms listed on these sites are inconsistent with the AirBnB listing stating 4 bedrooms and VRBO listing stating 5 bedrooms. The listing further indicates that two rooms within the basement are not available to guests, but are used for storage.

Irrespective of these discrepancies, the listed occupancy is **prohibited** under the city's regulatory structure which caps occupancy at a maximum of 8 guests. These listing descriptions will be required, as a condition of licensure, to be modified and will undergo periodic review to ensure compliance with the issued CUP and corresponding STR licenses. Review of online rental platforms such as AirBnB, VRBO, Booking.com, and Furnishedfinders.com did not identify any additional STRs within a 300-foot radius of the subject dwelling.

Based on the stated bedroom square footages shown within the application, it would appear that the dwelling would be capable of supporting more than the maximum number of transient guests allowed by the ordinance. This conclusion is made following a review of the current edition of the adopted International Property Maintenance Code (IMPC) and Sec. 404.4.1 thereof which states that **every bedroom** shall contain not less than 70 sq. ft. of floor area and for **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 8 transient guests which is the maximum permitted. Available on-site/off-street parking, inclusive of the garage spaces, 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 8 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 single-family structures to the north, east and west located in the R-1 zoning district, and duplex structures to the south in an R-2 zoning district. The abutting single-family structures are of similar size and lot area while the duplex structures comply with the R-2 lot standards. The abutting properties in both the R-1 and R-2 districts possess fenced-in rear yards; however, the subject property is not fenced. 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. Sidewalks are installed on both sides of Gemstone Way, and street parking is allowed.

Based on public notification letters, there are 26 individual properties within 185-feet and 2 neighborhood associations within 1,000 feet of the subject dwelling. Of the 26 properties, 14 are owner-occupied and 12 are rental. The abutting R-1 zoned properties are permitted a maximum “long-term” rental occupancy of 3-unrelated individuals per dwelling unit whereas the dwellings within the R-2 district are permitted a maximum of 4-unrelated individuals.

The subject dwelling is owned by a couple. 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 on the location information provided within the application, this agent is located within Boone County.

Based on a site-specific evaluation, it would appear that access to the dwelling does not require ascending or descending steps to enter the structure. As such, compliance with the accessibility provisions of Sec. 29-3.3(vv)(2)(xiv) of the UDC may not 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 identify 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 was 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 driveway parking capable of accommodating 2 UDC compliant parking spaces outside the public right of way and an attached 2-car garage. As such, and given the desired transient guest occupancy (8 total), a “**condition of approval**” is deemed necessary to ensure that sufficient on-site parking is provided at all times the dwelling is used for STR purposes. A minimum of 4 UDC compliant parking spaces must be provided to support the desired 8 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 improved with single-family and duplex residences. Single-family structures are on lots of similar size and square footage. Duplex dwellings are on lots compliant with the dimensional requirements of the R-2 district. Based on a search of typical listing platforms such as AirBnB, VRBO, Booking.com, and Furnishedfinders.com the dwelling was identified as a listed short-term rental on AirBnB and VRBO. The applicant has indicated that the home has been previously used as a STR for 2 years and 4 months. During 2024, the applicant indicated the dwelling was used for approximately 226 nights. Based on online reviews the dwelling has been actively listed and made available since November 2022 to the present.

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 was 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 rise to the

level requiring action, such action may include in addition to fines, revocation of the STR Certificate of Compliance.

The dwelling has been used as an STR without apparent incident. Given the lack of identified/reported violations, there is nothing to suggest that the continued operation of the dwelling as an STR would be non-compliant or incompatible with the surrounding neighborhood. Based upon property owner notification letters, of the 26 surrounding parcels within 185 feet of the subject dwelling, it appears 14 are owner-occupied and 12 are rental units. The 12 rental units, per the UDC definition of "family" and the R-1 zoning, are permitted to be occupied by up to 3 unrelated individuals each.

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

The site is accessed from Gemstone Way via a traditional driveway approach. Gemstone Way is a residential street that does have sidewalks and permits on-street parking. The site has adequate on-site/off-street parking to meet the regulatory requirements for use as an STR provided the garage spaces are made available. On-street parking would not create visual obstructions seeing intersections. The subject site's driveway has a direct line of sight to the intersection of Gemstone Way and Agate Way. Agate Way is regulated by a stop sign when traveling onto Gemstone Way. The design of the parking and the site's access is consistent with other residential developments 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.

