

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
August 8, 2024

Case Number 197-2024

A request by Patricia and James Fox (owners), for approval to rezone their 0.52-acre property, at 119 Fyfer Place, from R-1 (One-Family Dwelling) to R-2 (Two-Family Dwelling) to allow four unrelated tenants to occupy the rental unit per the definition of "family" in Section 29-1.11(a) of the UDC.

MS. GEUEA JONES: May we please have a staff report?

Staff report was given by Mr. Rusty Palmer of the Planning and development Department. Staff recommends approval of the rezoning request to be consistent with the comp plan, and optimizes the existing dwelling unit and provides additional options in the future for redevelopment, if that were the case, and investment without significant impacts to neighboring properties.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my fellow Commissioners have had any contact with parties to this case outside of a public hearing, please disclose so now. I would like to make the Commission aware that I also received an e-mail that I just noticed when I got here this evening from a neighbor who was also opposed to the rezoning for the purpose that she thought they may be trying to tear down the house and build a duplex. So just FYI, there was additional public comment that was sent to me individually instead of through staff. Anyone else, note? Okay. Any comment or any questions for staff? In that case, we will go to public hearing.

PUBLIC HEARING OPENED

MS. GEUEA JONES: If you would like to speak on this case, please come forward. State your name and address for the record.

MR. SHENKER: Thank you. Rick Shenker, and I live on Cliff Drive. I own the property just south of there. And at one time, the City was planning a road, and I don't know if you have a good slide for this

or not, Rusty, that shows what the driveway actually does. But that is on the east side of this property and it went up all the way to Cliff. The City had vacated that and given it back to the owners. I was the owner at the time. I don't think the Fox's were the owner at that time, and Gladys Roth owned it. But then the City (indiscernible) and he's not aware of this, but they asked for a right-of-way for a path there. I wanted to bring that to the attention of the Commissioners. I don't have the documentation with me, so I apologize for that. And I have a question for the Commissioners. Is it possible to get a conditional use that would allow these folks to have four people living there right now and not change the zoning? Is that a possibility?

MS. GEUEA JONES: I don't know that we could do that on our own. It would have to --

MR. SHENKER: You couldn't even recommend it to Council?

MS. GEUEA JONES: We could do -- we can't do that without the applicant asking us to, but we can certainly discuss it and put it on the record.

MR. SHENKER: Okay. And to the owner, and I don't know who they are in the room, but if they have any questions, I would be glad to answer them about this pathway. It is an existing pathway that people use. It's really rough, and the reason why my lot and their lot is so big is because it's a huge hill. It goes (indiscernible). I've got to go to work real early in the morning. If you have no questions, I'm out of here.

MS. GEUEA JONES: Are there any questions of Mr. Shenker?

MR. SHENKER: Thank you.

MS. GEUEA JONES: Thank you so much.

MS. FOX: No. I have a question.

MS. GEUEA JONES: I'm sorry. We can't do that, but you are more than welcome to exchange information and talk after.

MS. FOX: Oh.

MS. GEUEA JONES: Thank you.

MS. FOX: He addressed a question to us --

MS. GEUEA JONES: No, I'm sorry. You cannot do that, but you can, when you come forward, address his question. Thank you.

MR. SHENKER: Correct me if I'm wrong. We could leave the room and talk about that?

MS. GEUEA JONES: You could leave the room and talk. Are there any other members of the public who would wish to come forward and speak? Please come forward.

MR. TOFLE: Good evening. My name is Marvin Tofle; I live at 1805 Cliff Drive, Columbia, Missouri, and I've lived there with my lovely wife, Ruth, and we've been there almost 25 years. And I'm here tonight because I -- I object to this application. And I have a couple of reasons. First, as I'm sure you know, the City is considering some kind of central City conservation project at the present time. They have consultants reviewing the -- whatever, and -- but, in any event, I think it's kind of premature to start making decisions and we don't know what the City is going to do. And, you know, I don't necessarily think it's good or whatever, I don't know. But we don't know what it is, and it's -- you know, people are looking into it. And so to kind of piecemeal, and start making these decisions I think it's just premature and may undermine something that could be good. I don't know. And, secondly, I'm going to say I wasn't really paying much attention earlier, but I was thinking about my case here, this case, and so I heard this gentlemen, who now I know is Mr. Zenner. And I heard him say something about commercial use and it was the only one or the first time or something, and that made me think, because I've had the pleasure in the last several years of appearing before the City Council on numerous occasions regarding applications for replat in the East Campus area. And when we get there, at some point in the proceeding, Mr. Teddy is -- and he'll tell if you remind him of that, well, we are already, you know, some wealthy family dwellings in this area, and whatever these people wanted to do, you know, it was okay because it's already there and what's the -- you know, no harm, no harm, no foul. And, you know, I realize that even though all the people that actually live in the neighborhood have objected to those in the past, and maybe the Council approved it for some reason, and allow people that don't live there to do things to the neighborhood, then forever we have to live with that because then every time we go back to the Council, Mr. Teddy gets up and he tells us about all the other problems -- all the other areas that exist, and they -- they think this would be a great idea. So I guess my point is, before you do anything, this is going to be a forever kind of thing. They all are, I guess, and you have to live with it. So I would ask you at least not to do anything at this time because there is something else in the works and I don't know what it would be. I hope it's good; I don't know. And so I oppose it. And as Mr. Shenker said, I would say -- and I heard Mr. Fowler say and

this is a big lie, and, of course, it's not really. it's -- there's this huge hill, because our house is at the top of the hill. And if you drive down the street, it looks like there's a wall behind all the houses because this is a very steep hill. It's not a little hill that you could fill in. It's a huge, steep hill, and I doubt that anything could be built on it. I don't know. But in any event, I'm opposed. Thank you.

