

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 77-14

**AN ORDINANCE**

rezoning property located on the north side of El Cortez Drive and west of Providence Road (215 E. El Cortez Drive from District R-1 to District R-2; repealing all conflicting ordinances or parts of ordinances; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

LOT 2 OF ROCKBRIDGE SUBDIVISION BLOCK I AS RECORDED IN PLAT BOOK 8, PAGE 49 OF THE BOONE COUNTY, MISSOURI RECORDS.

will be rezoned and become a part of District R-2 (Two-Family Dwelling District) and taken away from District R-1 (One-Family Dwelling District).

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

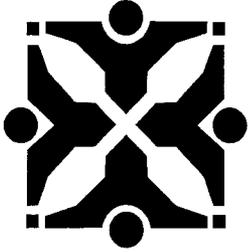
ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



Source: Community Development - Planning <sup>T</sup>

Agenda Item No:

To: City Council  
From: City Manager and Staff *MM*

Council Meeting Date: Apr 7, 2014

Re: 215 E. El Cortez Drive - Rezoning (Case #14-24)

**EXECUTIVE SUMMARY:**

A request by John Hall (contract purchaser) to rezone 215 E. El Cortez Drive from R-1 (One-family Dwelling District) to R-2 (Two-family Dwelling District). The subject site is located on the north side of El Cortez Drive, west of Providence Road. (Case #14-24)

**DISCUSSION:**

The applicant is requesting approval to rezone property located at 215 E. El Cortez Drive from R-1 to R-2. The property is currently improved with a single-family home and is located within the Rockbridge Subdivision. The applicant has stated that the intent of the request is to increase the potential rental occupancy of the dwelling unit to four unrelated individuals.

At its meeting on March 20, 2014, the Planning and Zoning Commission (PZC) heard testimony on the request, and the applicant was present to answer Commission questions. The PZC inquired if adequate parking was provided and if a duplex could be built if R-2 zoning is approved. Staff replied that the subject property provided the minimum requirement of two parking spaces, and that the current lot size was below the minimum area required for a duplex in the R-2, but the property could potentially be combined with additional R-2 lots to meet the minimum size. Commissioners also inquired about the possibility of Accessory Dwelling Units (ADUs) on the property, what the petitioner intended to do with the property, and if there was a home owners' association. One member of the public and the current property owner spoke in support of the request. The applicant also submitted a petition during the PZC meeting with signatures from individuals that support the request, which is attached.

After additional discussion, the PZC voted to recommend approval of the request (approved 6-1). The Commission, in rendering its recommendation, noted that the request was not opposed by any surrounding residents or property owners, the surrounding zoning was more intense than R-1, the large size of the home is conducive to using it as a rental property, and that given the aging housing stock of the area and the need for renovations on the subject property, rezoning is appropriate. Commissioner Loe was the dissenting vote and she stated that the applicant's economic goal of increasing occupancy was not a good enough reason to rezone the property, and that the appearance of the neighborhood was still single family.

A staff report, locator maps, and excerpts from the Planning and Zoning Commission minutes are attached for reference.

**FISCAL IMPACT:**

None

**VISION IMPACT:**

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

**SUGGESTED COUNCIL ACTIONS:**

**The Planning and Zoning Commission recommends approval of the request to rezone property at 215 E. El Cortez Drive from R-1 to R-2.**

**FISCAL and VISION NOTES:**

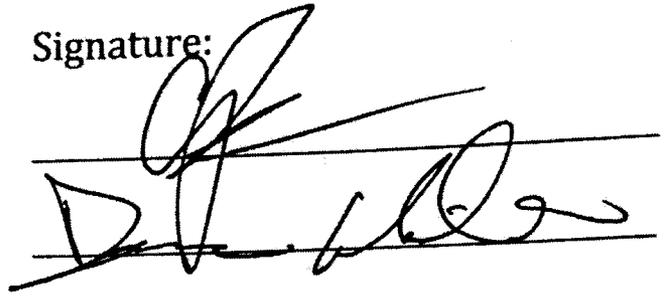
<b>City Fiscal Impact</b> Enter all that apply		<b>Program Impact</b>		<b>Mandates</b>	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	<b>Vision Implementation impact</b>	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		<b>Resources Required</b>		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

Neighborhood Acknowledgement And Support For The Rezoning of 215 East El Cortez.

Address:

Signature:

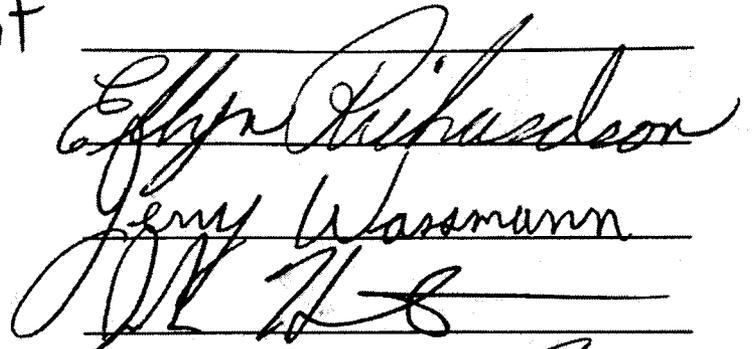
219 El Cortez  
213 E. El Cortez Drive  
Vacant



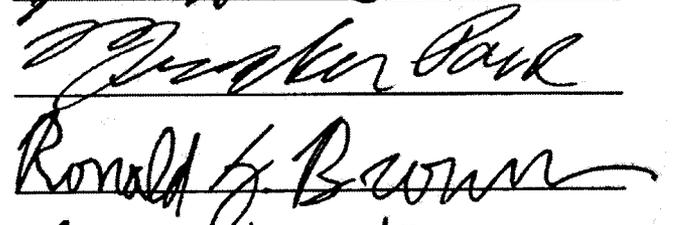
201 E. EL Cortez  
113 E. El Cortez Vacant



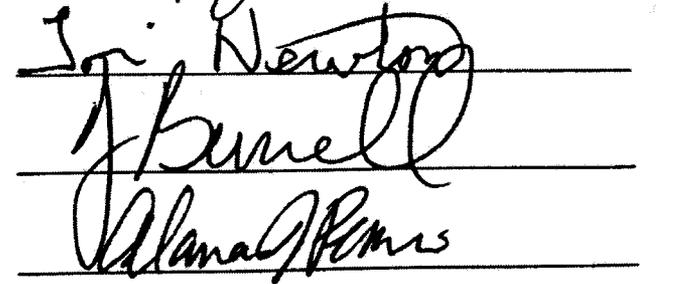
107 E. El Cortez Dr.  
106 E El Cortez Dr.



