



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: April 7, 2025

Re: 100 Gipson Street– STR Conditional Use Permit (Case #85-2025)

## Executive Summary

Approval of this request would grant a conditional use permit (CUP) for the operation of 210-night short-term rental (STR) with a maximum of 6 transient guests. The dwelling unit proposed for STR purposes is not the applicant's principal residence. The dwelling unit is a registered "long-term" rental with a certificate expiring in 2028. The dwelling has been previously used as a STR since 2018 to the present. In 2024, the dwelling was used for a total of 161 nights. The subject property is zoned R-1 (One-family Dwelling) and is addressed 100 Gipson Street.

## Discussion

Mark Silveria (owner) seeks approval of a conditional use permit (CUP) to allow 100 Gipson Street to be used as a Short-term Rental for a maximum of six 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 0.26-acres site is zoned R-1 (One-family Dwelling) and is located at the corner of North Garth Avenue and Gipson Street. The property is addressed 100 Gipson Street.

The subject dwelling is a 4-bedroom, 2-bath single-family home with an attached 1-car garage. A site-specific evaluation found that the existing driveway serving the dwelling is capable of supporting 3 Unified Development Code-compliant off-street parking spaces. The dwelling is not the owner's principal residence and is currently a licensed "long-term" rental with a certificate expiring in 2028. Past usage of the dwelling for STR purposes dates back to 2018 and continues to the present. In 2024, the dwelling had been used for a total of 161 nights.

Per the submitted Short-Term Rental application, the dwelling is sought to be used for a maximum of 210-nights annually by 6 transient guests. The nights to be used and the stated occupancy are consistent with the limitations established by Sec. 29-3.3(vv) of the UDC. The provided bedroom floor areas appear to conform to the minimums necessary to support the desired level of occupancy when evaluated against the adopted regulatory requirements of the International Property Maintenance Code (IPMC). Final verification of compliance with the IPMC and the maximum transient guest occupancy will be established following a dwelling unit specific evaluation in accordance with the provisions of Chapter 22, Article 5 of the City Code. The maximum occupancy and authorized rental "nights" associated with the dwelling 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.

Approval of the Conditional Use Permit would constitute the property owner's "one and only" STR license inside the city's municipal limits. The submitted STR application indicates that the "designated agent" to address regulatory issues associated with the dwelling's use



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as an STR will be handled by the owner of the property who is a local Boone County resident. Such representation is permitted per Sec. 29-3.3(vv) of the UDC. Following issuance of the required CUP, full regulatory compliance with the provisions of Chapter 22, Article 5 (Rental Unit Conservation Law) and Chapter 13 (Business Licensing) of the City Code is required. As part of the required Business License, the owner will be required to remit accommodation taxes pursuant to the requirements of Chapter 26 (Taxation) of the City Code.

The site is accessed from Gipson Street, a local residential street with no sidewalks, through a traditional driveway approach. On-street parking is permitted on both sides of Gipson Street. A minimum of 3 on-site/off-street parking spaces must be provided to meet the requirements of Sec. 29-3.3(vv)(1)(ii)(B)(2) of the UDC and desired occupancy. This level of parking is available and staff finds that its design and the site's access are consistent with other residential development within the surrounding neighborhood. The site's access is sufficient to support future traffic generation without compromising public safety.

The subject dwelling is consistent in size, style, and bedroom mix as those adjoining it. There are 19 properties within 185-feet and 1 neighborhood association within 1,000 feet. Of the 19 properties, 14 appear to be owner-occupied and 5 appear to be rental properties. The adjacent properties are located in the R-1 zoning district which permits a maximum "long-term" rental occupancy of 3-unrelated individuals.

The subject dwelling has operated as an STR since September 2018 without apparent incident. In 2024, the dwelling was used as an STR for a total of 161-nights. No active code violations were found to be associated with the dwelling. No other licensed STRs were identified within 300-feet of the subject site. Given the length of use as an STR and lack of active code violations, approval of the requested CUP would not appear to be incompatible with the surrounding neighborhood. Furthermore, approval of the CUP would "legalize" the existing use of the property.

The enacted Short-Term Rental regulations provide the City with options to address potential negative impacts that may be introduced into a neighborhood by granting a CUP. The enacted 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.

Given a Conditional Use Permit is necessary to allow for the legal operation of the subject dwelling as a Short Term Rental, an analysis of the general and supplemental CUP criteria shown within Sec. 29-6.4(m)(2)(i) and (iii) were performed. Following this analysis, staff concluded that using the dwelling as a 210-night STR with a maximum of six transient guests would be compatible 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 in the attached Planning and Zoning Commission staff report.

The Planning and Zoning Commission held a public hearing on this matter at its March 6, 2025 meeting. Staff provided a report and described its findings related to what was shown on the STR application and described within the Boone County Assessor's records and City



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permit files. Staff noted that the home was issued a “long-term” rental certificate; however, explained given no permit for the conversion of the lower level into a living space could be found, the applicant, should the CUP be granted, may be required to provide supplemental documentation or perform remedial actions to ensure building code compliance for the lower level had been met. The applicant spoke on the purpose of the request and was available to answered Commissioner questions. No members of the public spoke with respect to the request; however, two written comments (attached) were submitted in opposition to the CUP.

Following closure of the public hearing, a motion to approve the requested CUP to permit 100 Gipson Street to be operated as a 210-night Short-Term Rental with a maximum of six transient guests was approved by a vote of (9-0).

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 100 Gipson Street to be operated as a 210-night Short-Term Rental for a maximum of 6 transient guests for STR purposes.