MS. GEUEA JONES: Excuse me. Just a moment. Sorry.

MR. TOFLE: Oh, I'm sorry.

MS. GEUEA JONES: Are there any questions for this speaker? Commissioner Stanton?

MR. STANTON: Are you in opposition for the potential what could happen there? What is your -- what is your -- what is your biggest concern on why you oppose this -- outside of -- a way for the City to have, which I think is a good point. But if there was no study, would you still oppose it?

MR. TOFLE: If there wasn't a what?

MR. STANTON: Wasn't an ongoing study going on?

MR. TOFLE: Yes. I would still oppose it.

MR. STANTON: And why? What is your biggest issue?

MR. TOFLE: Well, my biggest issue is creating a lot of density in an area where I don't think there is a lot of oversight. I'll just use my neighborhood as an example. You know, I don't think that there's a lot of oversight. Buildings there, it seems like they're allowed to fall into disrepair and the new monetary now. So that -- that's my main concern. And again, every time you want to build something new, it's bigger and whatever, you know, which I found in our -- up the -- where I live up on Cliff and University, you know, they're putting in bigger and bigger complexes where we don't have the infrastructure, you know. It's not in the character of the neighborhood. Nobody that lives there wants it, so that's why I oppose it.

MR. STANTON: Thank you.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Just to clarify, Mr. Tofle, you said your biggest concern was they're going to build a new building they wouldn't take care of?

MR. TOFLE: Well, that is a part of my concern. I'm saying that as I've seen it, there doesn't seem to be much oversight, you know, once something gets built, you know. It doesn't necessarily, as I

see it, have to be kept up very well, and things are falling into disrepair.

MS. LOE: Thank you.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: I just want to ask if you were aware of what the report has stated that they were able to have four tenants previously in 2018, and 2019, they weren't able to have four. Now they could only have three, and they want four. So is that what you're opposed to?

MR. TOFLE: No. I'm just opposed --

MS. WILSON: Because that's their request?

MR. TOFLE: What?

MS. WILSON: That is the request.

MR. TOFLE: All right. I'm just opposed on principle to opening something up.

MS. WILSON: Thank you.

MR. TOFLE: That's from my (indiscernible).

MS. GEUEA JONES: Any other questions for this speaker? Commissioner Placier?

MS. PLACIER: Are you aware of why it happened that Sunrise seems to be R-2 and Fyfer is R-1?

MR. TOFLE: No. I'm not.

MS. PLACIER: And why that division on what looks like almost the same street?

MR. TOFLE: Why there's a division on the street.

MS. PLACIER: Yeah. Why one side -- right side being R-2 and the left side being R-1. What was the deal there?

MR. TOFLE: I don't know. I don't know.

MS. GEUEA JONES: Any other questions? Seeing none. Thank you very much.

MR. TOFLE: Thank you. What?

MS. GEUEA JONES: Just thank you. Thank you very much. Next to speak on this case, please come forward. Come --

MS. FOX: Would you like -- I'd rather hear the opposition first, and then I'll speak at the end.

MS. GEUEA JONES: All right. Somebody needs to come forward or I'm going to close public

hearing. Thank you.

MS. HAMMEN: Hello. I'm Janet Hammen, and I live on Cliff Drive. Also around in another part of Cliff Drive. And so as we've heard, Fyfer Place is a mixed-use neighborhood. And to address your question, I suspect this zoning was done way back perhaps in '57 when other neighborhoods got changed zoning. I'm not aware of any time, and I've -- I lived on Wilson Avenue in East Campus for 30 years, and more, and now up on Cliff Drive for -- I don't know -- more than ten. And I'm not aware of any other zoning in large measure that's gone on during that time, but I could have missed it. But -- and your question about Sunrise and Fyfer, boy, that's really an interesting question, but -- so Capri used to be called Rock Hill Road, and that's the -- the vacated right-of-way that went all the way up to Cliff Drive. And so, you know, there's a Rock Hill Road already up on -- in the East Campus, and so that's why that was named. So I suspect that Rock Hill Road, now Capri Drive, was considered a dividing line, and I suspect that might be why the zoning was done the way it was done. Who knows? Sometimes it's hard to figure out how things happen. But -- so, as you can see, there's 13 houses on Fyfer that are R-1 and 13 houses on Sunrise that are R-2, and -- and they all had large lots. They all have lots larger than 5,000 square feet. And so the fact of this large lot I can't see it makes any difference at all except that if this is rezoned from R-1 to R-2, some owner, and these owners have stated they do not intend to make this -- you know, they want to add a fourth person, and so we can understand that. But when you change the zoning, that's forever, and so if some person in the future could build a duplex on this. And that's what I see as the harm if the State agrees and to add one more person. And I think there's an alternative, and you all know better than I do this whole business of ADUs and all the business that's gone into that. I see some heads shaking, so as I -- and, again, I have not been as involved, but, number one, you can get a conditional use permit to have an ADU. As I understand it, it can be within a house, it can be a basement, it can be an addition, it can be in a separate dwelling unit, and there's some strict criteria for getting that built. So I am suggesting that rather than change the zoning that could cause harm, all these houses are modest houses and may -- and I'm sure there's some homeowners. I know a previous staff member of the Planning Department lived there with her husband until she moved. So I'm sure there's probably homeowners. And these lend themselves to owner-occupied homes, even if they're rental now. But once you change it to R-2, and could maybe build a duplex, you can't get an owner-occupied home,