115 E El Cortez Dr.  
3400 Balboa Ln. Arts  
3400 Balboa Ln



3400 Balboa Lane  
3404 Condado Ct



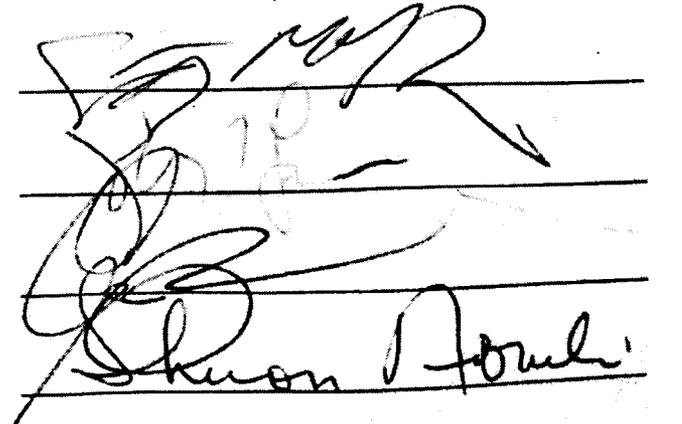
105 E. El Cortez

118 E. El Cortez

207 E. El Cortez

3409 Balboa Ln

3411 Balboa Ln.



**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
March 20, 2014**

**SUMMARY**

A request by John Hall (contract purchaser) to rezone 215 E. El Cortez Drive from R-1 (One-family Dwelling District) to R-2 (Two-family Dwelling District). The subject site is located on the north side of El Cortez Drive, west of Providence Road. (Case #14-24)

**DISCUSSION**

The applicant is requesting to rezone the subject property from R-1 to R-2 which would permit the property to be improved with a duplex, and would also result in an increase in the permitted number of unrelated occupants from three (3) to four (4) within the existing single-family dwelling.

In evaluating the suitability of the requested rezoning, staff has reviewed the existing zoning of the properties surrounding the subject site. To the west of the subject property, all properties along the north side of El Cortez Drive until Bethel Street are zoned R-1. The property to the south across El Cortez is zoned R-3 and is improved with a multi-family apartment building and an associated off-street parking facility that is setback approximately 45 feet from the north property line. The right of way separating the subject property and the R-3 zoned property is 80 feet wide, which is wider than the standard right of way within the subdivision and accommodates a landscaped median island that serves as an entry feature into the residential subdivision.

The office development to the north is zoned O-1 and is improved with professional and medical office uses, designed in a residential style with a low profile and pitched roofs. There is approximately 100 feet of open space between the subject property and any improvements (i.e., parking facilities, buildings) on the lot to the north, and the open space is planted with trees and other landscaping that serves as a substantial buffer. The property to the east is currently zone R-2; it was rezoned from R-1 in 2010. That property, 219 El Cortez, is located on the edge of the Rockbridge Subdivision and is adjacent to the Providence Outer Road.

The property is adjacent to (or across a right of way from) three other zoning districts that would be considered more intensive than R-1 (R-2, R-3, O-1). However, when each circumstance is considered, staff finds that this alone does not create a situation that would render the R-1 zoning of 215 El Cortez mismatched with the surrounding properties. To the north, the property is improved with an office development that has a low impact on surrounding property. Furthermore, the O-1 zoned property includes a significant setback along the south lot line that includes a substantial landscaping buffer, thereby minimizing impacts to the residential subdivision to the south.

The property to the south, while zoned for multi-family residences, is separated from the subject property by a wider than standard right of way that includes a landscaped median, and includes a 45-foot setback from the parking area and a 100-foot setback to the actual building. The property to the east was previously rezoned to R-2; however, there are different circumstances that may have made R-2 zoning appropriate at this location. Primarily, the property is a corner lot that is adjacent to Providence Outer Road (and also has a mostly unobstructed view of Providence Road as well). The property is impacted by the adjacency to Providence Outer Road, which is classified as a major collector (and impacted to a lesser

degree by Providence Road, classified as an Expressway). Also, access to the property is from Providence Outer Road, which is not consistent with the other single-family residences within the subdivision; however, the access location does limit the impact that the increased density that is permitted in R-2 could have on the rest of the subdivision, which is another unique characteristic of 219 El Cortez.

The stated purpose of the requested rezoning is to permit up to four, unrelated occupants to inhabit the existing structure on the subject property, which would make certain improvements to the house financially feasible. Staff finds that this does not provide a substantial motive for the rezoning of a property in and of itself. The current R-1 zoning of the subject property is consistent with the nature of the residential subdivision in which it is located and no evidence has been submitted supporting the need to rezone the subject site due to increased levels of neighborhood transition or property abandonment. Staff does not find conditions in the neighborhood unsuitable for the continuation of the current zoning.

Significant buffers exist between the subject property and the land uses on properties to the north and south, and the property zoned R-2 to the east represents a buffer and appropriate transition between the Providence Road corridor and the established subdivision. Staff notes that if the property is rezoned to R-2, most of the same circumstances currently exist on several properties to the west of the subject property. Denying the requested rezoning confirms the single-family nature of the subdivision and that that the subject property represents the appropriate edge for the subdivision's R-1 zoning district.

**RECOMMENDATION**

Denial of the proposed rezoning

**SUPPORTING DOCUMENTS**

Attachments

- Aerial/Zoning and topo maps

**HISTORY**

<b>Annexation date</b>	1966
<b>Zoning District</b>	R-1 (One-family Dwelling District)
<b>Land Use Plan designation</b>	Neighborhood District
<b>Previous Subdivision/Legal Lot Status</b>	Lot 2 Rockbridge Subdivision

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	0.18 acres
<b>Topography</b>	Gradual slope east to west
<b>Vegetation/Landscaping</b>	Grass and landscaping
<b>Watershed/Drainage</b>	Mill Creek
<b>Existing structures</b>	1,950 ft <sup>2</sup> single-family residential building

**UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	All City services are available to the site.
<b>Water</b>	
<b>Fire Protection</b>	
<b>Electric</b>	

**ACCESS**

<b>East El Cortez Drive</b>	
<b>Location</b>	South side of site
<b>Major Roadway Plan</b>	Local Residential street; Existing 80-foot total right of way, curb and gutter; no sidewalks
<b>CIP projects</b>	None

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Rockbridge Park
<b>Trails Plan</b>	South Providence Trail
<b>Bicycle/Pedestrian Plan</b>	N/A

**PUBLIC NOTIFICATION**

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of a public information meeting, which was held on February 25, 2014.

