

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
August 19, 2021

Case Number 152-2021

A request by AnnElise Hatjakes (owner) for a Conditional Use Permit to construct an Accessory Dwelling Unit (ADU). This subject site is located approximately 0.3 miles west of the intersection of N. Garth Avenue and Parkade Boulevard. The property is zoned R-1 (Residential single-family) and addressed 504 Parkade Boulevard.

MS. LOE: May we have a staff report, please.

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the requested conditional use permit to allow an ADU on the property addressed as 504 Parkade Boulevard.

MS. LOE: Thank you, Planner Kelley. Before we move on to questions of staff, I'd like to ask any Commissioner who has had any ex parte related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of the case in front of us. Seeing none. Any questions for staff? Commissioner Burns?

MS. BURNS: Thank you. Thank you, Mr. Kelley, for talking about the rental or occupancy of either dwelling on the property, because I know we did have a question about that, the one in the Old Southwest that we discussed. So it doesn't have to be owner occupied, but my question is, can both be rental units? Is that what you're saying to us? Both units on the R-1 zoned parcel can be rental units?

MR. KELLEY: Yes. If you don't condition it as such, then, yes, both could be rented out. Talking to the Office of Neighborhood Services, technically, it's going to be a follow-up question about occupancy. It can be rented out to three unrelated persons, each dwelling unit. That's consistent with R-1.

MS. BURNS: Right. But you'll have two dwelling units --

MR. KELLEY: Uh-huh.

MS. BURNS: -- so you could have -- it's -- well, okay. Thank you very much.

MS. LOE: Commissioner Rushing?

MS. RUSHING: I have two questions, and the first is on the other side of that coin, you are saying that we could condition this ADU on one of the units being owner occupied?

MR. KELLEY: You've previously done so, I believe, on the last case we heard last year on Glenwood Avenue, that was, generally speaking, the condition that this Commission applied.

MS. RUSHING: And then the other question or actually, I guess, it's two questions, deals with the parking -- one deals with parking. So you are saying the plans appear to be to double the width of

that driveway?

MR. KELLEY: No. My interpretation from the review is that they have sufficient parking for this. There's two parking spaces provided by the driveway, tandem parking there, and then there is a parking spot off to the side of that, as well. An existing --

MS. RUSHING: All of -- all of that requires stacking. I mean, only one car can go up and down that driveway at a time?

MR. KELLEY: Right. And we would review it further when we get to the building permit stage as to whether we would consider that or not, but they do have to provide one parking space for the -- for the ADU. Depending on where it is, you're correct, how it would stack against that driveway.

MS. RUSHING: So they would be required to have up above two paved parking spaces?

MR. KELLEY: Can you repeat that question, please?

MS. RUSHING: Excuse me?

MR. KELLEY: Could you repeat that question, please?

MS. RUSHING: So you're saying that they're providing the additional parking, but you're saying that's just in that single-lane driveway?

MR. KELLEY: Depending on where that is specifically. Again, we'd look at it more at the building permit, but you can provide two spaces via tandem stacking, and depending on where the other space is on the side of that driveway, that could count as parking already existing.

MS. RUSHING: Okay. And would that need to be paved if it is not currently paved?

MR. KELLEY: If we're able to consider as existing parking, they would not need to pave that.

MS. RUSHING: Okay.

MR. KELLEY: If we couldn't consider it as existing parking and they had to add a space, then a new parking space would have to be paved, yes.

MS. RUSHING: And is there any requirement for a sidewalk access to that new unit?

MR. KELLEY: No.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Just to follow up on Commissioner Rushing's, and this may be a Mr. Zenner question, but Planner Kelley may be able to answer it, too. Can Mr. Simon's people condition the CO on the parking? (No audible response.) He can't? Interesting. Thank you very much.

MR. ZENNER: And either it -- it either will meet the parking requirements or it will not. And in order to be able to get the CO, it will have to meet the parking requirements.

MR. MACMANN: Isn't that the question I asked, or did I ask something else?

MR. ZENNER: Well, conditioning, when I -- when I interpret condition, I -- I -- that, to me, is conditioning it independently of what the Code requires.

MR. MACMANN: No. No. No. No. It's -- no. That's not what -- I meant what you answered. Thank you very much.

MR. ZENNER: You're welcome. I -- for the purposes of clarity also, I think in this particular

instance, the Code does not -- the Code makes it very clear in one- and two-family zoning, R-1, and R-2, we will allow required parking to be handled in a tandem situation. The Code is silent in relationship to how, if you have an ADU in the R-1 zoning district, you would handle that. So if, in fact, you have tandem parking to support your principal structure today, and you have the ability to have a wing spot that would still support your principal structure, you would still be able to have the ADU parking space, which is a requirement of the ADU conditional use or standards in tandem. So the end result is is you have to have three compliant parking spaces on the property. Now how you jockey cars in and out of a driveway that may be a single-lane drive, that's -- that's a property owner issue. We're looking at how much paving is there and do they meet the general requirement for parking. That may be a concern of the Commission's that you would like to address as a part of the conditional use permit.

MS. LOE: Any additional questions for staff? Mr. MacMann, you still have the floor. Okay. You have the floor.