and the rents always go up if you're building a new building. Right now, the ones on Sunrise, I bet those are reasonable rentals, you know. But, anyway, so there is an alternative that I see, and so I am asking to please deny this R-2 zoning, and suggest the owners, the Foxes come back with -- to request a conditional-use permit, and they would achieve their objective that way.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Commissioner Loe?

MS. LOE: Ms. Hammen, you're suggesting an ADU, however, we were told during the presentation that there's only one kitchen in this unit. So I was wondering, what are you basing your proposal of an ADU on with only one kitchen facility?

MS. HAMMEN: So if -- when you have an R-1 and you can add an ADU into the house, into the existing structure, does that mean you have to add another kitchen?

MS. LOE: It's a separate -- completely separate unit.

MS. HAMMEN: Okay.

MS. LOE: Yes.

MS. HAMMEN: And so this is -- well, so I guess, you know, I had -- I was aware this was a walk-out basement, and thought, well, that would be the ideal one. Now I heard something a little different about the layout of this property.

MS. LOE: So you're not aware there's a second kitchen?

MS. HAMMEN: I'm not aware if there's a second kitchen.

MS. LOE: Thank you.

MS. HAMMEN: But -- and I do want to say for the -- you know, instead of adding one person, if you rezone it, there will be the potential to add five more people to this property rather than -- well, if it becomes an R-2. There is the potential to do that.

MS. GEUEA JONES: And any further questions?

MS. PLACIER: I just wanted to ask, as far as you know, on Sunrise, which is R-2, has anyone rebuilt to make those homes duplexes?

MS. HAMMEN: No, I'm not aware of that. Well, yes, it must be, because we heard that -- that a couple of them have six bedrooms, and so I'm -- I would suspect they were added onto or divided up in some way, and two kitchens, you know, unless they were built that way, and I haven't toured those. But,

you know, in this day and age, what we're seeing more and more is tearing down and rebuilding. We look all over the City and see how it's happened. Where single-family homes are torn down and duplexes or greater are added on.

MS. GEUEA JONES: Any further questions? Seeing none. Thank you.

MS. HAMMEN: Thank you.

MS. GEUEA JONES: Are there any other speakers on this case, please come forward. One at a time, please, but you can both speak. You just have to take turns.

MS. FOX: For moral support.

MS. GEUEA JONES: Please do.

MS. FOX: I'm Tricia Fox, and --

MS. GEUEA JONES: Could you get a little closer to our transcriptionist, please -- the microphone? Thank you.

MS. FOX: Oh. I'm Tricia Fox, and I'm a co-owner with my husband of 41 years. And we came to own this home because our daughter went to the University of Missouri for nursing and she's was just voted nurse of the year, and an ICU nurse. So thank you the University of Missouri. We came to love Missouri. Every year we come we ride the Katy Trail. We love it. And we manage the property ourselves, even though we live in Colorado. We are very involved. We have no intention of making it a duplex, building an ADU, or anything else, as Mr. Shenker said, behind the house to the south. It becomes a very big hill, very wooded. I suppose we could build it if you made a huge retaining wall into the hill, but that's not -- I don't think really feasible. The question about the change we make is forever. We bought it, it was a four-bedroom home, and we were allowed to rent all four bedrooms. That changed, so if you have a room that's vacant. And yet the University of Missouri, the housing -- the demand in the university, they're tripling students this year in the dorm. Having a room that's already built, go vacant, does not make any sense at all. And we have no intention of tearing it down and building a duplex. To our knowledge, all the six bedroom duplexes over on Sunrise were built as a duplex because they had -- we could tell because they had two separate entrances. We just -- we are in the process of doing a major refresh. We put over ten grand into Fyfer, and anybody who drives by it right now, the lawn needs to be cut, but other than that, we repainted the outside. We refreshed the porch.

We -- I mean, we put in a new shower, a new tub. We are invested even though we don't live here. We're very invested. We hire some of the work out, but a lot of it, we do ourselves. I have paint on my hands right now. We -- and so, you know, there was concern expressed about a lot of density. This is not a lot of density, this is one person in a room that already exists. So it's -- so that's not like increasing the density significant, and we've already made the case that we have parking off-street for four. And I think it was the Moss Road right-of-way, if I am not mistaken.

UNKNOWN: It's been all three.

MS. FOX: Oh, is that wrong?

UNKNOWN: Hence, the confusion.

