



701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: December 1, 2025

Re: 3408 Eastham Drive – STR Conditional Use Permit (Case #332-2025)

Impacted Ward: Ward 5

### Executive Summary

Approval of this request would grant a conditional use permit (CUP) to allow 3408 Eastham Drive to be used as a 210-night, maximum 8 guest short-term rental pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m)(2) of the Unified Development Code. The subject R-1 (One-family Dwelling) site contains approximately 0.22-acres and is located on the east side of Eastham Drive approximately 185-feet south of the intersection of Eastham Drive and West Green Meadows Road.

### Discussion

A request by Marmar Atallah (agent), on behalf of Marmar Atallah and Hana Shehadeh (owners), seeking approval 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 (UDC). The 0.22-acre subject site is zoned R-1 (One-family Dwelling), is located on the east side of Eastham Drive and is approximately 185-feet south of the intersection of Eastham Drive and West Green Meadows Road. It is not the applicant's principal residence and has previously been used as an STR since 2024. The desired rental nights and guest occupancy are consistent with the limitations established by the STR regulations.

The subject dwelling is a 3-bedroom, 2.5 bath single-family home. The stated bedroom square footages appear to conform to the minimum areas necessary to support the desired 8 transient guests when evaluated against the most current city-adopted edition of the International Property Maintenance Code (IPMC). Compliance with the IPMC and authorized occupancy will be verified prior to the issuance of the STR Certificate of Compliance. The occupancy limitations as well as rental nights will be shown on the issued STR Certificate of Compliance and must appear on any website listing where the dwelling is offered for rental.

The applicant indicates that one of the owners will act as the "designated agent" to address regulatory issues when the dwelling is used as an STR. The owner is a local Boone County resident that lives 2 miles (~5 minutes) from the property. Given the property is owned by a husband and wife, approval of the CUP would constitute the couple's "one and only" STR license within the City's municipal limits.

An additional registered and licensed STR is within a 300-foot radius of the subject site at 700 West Green Meadows Road and has been registered with the City. Within the 185-foot

notification radius there are 13 parcels of which 10 appear to be owner occupied located within the either the R-1 zoning district (adjacent) or the A (agriculture) zoning district (directly east) which is improved with a religious use.

The R-1 zoned dwelling permit a maximum “long-term” rental occupancy of 3-unrelated individuals. If the CUP is approved, the subject dwelling would be permitted to have more than double the number of occupants when compared to these adjacent properties if used for long-term rental purposes. The prior use of the dwelling as an STR has generated a “complaint” record which include alleged violations relating to blocking the public sidewalk with parked vehicles and operating a STR without a license (the purpose of this application). The level of occupancy of the dwelling has not been a recorded “complaint” and there is no basis to suggest that such usage of this dwelling as an STR with the requested number of guests would be more impactful than a long-term rental or owner-occupied dwelling having similar usage characteristics levels of the proposed STR.

The subject dwelling is consistent in size, style, and bedroom mix as those adjoining it. The property has a driveway capable of supporting 4 UDC-compliant on-site/off-street parking space necessary to meet the requirements of Sec. 29-3.3(vv). There is also an attached 2-car garage that may be made available when the STR is in operation, although it is not necessary to suffice the minimum parking requirements for requested 8 guests.

Access to the dwelling is from Eastham Drive, a local residential street that permits on-street parking. There are sidewalks installed along both sides of Eastham. The design of the site's access is consistent with other surrounding residential development and is believed sufficient to support future traffic generation without compromising public safety.

There have been 5 code violation cases related to this property. Three are related to landscaping management and been resolved or not found to not be a violation of the city code. Of these violations one was related to blocking a sidewalk with parking in 2023, prior to operation of the site as an STR. The last violation associated with the property is related its use as an STR without licensure.

The subject property was provided two Notices of Violation (NOV) that 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 was scheduled for November 12, 2025, but was continued to have a hearing on December 10, 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. To staff's knowledge, the existing listing of this property on STR websites has been removed.

Despite the code violation history, and presence of one additional STR within 300-feet, staff believes approval of the CUP to allow for the operation of an STR would not be incompatible with the adjoining neighborhood notwithstanding the potential increase in the number of un-

related occupants when compared to adjacent long-term rental properties. Should impacts arise, the enacted STR regulations provide means by which to address potential negative impacts which include nightly usage restrictions, a violation reporting procedure, fines, and authority to revoke a STR Certificate of Compliance after **two** verified violations within a 12-month period.

The STR within the 300-foot “as the crow flies” evaluation radius, is greater than 400 feet of travel distance using public roads, and fronts on/derives access from an entirely different street. As such, it is believed that approval of the requested CUP would not result in ‘overconcentration’ of STRs in the immediate neighborhood. While the two dwellings do share a common neighborhood context, their specific locations are viewed as vastly different and should be considered in addition to the proximity criteria.

The code violations associated with the dwelling, aside from operating without an STR license, have all been resolved or occurred prior to the operation of this property as a STR. Being identified as illegally operating STR by the Office of Neighborhood Services is considered a part of the overall implementation/compliance process of the adopted STR regulations and the lack of more rapid compliance by the applicant to seek licensure should not be viewed as the sole grounds to recommend denial of a CUP. Approval of the requested CUP would ultimately result in legal compliance with the regulations and provide neighbors as well as the City with greater means to enforce the use on site and the operation of the property as a STR.

Given the dwelling sought for licensure is not the applicant’s “principal residence”, a CUP is necessary to allow for its continued operation as an STR. The STR CUP process requires an analysis of the general and supplemental CUP criteria shown within Sec. 29-6.4(m)(2)(i) and (iii) of the UDC. A full description of this analysis is found in the attached Planning and Zoning Commission staff report.

Should the CUP be granted, full regulatory compliance with the provisions of Chapter 22, Article 5 (Rental Unit Conservation Law), and Chapter 13 (Business Licensing) of the City Code will be required prior to issuance of a STR Certificate of Compliance and/or Business License. As part of the required Business License procedure, the owners will be required to remit accommodation taxes pursuant to the requirements of Chapter 26 (Taxation) of the City Code.

The Planning and Zoning Commission held a public hearing on this matter at their November 6, 2025 meeting. Staff gave its report and described their findings related to the **technical requirements** of what was shown within the STR application. The applicant spoke on the purpose of the request and was available to answer Commissioner questions. The Commissioners had questions about the history of operation, why there were delays in requesting the CUP despite receiving notice from ONS that they were operating an illegal STR, and the reported code violations.

Three members of the public spoke. One was a neighbor, one was concerned about proximity to Beth Shalom Synagogue, and one was a generally concerned community

member. The neighbor was opposed to the use on ground that they believe it would result in negative impacts to the neighborhood, and due to the proximity of another registered STR in 300 feet "as the crow flies" from the property line. The community member concerned about proximity to Beth Shalom expressed concerns about parties occurring near children who may utilize the playground. The final public comment expressed concern that staff recommended approval despite there being another STR registered within 300 feet.

Following closure of the public hearing, it was reopened for the applicant to respond to additional questions. Following a second closure of the public hearing and limited Commission discussion, a motion to approve the requested CUP to permit 3408 Eastham Drive to be operated as a 210-night, maximum 8 guest STR was recommended for **denial** by a vote of (4-3).

A copy of the Planning and Zoning Commission staff report, locator maps, STR application, Supplemental "Conditional Accessory/Conditional Use Questions", public correspondence, STR Violation Documents, 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

Deny the conditional use permit to allow 3408 Eastham Drive to be operated as a 210-night, maximum 8 guest STR as recommended by the Planning and Zoning Commission.