MR. MACMANN: I just -- just -- thank you. Just to -- just to follow up on that. For you all and for us, given our and the community's desire to build ADUs, and the UDC's silence on these issues, and this -- and the parking always being an intensely sensitive issue, I believe we should address this. Not here, not now, I don't have a problem with this necessarily, but going into a regulatory void where we have protections in other housing styles is problematic.

MS. LOE: I would like to follow up on Commissioner Burns' comment or question about units, in that I believe the -- with all due respect, Planner Kelley, that the report is losing sight of the fact that this is an accessory use, and that it actually doesn't even fall under the classification of dwelling unit in our permitted use table. It falls under accessory use. An accessory is a subordinate or incidental use to the primary use, so I do think it's worth clarifying that we are not approving an R-2 zone, which some of the letters obviously think is what is being requested. And I also think it's worth clarifying in our comments that we're not creating a two-family dwelling unit. This is an accessory dwelling unit. And I do think that different qualifications apply, and I think this Commission has determined that given it's an accessory dwelling unit, that the verbiage I was coming up with was only the permanent resident may offer one unit for lease independently from the second unit. And that permanent resident may be the owner occupant, or a long-term tenant. So we're not saying you can't -- but the owner can't lease out the units separately. I mean, an absentee owner cannot treat this as a two-family dwelling because it's not. We're not -- that's not what we're creating here.

MR. ZENNER: Ms. Loe?

MS. LOE: Yes.

MR. ZENNER: If I may ask. I completely understand why the Commission has gone down the path that it has previously gone down. However, if a long-term tenant --

MS. LOE: Uh-huh.

MR. ZENNER: -- could have leased one of the structures with the owner not present, how is that any different than having two -- I mean, you have two rented properties at that point. You have a long-

term lease, and you have an accessory subordinate use that is also being rented. It's being -- your intention is that subordinate structure is being rented by the long-term tenant. Correct?

MS. LOE: Correct. Correct. The owner occupied -- it's not necessarily owner, but the permanent resident is the landlord.

MR. ZENNER: Is the -- is the rental agent --

MS. LOE: Correct.

MR. ZENNER: -- of the accessory dwelling unit?

MS. LOE: And I'm going back to that because that is how -- forgive me -- but building code would consider it, and we start getting on into -- well, resident is building code, so -- and we're starting to get into change of use and some issues that we're going to come up against in some of our other discussions.

MR. ZENNER: And whatever decision this body makes this evening, the application of how the accessory dwelling unit, should it be recommended to be approved, on either principal structure that is on the property today, or the accessory dwelling unit that is proposed to be constructed, how the -- how the occupancy of that particular structure is handled is critical in being described without any misunderstanding, because when this becomes a rental property and registered within the rental system, if a property owner, and I -- we have not reviewed this at great depth. But if a property owner, the owner of record, has a long-term tenant, unless that long-term tenant is authorized to obtain the occupancy permit at the COC for that ADU, which I would assume would be possibly not desired by the property owner, you're -- the complication associated with ensuring that we enforce the ability to ensure that both units are not being rented becomes more challenging; whereas, if this was a principally owned and occupied structure and is intended to be that way, and they were looking at utilizing the ADU as a supplement to their income or for a family member, you likely wouldn't have this problem. But if you are entering into two -- an absentee owner situation, and you're requiring that the long-term tenant of the principal structure be the one responsible for registering the ADU, I'm not quite sure our rental system is set up to deal with that scenario.

MS. LOE: Well, right. And this scenario was really brought up by Commissioner Toohey, who, because I believe in the last case, it was an owner who -- or he was postulating what if they did want to rent it long term, wouldn't their tenant have the opportunity to rent the ADU, and if we are allowing that. And again it gets back -- in building code anyway, it's that you have a permanent resident that's someone who is familiar with the property, they are allowed certain privileges that you do not have with an absentee loaner. I agree.

MR. ZENNER: I thank you for allowing me just to express my concern as it relates to how you condition the ADU as it relates to the practical application of our rental conservation program.

MS. LOE: We can stick with owner occupied. Commissioner MacMann?

MR. MACMANN: I think we should stick with owner occupied, and I just now thought of a response for Mr. Toohey, and it's a valid point. That could be done with, referring back to her statement -- the Chair's statement. If the owner wants -- wishes to engage in something like that, the owner is more

than -- you know, the owner can do that. They can -- the owner can assign any agent to manage their property, and that's a private agreement. But I think as soon as we step into that void, I think we're problematic.

MS. LOE: All right.

MR. MACMANN: I think occupant -- owner -- excuse me -- would be a better term. Sorry.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: So if we say this is a -- if we -- I guess my question is if we say you cannot lease -- you cannot have two leases on this R-1 property is essentially what we're saying. Would that stop the lessee from subletting because I think under our Code, as long as you give property notice and have permission from the lessor, you can do that. And so I guess I'm wondering, like, if we -- so, for example, if I want to let someone live in my spare bedroom of a rental property, as long as I've got all the correct permissions, I can do that, because the property is one unit, as long as I'm not breaking occupancy rules and all of that. I don't want us to get into a situation where just because there's an ADU on the property now that lessee doesn't have the same rights as other lessees. Does that make sense? I feel like I am speaking word salad, but -- I don't want us to use the word owner, and then end up in a situation where someone is renting the house and they don't have the ability to sublet a portion of the property.

