

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
August 8, 2024**

**SUMMARY**

A request by Dawn Hough (agent), on behalf of Yellow Lab Properties, LLC (owner), for approval of a Conditional Use Permit (CUP) to allow 307 St. Joseph Street, Unit D to be used as a short-term rental for 210-nights annually pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m) of the Unified Development Code. The 0.24-acre site is zoned R-MF (Multiple-family Dwelling) and is located 250-feet southwest of the intersection of Park Avenue and St. Joseph Street.

**DISCUSSION**

The applicant is seeking approval of a conditional use permit (CUP) to allow one dwelling unit, Unit D, within the existing 4-unit multi-family structure located on the subject property, zoned R-MF (Multiple-family Dwelling), to be used as a short-term rental that is not occupied by a principal resident for a maximum of 210-nights annually. This request is considered a "Tier 2" STR and is subject to the provisions of Sec. 29-3.3(vv)(1)(ii)(B) and Sec. 29-3.3(vv)(2) of the UDC. Additionally, given a CUP is triggered, the criteria of Sec. 29-6.4(m)(2)(i) and (iii) are required to be evaluated. The following discussion will provide an overview of the application and dwelling-unit specific characteristics as well as an analysis of the CUP criteria.

The submitted application states that the applicant is seeking to utilize Unit D, a 2-bedroom dwelling with a living room "sleeping" space, of the existing 4-unit multi-family structure for a maximum of 4 transient guests. The desired number of transient guests within Unit D is limited by the available on-site parking associated with the existing structure. Based upon a physical inspection of the property there are 2 on-site parking spaces (8 total) associated with each dwelling unit in the building. The on-site parking for each dwelling unit is designated by signage. This parking allocation is consistent with the requirements established by Sec. 29-3.3(vv) which require on-site parking at a rate of 1 space per 2 transient guests be provided for a "Tier 2 or Tier 3" STR. The parking is provided in a standard parking lot configuration that is UDC code compliant.

Per the Boone County Assessor's records, the existing structure contains a total of 8-bedrooms (2 per dwelling unit). The desired occupancy, does not exceed the maximum of 8 allowed by Sec. 29-3.3(vv)(2)(v) of the UDC. Based upon the applicant's stated bedroom and sleeping space square footages, additional transient occupancy may be permitted beyond the four requested. However, as stated, on-site parking will limit the maximum occupancy allowed. Verification of maximum guest occupancy will be performed by staff of the City's Housing and Neighborhood Services Department utilizing the criteria contained within the most recently adopted edition of the IPMC (International Property Maintenance Code). Issuance of a STR Certificate of Compliance will indicate that the dwelling is only be permitted to be listed as being available for a maximum of 4 guests upon any website which the dwelling is made available for rental given available parking.

The submitted application for Unit D represents the property owner's only application submitted to the City for consideration. The subject property is owned by Yellow Lab Properties, LLC and the submitted "Ownership Interest Form" indicates that the LLC is comprised of multiple members. Given the ownership interests, approval of this CUP would represent the LLC's "one and only" STR license pursuant to Sec. 29-3.3(vv)(2)(ii) of the UDC. Unit D is presently registered as long-term rental under Certificate # ONS013763. Given this status, the dwelling can be dually utilized for both short-term and long-term rental should the requested CUP be authorized by City Council. The LLC has designated the agent representing this request to also serve as their required "Designated Agent" with respect to being the principal point of contact to address potential issues arising from the use of the dwelling as an STR. The designated agent is located within Boone County.

The property is not capable of supporting an ADU given it is presently improved with a 4-unit multi-family dwelling. There is no visible signage that indicates Unit D is presently being utilized for STR purposes and the submitted application indicates that the dwelling has not been previously offered as an STR. Access into the dwelling requires ascending stairs to reach the entry doorway. The ability to meet the accessibility provisions of Sec. 29-3.3(vv)(2)(xiv) of the UDC will be determined prior to the issuance of the STR Certificate of Compliance. Modifications to meet accessibility may be able to be accommodated in front of the structure and along its northeast side.

As noted, given applicant's request triggers approval of a conditional use permit (CUP) it must also be evaluated against the criteria of Sec. 29-6.4(m)(2)(i) and (iii). The applicant has provided its analysis of these criteria (see attached) and the staff's analysis are provided below. The standard criteria are shown in **bold text** followed by staff's response.

**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 is permitted within the R-MF 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) with respect to the number of transient occupants sought and on-site parking provided. 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. Staff believes adoption of the STR regulations and their requirement of a CUP are relevant planning and decision-making tools consistent with in 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 developed with single and multi-unit structures. While seeking to use Unit D as a short-term rental would be considered inconsistent with the surrounding long-term rentals, such conversion is not believed to be significantly more detrimental to the surrounding area. This conclusion is based upon the belief that Unit D, being part of a larger multi-family structure, could be, for a multitude of reasons, held off the market for long-term rental use. If this were to occur, the vacancy created would be no different than that created by the selective use of the unit as a short-term rental. The greater impact would be the frequency of occupant change; however, this frequency is limited by the 210-nights of annual rental permitted by the CUP.

Furthermore, as noted, the surrounding environment consists of many multi-unit structures which often have similar operational characteristics, aside from long-term tenancy, akin to that of a short-term rental with individuals coming and going at various times of the day, week, and month as well as having individual other than the primary resident visiting. It should be noted, at the southern end of St. Joseph Street there are multi-story student rentals and across from the subject property is a multi-tenant building operated by Boone County Family Resources. Given this land use mixture, approval of the requested CUP for use of the single dwelling as a 210-night STR would appear appropriate.