<b>Public information meeting recap</b>	Number of attendees: 3 (including applicant) Comments/concerns: Parking concerns
<b>Neighborhood Association(s) notified</b>	Rockbridge
<b>Correspondence received</b>	Five emails/letters received in support (attached)

Report prepared by Clint Smith

Approved by Patrick Zenner



SUBJECT SITE

O-1

R-1

R-2

EL CORTEZ DR E

OUTER RD

BALBOA LN

R-2

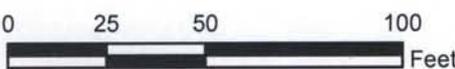
R-4

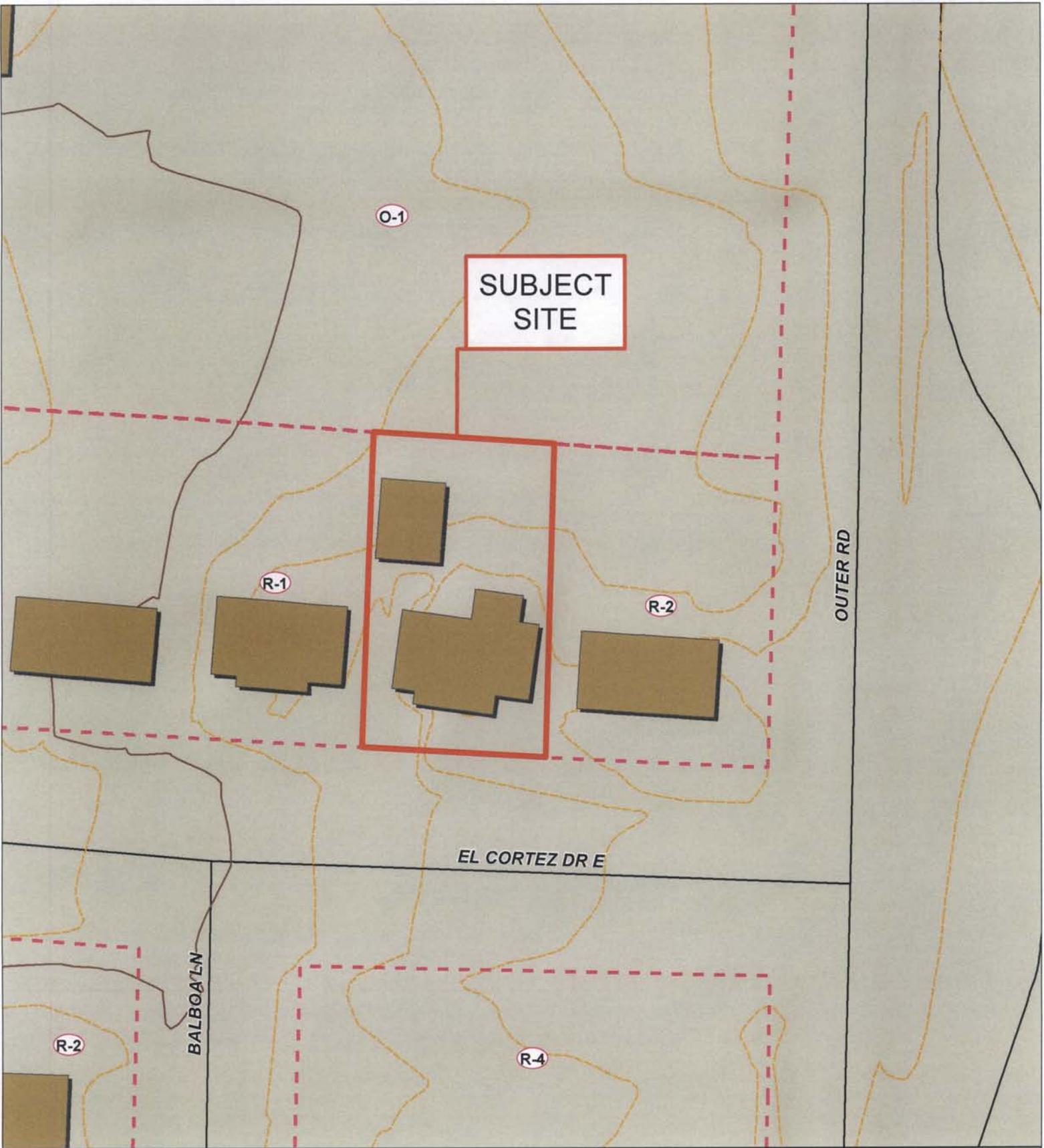


# 14-24: 215 E. El Cortez Dr. Rezoning



Hillshade Data: Boone County GIS Office  
Parcel Data Source: Boone County Assessor  
Imagery: Boone County Assessor's Office, Sanborn Map Company  
Created by The City of Columbia - Community Development Department





# 14-24: 215 E. El Cortez Dr. Rezoning



Hillshade Data: Boone County GIS Office  
Parcel Data Source: Boone County Assessor  
Imagery: Boone County Assessor's Office, Sanborn Map Company  
Created by The City of Columbia - Community Development Department



Dear Planning Commission and City Council,

I have lived on Santiago for 2 years now, located close to 215 East El Cortez. I wanted to send a recommendation to show my support for the re-zoning of the property. I drive by the property everyday and I've seen the improvements that were made to 219 (the neighboring property that went through a similar zoning). The two properties on the corner seem to stand out since they are directly located across from an apartment complex and seem to be mostly surrounded by higher zoned properties. In addition, they are substantially bigger than anything else in the subdivision and have quite a bit of parking available. Anything west of this property might make sense to remain the current zoning, but for this specific residence it makes sense to approve the zoning.

I urge the Planning Commission and City Council to approve this rezoning.

Sincerely,

William Phyfer

A handwritten signature in black ink, appearing to read "William Phyfer", with a long, sweeping underline that extends to the right.

City of Columbia, Missouri City Council  
701 East Broadway  
Columbia, Missouri 65205

RE: Application request to rezone 215 East El Cortez from R-1 to R-2

Dear Planning and Zoning Commission and City Council:

My name is Dale Maxville and I whole-heartedly support the rezoning of 215 East El Cortez. I've owned property in this area for several years now on Alhambra and El Cortez. Four years ago, I opposed a similar request made by Mr. Hall. However, it was approved 8-0 by the city council. After seeing the positive effect that this rezoning had on the property, I encourage you to approve this request for rezoning for the following reasons:

- The rezoning would allow Mr. Hall to make the capital improvements necessary for this size of property, including energy efficient upgrades and routine maintenance.
- The rezoning would be consistent, with the property being surrounded by R-2, R-3, and O-1.
- The rezoning will improve surrounding property values.
- I was previously concerned that the property could be turned into a duplex, but now I know that the property can remain only a one family residence. Therefore it will have no effect on the character of the property.
- The property has a lot of room for parking in the driveway and in the garage. Parking is not allowed on the street so this rezoning will have no negative effect on parking.
- Along with the property next to it that was previously re-zoned, this property is a unique case in which it makes sense to approve the rezoning. These are two houses in a unique location, and are substantially larger than any other properties next to them.

This seems to me like it is a unique case similar to the one that was approved four years ago. Obviously, this time I have a financial interest in the approval. However, I will still own my property on Alhambra and believe this to be a good thing for the neighborhood.