MS. LOE: Agreed. That's why I wasn't using that word.

MS. GEUEA JONES: Yeah. Yeah. Yeah.

MS. LOE: Commissioner Stanton?

MR. STANTON: You talked at length about the ADU. It's finally coming to fruition. We've got the rules in place. We want to support this. This is what the people wanted. I'm going to go back to the spirit of why we even started the ADU discussion, which was to create a supplemental income for the primary homeowner and to increase the rental housing stock, basically, to give the little guy an opportunity to extend the use of his property. That's the essence, the spirit of why we started this. So I'm just going to say that, and that pretty much dictates what -- so I am going to say this. Okay. So can we put the condition in our motion?

MR. MACMANN: That it's owner occupied?

MR. STANTON: Yes. And does the Commission, in general, do we all feel the same that we still believe in the essence of the ADU, which is the owner, the primary homeowner is creating an additional rental property on his or her land?

MR. ZENNER: I think to -- to address the issue, and we're a little bit off topic, because we're talking Commission discussion at this point, and we haven't closed -- we haven't opened the public hearing up. But just to tie off the topic now that we've got on the dais amongst the Commission, Ms. Geuea Jones' concerns are probably, I would believe, valid, along with Ms. Loe's, as it relates to if you restricted just the owner and the owner does a long-term lease, restricting the ability of that long-term lessee to be able to be authorized by the owner to which he has a lease to sublet an extra room, the extra

room may be in the ADU. So if, in fact, they do not exceed the occupancy limits of the R-1 zoning district, which is three unrelated individuals, that would be potentially possible, but I think the way that this is structured, an ADU is an accessory structure. It is detached from the primary residence, and I don't think we have adequately closed off the loop as to how we consider that structure in relationship to the primary dwelling. The primary dwelling is one thing, and it has to deal with particular building code requirements, and it meets occupancy limitations per the definition of family. So in the primary dwelling unit, you would not expect to have more than three unrelated individuals. The accessory dwelling unit, however, is an entirely independent living domicile that is familiar to the tenant that is living there. It's not a short-term rental. It is a primary living structure that they are familiar with. If what the intent here is is to ensure that you do not have two leased or two rented structures on an R-1 property registered in the rental conservation program with the City of Columbia, the requirement or the condition that you may want to consider is that the site is not permitted to have two rental certificates. That allows -- then there's no owner identification. It just basically says that when the rental property is registered, it is either registered as a single-family dwelling unit with an ADU, but it's all one certificate at that point. You don't have two separate certificates on that parcel. That may address the R-1 issue. However, it may not address all of the building code issues that Ms. Loe raises, and I wouldn't -- I don't want to -- I don't want to dive into that, but I want to make sure that we make sure that I think the principal issue is is you're concerned about a backdoor way of getting R-2 density in an R-1 neighborhood and, in essence, authorizing that through a -- through a conditional use permit. That's not what the intention of this was, as Mr. Stanton has pointed out. It was to allow for supplemental income and to increase affordable housing availability.

MS. LOE: Mr. Zenner, I considered that as a restriction, but my concern was if the owner would have a rental certificate to rent out the entire property, would that then restrict a long-term tenant from getting a certificate to rent out a second unit.

MR. ZENNER: The long-term -- I think the -- the rental certificate covers the entire property in that instance.

MS. LOE: Okay.

MR. ZENNER: The ADU plus the principal structure is what I -- I believe to be the way that would best address this. And if the -- if the -- if the property owner only wanted to put the ADU into rental status, that rental certificate would be just for the ADU.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I would like to thank our audience for forbearing this delve down into the rabbit hole. This is an issue that we've been trying to get right for several years. Along those lines, Madam Chair, I would submit that perhaps we should open up our discussion at this time, and then finish it after these good folks have had their opportunity to say their piece.

MS. LOE: I agree. I think this was a good -- and one -- a few final comments, perhaps?
Commissioner --

MS. GEUEA JONES: Very, very quick.

MS. LOE: -- Geuea Jones.

MS. GEUEA JONES: I would request our legal staff to work on the wording while we're doing public comment, so we get this right.

MS. LOE: Duly noted.

MS. GEUEA JONES: Thank you.

MS. LOE: Any additional final comments, observations before public comment? Commissioner Stanton?

MR. STANTON: So by giving the primary resident the rental certificate, basically what you're doing is allowing the ADU to be sublet. It stays under the same umbrella, and the primary dwelling is dominant address, and it allows you to sublease just like you were subleasing a room?

MR. ZENNER: In essence -- in essence, that is the way I would envision this.

MR. STANTON: Okay.

MR. ZENNER: As long as your occupancy limitation is not exceeded collectively.

MR. STANTON: Right. Okay. Thank you.

MS. LOE: And the lease permitted that.

MR. ZENNER: Correct.

MS. LOE: All right. We -- this is not our first ADU, as you may have gathered. So moving on to the ADU. We are going to open up the floor for public comment.

PUBLIC HEARING OPENED.

MS. LOE: If there is anyone that would like to make public comment on this case, please come forward.

MR. MACMANN: Madam Chair, point of order.

