



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: October 7, 2024

Re: 804 Fairway Drive – STR Conditional Use Permit (Case # 203-2024)

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 two transient guests within an 800 square foot “suite” that is integrated and accessible via a private exterior entrance to the home address as 804 Fairway Drive. The “suite” is part of the applicant’s principal residence and has been offered as an STR, based on AirBnB.com data, since October 2016. The subject property is zoned R-1 (Single-family Dwelling) and is addressed as 804 Fairway Drive.

Discussion

Randall F. Kilgore (owner) is seeking approval of a conditional use permit (CUP) to allow an 800 square foot “suite” within property addressed as 804 Fairway Drive to be used as a short-term rental for 210-nights annually for a maximum of two transient guests pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m) of the Unified Development Code. The 0.29-acre subject site is zoned R-1 (Single-family Dwelling), is located approximately 150-feet northeast of the intersection of Country Club Drive and Fairway Drive, and is addressed 804 Fairway Drive.

The principal structure on the subject property consists of a 3-bedroom and 3-bath home. The 800 square foot “suite” to be used as the STR is 1 bedroom with an attached bathroom that is connected to the overall home. Access to the “suite” can be obtained through the principal structure or via a fully Americans with Disability Act (ADA) accessible private entry located along the southern side of the property. The overall home contains 2,665 square feet of living area. The dwelling is the owner’s principal residence and has been actively used as a STR since October 2016 based on AirBnb.com listing data. The home 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 “suite” as an STR the owner must be granted the requested CUP and then comply with the requirements of Chapter 22, Article 5 (Rental Unit Conservation Law) and Chapter 13 (Business Licensing) of the City Code. The subject dwelling is owned by a Trust. As such, approval of the requested CUP would constitute the Trust’s “one and only” STR license inside the city’s municipal limits. Additionally, if the CUP is granted and following the issuance of a STR Certificate of Compliance and Business License, the owners will be required to remit accommodation taxes pursuant to the requirements of Chapter 26 (Taxation) of the City Code.

The “suite” is proposed to be used as an STR for 210-nights annually for a maximum of 2 transient guests. The owner indicates that the “suite” would be personally used between 7-14 days annually. The requested nightly usage and guest occupancy is consistent with the



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limitations established by the provisions of Sec. 29-3.3(vv) of the UDC. It should be noted that if the requested CUP is not approved the owner would be entitled, subject to regulatory compliance, an STR Certificate of Compliance for 120-nights. The owner has chosen to seek approval for 210-nights to allow maximum flexibility in the usage of the principal residence.

The owner has not indicated a desire to register the dwelling as a traditional long-term. If desired, transient guest stays of 30 days or greater are not subject to the STR regulations. If the dwelling were used as a long-term rental, the long-term rental days are not counted against the STR "night" limitations and the dwelling would not be subject to the payment of accommodation taxes.

Based on the desired occupancy, the required on-site parking to support the STR is 1 parking space. Based on a site-specific inspection, the property exceeds this requirement with driveway area sufficient to park 4 vehicles legally. The applicant indicates that one garage space is made available should guest desire to occupy it in lieu of driveway parking.

The applicant is seeking to only obtain STR approval for the 800 square foot "suite" not the entire dwelling address as 804 Fairway Drive. A final transient occupancy load as well as evaluation of regulatory compliance with the provisions of Sec. 29-3.3(vv), Chapter 22, Article 5, and Chapters 13 and 26 of the City Code will be conducted prior to issuance of a STR Certificate of Compliance. Maximum occupancy and authorized rental "nights" will be shown on the issued STR Certificate of Compliance and must appear on any website listing upon which the dwelling is offered for rental.

As noted, the "suite" to be used for STR purposes is part of a single-family home. The principal structure in which the "suite" is located is generally consistent other homes within the surrounding neighborhood with respect to number of bedrooms, dwelling square footage, and lot area. The principal dwelling is located within the Country Gardens subdivision, northwest of the Columbia Country Club golf course clubhouse, and has access from Country Club Drive as well as Vine Street via Charles Street which has three connections to Old Highway 63 (Monroe, Gordon, and McAlester) to the west.

Based upon property owner notification letters, of the 16 surrounding parcels within 185-feet of the subject site, it appears 15 are owner-occupied dwellings with one being a rental unit. All parcels surrounding the subject dwelling are improved with single-family detached housing. Two recognized neighborhood associations and the Council Ward representative were also notified.

While the use of 804 Fairway Drive as a short-term rental would be considered inconsistent with the owner-occupied nature of adjacent dwellings, the dwelling has been operating as an STR since October 2016 without incident and is the applicant's principal residence. Staff was contacted by telephone, no written comments, with respect to this application. These contacts sought general information and expressed concerns with traffic and parking overflow from Columbia Country Club and alleged operation of other STRs within the



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neighborhood. Staff was unable to identify any other STRs within a 300-ft radius of the subject property.

With respect to parking and traffic issues, according to public comments, when golf club patrons park along Country Club Drive, two-way vehicle traffic is compromised. During a site-specific inspection of the property, staff did not identify any existing parking issues; however, it should be noted that this inspection was mid-morning, not during peak hours of the golf club's operations. This concern is likely an existing background condition due to the location of the golf club and is not seen as being exacerbated given the applicant's ability to meet all required parking standards on-site. Resolution of expressed concerns may be best accomplished through homeowner association discussion with management of the Columbia Country Club and/or the City's Public Works Department – Traffic Division.

Given a CUP is necessary to allow for the legal operation of the "suite" as an STR, an analysis of the general and supplemental CUP criteria shown within Sec. 29-64(m)(2)(i) and (ii), respectively, was performed. Following this analysis, staff concluded the use of the "suite" as a 210-night STR with a maximum of 2 transient guests would not be incompatible with the surrounding land uses. Based on staff's evaluation, the "suite" has been in operation harmoniously within the neighborhood since October 2016. 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 September 5, 2024 meeting. Staff provided its report. The applicant gave an overview of the request and explained how the "suite" came to fruition. No one from the public spoke in favor or opposition to the request.

Following limited discussion, the Commission made a motion to approve the requested CUP to permit the 800 square foot "suite" located within the dwelling addressed 804 Fairway Drive to be operated as a 210-night STR with a maximum of 2 transient guests. The motion was approved by a vote of (6-0).

A copy of the Planning and Zoning Commission staff report, locator maps, STR application, and Supplemental "Conditional Accessory/Conditional Use Questions", 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 in Convention and Visitor's Bureau in their marketing efforts relating to the City. While increases in public service demand is possible, such



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demands are not foreseen to be greater than a typical single-family home. Such increases may or may not off-set 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 the 800 square foot "suite" within the dwelling addressed 804 Fairway Drive to be operated as a 210-night short-term rental for a maximum of two transient guests as recommended by the Planning and Zoning Commission.