

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
November 6, 2025**

SUMMARY

A request by Marmar Atallah (agent), on behalf of Marmar Atallah and Hana Shehadeh (owners), to allow 3408 Eastham Drive to be used as a 210-night, maximum 8 guest short-term rental (STR) pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m)(2) of the Unified Development Code. The 3-bedroom, 2.5-bathroom dwelling has driveway capacity to support 4 UDC-compliant on-site parking spaces without use of the attached two-car garage. The 0.22-acre subject property is located around 185 feet south of the intersection of Eastham Drive and West Green Meadows Road on the eastern side of Eastham Drive.

DISCUSSION - APPLICATION EVALUATION

The applicant seeks to obtain a conditional use permit (CUP) to allow 3408 Eastham Drive to be used as a short-term rental (STR) pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m)(2) of the Unified Development Code. As of June 1, 2025, any dwelling operated as an STR must fully comply with the provisions of the STR regulations, which include the acquisition of an STR Certificate of Compliance, Business License, and submission of accommodation taxes. Approval of this request is a required prerequisite to proceeding forward in obtaining the STR certificate and business license.

The subject property was provided two Notices of Violation (NOV) which were not responded to by the applicant. As such, the property has been referred to the City Prosecutor for prosecution as an illegal short-term rental. A hearing before the Municipal Court has been scheduled for November 12, 2025. Depending on the outcome of this hearing and any action taken by the Council with respect to this CUP request, continued operation of the subject dwelling as an STR without acquiring the STR certificate of compliance and business license would constitute an illegal land use and would be subject to revocation of the CUP, if authorized, as well as other enforcement actions identified in the City Code.

As of writing this report, staff has received four written emails in opposition regarding the issuance of a conditional use permit for STR purposes for this site. The letters note concerns of proximity of other STRs in the area (one within 300 feet of this property), trash maintenance, vehicles obstructing the sidewalk, marijuana odors, yard maintenance, property values, lack of code compliance, and lack of consideration/attentiveness of the owner to notify adjacent property owners that they were using the property for STR purposes. Staff also received one phone call in opposition commenting on the same issues, notably regarding marijuana odor and vehicles blocking the sidewalk (image included).

This property has five code violations on files, dating back to 2023. One relates to illegal operation of an STR (2025), three regard resolved landscaping management violations, all in 2025, and one for blocking the street and sidewalk from 2023. Police were contacted about the marijuana odor but there was no enforcement action taken.

The following is a site-specific analysis of the property desired to be used as a short-term rental:

Dwelling Unit Details

Property Address	3408 Eastham Drive
Zoning	R-1 (One-Family Dwelling)
STR Request Type	Tier 2, 210 nights
Maximum Guests Requested	8
Bedrooms	3
Parking Spaces	4 spaces are required. 4 spaces may be used in the driveway.
Abutting Properties	R-1 to the north, west, and south. A to the east

Owner/Agent

Owner	Marmar Atallah and Hana Shehadeh
Designated Agent	Hana Shehadeh
Agent's Distance to Property	2 miles, ~5 minutes

Listing Information

Listing Links	https://www.airbnb.com/rooms/1273497097461115551 https://www.vrbo.com/4422130
STR previously offered?	Usage started in 2024. In 2024, the property was offered for 90 days, per the applicant's application, and booked for around 30 nights.
STRs within 300 feet?	One identified (700 West Green Meadows Road)
Primary residence?	No
Previous Violations?	Illegal short-term rental case. Letters of violations sent June 27 and July 30 seeking compliance 30 days after each letter. No action taken by owner and property referred to City Prosecutor on 9/5/2025. Application for CUP approval received 9/26/2025. No violations found in previous complaints received by Office of Neighborhood Services.

Conditional Use Analysis

This application requires approval of a conditional use permit (CUP) and has been analyzed pursuant to the provisions found in Sec. 29-6.4(m)(2)(i) and (iii) of the UDC. Staff's analysis of these provisions is shown below. The owner's analysis of the criteria is attached to this report.

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, or to be operated for up to 210 nights in a residential zoning district, is subject to approval of a CUP. The submitted application has illustrated compliance with the minimum regulatory standards established within Sec. 29-3.3(vv) of the UDC. Additional regulatory review to ensure full compliance with the provisions of both the UDC and Rental Unit Conservation Law will occur if the CUP is granted prior to issuance of a STR Certificate of Compliance and business license.