MS. FOX: There's more -- more history then. As far as we can tell, the division, you know, between the R-1 and R-2 start -- I would agree, went with the right-of-way because almost all of the houses to the west of us were two-bedroom homes. They're very small. You drive that street. They're very small, and a lot of them had converted their garage into a third bedroom in order to increase. And we're -- we're talking about I -- we just want to use a bedroom that's already there, not convert a garage or anything else. I'm not sure what -- I guess I -- there was talk about conditional use permit. I'm not -- I'm not sure what that is, and I was hoping somebody could explain that to us.

MS. GEUEA JONES: Do you have anything else or --

MS. FOX: Concern about -- maybe we don't intend to, but maybe somebody who might buy the property should we sell this, maybe they would have intention to do a duplex. I guess I would submit that this decision, though, still rests with this committee. They can't do that without the acceptance and permission of this committee. So it all -- you know, the decision resides with you as to whether that would happen or not. And it's -- you know, the -- if the committee would, you know, desire for it to remain a single family, that -- so we're just asking, yeah, to use the other bedroom we already have. I think it's significant to note that on R-1 properties, or say they're all big. Well, they're all not that big. Our interior square footage is 96 percent greater than the average of the 13 R-1 properties. And on the exterior -- the lot size were 80 percent bigger. We really have more in common with the R-2 than the R-1. And I think -- I think that's covered.

MS. GEUEA JONES: Okay. Thank you. Question. Oh, Mr. Stanton, start us off.

MR. STANTON: So the intent of asking for R-2 is to allow you to rent four bedrooms; am I right?

Or four --

MS. FOX: It currently exists. There are four bedrooms and two -- a full bath, a three-quarter bath, and a half bath all on the porch level since it is kind of built into that hill; right? So the porch level, which you enter from the garage, and then the street level, there is a living room, a kitchen, and a storage/mechanical room is all one, and the laundry room. That's all one big room.

MR. STANTON: What -- what prevents you from just renting it as a four-bedroom house, and they split it four ways? I don't know, I'm just asking. Like --

MS. FOX: I mean, the law.

MS. LOE: I'm looking and she's -- the definition of family. We don't know about more than three unrelated people.

MR. STANTON: So that's --

MS. FOX: It's a City of Columbia law. Only three unrelated people can live in an R-1 property.

MR. STANTON: All of my other comments to myself (indiscernible).

MS. FOX: Oh. (indiscernible).

MS. LOE: I would agree.

MS. FOX: Sorry. I would also like to mention that the -- the lot directly to the west of us, that's a one-bedroom home, you know. I mean, there doesn't seem to be any consistency when they drew that line, based on size or anything else.

MS. GEUEA JONES: So my question, and then I'll see if any other Commissioners have questions. Are you -- do you have four unrelated people that want to sign a civil lease, or are you trying to do four leases, because it would seem to me that you have one rental license, and then are we talking about subletters, or are we just talking about four friends that are going in together and they're all on the same lease?

MS. FOX: So our -- our tenants who just vacated were three. We do more that are interested. They're waiting to hear if we get approval.

MS. GEUEA JONES: So you're not signing four different leases?

MS. FOX: No. It's one lease for four people. They're all students.

MS. GEUEA JONES: All right. Well, I --

MS. FOX: Well, actually, one -- three students and one is a graduate, but he's studying for -- to become a PA.

MS. GEUEA JONES: I admire your honesty in disclosing that because it would seem like maybe you didn't have to. Any other questions for the applicant?

MS. FOX: We wouldn't be here if we didn't want to be honest, because --

MS. GEUEA JONES: Okay. To answer your question very quickly about the CUP, that's what we use here in Columbia. It's called a Conditional Use permit. And if you wanted -- sometimes they're allowed, sometimes they're not. And I haven't looked into whether or not there will be a way to waive if through a CUP process. The staff says no. Potentially, Board of Adjustment. Staff says no. But that would be -- in some cases you would be able to come to us and say I need an exception to the rule. It sounds like that wouldn't work for you here. You could get it to build an entirely separate dwelling unit, which is what they meant by an ADU, it's an accessory dwelling unit. But in that case, you would then have two rental licenses, and so you would have two leases. And so that -- that's kind of some of the options that have been played with, and I know they're not (indiscernible) here. I really appreciate you all traveling down to have this discussion with us. I am done. Anybody else? No. All right. Thank you very much. The last speaker, potentially? Oh, no. Please come forward.

MS. TOFLE: Good evening,. My name is Ruth Tofle, and what my husband didn't say was that our property does but --

MS. GEUEA JONES: I'm sorry, Ms. Tofle. Would you mind giving your address?

