City APPS

Patrick Zenner <patrick.zenner@como.gov>

Information for the Planning and Zoning Commissioners for the Oct20, 2016 UDO Public Hearing (East Campus Overlay Concerns)

Waid, Tim <WaidT@missouri.edu> Fri, Oct 14, 2016 at 8:20 AM
To: Patrick Zenner <patrick.zenner@como.gov>, Timothy Teddy <Timothy.Teddy@como.gov>

Dear Planning and Zoning Commissioners:

I have summarized the events surrounding the East Campus overlay that you are considering for inclusion in the UDO on October 20, 2016. The full text of my summary is presented here (or, as email attachments above). Please exempt the East Campus overlay from the UDO since it has been illegally amended by, and, poorly offered by City Staff for public comment and debate. I will be sharing this summary with the media.

Respectfully,

Tim Waid (on behalf of The East Campus Majority – which also includes a majority of occupant-owner resident homes within the boundaries of William/Bass/College/ Bouchelle)

Summary of Illegal Actions by ECNA President Janet Hammen and City of Columbia

1. January, 2016: Pat Zenner initiates inclusion of the East Campus overlay into the UDO without consulting property owners in the East Campus area.

2. April, 2016: Pat Zenner approaches Janet Hammen and asks her to revise the East Campus overlay on behalf of the ECNA.

3. May, 2016: Janet Hammen holds an illegal ECNA meeting – she does not contact members who are non-resident property owners nor does she give advance warning of the meeting on the association's website (posted the day before!). Five non-resident property owners find out 'through the grapevine' and attend the illegally held meeting. It is discovered at the illegal meeting that she is working on revisions to the East Campus overlay because she is told by "someone in the know" (Pat Zenner) that this would be a good time for revisions. A member points out that the law requires a representative task force of 7 owner-occupants and 7 non-resident property owners be on the committee. Betsy Peters informs the member that "we can get rid of that clause". Janet Hammen abruptly cancels the meeting due to the exposure of her secretive and illegal maneuvers.

4. May-July, 2016: Janet Hammen fails to respond to email and in-person inquiries from non-resident property owners regarding interest in participating in the East Campus overlay revisions. Non-resident property owners decide to form grass roots effort to fight for justice and begin to meet weekly and circulate a petition. By July 7, 2016, 212 of 393 parcel property owners in the East Campus overlay boundaries sign a petition asking that no changes be made to the current overlay.

5. July 7, 2016: Twenty-five non-resident property owners meet with Sixth Ward Council Representative Betsy Peters to address concerns about the injustices perpetrated by Janet Hammen and Pat Zenner. A statement is delivered and discussed. (**Attachment 1**). Rep. Peters agrees to obtain information on this and meet again on July 18, 2016.

6. July 7, 2016: Non-resident property owner Tim Waid informs the Planning and Zoning Commission of the events describe above (Items 1-6) and suggests that the EC overlay should not be included in the UDO, or, that the P&Z commission create strict language such that any revisions to the EC overlay be remanded to the P&Z commissioners for review and approval. Mr. Zenner responds to Mr. Waid by suggesting that yes, he is the source of the EC overlay revision and that he is waiting the Janet Hammen to submit a draft of the revisions but that any submission should be reviewed for full representation from the affected property owners. He also tells the commissioners that "there are serious problems with the overlay". He suggests that the P&Z commission hold an exclusive hearing on just the EC overlay.

7. July 18, 2016: Twenty-five non-resident property owners meet with Rep. Peters with a City witness. Rep. Peters informs members that she has viewed Janet Hammen's overlay revision but is unable to recount the details of the draft. She informs the group that she will recuse herself from any City Council vote on the UDO with regards to the EC overlay. A City witness keeps minutes from this meeting. At the conclusion of the meeting, Rep. Peters is given a statement asking her to obtain information that the group has requested from Janet Hammen for the past three months without response. (**Attachment 2**)

8. July 21, 2016: Tim Waid informs the P&Z Commission of the events above (Item 7) and presents the commission with the petition signed by 212 parcel property owners requesting no changes to the EC overlay. Mr. Zenner informs the commissioners that he has not received any draft from Janet Hammen and that if he does it would be discussed at a public hearing. He informs Mr. Waid and other members of the petitioning group that he intends to integrate the EC overlay into the UDO without changes if Janet Hammen does not submit her draft. Mr. Zenner informs Mr. Waid after the meeting that he would email his UDO draft of the EC overlay.