Thank you,

A handwritten signature in black ink that reads "Dale Maxville PhD" followed by a flourish and the letters "LBA".

Dale Maxville PhD



Clint Smith <cesmith@gocolumbiainfo.com>

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## Property on El Cortez Dr.

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ellyn richardson <ellynr@live.com>

Wed, Feb 26, 2014 at 8:49 AM

To: Clint Smith <cesmith@gocolumbiainfo.com>

Hello, Clint. You do not know me, but I understand you and John Hall are acquainted. For the past 24 years, I have lived at 107 E El Cortez Dr. I am very committed to this neighborhood and am an active neighbor in keeping it presentable. John Hall and I have the very same ideas on what should and should not be allowed regarding tenants. I am not a landlord, but I so appreciate John's attitude of wanting to keep this neighborhood nice. He has gone out of his way to keep me informed of his various tenants. We initially met when I was complaining to the city about the owners of some property on El Cortez. It turned out to be John Hall. He also was very concerned about "these" tenants at that time **and he very quickly resolved the issues**. I could go to John with any concerns, and he would meet me more than half way on any issue. I am not fond of renters on El Cortez, but if I have to have them, I would wish John Hall to be the landlord. His properties look better than many of the home-owned ones. He is excellent in my estimation, and I know that from personal experience. He gets right on an issue and the issue is not one that reoccurs.

In Him,

Ellyn 



Clinton Smith <cesmith@gocolumbiano.com>

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## Rezoning 215 E. El Cortez

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Joshua Burrell <jdburrell@gmail.com>  
To: cesmith@gocolumbiano.com

Wed, Feb 26, 2014 at 8:19 AM

Dear City Planning Staff and City Council,

My name is Josh Burrell and I am a homeowner at 3404 Condado Ct. and have lived there for 6 years. I live down the street from 215 E. El Cortez. I wanted to write you to communicate to you that I fully support the rezoning of this property. I followed the rezoning of the property next to it and believe this rezoning has been a good thing for the neighborhood and put a good landlord at a property that was previously in bad condition. The two properties on the corner (215 and 219) of El Cortez are unique. I wouldn't support any ones further into the subdivision because that would be too far in my opinion, but for this particular one it makes sense. This property has the parking, size, and mainly the location being directly across from an R-4 and R-2.

I believe this will be a good thing for the neighborhood and urge the planning staff to support the rezoning.

Sincerely,  
Josh Burrell

City Council and Planning Committee  
City of Columbia,  
701 East Broadway  
Columbia, Missouri 65205

To Whom It May Concern,

I live less than a half mile away from the subject property at Deer Valley Apartments. I graduated from Mizzou two years ago and realized that there are limited options for renting houses in the area. Available properties seem to be run down, too expensive or not spacious enough for a group of young professionals. After Mr. Hall mentioned that he would be taking this specific property through the rezoning process I immediately saw it as a perfect fit for someone like me. I've seen this property and it is clearly different than other houses down the block and is pretty much surrounded by multi dwelling or offices. Many of the houses in this area are not well maintained and I believe the rezoning would open up the opportunity for this unique property to be substantially improved.

I strongly recommend that you approve the rezoning of 215 East El Cortez.

Thanks,

A handwritten signature in black ink, appearing to read "Ryan O'Connell", written over the printed name below.

Ryan O'Connell

**EXCERPTS**

**PLANNING AND ZONING COMMISSION MEETING**

**MARCH 20, 2014**

**V) PUBLIC HEARINGS**

**Case No. 14-24**

**A request by John Hall (contract purchaser) for approval of rezoning 215 E. El Cortez Drive from R-1 (One-family Dwelling District) to R-2 (Two-family Dwelling District). The subject site is located on the north side of El Cortez Drive, west of Providence Road.**

DR. PURI: May we have a staff report, please?

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends denial of the proposed rezoning.

DR. PURI: To summarize, you are recommending denial of the rezoning request?

MR. SMITH: Correct. I'm sorry. And here's my final page here for the recommendation.

DR. PURI: Okay. Commissioners, any questions of the staff?

MR. STRODTMAN: I have a couple.

DR. PURI: Go ahead, Mr. Strodtman.

MR. STRODTMAN: I have one technical question. The Dale Maxville, the contract purchaser, who should that be now -- who is the name --

MR. SMITH: I'm sorry. That would be John Hall. I think that was an error made out on the original form or original draft, and it should have been changed at some point.

MR. STRODTMAN: Thank you.

MR. SMITH: The applicant is John Hall.

MR. STRODTMAN: Okay. I just wanted to make sure I had it. And then my question is the property to the west of the applicant's -- the white property. I think it it's a white house when I drove by there the other day.

MR. SMITH: Uh-huh.

MR. STRODTMAN: Is it correct to say that that property would -- could not be a duplex due to the size of the lot? So that in theory, you could never benefit from an R-2 zoning class? In theory, that -- the R-2 would stop there with this -- or could stop -- if we approve this and City Council approves it, the R-2 zoning classifications kind of stops itself because the third house from Providence going west would not benefit from an R-2 because of the size of its lot?

MR. SMITH: Not necessarily. The minimum size of the lot to actually build the duplex -- and in all these situations, they would really have to tear it down and rebuild -- they would have to have a lot of 10,000 square feet. I think the subject property is approximately 8,000 square feet.

MR. STRODTMAN: So the --

MR. SMITH: So they could not in the current configuration --

MR. STRODTMAN: As well as the one below could not either?

MR. SMITH: Right.

MR. ZENNER: What you're still only doing, Commissioner Strodman, is you're increasing the occupancy -- the rental occupancy within a particular structure and changing generally, from Staff's perspective, the characteristic -- the characteristic of the neighborhood by increasing occupancy through the upzoning of the tract of land. Now, given if you were to continue the trend to a little further to the west and suddenly found that the structures themselves were not satisfactorily producing revenue and you had multiple properties that were zoned R-2, you could combine, demolish and build duplexes to increase the occupancy, not just for four, but potentially then to eight, and so on, and so on, and so on. And that is -- quite honestly, we open the door for a very, very slippery slope with the encroachment of upzoned property in this particular neighborhood that does not show any real need at this point from a transitional perspective to change what is an existing residential subdivision.

MR. STRODTMAN: And my last question, I believe, is in this particular parcel there is no parking concerns? I mean, it looks like the driveway -- current driveway and maybe a detached garage would suffice for an additional fourth resident without -- because there is no street parking. When I drove through there, there was no street parking. Correct?

MR. SMITH: Yes. In a general sense, yeah, I don't believe there would be a parking issue. From a code sense, two spaces are all that is required. So increasing occupancy would not have an impact on what is required from the City.

MR. STRODTMAN: But practicality --

MR. SMITH: Right. Correct.