MS. TOFLE: We live at 1805 Cliff Drive. And I, as a originally purchased 1801 Cliff Drive, which is the rental property that actually touches the property in question for my mother, my elderly mother. I wanted to live near her as she was aging. She was in her 90s. That never happened, but I did continuing to rent it. It's a three-bedroom home, but I only rent it to one or two persons because I think it's -- a lot of people are hard on an old house. I'm just going to say it that way. I have no problem. I think that the -- the family that owns the house now are doing a fine job. I drove down and people were cutting their grass and, you know, and painting, and I think that's fine. So in terms of upkeep, I don't have any trouble with that. But I do think that the fundamental issue here is creep. And when there is a plan that the

whole City is considering for this neighborhood to make an exception for that creep of zoning change doesn't seem to be making sense. And I -- I would certainly appreciate the dilemma that our owners are in regarding they -- you know, a group of people who like each other and want to live together, and if they -- you know, if the City does have a procedure to consider this alternative, I think that makes perfect sense. And, you know, particularly since that was the history, and there's precedent for that particular house to have that many people, I have no trouble with that. But from a planning point of view for the City at large to make a change from R-1 to R-2, because it can't rent a second -- a bedroom, and when this other City plan was in order, it just doesn't make sense to me. To me, you need to look at a city-wide level that this is R-1, and you can see the division. And until there is very, very good reason to change a city zoning when all this other thing is happening, it just seems like that's something that the -- that my esteemed P & Z people should be taking into consideration. So I'll be happy to answer any questions.

MS. GEUEA JONES: Thank you. Mr. Stanton?

MR. STANTON: I've been up here for quite a while, and my common sense kicked in, and then I remembered the law, you know. We're constantly between common sense and what you're talking about, this regulation. So in saying that, I'm forced to kind of put yourself in their shoes, give me a solution practical, because ADU is a solution. That's like another house, so that's like a -- let's say 200 per square foot. That's another structure. We're talking ten, fifteen, twenty thousand more. So what would your solution be if you were in their shoes?

MS. TOFLE: My solution would be the alternative in this particular situation to try to get the alternative use for this property.

MR. STANTON: Yeah. There is another -- she's -- they either rent three or build an ADU.

MS. TOFLE: Okay. Well, I think the solution is to wait for the City to come up with the -- the plan that they're doing citywide to be determining what should be done, and I think it's coming. I don't think it's, you know, a long time. You know, I think it's coming. We're all very hopeful that that's coming. And so that's what I -- that's my solution.

MR. STANTON: So if they came back and said, well, this party needs to be R-2, what -- maybe would address this particular issue in a consulting overlay situation, would you then be in support or what,

or where would you actually be leaning?

MS. TOFLE: Well, that's a very good question, and I would -- I would feel -- have a much better comfort level that the City has done their job if, you know, they've used all of their -- their consulting and look at the whole thing in a gestalt. And at the macro-level, at a city-wide level, then if they think that this makes sense, then I think, you know -- I think that would be appropriate.

MR. STANTON: Okay. Thank you.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Ms. Tofle, you mentioned you drove down to Fyfer Place to see the property in question. Can you tell me the last time you drove down to Fyfer Place?

MS. TOFLE: I was down there a couple times in the past week.

MS. LOE: And before that?

MS. TOFLE: And before that, I drove down there just because our house is above that and I'm thinking, you know, I can't walk down there very easily. I have walked that path once -- once or twice. The deer like that path a lot, and so I've been down there to look at the deer, so I have been down there, yes, to kind of see and try to figure out and to imagine, you know, what those survey lines are. I have tried to imagine that because I've walked it.

MS. LOE: So only -- you've only been down there really with respect to the case in front of us?

MS. TOFLE: The most recent visit --

MS. LOE: You don't have neighbors down there that you visit also?

MS. TOFLE: I do have new neighbors. I do not know the neighbors, but I have driven down there multiple times and walked down there.

MS. LOE: Thank you.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: I was wondering if you could explain a little bit more to me about what your concerns are with the creek, and I'm trying to asking you to be representative of your husband and your other neighbors who --

MS. TOFLE: Yeah.

MR. WILLIAMS: It seems to be a common theme. And so I'm curious more of what changes

have you seen in your neighborhood over the past decade or two that there would be this concern?

MS. TOFLE: You know, I'll be real honest with you that it's -- the neighborhood, the East Campus, is still kind of raw from what happened on University where some historic -- three historic houses were demolished, and very, very high density complexes were -- were inserted, and that went on for a period of we had been to the Council. I testified at least three times about that. And we -- the neighborhood association also rejected it. So I know that when there is a precedent, then people say there's a precedent. So that's what I mean about three. And either the -- and this is a good note because it's right next door to my home to -- I mean it's -- it's -- it is in the R-1 and you can see geographically it makes sense to be R-1.

MR. WILLIAMS: Yeah. I guess I was specifically -- you answered my question, I guess. And with respect to the broader issue, I'm just wondering as far as the switch from R-1 to R-2 if you've seen any concerns directly related to that. It sounds like it was multi-family housing is what went in --

MS. TOFLE: That's correct.

MR. WILLIAMS: -- that we're seeing and so I'm just asking specifically if you have any preference points at R-2 as being something that's caused -- what you view as unfavorable change in the neighborhood?

MS. TOFLE: No. I do not have that -- I do not have an example of that. I am -- but it seems like I have talked to my City -- Betsy Peters was real close to there, also our Councilman, and I called her up, as well, and talked to her about this this last week when I got your letter. And I just think -- one of the first things she said was, you know, the City is looking at this from a bigger level, so why is this happening now? I mean, we -- we're trusting the City to be making a city plan.