12 of the 26 parcels within 185-feet of the subject site are used for rental purposes. The remaining 14 structures are single-family owner-occupied dwellings. Generally, the owner-occupied structures are located within the R-1 zoning district and the rental structures are located in the R-2 zoning district. Given these zoning designations, the maximum number of unrelated individuals permitted in each dwelling would be either 3 (R-1) or 4 (R-2), respectively.

While approval of a CUP allowing the subject dwelling to be used as a 210-night STR with a maximum of 8 transient guests would be considered more intense than adjacent owner & rental-occupied dwellings there is no evidence to suggest that such usage would create adverse impacts. The applicant states the dwelling has been operating for more than 2 years as an STR and online listing records verify the dwelling's use as an STR since November 2022. As noted, the dwelling has been made available throughout 2024 for approximately 226 nights without apparent incident or complaint.

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 vegetative screened-in rear yard and parking sufficient to accommodate the required on-site/off-street parking outside 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 owner has stated that the proposed STR has not been used as their personal residence for any duration of time throughout their ownership.

- (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 that they are unaware of other established STRs within 300 feet of the subject dwelling. Staff reviewed the websites of AirBnB, VRBO, Booking.com, and Furnishedfinders.com and did not identify any additional STR properties 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 owner has stated that the dwelling has been operated as an STR since 2022 and that there have been no complaints or city code violations. Staff’s review of city complaint records has not revealed complaints associated with the property.

- (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. Furthermore, according to AirBnB online reviews, the dwelling has been offered as STR since November 2022 and the applicant has stated the property has been used as an STR since 2022. This level of use has not generated a complaint record.

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

The owner states they have maintained excellent relationships with neighboring property owners. However, as of preparing this report, no documentation has been submitted to support or dispute this assertion. Furthermore, no public inquiries in writing, email, or telephone have been received.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow 5406 Gemstone Way to be operated as a short-term rental with a maximum of 8 transient guests and rental usage up to 210-nights annually would be appropriate. The property is located within a neighborhood of mixed tenancy consisting of 14 owner-occupied and 12 rental structures of similar size and bedroom mixture.

The dwelling unit has operated since November 2022 as 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

Approval of the conditional use permit to allow 5406 Gemstone Way to be operated as a 210-night STR for a maximum of 8 transient guests subject to:

1. Both garage parking spaces within the attached 2-car garage and the driveway be made available at all times the dwelling is used for STR purposes; and
2. The maximum occupancy permitted within the dwelling shall not exceed 8 transient guests regardless of potential occupancy allowed by most recently adopted edition of the International Property Maintenance Code (IPMC)
3. A maximum of 210-nights of annual usage

ATTACHMENTS

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

HISTORY

Annexation date	1996, 2003
Zoning District	R-1 (One-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Greystone Subdivision Plat 1

SITE CHARACTERISTICS

Area (acres)	0.22 acres
Topography	Sloping south from front to rear.
Vegetation/Landscaping	Grass, a tree, and natural ground cover
Watershed/Drainage	Hominy Branch
Existing structures	Single-family home

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

Gemstone Way	
Location	Along northern edge of property
Major Roadway Plan	Residential street
CIP projects	N/A
Sidewalk	Installed

PARKS & RECREATION

Neighborhood Parks	Indian Hills Park
Trails Plan	Indian Hills Trail
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

37 “public hearing” letters were mailed to property owners and tenants within 185-feet of the subject property. 2 letters were provided to City-recognized neighborhood associations within 1000-feet of the subject property and 1 letter was provided to the Council Ward representative. All “public hearing” letters were distributed on January 6, 2025. The public hearing ad for this matter was placed in the Tribune on January 7, 2025.

Public Notification Responses	2 general inquiry phone calls
Notified neighborhood association(s)	Meadowlands, Hominy Branch
Correspondence received	None

Report prepared by: Ross Halligan

Report approved by: Patrick Zenner