MR. STRODTMAN: -- this would not have a negative impact in theory because there is plenty of parking on its existing current driveway?

MR. SMITH: It appeared to be that way.

MR. STRODTMAN: Thank you.

DR. PURI: Mr. Lee?

MR. LEE: Is it the purchaser's intent to knock it down and build something else or just remodel it?

MR. SMITH: That is not my understanding. I think my understanding is that they intend to just increase the current occupancy from three renters to four renters and maintain the house as is.

MR. LEE: So the duplex question is off the table?

MR. SMITH: Yeah. In the lot's current configuration, yeah, they would not be able to knock it down and build a duplex. It would require some sort of reconfiguration of the lots -- an additional lot combining with this one.

MR. LEE: Okay.

DR. PURI: Ms. Loe?

MS. LOE: So this lot could be a candidate for our ADU ordinance, if that went forward?

MR. SMITH: No.

MS. LOE: No?

MR. ZENNER: Most likely not, considering that the detached garage is occupying too much of the rear.

MS. LOE: But he could rebuild the garage.

MR. ZENNER: Not --

MS. LOE: I mean, he could put a unit --

MR. ZENNER: Not as it is currently zoned. Not as it is currently zoned. And then if it were rezoned to R-2 --

MS. LOE: Right.

MR. ZENNER: -- R-2 would open it for an ADU.

MS. LOE: Right.

MR. ZENNER: So then instead of having four tenants on the property, you could possibly end with six.

MS. LOE: Right.

MR. ZENNER: I mean, there is a point in which the door stop has to be put down in order to ensure that we don't erode the rest of the neighborhood's fabric away, and I guess that -- that is Staff's concern at this point, that this lot defines the edge of this subdivision.

MS. LOE: Right. I just wanted to clarify that this lot is too small for a duplex, but we are currently working on an ordinance to address those substandard R-2 lots to provide them with an alternative to add a second dwelling unit. And this would qualify for that if it were R-2. Correct?

MR. ZENNER: Yes. If it were R-2.

MS. LOE: Okay.

DR. PURI: Mr. Reichlin?

MR. REICHLIN: I had a couple three questions. The existing R-2 lot on the corner, was it of the appropriate size? Do we know that information regarding the size of that lot with regard to -- does it exceed 10,000 feet?

MR. SMITH: I don't believe it is of similar size to the current property, but I believe the applicant - the owner of that property is here too, so maybe he could speak to that.

MR. REICHLIN: Okay.

MR. SMITH: But I think it was less than 10,000 square feet.

MR. REICHLIN: The next question is I noticed that there were two or three letters in the packet that -- and I wondered was one of them from the next door neighbor who has the R-1 property? Can you help us with that?

MR. SMITH: You know, I can't confirm that.

MR. ZENNER: There were three letters that were supplied in your packet that do indicate support for the rezoning request. And, again, you can verify the address on that adjacent property. And that is a surprising observation that you have residences that -- residents that don't seem to have concern in the increase of the occupancy. And I think that there is a -- there is a difference between the increase in occupancy and the changing of the physical zoning of the property which allows for potential other

development to occur at some point.

MR. REICHLIN: My final question is this is the second meeting in a row that we've at least had something on the agenda that involved upzoning as a function of use as opposed to -- and the question I have is that why -- what is the protocol and why aren't these people moved forward to the Board of Adjustment?

MR. ZENNER: The Board of Adjustment cannot grant a use variance, and an increase in the occupancy level of a structure that is zoned R-1 would constitute a use variance. Our zoning ordinance is structured based on zone classifications that three unrelated people may live in a home that is in an R-1 zone, four are the maximum that can live in any structure outside of R-1 or a PUD less than five units per acre.

DR. PURI: Mr. Lee?

MR. LEE: I noticed from the packet that there was no opposition from the neighborhood, and, in fact, there was four or five letters of support for this. And I think if it was detrimental to the neighborhood, we would have seen people -- as we do at most meetings, people opposing it. But the neighborhood seems to support the project. So, again, I don't really understand the denial recommendation.

MS. BURNS: I did see, I think, at the public information meeting, there were three people --

DR. PURI: Ms. Burns?

MS. BURNS: Oh, I'm sorry.

DR. PURI: For the transcriptionist, we should --

MS. BURNS: Oh, yes.

DR. PURI: -- address the Chair, and then that way --

MS. BURNS: I'm sorry.

DR. PURI: -- I can do the -- Ms. Burns has the floor.

MS. BURNS: Parking concerns were brought up by the three attendees. That is just in the staff report. So I guess there was a public information meeting, three people attended, and there were parking concerns.

MR. SMITH: Yes. It was attended by three individuals, one being the -- actually the applicant and the other being the -- I think the applicant is the contract purchaser, I believe. The second individual was the property's owner -- current property owner, and that is the Dale Maxville. And then the third was a local resident who did have concerns with the ability to park adequately on the property. If I could address that previous question, just scanning through here, I think the closest address I saw was 207, which would be approximately maybe two or three houses to the west of this. I did know a couple of the other addresses were for individuals who weren't residents -- it didn't look like the neighborhood -- and then maybe one other who was a previous resident. So I wouldn't necessarily say all five were letters of support from local residents, but I think there was a few from there.

DR. PURI: Any other questions of the staff, Commissioners? Seeing none. This is a public hearing item. We will open the public hearing now.

**PUBLIC HEARING OPENED**

DR. PURI: Anybody who wishes to speak on this matter, please approach the podium. Please state your name, address, and address the Commission.

DR. MAXVILLE: Dr. Dale Maxville, 5900 Galli Lane, Collinsville, Illinois. I'm the current owner of the 215 El Cortez property. Approximately four years ago when John was attempting to buy the property to my east, I was very opposed to him purchasing that property. And, actually, I hired an attorney named Kristen Dickinson to help me with this situation. Prior to John owning the home, the ordinance of three persons living in the same home, nonrelated people, was being violated. The home was an eyesore. It was problematic because there were beer cans, trash, and it there was -- there were too many people there. Following this process -- and John ended up acquisitioning the property and having it zoned at a higher intensity, he absolutely improved the property. He put on a new roof, landscaping, and I'm -- as much as it makes me feel really stupid that, you know, I opposed this, he actually helped benefit the neighborhood. It looks so much better. And none of the tenants I have currently in the home at the 215 El Cortez property has had any complaints. So I really feel that John -- John doesn't have any master scheme in terms of turning this into some large unit where people will live. He will improve the property, and he has a passion for this neighborhood. As much as -- like I said, I've spent money to oppose this, but I'm glad that he is the person that is next to me and I would have no concerns in terms of zoning this at a higher intensity because it has only benefitted the neighborhood.

DR. PURI: Thank you, sir. Commissioners, any questions of this speaker?