MS. LOE: Yes.

MR. MACMANN: You need to ask if we have any --

MS. GEUEA JONES: Ex parte.

MS. LOE: Oh. Oh. Oh, my goodness.

MR. MACMANN: Excuse me. I'm sorry.

MS. LOE: Did I not ask for ex parte, prior we did comments?

MR. ZENNER: No. We just dived right in.

MR. STANTON: Yeah. Dived right into it.

MS. LOE: Wow. All right. Someone must have ex parte on their mind. I would like to ask any Commissioner who has had any ex parte related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of the case in front of us. I see none. For public comment, if you can please give your name and address for the record. We do restrict you to three minutes. If you're speaking for a group, you will have six minutes. Thank you.

MS. HATJAKES: Can I take my mask off, so my glasses don't fog up?

MS. LOE: They're required right now.

MS. HATJAKES: Okay.

MS. RUSHING: Our computers have a little black box.

MS. LOE: It'll disappear eventually.

MS. RUSHING: It will?

MS. LOE: Yeah.

MS. RUSHING: Okay.

MS. HATJAKES: Hi. My name is AnnElise Hatjakes. I am the applicant.

MR. MACMANN: Could you speak into the microphone, please? You can -- there you go.

MS. HATJAKES: Okay. My name is AnnElise Hatjakes, and I am the applicant for this project.

So I got really, really lost in everything you just talked about for the last ten minutes, so I am not here to talk about the ordinances or anything like that because it's -- it's not my area of expertise. All I'm here to do is to clarify my own motivations, who I am, where I'm coming from, especially with regard to tenancy. And the reason I'd like to focus on this more kind of personal aspect is that that's the bulk of my neighbors' concerns. They've had really bad luck with this rental property in the past because the entire thing was rented out to college students who were shooting air guns, and it sounded like a nightmare. So I've got a lot of pictures that just show, like, the remodel and things like that, but I don't have anything about distances from the driveway to the ADU or anything like that, so I'm going to try to zoom through this as quickly as possible. So before we get to the plan, two of the three commenters talked about their concern that my husband does not currently live here. And since they made it of public record, I thought it would be a good idea to clarify. My husband and I have been married for eight years. He currently lives in Reno, Nevada, and I am currently a Ph.D. candidate in creative writing at Mizzou. I'm in my second year. And then in terms of motivation, I am a teaching assistant. I make \$29,000 a year before taxes, so initially when I proposed this idea in May, I had very romantic ideas. I had visions of a writing studio with lots of plants. That has since changed. I am looking for a modest additional income for when I am here so that, ultimately, my husband and I can have enough passive income so that he can join me here in Columbia. My program is five years. I have finished one year of that program, but I'm -- I'm financed for a half decade, so we're really trying to set down our roots here instead of going from apartment to apartment, and that's why we chose to buy instead of me taking advantage of student housing. And our credentials there, I just wanted to assure my neighbors, a few of them I -- I recognize here, that we're not trying to create a party pad. I've had one friend over really. She's here. She's another graduate student. So this is not what we're looking to do at all. And another concern was about property value, but as you talked about, this kind of smart density is not going to lead to a decline in property value. I'll leave that area of expertise to you. This is the big concern, and it seemed like that was really at the root of what you all were discussing, which is renters. So that concerns parking, lack of care for the property, disruptive behavior, and so I quoted some of the public commenters, and this is also from my private correspondence with a fellow neighbor. They don't want this to be a house for college students, you know, renting out. It's a four-bedroom, so the fear is that it's going to have four renters, and

then an ADU with another two renters, and it's just going to be a nightmare in what is considered an R-1 family friendly neighborhood. The reason this is not a concern or should not be a concern is because of pride of ownership. So when we moved in, this is what the house looked like. It looked like it had been beat up for the last 11 years by renters. The kitchen, we had already started to do demo there, but the medicine cabinet, at one point, I opened it and it fell out of the wall. It was terrifying. You can see where they have --

MS. LOE: Ms. Hatjakes, you're at over four minutes, so if you have final comments.

MS. HATJAKES: Okay. Okay. Okay. I'll do them -- I'll do -- so, yeah. It was in bad shape, so I understand that. Here are some action shots. I did not prepare to -- (inaudible). Then here is it now, so we completely remodeled it, we invested \$25,000 in this home, so I just want to put to bed the concern that we are going to rent this out to, you know, whoever is going to show us a fistful of cash. So that -- I just wanted to provide my own perspective and where I'm coming from and thank you.

MS. LOE: Thank you. Are there any questions for this speaker? Commissioner MacMann?

MR. MACMANN: Thank you very much. Real quick, sorry you got the questions about your husband. I love -- I have friends who are Ph.D. candidates, and they are in different continents, so I get that totally. Just a real quick question. I hope you followed at least some of what we were saying up here.

MS. HATJAKES: Yeah.

MR. MACMANN: What very well could happen is we condition this that you all live in the front, and you can rent the back. That will be the upshot of that. Is that cool with you?

MS. HATJAKES: Yeah. I actually talked to Mr. Kelley about that today.

MR. MACMANN: So you -- you get that totally?

MS. HATJAKES: Yeah. Uh-huh.