Based upon property owner notification letters, of the 23 surrounding parcels within 185-feet of the subject site it would appear that only 4 are owner occupied. 13 parcels accommodate a total of 22 long-term rental units with the remaining 6 parcels being used commercially or lying vacant.

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

The site is accessed from St. Joseph Street via a traditional driveway into a UDC compliant 8-space parking lot. The subject property is on the west side of St. Joseph which has sidewalk along both street frontages. Parking along the St. Joseph Street frontage is subject to the North Village "parking permit" program. No information regarding the availability of permits was provided by the applicant; however, as noted the parking provided within the on-site parking lot and allocated to Unit D meets UDC regulatory requirements. The fact that no on-street parking is necessary to accommodate the proposed STR use is seen as ensuring that issuance of a CUP would not exacerbate possible parking issues within the area.

- (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 a 4-unit multi-family structure. Approval of a CUP to allow Unit D of this building to be used as an STR is not foreseen as negatively impacting available infrastructure.

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

Approval of the requested CUP and allowance of Unit D to be used as an STR for up to 210-nights annually is not foreseen as creating any greater level of adverse impact upon the surrounding properties than are already experienced. The subject dwelling shares a common patio space with the adjacent dwelling, Unit C. The rear yard of the 4-unit building is fully fenced and abuts a commercial structure to the west.

**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 indicates that the dwelling would not be used as their residence at any time of the year. Unit D, given its existing long-term rental certificate, may be rented to a long-term tenant (30 or more consecutive days) at any point in the year when not rented for short-term purpose.

- (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 that they are aware of at least one STR within 300 feet of the subject dwelling. Staff reviewed the website of both AirBnB and VRBO and was able to locate an STR west of St. Joseph Street along the north side of Ash. This dwelling appears to be outside the 300-foot radius.

- (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 that Unit D has not been previously operated as an STR and has no record of complaints, or a denied or revoked STR certificate of compliance. The City has no records of complaints being reported for this property or dwelling or a previously issued or revoked STR certificate of compliance.

- (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 noted that use of the property would not result in increased use intensity or traffic/noise if the property were permitted to be used as an STR. Staff would concur with the applicant’s assessment. Given the dwelling’s location within the midst of multiple multi-unit structures and its adjacency to commercial uses to the west, the levels of traffic and noise resulting from the use of the property with a maximum of 2 vehicles and 4 transient guests will have negligible impact upon the surrounding environment. The occupancy

sought is the maximum “unrelated” occupancy allowed in the R-MF district for traditional long-term rentals and may be less than otherwise permitted by the STR regulations due to the limitations of parking associated with the site. As noted, the rear yard of the parcel is fully screen from adjacent development and backs to commercial uses to the west.

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

No public comments have been received relating to this request. The applicant indicated support has been provided from neighboring property owners; however, no evidence of such support was provided with the application materials.

**CONCLUSION**

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow 307 St. Joseph Street, Unit D to be used as a short-term rental for a maximum of 210-nights annually for 4 transient guests is appropriate. The subject site has sufficient on-site parking to support the transient guest load. The dwelling is located within an area that is predominantly long-term rental in nature; however, the structure size and maximum occupancy is consistent with that allowed within the underlying zoning.

Authorization of the CUP and use of Unit D as an STR is not believed to be detrimental to adjacent properties and would fulfill several policies, strategies, and actions of the Columbia Imagined Comprehensive Plan. Furthermore, the application appears to fully comply with the requirements of Sec. 29-3.3(vv) as it relates to the “land use” elements and Sec. 29-6.4(m)(2)(i) and (iii) of the UDC as it relates to the criteria for issuance of the CUP. Additional reviews will be performed by the City’s Housing and Neighborhood Services Department to ensure compliance with the requirements of Chapter 22, Art. 5 (Rental Unit Conservation Law) of the City Code.

**RECOMMENDATION**

Approval of the conditional use permit to allow 307 St. Joseph Street, Unit D to be operated as a short-term rental for a maximum of 210-nights annually, subject to maximum occupancy and final compliance reviews being completed by the City’s Housing and Neighborhood Services Department following City Council action.

**ATTACHMENTS**

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

**HISTORY**

<b>Annexation date</b>	1845
<b>Zoning District</b>	R-MF (Multiple-family Dwelling)
<b>Land Use Plan designation</b>	Residential District
<b>Previous Subdivision/Legal Lot Status</b>	S. ½ Lot 16 and all Lot 17 Kelly’s Addition

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	0.24 acres
<b>Topography</b>	Gradual slope to southwest
<b>Vegetation/Landscaping</b>	Turf and with trees along St. Joseph and southern lot line
<b>Watershed/Drainage</b>	Flat Branch
<b>Existing structures</b>	4-unit multi-family structure and parking lot

**UTILITIES & SERVICES**

All utilities and services provided by the City of Columbia

**ACCESS**

<b>St. Joseph Street</b>	
<b>Location</b>	Along eastern edge of property
<b>Major Roadway Plan</b>	Local residential
<b>CIP projects</b>	N/A
<b>Sidewalk</b>	Existing on both side of right of way

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Paquin, Douglas, Lions-Stephens, Field, and Orr St
<b>Trails Plan</b>	N/A
<b>Bicycle/Pedestrian Plan</b>	N/A

**PUBLIC NOTIFICATION**

60 “public hearing” letters were mailed to property owners and tenants within 185-feet of the subject property on July 22, 2024. Notices were sent to 3 city-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property. A public hearing ad was placed in the Tribune on July 23, 2024.

<b>Public Notification Responses</b>	N/A
<b>Notified neighborhood association(s)</b>	NCCNA, NCCNA/Shoe Factory Dist., Benton-Stephens
<b>Correspondence received</b>	N/A

Report prepared and approved by: Patrick Zenner