MR. WILLIAMS: Thank you.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: Thank you so much for coming and sharing. I do have a question about just imagining balancing people's interests and people's rights. These individuals bought this home, and when they bought the home, they were able to rent four rooms. And so you've already mentioned you have a problem with that. The law changed and now they can't. So I guess my question for you is, where is the issue, because we're talking about something imagined versus what -- the question is that's on the

table which is we just want to be able to rent another room.

MS. TOFLE: Right. And I own -- I own property in Columbia, and also in St. Louis, and I know that laws change and I adapt for the good of the City, and it's -- I -- I appreciate the issue of a -- of a bedroom that can't be rented, then I think we have to think bigger. We have to think about the City and that's my point.

MS. WILSON: In this specific case, when we were adding the fourth person, for you, how is that damaging to the City?

MS. TOFLE: I -- what I mean is that the -- if the City decides only three unrelated people, then that's what we need to abide by for an R-1. And I'm looking at the City study to determine if they, you know, what is appropriate, and then within the City, and what laws we should abide by, and it has to apply by things that I don't know. Okay. Trust me, and we'll put your money, but I did it anyway because I thought for the good of the City it makes sense, and for the good of the neighborhood it makes sense.

MS. WILSON: Thank you.

MS. TOFLE: And I really appreciate your comment, and I feel for them, too. I'm human enough that I care. What can I say.

MS. GEUEA JONES: So any one house, it sounds to me that that -- because if two of these four people that have asked to rent this particular single-family home, because we have four people who have said they want rent your home. If two of them were close enough friends, they went and got married, this would no longer be an issue.

MS. TOFLE: That's true.

MS. GEUEA JONES: Would you still object, because we're still talking about college-aged students, it sounds like.

MS. TOFLE: Right.

MS. GEUEA JONES: We're still talking about four people.

MS. TOFLE: The only -- I want to care about is the City ordinance of three unrelated people for an R-1. And so if they're married and if they have kids, I understand that, too. I'm not against families, so it's really about the policy of what is our R-1 and of three unrelated people.

MS. GEUEA JONES: You have mentioned several times and -- and so did others, that we're

doing this study and maybe they should just that. You understand that that's 18 months down the road, so they can't just -- it's not like give it a couple of weeks.

MS. TOFLE: But it's a small -- renting a bedroom is a small deal in comparison to changing R-1 to R-2.

MS. GEUEA JONES: Thank you.

MS. TOFLE: For the City.

MS. GEUEA JONES: Thank you very much. Any other questions for this speaker? Seeing none. Thank you very much.

MS. TOFLE: Thank you so much.

MS. GEUEA JONES: All right. I'm sorry, Janet, we can't let you come back. I'm sorry.

MS. HAMMEN: Well, I want --

MS. GEUEA JONES: We're not -- no. Thank you.

MS. HAMMEN: There's something --

MS. GEUEA JONES: No. Thank you, though.

MS. HAMMEN: There's some ugly words being said.

MS. GEUEA JONES: Anyone -- any other -- please step forward.

MR. FOX: All right. So my name is Tim Fox, and I'm co-owner of the property. So the whole impetus behind our purchasing this process was -- is my daughter -- or my wife had mentioned our youngest daughter went to school here at Mizzou. And that one of the things that we looked at just from, you know, could we afford to do this, you know, and she had a number of her friends that were nursing students that lived with her for a number of years, so we had no turnover with tenants. The people that she did graduate and got some of her friends moved in and stayed for a couple of years. So we -- we really tried to make it a very welcoming place for students. One of the issues with losing that bedroom is, the three people that are in the property now have to pay more, you know, because we're just trying to get a fair amount, and we have to actually subsidize them to a certain extent because we're trying to make it fair to them because they can't -- we can't rent the fourth bedroom out. And, you know, our intent, as my wife pointed out, is we just make it a home for students to be able to have a nice place to live and to be able to afford. Adding that fourth bedroom back makes it more affordable. We know that there is a

housing crunch on campus and things like that, so we're just trying to utilize the space. We have no control over what happens in the future about, you know, what the City's plan is and how these things, you know, will play out. But I do know that just that ability to offer the house to four students instead of three and having that room sit empty doesn't make a lot of sense from a -- from a space utilization standpoint. And as my wife did all of the analysis on the size of the property, it is more, it has more or has more common -- in common with the R-2s than the R-1s, and it's over a divide line that was, we don't really know why it came out that way, but we're just really trying to utilize the space effectively, and that's why we're going through the process of asking for the R-2. What happens in the future, I don't know. All I know is that we own the property and we have a son that's in medical school right now up at A.T. still, so we've got ties to the state. We want to -- we have no intent in selling it, and, frankly, from our -- our rental standpoint, the thing that afforded us is it is very affordable for -- to buy a home in Columbia and you get decent rent back for that. You make that one percent rule up that you can do. For an investor to come in, if we were going to sell this property and build a multi-unit condo, that hill behind us, the engineering and everything that go involved in that, I think that you're not renting to students anymore at that price level. I mean, you're going to have to charge \$2,000, \$3,000, you know, per unit, you know, to cover that type of an investment to build that hill any differently than it is right now. So we're just trying to utilize what -- you know, what the house was designed for, which is to have four people in it, and just kind of -- you know, that's why we're going through the process.