MR. MACMANN: The last thing is a minor admonition. Please follow the regulations. You kind of tripped my trigger when you started the driveway.

MS. HATJAKES: Yeah. Well, the kind of irony there is, I was trying to alleviate my neighbors' concerns that there would not be adequate parking, and one of the comments was about the overhang from the berm on the lawn. And so I had made this appointment months ago with Samuels Excavation. The timing was not ideal, but I thought this was going to be another pro in my book of, like, look how I'm being proactive in alleviating their concerns, and it, in fact, did the opposite. So I apologize; it was honest mistake.

MR. MACMANN: Okay. I just -- you know, I just had to bring that up. Thank you, and thank you, Madam Chair.

MS. LOE: Any additional questions? I see none. Thank you. Any additional speakers on this case?

MS. FARLESS: Hi. Nicole Farless; I'm the owner at 416 Parkade Boulevard. First, I'll start with the driveway situation. That was news to me, as well, and someone just drove through my property trying

to, like, survey out a driveway through my property without her checking to make sure, like, who owned the property first, so I think that was also a little like unprofessional on her part just to assume part of my property was hers for a potential driveway location. Then I have not talked to this resident about her husband, so I don't know where that's coming from. But I think the more concern is just she's already renting part of it -- of her house to other people, as well. And then if they sell this property in five years, if there's, like, the -- what you guys were talking about before with the R-1, like, I forget what you were talking about, but, like, if it's like two tenants sort of thing where, like, a tenant -- a long-term tenant could rent the ADU, I feel like that is more of a concern, maybe not with this owner, like she was clarifying, but, I mean, this five years from now, ten years from now when she sells, and I believe that's a bigger issue. Like, this is a small -- I mean, it's a -- a quiet older neighborhood, and this is a really small ADU she's wanting to add, less than 400 square feet, so to have renting that out, like the -- my concern is, like, the quality of person that's going to want to rent a 400 square foot bedroom. Like, that's just probably, like, a lot of turnover in tenant use for like a small residential neighborhood, so that's my concern is, like, in the neighbor.

MS. LOE: So just to explain what we were discussion is that the qualification would require that the property be --

MS. FARLESS: Yeah. What is a long-term tenant?

MS. LOE: -- owner -- essentially, owner occupied. But what we were discussing was whether that owner could be a long-term tenant.

MS. FARLESS: But, like, does long-term tenant mean six months, does that mean five years. Like, if, like, long-term tenant is like -- it's objective on what that means.

MS. LOE: It means more than 30 days.

MS. FARLESS: That's not very long then to have --

MS. LOE: I know, but you're not -- most people don't -- that's just how we define things in our -- it usually means a year or more.

MS. FARLESS: Yeah. I think --

MS. LOE: But it means whoever is renting it out has to live with whoever is renting out the other unit, so it makes a difference.

MS. FARLESS: I feel like it's more comfortable for the residents of the neighborhood if the owner is actually present while --

MS. LOE: Well, that's the ideal situation, but there's been discussion on previous ones regarding not wanting -- or concern about restricting it completely to that. Commissioner MacMann?

MR. MACMANN: To address this witness' concerns, the conditional use permit, owner occupied, would stay with the property.

MS. LOE: Yes.

MR. MACMANN: Are you with us on that?

MS. FARLESS: Yeah. I understand that it's going to stay with the property. I'm just saying, like,

she was -- she came in and was trying to give this nice spiel about how, you know, her intentions are for the property. And that's her intentions, but she sells the property in five years, it's what the new owners, and they'll inherit the ADU and that the whole --

MR. MACMANN: The new owners would have to abide by the same.

MS. FARLESS: But they have to abide by that, but then they could leave. They could rent out that property to someone, and then they could rent out -- like, just what the -- what you were saying with the long-terms, and I think that's just more of an issue of five years from now, new owners having a long-term tenant that rents it out. I think that's a little bit more up in the air.

MR. MACMANN: I'm with you. I'm with you on this. I would rather the owner be present.

MS. FARLESS: Yeah. And then if this is approved as the neighbor on 416, maybe there could be some conditional for, like, a buffer, like a landscape buffer, a fencing. There's no fencing separate the properties right now. Maybe there could be some sort of conditional landscaping just for -- if there's going to be a lot more traffic, a lot -- like, eyesore sort of thing, just a nice landscape buffer or fence buffer maybe.

MS. LOE: I don't believe our -- our Code typically requires buffer between like kind residential use, so yeah, that is something we would have to think about. Any additional questions for this speaker? I see none.

MR. MACMANN: Mr. Stanton.

MS. LOE: Oh. Mr. Stanton.

MR. STANTON: Oh. What if this was you and this was your house, and you had the opportunity to do this, how would you do it? Not -- you're not you. Put yourself in her shoes, and you were doing this, how would this project look to you to make it the way you would like it?

MS. FARLESS: If I was to do something like this, I wouldn't feel comfortable making a less than 400 square foot dwelling, and then trying to rent it out to someone, because who wants to live in a studio apartment house behind someone's house. So I'm just expecting not to have quality tenants in a dwelling like that personally.

MR. STANTON: Okay.