DR. MAXVILLE: Yes, ma'am?

DR. PURI: Ms. Loe?

MS. LOE: Would you support this project if John Hall were not the purchaser?

DR. MAXVILLE: I certainly would have because after he had his rezoned, I kind of thought it would be nice to have mine rezoned too -- four or five years ago -- but I never pursued that. Yeah. Because the thing is that we get to realize about this neighborhood, the home that John currently owns is probably the largest property in that neighborhood. This neighborhood, to me, seems very unique because it is an affordable neighborhood in the southern part of the town. And when you look at this neighborhood -- excluding this neighborhood, it is pretty expensive to live in the southern part of the town. I believe the home -- I'm not for sure -- that John currently owns has six bedrooms.

MR. HALL: Yeah.

DR. MAXVILLE: That is very atypical. Probably our two homes in that neighborhood are the largest in terms of square foot --

MS. LOE: No.

DR. MAXVILLE: No?

MS. LOE: No. There are two or three bigger on that block on El Cortez according to the Assessor's records.

DR. MAXVILLE: Okay. It's -- they are one of the larger --

MS. LOE: Yours on the corner is the biggest.

DR. MAXVILLE: Right.

MS. LOE: But yours is --

DR. MAXVILLE: It's a pretty large home. I own another home on Alhambra -- 101 East Alhambra, and it is much smaller than that. But I think he will only add and benefit the neighborhood.

DR. PURI: Ms. Loe?

MS. LOE: You state in your letter that you are -- you were concerned about the duplex issue and were relieved when you found out it had been maintained as single family. We --

DR. MAXVILLE: This was a long time ago you are talking about. Years ago.

MS. LOE: Did you not write a letter in support?

DR. MAXVILLE: I wrote a letter in support, yes.

MS. LOE: There's not a date on your letter. I don't know when you wrote it. But you state, I was previously concerned that the property could be turned into a duplex, but now I know that the property can remain only a one-family residence; therefore, it will have no effect on the character of the property. Understanding that the City is currently working on an ordinance that would allow a 10,000 foot property to add a second dwelling unit, not a duplex, does that change your sentiment at all about how this might impact the neighborhood?

DR. MAXVILLE: No. It wouldn't be fiscally responsible to tear a home down for the price that it is done. It wouldn't be --

MS. LOE: But if it would be adding -- it would be maybe replacing the garage, but not the house?

DR. MAXVILLE: I don't think that would be feasible. I just don't see it occurring.

MS. LOE: That wasn't my question. I mean, if someone did that and it changed the character of the neighborhood.

DR. MAXVILLE: No. I wouldn't have a concern with it. I just -- it wouldn't be a fiscally prudent route.

DR. PURI: Mr. Reichlin?

MR. REICHLIN: Can you characterize for us -- there's maybe a past here with the residents that you are trying to sell -- three or four problems in the picture. Are they owner-occupied or are they more of a rental home situation? Do you have any input or information with regards to that?

DR. MAXVILLE: Can you rephrase the question, please?

MR. REICHLIN: The three or four homes past your home, are they owner-occupied --

DR. MAXVILLE: It actually is rented.

DR. REICHLIN: -- are they rented or are they --

DR. MAXVILLE: The next one is a rental unit, but I have no concept on two, three and four. I don't -- the one to the left of me because I had to upgrade the siding on the garage in the back and I had to contact the landlord in order to get on his property to improve the property. The 101 Alhambra, I do rent down the street though. I do -- it's a rental, but I lived there for 10 years as well.

DR. PURI: Any other questions of this speaker, Commissioners? Thank you, sir. Seeing none.

DR. MAXVILLE: Thank you.

DR. PURI: Anyone else wishing to speak on the matter, please approach the podium.

MR. HALL: May I hand these out -- these handouts?

DR. PURI: Sure.

MR. HALL: All right. Thanks for your time tonight by the way. My name is John Hall. I am the contract purchaser for this home. I would like to --

DR. PURI: Please state your name and address for the transcriptionist.

MR. HALL: Oh, sure. Let me turn the -- this on here.

DR. PURI: Let me remind you, you have three minutes to address the Commission.

MR. HALL: Okay. Well, my name is John Hall. I am the contract purchaser for this residence. First off, I think we are pretty clear on what the goal is here. It is to basically improve the home. What I do is I set aside the money that's basically from this additional renter in a capital improvement fund to improve the value -- or the value of the home and the condition. This is not my -- as Dale said, this is not the first time this has happened. A very similar case that happened where it was 8-0 by the Council. And, actually, if you read through the planner report of Matt Lepke, it's a very, very similar -- there's no mention of buffer. A lot of the reasons why -- that Clint was mentioning was not raised during the first time, and pretty much, this resident applied for any of the -- if you go through kind of the little report of the 8-0, everything applied except for one thing. You did mention that the Outer Road -- parking is -- you were talking about the road, and it is not -- and this one is different. However, we are still dealing with a very unique parking situation where you have about -- if you look here, you are looking at about 10 spots actually -- or there is nine spots. I actually missed -- you can see it right there. Seven that you see there, and a two-car garage. So when you are looking at that, that is a characteristic right there where it is completely different than any house to the west. So I know on the planning report -- I mean, really after I did the first one and there was a lot of good results -- it was 8-0. There was a lot of support behind. I wanted to see if this is something that neighborhood would want and is something that Council would want. And I checked it out and everything was positive. The neighborhood got behind it and there was a lot of good things. Even the planner at the time, Matt Lepke, gave me positive support. When I got the first -- or this planning staff report and I talked to Clint -- a really nice guy -- the word technical kept coming up. And it -- technically this happens, technically this happens, and what I wanted to do was break this report down in three questions: Is the property surrounded by higher density zoning? Does this property have any characteristics? And is there a good enough reason not to approve the rezoning? So as you can see here, it is really surrounded -- and there is some pictures afterwards. But I always try to put myself in people's shoes, and I'm putting myself in your shoes right now. And I do care about this area. I bought my first property when I was 18 on this street, and I really care about the neighborhood. And if you look, this is directly across from an R-4, and it pretty much lines up perfectly. That's a small thing, but it is something. This is also a house that if you look at the characteristics -- these are two huge houses. To answer your question, the assessor is wrong. I'm sorry. This house is about 3,500 square feet, and if you look at the other ones -- I know this street very, very well. The assessor numbers are wrong. There is a significant difference in these two properties compared to the other ones because of basement refinishing and things like that. So you brought up an excellent point, but I really do know, and these are