9. July 27, 2016: Attorney Garrett Taylor for the non-resident property owners obtains confirmation from City Attorney Ryan Moehlman that no changes to the EC overlay will appear in the UDO draft. (See **Attachment 3**)

10. August 1, 2016: Mr. Zenner and Mr. Waid speak by phone. Mr. Zenner informs Mr. Waid that Janet Hammen has not submitted an EC revision draft and that she has indicated that she is not interested in the legal process of participating on a task force to find a "win-win" situation for her interests and the non-resident property owners' interests. Mr. Zenner informs Mr. Waid that he will email his UDO draft of the EC overlay with technical language changes only.

11. August 4, 2016: Mr. Waid receives Mr. Zenner's UDO draft. However, it contains more that technical language markup and specifically has included language regarding the definition of a legal lot that is new. Mr. Waid requests a meeting with Mr. Zenner and prepares a statement to point out Mr. Zenner's illegally revised amendments. (See **Attachment 4**)

12. August 4, 2016: P&Z Commission conducts it final hearing to discuss the UDO. In the entire months of public comment the East Campus overlay has never been presented on the P&Z agenda for review by the P&Z commission!

13. August 17, 2016: Mr. Waid and five others meet with Mr. Zenner and present him with a statement (**Attachment 4** as mentioned above). Mr. Zenner informs that group that he had anticipated this and had decided to remove the illegal mark ups and comments. He then delivers a draft as a hardcopy to the group and informs them that this is what he will propose for the UDO. (That hardcopy is scanned as a PDF as **Attachment 5**).

14. September 13, 2016: Attorney Garrett Taylor for the non-resident property owners obtains confirmation from Mr. Zenner that no changes to the EC overlay will appear in the UDO draft. (See **Attachment 6**)

15. September 17, 2016: Mr. Waid and other members meet with City Director of Community Development Tim Teddy and Mr. Zenner to discuss East Campus situation and present a statement about East Campus concerns. (See **Attachment 7**). Mr. Waid informs City that a new association named East Campus Majority Housing Association (ECMHA) will now represent East Campus. ECMHA members comprise the majority of EC and over 90% of the property between William, Bass, College, and Bouchelle. In fact, a majority of the 10 occupant-owner homes in this area have been signed to the East Campus majority petition and are upset with Janet Hammen and the illegal activities of the ECNA.

16. September 26, 2016: Attorney David Brown receives results of a sunshine request from City that no petition has been initiated to revise the EC overlay. (See **Attachment 9**)

17. September 26, 2016: Pat Zenner releases the final UDO draft which includes an amended and revised EC Overlay containing a strike-through of Section F Amendments (See **Attachment 10**) which is the paragraph that stipulates that a representative task force of 7 and 7 is required to amend the law. Mr. Zenner has never discussed this with the P&Z commissioners in meetings or work sessions.

18. September 29, 2016: Mr. Waid emails Pat Zenner to forward to P&Z commissioners the fact that Mr. Zenner has illegally initiated and illegally revised the EC overlay. (See **Attachment 10)**

ATTACHMENTS 1-10 (there is no #8 which was omitted):

ATTACHMENT 1

July 7, 2016

To: Sixth Ward Council Member Betsy Peters

CC: City of Columbia Development Services Manager Pat Zenner

Subject: Current Overlay for the East Campus Neighborhood Association (City Ordinances 017722 and 017627)

The non-resident home owners within the boundaries *declared* by the East Campus Neighborhood Association (ECNA) have no faith in the ECNA and its leadership regarding the secretive development of an overlay for our homes and our neighborhood using a task force that lacks representation of our views, and, one that lacks transparency. The ECNA has created a task force without notifying us, and, has appointed members who are either not identified, or, who do not represent the views shared by a majority of the non-residents home owners within boundaries *declared* by the ECNA.

Non-resident home owners comprise over 70% of the homes within the boundaries *declared* by the ECNA. Furthermore, non-resident home owners comprise over 90% of the homes on and along streets west of Ann Street and east of College Avenue. Non-resident homeowners within the boundaries *declared* by the ECNA do not have a voice in the proposed overlay development and are intentionally being excluded from that process.

These efforts by the ECNA on behalf of the City of Columbia represent a breach of the fundamental rules of governance and democratic principles, and, reflect poorly on the ethics and leadership of the ECNA. The non-resident home owners hereby inform the ECNA and Sixth Ward Council Representative Betsy Peters that these civic activities are in violation of City Ordinances 017722 and 017627, and therefore illegal.

The non-resident home owners urge the ECNA leadership and City of Columbia Council Representative Betsy Peters to re-evaluate the current task force membership and its engagement with non-resident home owners. The non-resident home owners demand that the City of Columbia keep the current overlay in effect as defined in City Ordinances 017722 and 017627, and, that any proposed revisions to the current overlay be entertained by the City of Columbia only upon receipt of a petition requesting changes to the current overlay that is signed by more than 50% of parcel owners within the boundaries *declared* by the ECNA. Upon the City's receipt and approval of such a petition, the non-resident home owners demand that non-resident home owners select and publicly identify task force members as required by law and as stated in City Ordinances 017722 and 017627.