MS. FARLESS: Like, you know, I --

MR. STANTON: My father was a principal in Houston -- in a small town outside of Houston, and he lived in the ADU of an oil rigger, a guy that used to work out in the Gulf Shores. Beautiful house, he lived in an ADU in the back of this guy's property. My father was a principal of the school.

MS. FARLESS: What was the square footage though? Less than 400 -- it was like 300 and --

MR. STANTON: Probably -- probably that.

MS. FARLESS: Three hundred and seventy-five square foot? Because that's like a bedroom. That's not a kitchen. That's --

MR. STANTON: That's all my dad needed.

MS. FARLESS: That's just --

MR. STANTON: Like a big master bedroom is what it was kind of like.

MS. LOE: Commissioner MacMann? Or I'm going to go to Commissioner Geuea Jones first.

MS. GEUEA JONES: What would you consider to be a quality tenant because you keep using that term.

MS. FARLESS: Yeah. I guess I'm just thinking about, like, what house would I want to live in. And, like, less than 400 square foot to me just doesn't seem, like, a really livable space. I understand you're saying your father -- or father-in-law -- I don't remember what you said, lived in that, but I can't picture living in something less than 900 square foot.

MS. GEUEA JONES: Yes.

MS. FARLESS: Like, it just seems like a -- like a --

MS. GEUEA JONES: But again, my question is not where do you want to live. My question is you're worried about quality people being in your neighborhood. So what do you consider a quality person, if that's your criteria?

MS. FARLESS: Someone that has a steady job that can afford a rent, like, that's -- like someone who can only afford -- I don't know how much this would go for rent. Right? Like, if it's, like, less than \$300 a month rent, like, that's just -- I guess that's someone who -- like, we had -- we had some, like, some squatters in the neighborhood where some houses got, like, with, like, some drug traffic in and out. I guess that's my concern maybe. I don't really know. I would assume that they would have higher standards for, like -- like have applicant applications or something. I don't know. But --

MS. GEUEA JONES: That's why we want either the owner or the person who signed a lease to be the one living on the property, because if you've signed a lease, and crime is happening on the property, you're responsible for that. And if you're the owner and crime is happening on the property, you're responsible for that.

MS. FARLESS: But that can take a long time to get dealt with. Right? Like we had a house in our neighborhood where there were squatters, and it took two years --

MS. GEUEA JONES: But the owner didn't live there. That's why we're saying we're going to have the owner live there.

MS. FARLESS: Which is what I said about originally when I first came up. Like, I thought the long-term tenant was more of a concern than an owner with the rental.

MS. LOE: Mr. -- Ms. -- Commissioner Placier?

MS. PLACIER: Yes. And you may not be aware, but the tiny house movement is a big deal right now. It's kind of -- there's even a TV series about it. And so there are a lot of people, elderly people or graduate students, or people who just want to have a simpler lifestyle who are attracted to the smaller homes. So it might be very quiet people that want to occupy a tiny house.

MS. LOE: Commissioner Stanton, then Commissioner MacMann.

MR. STANTON: My dad made six figures and paid for a little house. That meant he had a lot more money to send me. So people get what they need. Tiny homes are the rage because people are

being more efficient. The ADU came about here, number one, for the little guy, like this homeowner, like you could extend the wealth of their property. In addition, it's -- it's a U.S. tradition. It's like -- have you ever heard of a mother-in-law suite? That's basically what an ADU is.

MS. LAWLESS: Yeah. I understand the mother-in-law suite, and I don't have any issues with that at all. Mine was just the -- like, I don't know.

MR. STANTON: My dad just needed a place to study. He was a Ph.D. candidate, as well. Place to stay, a place to lay down. He was right outside of Houston. Like I say, he lived in the back of an oil rigger's home, you know.

MS. LOE: Commissioner -- oh.

MR. STANTON: No. I'm fine. I'm good.

MS. LOE: Commissioner Kimbell?

MS. KIMBELL: Is there a home association in your vicinity?

MS. FARLESS: I don't think so.

MS. KIMBELL: Do you think something like that might come in helpful?

MS. FARLESS: I don't think so. I don't want to have to deal with an HSA.

MS. LOE: Commissioner MacMann?

MR. MACMANN: For your local examples, are you familiar with where the Old Southwest is?

MS. FARLESS: No.

MR. MACMANN: Okay. It's right over there. The Old Southwest is the properties and homes on either side of Stewart Road. Do you know where that is?

MS. FARLESS: I've only been in Columbia for three years, so I don't know it very well.

MR. MACMANN: Okay. Stewart Road, it's a professor and doctor row. Okay? There are many half-million-dollar and up houses down there. The area is full of ADUs. Most of them not legally -- (inaudible) -- but small apartments. Also, for your education, I looked at an efficiency on Sunday, and I just figured out it's 290 square feet. They wanted \$650 for it. So I appreciate your concerns. Most people are doing this to generate a secondary income, and they don't want squatters. They don't want the second half problems that you are concerned with. Thank you, Madam Chair, for the second bite.

MS. LOE: Any additional questions for this speaker. I see none. Thank you.

MS. BLOCHER: My name is Melissa Blocher, and I live at 415 Parkade Boulevard. I'm totally against this, and I have a couple of concerns about it. The property that she has, number one, we were docketed from the June meeting. She was supposed to talk to us all. She has never contacted any one of my neighbors or myself. Second, she had that driveway up and dug this morning. They were loading a truck with the dirt. It hasn't even been approved. The people that come out and flag for gas lines and things, that wasn't even done. But her property is on a curve. Where this driveway is coming out is on a curve, as you come around that curve. That curve is being held; her property is being held up by a retaining wall that is falling down. It is not going to take -- she didn't go up the regular driveway and make her driveway excavated out. She came up the whole backside of her driveway. So what she's talking

about for parking, I'm not sure what -- she's going to have plenty of parking for you guys because now she's up a different way. She rents out her house already. There's a structure on that property already. They call it a garage or a -- it's been -- it wasn't a garage. They closed it in, and it is now a -- truthfully, a shed that it could be an art studio, it could be another room, it could be her other property. The neighborhood does not want this. We do not want it. I've lived in my house 30 years. I've watched that house go from rental, to owned property, to rental, to owned. She's never here. She's not on this property enough. She comes here to do her classes, get her things done, and leaves. It has had rental people in it all this time. I am speaking for three neighbors. We do not want this.

MS. LOE: Any questions for this speaker? I see none. Thank you.

MS. BLOCHER: Thank you very much.

MS. LOE: Any additional speakers on this case?

MR. GARD: My name is Dennis Gard; I live at 419 Parkade. I kind of got to know one of the renters there, and he informed me that it was going to be an Airbnb, and she was going to live in that little house in the back. But her husband is in Reno, so who's to say when she'll be there and when she won't. I don't know. I've just got an ill feeling about the whole thing. I don't really have anything big to say. I just wanted to put in my little two cents.

MS. LOE: Thank you. Any questions for Mr. Gard? Commissioner Placier?

MS. PLACIER: Yes. I was going to ask the last speaker this same question. Have the -- we were not given to understand that it was being rented out now, but if it is being rented out now, is it your impression that the current renters are taking good care of it?

MR. GARD: Yes.

MS. LOE: Any additional questions for this speaker? I see none. Thank you. Any additional speakers on this case? Seeing none. We'll close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commission comment? Commissioner Geuea Jones?

MS. JONES: Do we have wording on an amendment with a condition?

MS. THOMPSON: Well, it depends on what condition. I've heard a couple different things.

MS. GEUEA JONES: Okay.

MS. THOMPSON: So I just want to get clear on what condition you all are wanting. It -- I guess the first decision is whether either the primary or secondary dwelling unit be owner occupied at the time that a rental certificate is issued.

MS. GEUEA JONES: I think the one, if -- if it's permissible, the -- when we get there, the amendment that I would propose would be that one -- no more than one rental certificate can be issued for that property. And that would allow for subletting, if needed. It would mean you can't rent the ADU separate from everything else, but your -- to Commissioner Stanton's point, this Commission is generally supportive of the idea of creative housing solutions in a city where we have real housing problems. I don't see anything -- it's a large lot. I don't see anything here. You know, I understand that the neighbors

clearly don't like this piece of property and haven't for a while regardless of who owns it, but that's not the question before this Commission. The question before this Commission is, is this an appropriate land use, and does it support what we've said in things like the Columbia Imagined plan with regard to housing and infill and density and that sort of thing. So if we can get some kind of condition put on it so that it doesn't become an R-2 property in an R-1 zone, I would be supportive of it. And my suggestion would be limit the number of rental certificates issued -- certificates of occupancy issued. And that's three unrelated adults, I believe. Yeah.

MS. LOE: Commissioner Stanton?

MR. STANTON: Would it be out of line to extend that condition to say, okay, if I'm a long-time renter of that property, any subleasing has to be in conjunction with the owner; I guess, blessed by the owner, as well? Is that possible?

MS. GEUEA JONES: It would have -- I mean, we can add it, but it would have to be, because if it's in your -- if you're breaking your lease, you're breaking the lease.

MR. STANTON: Then I -- there's no way I could sublease without the owner knowing? I think that happens a lot, doesn't it? Renting a four-bedroom house, and I've got three other people living in it and my -- as long as the rent is paid, my landlord probably doesn't care.

MS. LOE: I think we're starting to get into private agreements between the owner -- the landlord and lessee or tenant, so --

MR. ZENNER: Mr. Stanton, if I may. The -- the notification of subletting, and I think the discussion that you're having here right now, that does become a private party issue.

MR. STANTON: Okay.

MR. ZENNER: And probably to Ms. Geuea's point, would have to -- the landlord would have to authorize their tenant to do so. And for us to try to track that as part of the rental certificate at the City level, we're not set up that way. So I think the -- the solution that has been offered by Ms. Geuea Jones to -- that only one rental certificate shall be permitted on the property is potentially the most expedient method by which, if you are considering allowing the ADU to be constructed. I think the principal land use issue here is is you have to -- the determination is, is an ADU -- is an ADU -- ADU -- ADU allowed. That's the land-use question. So does the site meet the criteria to allow an ADU to even be built. If you determine that it doesn't, then the topic is done. If you determine that it is, conditioning the tenancy of that ADU, that extra structure, that accessory structure by only allowing one rental certificate, that addresses everything and it does not get into the issue of owner, because it's tenant through a private agreement with the owner and their lease, or it's the owner renting their ADU. And that actually, I think, get to the crux of the matter that we're trying to deal with here. No backdoor R-2ing of an R-1 zoning district.

MS. LOE: Commissioner Burns?

MS. BURNS: I just have to go back to the public comment that we've heard tonight. I'm uncomfortable with -- I don't feel like there is consensus with the neighbors or there's been discussion. I

don't know if the applicant would consider self-imposing some of the things that we're talking about here in her application process in that it has to be owner occupied. I -- those are the concerns I hear from the neighbors. But I'm having difficulty supporting this given the opposition and the lack of communication that I hear. We always encourage communication. I think my fellow Commissioner's suggestion about an HOA is something to consider also. I know there isn't one right now, but I -- this is a new use for this property and we're talking about existing property owners that are surrounding it. And I can't ignore that, that we are impacting them, and they've come here and said what their thoughts are about it.

MS. LOE: Commissioner Stanton?

MR. STANTON: Okay. Mr. Zenner, you brought up a good point, and I have made this assumption. I assume by the time it got to us, that this property was ADU certified. That's not the case? So we don't know at this time, does this land -- does this property even meet the criteria for an ADU or we do?

MR. ZENNER: It does.

MR. STANTON: It does. Okay.

MR. ZENNER: It would not have come to you if it did not.

MR. STANTON: Okay. That's what I just wanted to make sure that's -- that's to go.

MR. ZENNER: But the decision, my point being, is is the decision here is authorizing the structure type to be added to this R-1 parcel. The issue that we're wrestling with is the tenancy of that structure type should you agree that the use is permissible.

MR. STANTON: Thank you, sir.

MS. LOE: Any additional comments? Commissioner MacMann?

MR. MACMANN: If there are no more questions and concerns --

MS. LOE: I do.

MR. MACMANN: You do have some?

MS. LOE: Yeah. I always have to speak last, so it takes me a while to get a word in edgewise with this group. But I have to -- I do have a concern about the backdoor R-2, and should this be approved, that is something I would want to condition. However, given this is a conditional use, and I do believe that we made a conditional use in the R-1 for a reason, I would want to see support from the neighborhood for that use. And given we have seen no support from the neighborhood, I cannot, in good conscience, support the request without further negotiations or development happening. I mean, I think this is the very reason we have this process for the R -- for ADU in the R-1. Mr. MacMann?

MS. KIMBELL: Oh. I have -- I have a question.

MR. MACMANN: Ms. Kimbell.

MS. LOE: Commissioner Kimbell?

MS. KIMBELL: Is there anything in the covenant and restrictions that applies to an ADC in this particular area?

MS. LOE: They don't have an HOA.

MS. KIMBELL: Oh, that's right. Thank you. Okay.

MS. LOE: Any additional comments?

MR. STANTON: Since you opened that can of worms, Ms. Chairman. I agree. I mean, I think we do conditional so we can get the blessing from the neighbors. I just have a problem with -- this seems like nobody wants to compromise, like, they're just like no. No. No. No. And I have a problem with that because the essence of this -- the essence of this ordinance was to help homeowners extend the use of their property in a civil manner; you know what I mean? And it's new and you know what we go through, and then, you know, I don't know. It disheartens me. I think there probably could be more communication, but there's -- there's got to be a win-win somewhere here, and it just can't just be no. And if this is your property and you -- and you had a way to make some additional income in these days and times, there's got to be a win-win somewhere, and that's all I'm saying is that the more communication needs to happen. It just can't just be no without any compromise at all, especially when it comes to my land that I paid for.

UNIDENTIFIED SPEAKER: (Inaudible).

MS. LOE: We're not in public comment right now, so I think we're going to take a vote, and -- Mr. MacMann?

MR. MACMANN: If my fellow Commissioners have no other comments or concerns, I'm going to make a motion, and I would like Commissioner Geuea Jones to help me with the wording to make sure that -- because I want to move what you want. Okay?

MS. GEUEA JONES: Okay.

MR. MACMANN: In the matter of Case 152-2021, the approval of a conditional use permit for an ADU for 504 Parkade Boulevard, I move in the affirmative, I move to approve with the following condition that only one rental certificate be issued for this property.

MR. STANTON: Second.

MS. GEUEA JONES: Yes. Yes.

MR. MACMANN: I'm getting nods all the way around the room. That's my motion.

Mr. Stanton, is that good by you?

MR. STANTON: Yes. I seconded it.

MS. LOE: He seconded. Commissioner Stanton seconded. We have a motion on the floor. Any discussion on that motion? Commissioner MacMann?

MR. MACMANN: I know this has been a long time, but I think this is worthwhile, and this needs to go to Council. Following up on what Mr. Stanton said, I view this as an opportunity. This will go to Council, and when, Mr. Zenner, will this be at Council?

MR. ZENNER: Introduction would be September 20th.

MR. MACMANN: I -- I think there's a win-win there, and I think it's going to go up the post. I'm done.

MS. LOE: Commissioner Burns, may we have roll call, please?

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Mr. MacMann, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Mr. Stanton. Voting No: Ms. Loe, Ms. Burns. Motion carries 6-2.

MS. BURNS: Six to two, motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council.