3,500-square-foot homes. If you look at the next homes, I mean, they're smaller. They are a lot smaller. And to raise up the point of vacancy, the next six houses are -- two out of three are for sale, and one is vacant. So you do have a 50 percent vacancy rate here, which is a concern of mine. And then also -- or also when you look at this, here are some other unique characteristics -- sorry, my staff got fancy with the things. We'll just go on. But if you look at these unique characteristics, these are not characteristics of -- and if we are going to draw the line, this is a perfect time to draw the line. Honestly, I told the -- I said, Hey, at a certain point, I would vote against me. And I am looking at this situation and I'm saying this property is very unique. It has got -- it is surrounded by higher density. There is no parking issue. You mentioned a parking issue, Ms. Burns; there is not an issue at all. The first -- the third person that showed up asked one question -- just was -- he wasn't even concerned, just wondering. He was actually in support and he signed this petition too. So there was no parking concerns at all. And then, also, you are dealing with, like I said, a large house, rental area, vacant, no chance of the duplex. He mentioned the slippery slope. The only chance you could do that is if you tore them both down and basically had a duplex to make up both lots, which would be the same number, and it would be completely impractical to do, and would never do it. Even if you -- the house burned down, you would never do that. Okay. So I want you guys to really look at the positives here. This is the property -- that entrance -- that, like, in the long-term vision of Columbia, we need entrances that look good. We need -- when you go in, the properties need to be in good condition, and it is not going to unless -- like, if you look at the property, you just won't have it because it is a huge house that you would have to maintain. Dale is in St. Louis; I am in Columbia. We need to get this property fixed up. And, also, at the same time there is a track record for this actually working. It went 8-0 last time at the Council. There is not -- I mean, it is very, very similar -- to the point, even almost more unique. And you can draw the line here -- so it is not just saying draw a line. I was there at the time back then and there was not any of the reasons that Clint mentioned before and they weren't -- well, Pat was there, but Clint wasn't. And when you look at this, there is a lot of positives with very limited downside. Here are just some improvements that I had to make. I had to spend about \$27,000 on El Cortez. With the new one, there is a lot of work that needs to be done. It is about the same. And I wanted to show you guys, every single neighbor that I stopped by said, yes, they 100 percent support this. Not one person -- not one person -- we don't have a HOA in this place, but we do have Ellen Richardson, who is like a community leader. She is signed up there. There is a bunch -- there is a bunch of people -- even the houses next door -- anybody next door signed it. I didn't have one person oppose it. So when you think about that, that is huge. And, in summary, I really want you guys to think about this. I understand the whole drawing the line. I completely support drawing the line at a certain point. But there is enough reason here that it makes sense that you draw the line after this property, and I hope you guys see that, that it is higher density and it makes sense. There are some unique characteristics here. Also, the track record. It makes sense. This worked. Council supported it. I have Council support this time as far as I know. And the neighborhood is 100 percent behind it. When have you came up to a situation like this when the neighborhood is 100 -- there is nobody opposing me as far as I know. And this is one of the circumstances where honestly the best thing to do for the property is

to rezone it. And I completely respect what -- a lot of the things that they said, you know, afterwards, but for this situation, let's look at this as what is, the best practical -- or what practically makes sense. Thank you.

DR. PURI: Commissioners, any questions of this speaker? I see none. Thank you. Do you have a question, Mr. Stanton?

MR. STANTON: I'll pass.

DR. PURI: I see none.

MR. HALL: No questions? I got all prepared.

DR. PURI: Anybody else wishing to speak about this matter, please approach the podium and state your name and address. You have three minutes to speak.

MR. O'CONNELL: My name is Ryan O'Connell, and my address is 811 East Green Meadows. I live in the Deer Valley Apartment Complex. And I'm a young professional in the area and work in the same building as Mr. Hall. And when this issue got brought up, I was absolutely in support. I was one of the letters of support that was sent in, and I know a question got brought up of why am I concerned when I don't live in the area or have any relation. And I'm absolutely concerned and in support because I am involved with growing the entrepreneurial community here in Columbia. And I think one of the bigger problems for young professionals is finding appropriate housing. I spent a lot of time in college in student housing, and there is a large difference between student housing and when you graduate and you want to have reasonable housing on the south side of campus. I think this is an exact opportunity for something that we need in this area, and I know that is a large problem whenever we are bringing employees from St. Louis and Kansas City that want to move here because you are set on this schedule that is based around student housing. And, again, this is another opportunity, and this is why I am in support of this young professional's housing property.

DR. PURI: Commissioners, any questions of this speaker? I see none. Thank you.

MR. O'CONNELL: Thanks.

DR. PURI: Anyone else wishing to speak on this matter? All right. Seeing no one. Close the public hearing.

#### **PUBLIC HEARING CLOSED**

DR. PURI: Commissioners, discussion? Mr. Stanton?

MR. STANTON: I respect the recommendations of Staff, but it seems like he doesn't have any intentions of building a duplex or anything like that. He wants to use the increase -- or the change in zoning to increase his occupancy number. And according to his plan -- I don't know if we can hold him to it, but he has proven it in the other property that he is going to use that money to improve this property as well. He's proven it on the property next to it. He has full support of the neighborhood. It's kind of hard to deny it on the information that he has presented, so I plan to support it.

DR. PURI: Mr. Strodman?

MR. STRODTMAN: I'll kind of echo some of the similar comments of Mr. Stanton. When I first saw this project and this applicant, I had the same question, which is where do you draw the line. You

know, the first property made obvious sense with the Providence Outer Road there and apartments across and offices behind and et cetera. And, you know, after looking at it, I thought that based on the size of this property, you know, the unique characteristics is I believe how the applicant categorized it is. How I look at it, the amount of parking that is onsite and already currently provided would more than accommodate the one density increase. The square footage of the home is obviously larger than the others. I kind of look at -- this is a natural -- and then pretty soon you kind of even see the landscaping and the roadway starts to kind of change. It becomes a little more residential in some features further west. And I do kind of see that this is about the natural area and maybe kind of start winding down the R-2 and transition into an R-1. And, you know, based on what has been done to the first site, the history kind of lends itself to believe that I will support this project as the applicant has requested.

DR. PURI: Thank you. Commissioners, any further discussion? Mr. Lee?

MR. LEE: I would just say that I think the property is sufficiently upsized to do what he wants to do. I think there is plenty of zoning next door across the street -- catty-corner, which supports his request for rezoning. I intend to support it.

DR. PURI: Ms. Loe?

MS. LOE: I'm feeling conflicted on this one. When I looked at the map and when you look at the sheets that were submitted with the report, I -- my first impression was it was a no-brainer, you know, to upgrade, actually, just because it is surrounded by all of the other zoning. But when I drove by it, I have to admit that street looked pretty single-family residential to me. And the house looked very similar in style to the one to the west of it. There's the basement and there's the bump-out in the back, but I'm not sure if that hasn't already been rented to -- I'm assuming it has multiple tenants -- that those actions might not have been taken. So part of me feels as if it is a self-revealing prophecy in that it is being treated as a rental now, so it's -- we're going to take it to the next -- you know, why not just give it that badge. But this is a permanent change extensively, and this is going to go beyond you. And I'm not sure we should be making zoning changes in order to fit project preformas. So I understand your preforma might need four occupants in order to make the numbers work, but I'm not sure the zoning of this street should be changed for the -- I think it is a weak argument based on what I saw on the street. You do have some compelling literature, but I have to admit, I'm conflicted on this one.