Submitted July 7, 2016 to Betsy Peters on behalf of non-resident ECNA home owners, with witnesses:

ATTACHMENT 2

July 18, 2016

To: Sixth Ward Council Member Betsy Peters

CC: City of Columbia Director of Community Development Tim Teddy

Subject: **East Campus Neighborhood Association Overlay - Illegal Special Meeting and Vote on May 26, 2016**

The non-resident home owners within the boundaries *declared* by the East Campus Neighborhood Association (ECNA) hereby inform the City of Columbia of an illegal meeting conducted by the ECNA on May 26, 2016. The meeting was held without sufficient notification to all members of the ECNA as required by the ECNA bylaws.

Article IV (Meetings) Section 2 of the ECNA bylaws states: Special meetings shall be called by the chairperson or upon request of six members. **Not less than five days of notice shall be given to the membership for special meetings**. **At the time of the announcement, members shall be advised of all motions or resolutions to be voted on** at the special meeting. **Other items may be discussed but may not be voted on until the next scheduled meeting**.

Attached is an email transcript delivered by the ECNA chairperson to ECNA member and non-resident home owner Don Emery. The email notification is date stamped *Sun, May 22, 2016 at 7:36 PM*. This is **less than four (4) full days before the commencement of the meeting** that was held at 7:00 pm on Thursday, May 26. **This inadequate notification is in violation of the ECNA bylaws and therefore illegal.**

In addition, **many non-resident home owner members of the ECNA received no notification of the May 26 special meeting**. ECNA members Elizabeth Crawford, Phil Warnken, Wendy Vram, Mark Stevenson, and Paul Hinshaw, among others, were not notified of the special meeting by the ECNA officers. Instead, these individuals became aware of the special meeting through chance communication with Don Emery.

Attached is a screen shot of the special meeting announcement that was posted to Google Sites with a date stamp of *Wednesday, May 25, at 7:49 a.m.* which is **less than 36 hours before the commencement of the special meeting**.

In addition to conducting an **illegal meeting**, the ECNA President entertained **a motion and passed a resolution to vote** on an issue with regards to the ECNA overlay. **This motion and resolution are in violation of the ECNA bylaws and therefore illegal.**

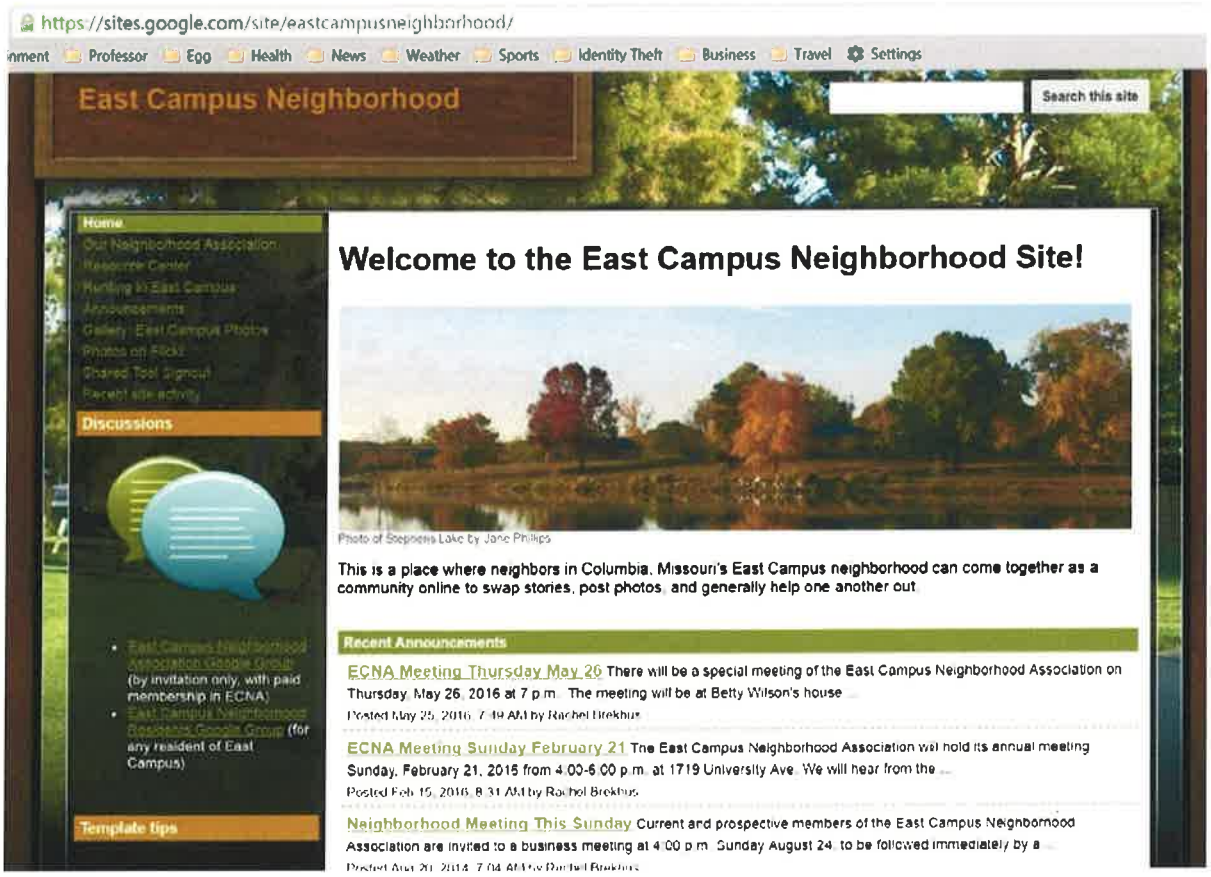
The non-resident home owners within the boundaries *declared* by the ECNA **hereby notify the City of Columbia that the ECNA is not a legal representative of the non-resident home owners** who comprise over 70% of the homes within these *declared* boundaries, and, over 90% of the homes on and along streets west of Ann Street and east of College Avenue.