- (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, it 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 and offer a "community-wide" service by providing supplemental housing for visitors to Columbia. 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 in fulfilling the idea of supporting mixed-use 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 all improved with single-family residences on lots of similar size and square footage. The dwelling has not been modified structurally to accommodate the STR use and appears from the frontage to be a single-family dwelling.

If the requested CUP is approved, more occupants would be permitted to use the dwelling when compared to the three allowed in traditional R-1 long-term rental dwellings. While the

frequency of occupancy turnover may be greater than that of surrounding development, the impacts of this turnover rate could be less significant than those of the other dwellings within the neighborhood that have higher levels of usage by family or guests. Of the 13 surrounding dwellings, 10 appear to be owner-occupied and 3 appear to be rentals.

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

The site is accessed from Eastham Drive through a traditional driveway approach similar to the adjoining development. The driveway has capacity to support 4 parking spaces, meeting the minimum on-site/off-street parking requirements for the desired guest occupancy. There is an attached garage that may be reserved for STR guests; however, such reservation is not required given the driveway has adequate area outside of right-of-way. Staff finds that the design of the parking provided and the site's access is sufficient to support future traffic generation without compromising public safety.

Eastham has 50 feet of right of way, 28 feet of paving, and permits on-street parking on both sides of the street. Regarding expressed concerns of construction/contractor vehicles/trailers parking in right-of-way or in the front yard of the property, such uses are regulated by use specific standards 29-3.3(mm) in the UDC regarding outdoor storage in a residential district. Trailers, for example, must be stored in the side or rear yard, and may not be stored within 2 feet of the property line, and may require a screening device in the rear yard. Sec. 14 of the City Code related to Motor Vehicles and Traffic stipulates that storage of a detached trailer or van when the towing unit has been disconnected may not park upon the roadway. Concerns related to traffic hazards resulting from commercial vehicles parking on-site are regulated by the Office of Neighborhood Services and are applicable to all residentially zoned properties regardless of issuance of an STR Conditional Use Permit.

- (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 the approval of the CUP.

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

Of the surrounding 13 properties, 10 appear to be owner-occupied and 3 appear to be rentals. The property is surrounded by R-1 to the north, west and south, and A to the east. Dwellings within the R-1 district permit 3 unrelated individuals living together when used as a long-term rental. The proposed CUP, if authorized, would permit 8 unrelated individuals to occupy the dwelling which is more than double that of that allowed in adjacent dwellings. While this

occupancy level would be greater, such occupancy and its possible impacts could be equal to those experienced if the home were owner-occupied or a long-term rental with a greater number of cars/drivers or usage/visitors than commonly found within the neighborhood. Using the dwelling as a legally licensed short-term rental does not inherently mean that such usage would create more significant adverse impacts to surrounding properties.

Any potential negative impacts can be mitigated through the adopted regulatory provisions that provide a means to report and address violations. The regulations permit imposition of fines and possible revocation of the STR Certificate of Compliance after 2 **verified** violations within a 12-month period.

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 has stated it will not be used by them.

- (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 has answered to the best of their knowledge there are no STRs within 300 feet. A licensed short-term rental is within 300 feet at 700 West Green Meadows Road (Ord. 25881).

- (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 stated there is no history of complaints. Multiple complaints by adjacent property owners relating to excess parking have been submitted as well as a complaint regarding marijuana odor believing to be derived from the site. A review of City code violations identified resolved landscape management code cases and that the property is currently set to be heard before the Municipal Court on November 12, 2025 for illegal operation of a short-term rental. Depending on the outcome of this legal proceeding and/or action on this application, continued operation of the dwelling as an STR without regulatory compliance would be deemed a violation subject to further enforcement action.

- (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 responded that there will not be an increase in intensity. As a general staff observation, using the subject dwelling for transient accommodations for 210 nights at more than double the 3-unrelated occupant limit of adjacent R-1 dwellings could result in increased intensity of use; 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.

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

The applicant has stated that there is support from the neighbors. Staff has not received any form of support for this request at the time of preparing this report. Staff received four emails and one phone call in opposition to the request.