DR. PURI: Ms. Burns?

MS. BURNS: I too am conflicted. And I appreciate the staff report. I drove this and it -- the other thing that concerns me is that there is no homeowners association. That is an important, I think, line of defense for people to kind of refer to covenants and whatnot. At this point, they won't have that option as far as a homeowners association in zoning. And I'm looking at the parking. I -- I see how you can fit all these cars in here, but the cars that are the furthest to the north wouldn't be able to leave because they are blocked in.

MR. HALL: There are two lanes. I just did it wrong. I'm sorry. There are two.

MS. BURNS: Okay. I live where there is a lot of duplexes, and unfortunately what happens is people park in the front yard.

MR. HALL: Yeah. Well, that's probably -- I don't know if I can talk, but it's probably next door where they were parking in the front yard, so the plan would be to expand it so they --

MR. PURI: Please come to the microphone.

MR. HALL: I'm sorry. I will come up to the microphone. Sorry. Okay. Yeah. Actually, one of the problems that -- and I love how you brought up the HOA issue because we are trying to work on that, and Ellen and some of the people are getting together because it does create a challenge there. So you make a really good point. The house next to us that is actually zoned R-1. It has parking issues where one of the things that I would like to do because there is so much room on my side is work with that landowner so they basically stop parking in the front yard because that is ridiculous. And so it would be actually -- doing something like this -- those are the improvements like -- that I should want to make. And I get the point of that it's a long-term fix. There is a long-term thing. And when you think about the long-term -- like, there is really not downsides here. I get that you are talking about measures that are being pushed forward in the future or something, but I look at that and the practicality of actually doing that -- tearing down a garage and building another -- it just doesn't make --

MS. LOE: But it is beyond the -- I mean, a lot of these letters of support are for you, personally. And I commend you that you have such a strong support group.

MR. HALL: Thank you.

MS. LOE: But when -- if you sell, things happen. Because the -- if the next landlord does not maintain the property, the landlord -- the neighborhood is not going to be as --

MR. HALL: And you are completely right. This is not supporting me, this is supporting -- if you read this, it says --

DR. PURI: Do we have questions that we ask you? I think that you guys can ask questions if we bring, you know, the speaker back up to the podium.

MR. HALL: I'm sorry.

DR. PURI: But this is not a discussion or forum to, you know --

MR. HALL: Fair enough. Okay. I apologize.

DR. PURI: Okay. Any other question -- or, I mean, discussion? Mr. Reichlin?

MR. REICHLIN: I would have to say, you know, that I have discussed this with Mr. Hall earlier today. However, all things being equal, I'm sitting on the fence about it. I can see Ms. Loe's point regarding the zoning, and it could be a concern going forward that we can't see at this point in time. The advantage of, you know -- the disadvantage of not having four unrelated is that you have to rent to a family in order to make it work. And whether or not your economic model suits what you are trying to do with the property, you know, you've got to have an economical model that has more flexibility than that. And so, that's kind of how -- I'm still not there, and so --

DR. PURI: Fair enough. I think it is my turn to address this. I -- originally when I saw this, in light of the staff, I, you know, got the slippery slope point. And I was here the first time when we voted on this adjacent property. You look around the property, you have R-4. On the other side, you have R-2. And, you know, as you get out of the doors of this house, you look at an R-4 development in front of you. Also

this neighborhood is quite old, and a lot of these houses are quite worn out as well. And there is going to be some that are sitting empty as the person who is renovated this has pointed out. So under the circumstances, you have to put money back into the houses and upgrade it or, you know, upkeep it. And that is not going to happen. And, yes, it is also affordable housing in the south -- this whole area is, but I don't think that by rezoning this to R-2 there is going to be a slippery slope here because across the street, that big tract is R-4, and then after that road that is adjacent to it. So under the circumstances, what the gentleman has done on the previous property and the person that was, you know, against him last time has now come up and spoken for him, under the circumstances, you know, I think speaks for itself. If there was more opposition on this, I agree with Mr. Lee, that there would be more neighbors out here speaking about this matter and that if they said that this was encroaching into their neighborhood, they would say some things, and that is what this public hearing is about is for them to come and voice their opinion. We see no one. All we saw is a -- you know, somebody in support that was here, and letters, and there was also signatures on this list, but nobody that is opposing this, you know, whole project. I understand the fact that Ms. Loe is making that the preforma does not fit the project, but at the same time, how would you put money back in the neighborhood? Somebody is trying to put money into this neighborhood. If you have R-4 across the street, R-2 adjacent to it, O-1 on the backside of it, and I think if this whole house was on the other side of the neighborhood -- the other end of this on El Cortez, I think it would be a different discussion on the matter just because it sits on the side of the apartments that are there in R-4. And those are pretty old run down apartments as well, and they are going to need to be upgraded at some point in the future. So under the circumstances, I plan to support this rezoning. I think it makes no sense to deny it based on the various things that you have heard. This will be an upgrade to the existing property so that you can -- and there is no neighbor that is against it. That is a key point for me. If somebody was against it, they would be here, and we could, you know, take action on that. So that is my view on the matter. Mr. Stanton, did you have something to say?

MR. STANTON: Yeah. I agree with supporting this. And my thing is that this applicant has went through some of the same processes that we have seen with bigger developers. He has been thoughtful; he has a plan that is pro-growth, but takes into consideration of what we want as Columbians to do. And, you know, we always talk about improving and matching surrounding areas in -- what else can you do? You know, he is going to improve the property. Hopefully, it starts a chain reaction where other people want to improve their property. If we deny it, what happens? You know, I can see somebody coming in and buying up all the other property and come back to us and ask for an R-2 or some other zoning that is less helpful for our housing stock. So I think that he's covered all of his bases and I think that it is a good idea.

DR. PURI: Do we have a motion? Mr. Lee?

MR. LEE: I'll make a motion in Case No. 14-24, a request to rezone 215 E. El Cortez Drive from R-1 to R-2.

MR. STANTON: Second.

DR. PURI: Mr. Stanton seconds. May we have a roll call, please.

MR. STRODTMAN: Yes, Mr. Chair. The vote is -- the yes vote is for approval from R-1 to R-2.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Reichlin,  
Mr. Stanton, Mr. Strodman, Ms. Burns, Mr. Lee, Dr. Puri. Voting No: Ms. Loe. Motion carries 6-1.**

MR. REICHLIN: Mr. Chair, the motion has been approved to move this to City Council.

DR. PURI: Okay.