Submitted July 18, 2016 to Betsy Peters on behalf of non-resident ECNA home owners, with witnesses:

j hammen Sun, May 22, 2016 at 7:36 PM To: ECNA Google Group Neighbors,

There will be a special meeting of the East Campus Neighborhood Association on Thursday, May 26, 2001 at 7 p.m. The meeting will be at Betty Wilson's
house, 1719 University Ave. The purpose is informational concerning the East Campus Urban Conservation plan and the city update of the zoning and subdivision
codes. No refreshments; just a short meeting. Please come.

Thanks, Janet



ATTACHMENT 3

VAN MATRE, HARRISON,
HOLLIS, TAYLOR, AND ELLIOTT, P.C.

1103 E. Broadway
Columbia, MO 65201
Phone (573) 874-7777
Fax (573) 875-0017

TO: Dr. Timothy Waid via electronic mail to waidt@missouri.edu

FROM: Garrett Taylor

DATE: July 27, 2016

RE: East Campus Neighborhood Association

Dear Tim and Landlord/Owners:

After the meeting at my office with the landlord/owners of the East Campus Neighborhood Association ("ECNA"), I spoke with City Attorney Ryan Moehlman. I informed Mr. Moehlman that I represented a majority of the East Campus property owners, and that I was contacting him in regards to the concern about a new overlay district for the East Campus Neighborhood being placed in the Unified Development Ordinance ("UDO"). According to Mr. Moehlman, he and City Staff are well aware that the "East Campus Majority" is not in favor of altering the current ordinance language for the UDO. Mr. Moehlman and City Staff are aware that any proposal submitted by Janet Hammen will not carry an endorsement of the "East Campus Majority."

According to Mr. Moehlman, City Staff is not interested in proposing or developing any new ordinance for the East Campus Urban Conservation District, unless it is a mutually agreed upon and accepted draft of a new ordinance by the ECNA members. I then informed Mr. Moehlman that was not possible as I represent the "East Campus Majority" who did not want a new ordinance. Mr. Moehlman said that he and City Staff understood.

According to Mr. Moehlman, if no documents were submitted to City Staff, then it was the City Staff's intent to keep the current overlay ordinance intact. I asked Mr. Moehlman if City Staff desired or expected a document from us that simply restated the current ordinance, and Mr. Moehlman said that City Staff was not expecting any such document. According to Mr. Moehlman, City Staff will prepare the language for the ordinance with minor changes so that it complies with the updated language of the UDO. Again, I inquired with Mr. Moehlman as to whether or not he wanted any document from the "East Campus Majority" to submit or prepare to Planning and Zoning or City Council, so that he and I were on the same page. Mr. Moehlman once again stated that he is not looking for any document from the "East Campus Majority."

Mr. Moehlman stated that City Staff currently intends on keeping the same ordinance language that applies to East Campus in the UDO. Mr. Moehlman stated that City Staff will present the UDO to Planning and Zoning with the same ordinance language that currently applies to East Campus. However, