

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
October 24, 2024**

SUMMARY

A request by Jessica Yankee (owner) for 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.

DISCUSSION

The applicant seeks approval of a conditional use permit (CUP) to allow their 3-bedroom/2 bath dwelling to be used as a short-term rental for a maximum of 4 transient guests and up to 210-nights annually. The dwelling is not the owner's principal residence and has been previously offered as a short-term rental since December of 2020. During 2023 the dwelling was used as an STR for approximately 130-nights and by the owner's family personally for several weeks. Anticipated use of the dwelling in 2024 will be similar to 2023 usage. The subject property is zoned R-2 (Two-family Dwelling).

Given the dwelling is not the owner's principal residence it is considered a "Tier 2" STR and subject to the provisions of Sec. 29-3.3(vv)(1)(ii)(B) and Sec. 29-3.3(vv)(2) of the UDC. Additionally, the CUP criteria of Secs. 29-6.4(m)(2)(i) and (iii) are required to be evaluated. The following discussion provides an overview of the application and dwelling-unit specific characteristics as well as an analysis of the CUP criteria.

The submitted STR application (attached) indicates that the owner seeks to offer the dwelling to a maximum of 4 transient guests for up to 210-nights annually. Review of the Boone County Assessor's records finds that the home is an approximate 1084 sq. ft single-story structure containing 3-bedrooms/2 baths and has an attached 2-car garage with a carport. A site-specific evaluation of the property found that the existing driveways accessing the garage and carport were insufficient to accommodate UDC compliant parking spaces outside of these dedicated spaces.

Based on this finding, should approval of the requested CUP be desired it will be necessary to recommend a "**condition of approval**" be included in any recommendation that ensures no less than 1 parking space within the 2-car garage and the carport or the parking spaces within the 2-car garage be provided at all times the dwelling is in use as an STR to ensure compliance with the minimum parking standards of Sec. 29-3.3(vv). Given the number of desired guests a minimum of 2 UDC compliant on-site parking spaces must be provided. Any condition of approval proposed is subject to final approval by the City Council.

Based upon the stated **bedroom** square footages shown within the application, it would appear that the dwelling would be capable of supporting a maximum of 8 transient guests. This conclusion is made following 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 for every bedroom occupied by **more than** one occupant there shall be no less than 50 sq. ft. of floor area per occupant thereof. The owner is seeking only 4 transient guests given the parking limitations on-site.

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. If additional occupancy is identified as being available following consideration of the IPMC standards that occupancy would be limited by available on-site/off-street parking. The authorized maximum 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 to match available parking 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- and two-family structures. Single-family structures are generally to the east, west, and south. A development of two-family structures is located immediately to the north of the subject property across W. Ash Street. All adjoining development is within the R-2 zoning district and would be permitted to be occupied by a maximum of 4-unrelated individuals per dwelling unit.

The subject dwelling is generally consistent in structure size and lot area with that of surrounding development. The subject dwelling has a partially fenced-in rear yard that is buffered by mature vegetation along its southern and western property boundaries. The owner indicates that the an ADU is present on the site; however, the City has no record of a permit being issued for such a dwelling nor was a detached ADU observed when the site was inspected. As noted, the subject property has no compliant driveway surface outside of the public right of way of W. Ash Street to park vehicles except in the attached 2-car garage and under the carport.

The subject 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. 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.

Multiple telephone inquiries have been received with respect to this application seeking general information on what was being requested. There were no expressed concerns with the dwelling being used for STR purposes. Several of the inquires expressed concern that the structure was potentially seeking demolition. Based on public notification letters, there are 21 individual properties within 185-foot and 4 neighborhood associations within 1,000 feet of the subject dwelling. Of the 21 properties, 9 are owner-occupied and 12 are rental. The 12 rental units, based on the UDC definition of “family” and their R-2 zoning designation, could be occupied by a maximum of 4-unrelated individuals each.

The subject dwelling is owned individually by the applicant. As such, approval of the requested CUP would represent the owners “one and only” STR license pursuant to Sec. 29-3.3(vv)(2)(ii) of the UDC. The dwelling **is not** registered as a long-term rental; however, could be registered so as to permit the dwelling’s use for such purposes when not in STR use. The owner has not indicated that such action is desired. If registered as a “long-term” rental, such use would not impact STR authorized rental nights and would not trigger payment of accommodation taxes.

The applicant has stated that the dwelling has been used for STR purposes since December 2020. During 2023 it was occupied by transient guests for approximately 130-nights and used by family for several weeks. The dwelling was not found to be listed on any platforms such as AirBnB, VRBO, booking.com or furnishedfinders.com and there were no other STRs identified within 300-foot radius of the dwelling. 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 this agent is located within Boone County.

Based on a site-specific evaluation, it would appear that access to the dwelling requires 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.

As noted, given owner'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 owner has provided their 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-2 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 no compliant driveway parking is available to accommodate vehicles outside the attached 2-car garage and carport. As such, a "**condition of approval**" may be deemed necessary to ensure that sufficient on-site parking is provided at all times the dwelling is used for STR purposes. A minimum of 2 UDC compliant parking spaces must be provided to support the desired 4 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. 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 to the east, west, and south of the subject dwelling are improved with single-family residences on lots of similar size and square footage. The parcels to the north of the subject dwelling are improved with duplex structures. All adjoining development is within the R-2 zoning district.

Based on a search of typical listing platform such as AirBnB, VRBO, Booking.com, and Furnishedfinders.com the dwelling was not found listed as an STR. The applicant has indicated that the home has been previously used as a STR since December 2020 and was used in 2023 for such purposes for approximately 130-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.

Given the property has been previously used as an STR without apparent incident, approval of the requested CUP would permit such use to legally be continued. There is no record of violations of city regulations to suggest that its continued operation as an STR would be non-compliant or incompatible with the surrounding neighborhood. Based upon property owner notification letters, of the 21 surrounding parcels within 185-feet of the subject dwelling, it appears 9 are owner-occupied and 12 are rental units. The 12 rental units, per the UDC definition of "family" and the R-2 zoning, are permitted to be occupied by up to 4-unrelated individuals each.

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

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. On-street parking; however, is permitted along the N. West Boulevard frontage of the subject parcel south of W. Ash Street in accordance with city ordinances.

Given the unique driveway situation and the UDC requirements for provision of on-site parking for dwelling used as STRs, staff believes it is essential that specific language within any recommendation to approve the requested CUP be considered. Without such language it is possible that this specific dwelling may create traffic congestion issues negatively impacting the surrounding environment.

(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 21 parcels within 185-feet of the subject site are used for rental purposes. The structures located on these parcels are zoned R-2 and are legally permitted to have up to 4-unrelated individuals living within each dwelling unit. The proposed transient guest occupancy is consistent with the permitted occupancy of the rental housing.

While approval of a CUP allowing the subject dwelling to be used as a 210-night STR could be considered more intense than adjacent residential development, given the potential for higher resident turnover, there is no evidence to suggest that such usage would create adverse impacts. The dwelling has been used since December 2020 as an STR and was used within 2023 for approximately 130-nights as a STR 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 partially fenced-in rear yard with natural screening along its southern and western boundaries and parking sufficient to accommodate the required on-site parking away from both the N. West Boulevard and W. Ash Street rights 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 dwelling would be occupied by family for approximately 2-4 weeks annually.

(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 were unable to locate any additional STRs within 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 owner has stated that the dwelling has been operated as an STR since December 2020 and that there have been no complaints. Staff has not identified any complaint record or city code violations 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 the applicant the dwelling has been offered as an STR since December 2020 and within 2023 was used for 130-nights. This level of use has not generated a complaint record.

Finally, given the subject parcel’s R-2 zoning and ability to be occupied by up to 4-unrelated individuals it is uncertain if the occupancy loading would be significantly different if the CUP were approved. It is worth noting that, more than 50% of the surrounding residential structures are rental and also zoned R-2 with the ability to be occupied by the same number of renters as that requested for occupancy if the subject dwelling were used as an STR.

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

The owner states that there is support for this requested CUP. No correspondence has been received in support or opposition to this request; however, given the number of inquiries and the reaction to what the owner is seeking there appears to be general support for allowing the dwelling to continue to be used as an STR.

CONCLUSION

Given the submitted application and the analysis of the criteria stated above, it would appear that granting a conditional use permit to allow 121 N. West Boulevard to be operated as a short-term rental with a maximum of 4 transient guests and rental usage up to 210-nights annually would be appropriate **provided** that a condition addressing the required on-site parking be established. The property is located within a neighborhood of mixed tenancy consisting of 9 owner-occupied and 12 rental structures of similar size and bedroom mixture. Compliance with the accessibility requirements of Sec. 29-3.3(vv)(2)(xiv) is not believed necessary; however, will be determined prior to STR Certificate of Compliance issuance.

The dwelling unit has operated since December 2020 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 121 N. West Boulevard to be operated as a 210-night STR for a maximum of 4 transient guests subject to:

1. No less than 1 garage parking space within the attached 2-car garage and the single carport parking space or both garage parking spaces being may available at all times the dwelling is used for STR purposes; and
2. The maximum occupancy permitted within the dwelling shall not exceed 4 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	1929
Zoning District	R-2 (Two-family Dwelling)
Land Use Plan designation	Residential District
Previous Subdivision/Legal Lot Status	Bateman Place Blk A, Lots 1, 2,3, & N. ½ Lot 4

SITE CHARACTERISTICS

Area (acres)	0.27 acres
Topography	Sloping westward from front to rear.
Vegetation/Landscaping	Turf and with trees and natural ground cover
Watershed/Drainage	County House Branch
Existing structures	Single-family home w/ attached 2-car garage & carport

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

N. West Boulevard	
Location	Along eastern edge of property
Major Roadway Plan	Major Collector
CIP projects	N/A
Sidewalk	Installed

W. Ash Street	
Location	Along northern edge of property
Major Roadway Plan	Major Collector
CIP projects	N/A
Sidewalk	None

PARKS & RECREATION

Neighborhood Parks	Clary-Shy Community Pk, Worley St. Pk, Again St. Park-School
Trails Plan	None
Bicycle/Pedestrian Plan	On-street bike lane along both frontages of West Boulevard

PUBLIC NOTIFICATION

39 “public hearing” letters were mailed to property owners and tenants within 185-feet of the subject property. 4 letters were provided to City-recognized neighborhood associations within 1000-feet of the subject property. All “public hearing” letters were distributed on October 7, 2024. The public hearing ad for this matter was placed in the Tribune on October 8, 2024.

Public Notification Responses	Telephone inquiry seeking information on request.
Notified neighborhood association(s)	Historic W. Broadway, West Ash, County House Branch, Lake Broadway (HOA)
Correspondence received	None

Report prepared and approved by: Patrick Zenner