MS. GEUEA JONES: Thank you. Any questions for this speaker? I see none. Thank you very much. Anyone else who has not spoken? Seeing none. We will close public hearing and go to Commissioner comments.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Who wants to start? Commissioner Williams?

MR. WILLIAMS: My comments actually lay with questions for the City staff. There's just been a variety of proposals for now about how could -- it could work out without rezoning it to R-2. And what I've -- I don't think that the -- for what's been said. What makes sense to me is the ADU is not an option. I don't think the conditional use applies. I just would like to ask the City staff if they could comment on any -- that if there's an alternative to our R-2, that would allow the owners of the property to -- you rent the

four bedrooms without making any structural changes to the property.

MR. ZENNER: There are no structural changes needed of the property. It is a four-bedroom home at this point. So the definition of family, which is unique to the City of Columbia, drew this distinction between R-1 and then any other zoning district, and that is there is -- there is lore behind the definition of family. So that is obstacle that is -- need be addressed. That is not an obstacle that can be, you go to the Board of Adjustment and ask for a variance because you are then granting a variance to the parameters of the definition, and that is expressly prohibited. So in the way to obtain the appropriate occupancy of this structure, which is a four-bedroom structure, in an R-1 zoning district that has not been occupied within the past probably ten years as a single-family residence to where the four bedrooms could have been used because it may have been used by a family, you have to seek to rezone. There is no way of getting around that. The R-2 and R-MF zoning districts are the zones that will allow you to have four unrelated people. And I think while there may be, as Mr. Palmer pointed out, many different halves by which you could consider the definition of family, two of the future four tenants get married. You still have an issue of you have two other unrelated individuals to those two married individuals, and I don't want to even go through the multiple iterations that our Housing and Neighborhood Services staff has to go through when they are presented with similar questions as to how you work around this definition of family. The path here that was conveyed to the applicant, not without reservation as to the concerns that have been expressed here this evening. So Ms. Fox contacted the initial issue is well aware that this may or may not be a successful endeavor. The R-2 is the cleanest path forward. They do not want to build an ADU. And if they build an ADU, it still would require a conditional use. And at that point then, because of the way that the conditional use is then applied at an R-1 zoning district, only one of the structures would be able to be in rental license status, which means the Foxes would still be limited with a three-bedroom home as the rental unit, and they would have to find somebody else to live in the property in the ADU. It is -- that's not the solution, either. I would contend that the zoning designation, we did not go into the depth of why this particular environment is zoned the way that it is. 1958 is a wonderful date to draw the conclusion and the frustration about why East Campus was rezoned to R-3, and then went through a down-zoning process in, I believe, the late '80s or early '90s to get to R-1 zoned properties. I don't believe this area was part of that. This area is not part of the East Campus overlay. It

is an area significantly influenced by the location of the medical facility directly to the west, the medical facilities directly to the north, and what used to be the golf course for Columbia College, which is now Stephen's Park. And I would suggest to you that based on the road alignments that exist within this particular neighborhood, the lotting arrangement that exists is a result of that road infrastructure that may have been previously built. And, therefore, you have odd-shaped lots, and it was zoned R-1 because you couldn't create lots that were not pie shaped of a fit conventional R-2 zoning, and you had an enormous hill to the south of you that you could not really do much with because you're not going to re-grade that slope. And, therefore, the area that is mostly impacted by the environmental feature that lies within this particular location, defined how the zoning was because that's what worked more appropriately. The Fyfer property that's to the east and Sunshine Drive, potentially, Sunrise, may have potentially gone out to what is Old 63, and there may have been reasons why that area was then also zoned slightly higher. But you will notice also along the 63 corridor, you have M-OF and R-MF and MN all the way up to the corner. That R-2 was also a buffer back into the R-1 neighborhood. And so there's a lot of different things that are going on here, but the solution to the issue at hand of how to occupy a fourth bedroom really is not solved by any method of conditional-use approval, the construction of an ADU, because that gets them nowhere but a lot of expense. It is to consider the request at hand and that is to rezone the property from R-1 to R-2. Yes, I will contend that Mr. and Ms. Tofle's comments that you do have zoning a creek beyond what is Capri today to the west would occur. However, we're not setting precedent. Every individual rezoning request is reviewed on its own merits. And when you look at what the housing is that is there, unless it is proposed to be demolished, rezoning of anything that's further to the west of this particular property probably really may not be in the cards. This is an outside single-family residence in this particular environment. When compared against the duplex development that is to the west or to the east -- I apologize, and the multi-family homes to the north, as we concluded, the change is not viewed as being significant. This is at the bottom of a very steep hill in an area that is basically exclusively large lot, single-family residential development along the Cliff Drive area, and it's Cliff Drive for a reason. It sits on top of the cliff and looks down upon this small enclave of residential homes. We do not believe that this request is inappropriate. We believe it does fulfill the objectives, as Mr. Palmer pointed out in the comp plan, and it allows the applicant to regain what was previously here, potentially being not legally rented

under the prior owner, but still being used. And so their desiring to reestablish that. They're desiring to use the house to its fullest extent, to meet a need that they are aware of because of their personal connection to the City of Columbia and its students. So I completely appreciate the concerns that have been expressed this evening, but we do not believe that those concerns are as significant as they've been expressed. We believe that this can be accommodated in this fashion.