CONCLUSION

Given staff's technical evaluation of the submitted application and analysis of the above criteria, notwithstanding the level of occupancy or proximity to another licensed STR, issuance of a conditional use permit to allow 3408 Eastham Drive to be operated as a 210-night, maximum 8 guest STR is not believed to be significantly incompatible with the surrounding development. In arriving at this conclusion staff has considered variations in the permissible dwelling unit tenancies and potential for more intense usage than is presently being experienced. Furthermore, while the applicant seeks a maximum of eight guests, this level of usage may not be consistent with every booked reservation. Guest occupancy is a matter that the Commission and Council may consider to limit as part of the requested CUP should it be considered excessive.

With respect to the presence of another STR within 300-feet of the subject site, as the crow flies, it should be noted that the two locations are greater than 400-feet of travel distance from one another using different public streets. When considering possible "over-concentration" of STRs, staff looks at how the public street network serving the subject site would potentially be impacted if another STR were approved within the 300-foot radius. Given the access to the two dwellings is derived from separate frontages, approval of the current application is not viewed as more negatively impacting the traffic movements internal to the neighborhood within which it is located. The existing licensed STR is located along Green Meadows Road, a collector street, which serves as a primary connection point to the broader roadway network for Eastham Drive. Eastham Drive is classified as a residential street. As such, if additional STRs were sought within 300-feet of the subject site that were reliant on Eastham for their access this condition may rise to the level of concern for which "over-concentration" and denial could be justified. At present, the mere location of the two dwellings within 300-feet, accessed from two separate frontages, has not resulted in a concern being identified.

Finally, in concluding that approval of the requested conditional use permit would not be incompatible with adjacent development, notwithstanding the resolved solid waste complaints and reported parking violations, there is no evidence to support that the neighborhood would have been negatively impacted by the dwelling's use as an STR had it been subject to the existing regulatory requirements. The concerns of excessive parking are addressed as part of the STR regulations as is usage and maximum occupancy. Concerns related to odor could occur in any dwelling and are not a violation of City's nuisance ordinance. Approval of this request would result in means of enforcement that presently have not applied to the property that may result in revocation of the STR license following two verified complaints.

Approval of the CUP, subject to the outcome of the pending court hearing regarding its present illegal operation as an STR, would authorize the applicant to pursue licensure of the dwelling as an STR. Provided such action is permitted, licensure would 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 given now available enforcement provisions and would fulfill several policies, strategies, and actions of the Columbia Imagined Comprehensive Plan.

RECOMMENDATION

Approve the conditional use permit to allow 3408 Eastham Drive to be operated as a 210-night, maximum 8 guest STR, notwithstanding the dwelling's location within 300-feet of a registered STR, the history of complaints on the site, and the lack of responsiveness to letters distributed notifying the owner of violation, subject to the following:

1. The maximum occupancy shall not exceed 8 transient guests regardless of occupancy allowed by the most recently adopted edition of the International Property Maintenance Code (IPMC)
2. A maximum of 210 nights of annual usage

ATTACHMENTS

- Locator maps
- STR Application
- Supplemental “Conditional Accessory/Conditional Use Questions”
- Public Correspondence
- Illegal STR Violation Notices

HISTORY

Annexation date	1969
Zoning District	R-1 (One-family Dwelling)
Land Use Plan designation	Neighborhood
Previous Subdivision/Legal Lot Status	Lot 403 of Woodrail Meadows Plat 4 (legal)

SITE CHARACTERISTICS

Area (acres)	0.22 acres
Topography	Flat
Vegetation/Landscaping	Grass lawn, some trees
Watershed/Drainage	Mill Creek
Existing structures	One-family dwelling

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

Eastham Drive	
Location	Along western edge of property
Major Roadway Plan	Local Residential
CIP projects	N/A
Sidewalk	Installed on both sides of the street

PARKS & RECREATION

Neighborhood Parks	Rock Bridge, Molly Bowden
Trails Plan	N/A
Bicycle/Pedestrian Plan	N/A

PUBLIC NOTIFICATION

19 “public hearing” letters were mailed to property owners and tenants within 185-feet of the subject property. 1 letter was provided to the Council Ward representative. All “public hearing” letters were distributed on October 20, 2025. The public hearing ad for this matter was placed in the Tribune on October 21, 2025.

Public Notification Responses	Resulted in all correspondence received
Notified neighborhood association(s)	Green Meadows, Rockbridge, Crescent Green
Correspondence received	One phone call, four emails, all in opposition

Report prepared by: David Kunz

Approved by: Patrick Zenner