



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: January 6, 2025

Re: 700 West Green Meadows Road – STR Conditional Use Permit (Case # 28-2025)

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 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 April 2027. The dwelling has been previously used as a Short-term Rental from 2022 to the present. In 2024, the dwelling had been used for a total of 74 nights. The subject property is zoned R-1 (One-family dwelling) and is addressed as 700 W. Green Meadows Road.

Discussion

Lauren Baxter (agent), on behalf of John and Lauren Baxter (owners), seeks approval of a conditional use permit (CUP) to allow 700 W. Green Meadows Road 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 0.24-acre site is zoned R-1 (One-family Dwelling), is located south of the intersection of Crawford Street and W. Green Meadows Road, and is addressed as 700 W. Green Meadows Road.

The subject dwelling is a 3-bedroom, 2 bath single-family home with an attached 2-car garage. A site-specific evaluation found that the existing driveway serving the dwelling is capable of supporting two off-street parking spaces. The dwelling is not the owner's principal residence; however, is currently a licensed "long-term" rental with a certificate expiring in April 2027. The dwelling has been previously used as an STR since 2022 to the present. In 2024, the dwelling had been used for a total of 74 nights

Pursuant to Sec. 29-3.3(vv)(1)(ii)(B) of the UDC, prior to the "legal" use of the dwelling as an STR the owners must be granted the requested CUP which would authorize its use on a nightly basis. There have been no regulatory violations identified with the property and there is been no verified complaint record associated with the dwelling is being used as a rental or STR.

If this request is granted, the Conditional Use Permit would constitute the property owners "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 as an STR will be handled by the owners of the property who are local Boone County residents. Such representation is permitted per Sec. 29-3.3(vv) of the UDC.



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Following issuance of the required CUP, the owners will be required to comply with the requirements of Chapter 22, Article 5 (Rental Unit Conservation Law) and Chapter 13 (Business Licensing) of the City Code. Additionally, following the issuance of the STR Certificate of Compliance and Business License, the owner will be required to remit accommodation taxes pursuant to the requirements of Chapter 26 (Taxation) of the City Code.

Per the submitted STR application and supplemental CUP questions, the dwelling is sought to be used for a maximum of 210-nights annually as an STR. The requested 210-nights is consistent with the limitations established by Sec. 29-3.3(vv) of the UDC.

As stated, the owner seeks to use the 3-bedroom home for a maximum of six transient guests. This desired occupancy is consistent with the occupancy permitted per Sec. 29-3.3(vv) and given the stated square footage of the bedrooms/sleeping spaces within the dwelling it appears sufficient floor area is provided within these spaces to meet the most current adopted regulatory requirements of the International Property Maintenance Code. Final 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

Furthermore, full regulatory compliance with the provisions of Sec. 29-3.3(vv), Chapter 13, and Chapter 26 of the City Code, respectively, will be confirmed prior to issuance of a STR Certificate of Compliance and/or Business License. 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.

The site is accessed from W. Green Meadows Road via a traditional driveway approach. Green Meadows is a major collector street that has sidewalks along both sides. Parking is not permitted on either side of the street. Given the requested transient guest occupancy and inability to meet required on-site parking within the existing driveway, the Commission recommended that approval of the CUP be conditioned on at least one parking space within the attached 2-car garage being made available at all times the dwelling is used for STR purposes. A minimum of three (3) on-site parking spaces must be provided to meet the requirements of Sec. 29-3.3(vv)(1)(ii)(B)(2) of the UDC.

Staff finds that the design of the on-site parking and the site's access is consistent with other residential development within the surrounding neighborhood. Given the recommended condition of Conditional Use Permit approval, staff finds that the parking to be provided coupled with 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 20 individual properties within 185-feet and two neighborhood associations within 1,000 feet of the subject dwelling. Of the 20 properties, 16 are owner-occupied and 4 are rental.



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Given the R-1 zoning of the surrounding dwellings, the maximum “long-term” rental occupancy of each dwelling unit would be three unrelated individuals.

The subject dwelling has operated since September 2022 as a Short-Term Rental, with some complaints citing it as an illegal use, but no citation of specific nuisances. Given there is no identified record of violation of other city regulations approval of the requested CUP does not appear to be incompatible with the surrounding neighborhood.

Approval of the requested CUP would “legalize” the existing use of the property. The enacted STR regulations provide the City with options to address potential negative impacts that may be introduced into the neighborhood through the granting of the requested 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.

As part of its standard Conditional Use Permit evaluation, staff reviewed the websites of AirBnB, VRBO, Booking.com, and Furnishedfinders.com and identified potentially one additional (unregistered) Short Term Rental property within a 300-foot radius of the subject property.

Given a Conditional Use Permit is necessary to allow for the legal operation of the dwelling as an STR, an analysis of the general and supplemental CUP criteria shown within Sec. 29-6.4(m)(2)(i) and (iii), respectively, were performed. Following this analysis, staff concluded the use of the dwelling as a 210-night STR with a maximum of six transient guests would not be considered incompatible 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 within the attached Planning and Zoning Commission staff report.

The Planning and Zoning Commission held a public hearing on this matter at its December 5, 2024 meeting. Staff provided its report and the property owner addressed the Commission and answered several questions. A member of the public was in attendance to speak in favor of the request. Following closure of the public hearing a motion to approve the requested CUP to permit 700 W. Green Meadows Road to be operated as a 210-night STR with a maximum of 6 transient guests subject to one garage space within the attached 2-car garage being made available at all times was approved by a vote of (8-0).

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 700 W. Green Meadows Road to be operated as a 210-night short-term rental for a maximum of six transient guests subject to 1 garage parking space within the attached 2-car garage being made available at all times the dwelling is used for STR purposes as recommended by the Planning and Zoning Commission.