MR. WILLIAMS: Thank you.

MS. GEUEA JONES: Other Commissioner comments? Commissioner Placier?

MS. PLACIER: Yeah. It seems there are two and maybe three objections to this, none of them from the immediate neighbors. I see very little difference between this lot and the one right next door to it, other than the name of the street being Fyfer versus Sunrise. And that if there is any way to accommodate the use of that, we're supposed to look at land use. The best of that is to be able to use all four bedrooms. So I'm not seeing it as, you know, some kind of deep principled issue.

MS. GEUEA JONES: I would like to make a few comments now for the record for all of our friends at City Council about some discussions that we've been having informally as the Commission about the definition of family. And about the fact that this is the exact kind of problem that it causes in a town that is over 50 percent rental properties and has a very large student population. This definition of family has been seen by a variety of social justice organizations, not ours specifically, but definitions like this have been seen by a variety of social justice organizations as regressive and outdated, and something that was specifically put in place to prevent people from cultures that have multi-generational or multi-family living arrangements in their culture from being able to live in R-1 zoning. It is a definition that we have requested The City council, at some point, asked us to work on, and I have every faith and belief that they will do that at some point. However, much like the conservation study that is happening right now, that will not happen in such a time as to allow these particular owners to use this particular piece of property in a way that they have an opportunity to use. It does not impact in any real way the neighborhood around it for the -- in the way that they want to use it. Yes, the R-2 zoning is innocuous permanent. But it's also not particularly out of character with everything else around this home. We've got R-2 on Sunrise. We've got multi-family up Capri. We've got multi-family in R-2 to the west of the property if you continue past the R-1 lots there. This is not part of the East Campus overlay. I am finding

myself hard-pressed to see this as jumping the gun on the conservation study when the whole reason that this request is in front of us is because of a problem we built into the code, and a problem that we have acknowledged and are -- and are trying to fix. So I also note that the people who are here today are not the people that live on Fyfer or Sunrise or Capri or even St. Ann. They are people whose property backs up on a major topographical feature such that I am not sure neighbor is the right word. Do they live close in proximity? Yes. Are they going to be directly affected in the way that the people on Fyfer and Sunrise and Capri are? Not to my belief. So that's where I'm thinking, and I also really wanted to make sure that our transcript shows that this exact problem is why we have requested a review of that definition of family, because I do think it's a problem, and I think it is something that is not necessary for us to continue to hold on to. Anyone else? Commissioner Loe?

MS. LOE: Thank you. I concur with your comments and would like to underscore that this area seems to have been expressly left out of the East Campus overlay, which extends up and to Broadway, but does not include this, extremely has been pointed out to us by the speakers tonight, very mixed use pocket whereas the overlay is much more homogenous. So I feel that this request is actually very in keeping with the character of the neighborhood that it's in. I actually was surprised by the comments. We often get some push-back about R-2 coming as a new zoning into an R-1, but I don't know if I've ever gotten any push-back on R-2 adjacent to existing R-2 before. Given the rationale that's been provided, the size, location, and again the mixed use of the neighborhood, I -- I actually -- it does make very much common sense to me. I -- the division -- there is -- it falls within the mix that is present, just addressing some other questions and points that have been raised. And, finally, I don't think that the conservation study that's being performed at this time is going to speak to Columbia's definition of family which appear to be the crux of what people were hoping might be addressed to resolve this. So I -- I don't think waiting for that study is going to resolve or address this specific question, though. So I plan on supporting the rezoning. Thank you.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: I was embarrassed when I said why don't you just -- because the common sense just overrode me and I was like this -- you're right. This is what -- this is the perfect problem that we have in the code. I hear the opposition. I -- I hate pre -- when I feel like it's going to be abused in the

future. You're right. You know, to me, it gives the case. It doesn't necessarily guarantee it, but it is definitely a case that's used and gives us, well, you told me here it's done over here. But that's the nature of the conditional use is that we can make it case by case. Now, my gut says, oh, I tried not to get my feelings in it. This is a great couple. And then tomorrow you guys could sell it and bamboozle us, and I would be T'd off. But it would resolve me and it would -- by that, the next person that came over might be punished for it dearly. Yeah, because we were bamboozled. But there is no other solution to this problem, and, hopefully, it brings this us to where we can discuss it more. If we were bamboozled on this one, I think it would have very little impact on the people surrounding. If we were bamboozled. I think I'm going to support it and hope I don't get bamboozled.

MS. GEUEA JONES: Anyone else? And then will I take a motion?

MR. STANTON: Madam Chair?

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: As it relates to the Case 197-2024, I move to approve the requested rezoning of R-2.

MS. LOE: Second.

MS. GEUEA JONES: Moved by Commissioner Stanton, seconded by Commissioner Loe. Is there any discussion on the motion? I did want to say one other thing. We are aware of when the law changed, so I know there may have been some concern that there was a misunderstanding on the dais, but we are aware of the order of events. So with that, if there's no further discussion, then may we please have a roll call?

MS. LOE: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Mr. Williams, Ms. Geuea Jones, Ms. Placier, Ms. Wilson, Mr. Walters. Motion carries 7-0.

MS. LOE: Seven votes for, none against. The motion carries.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council.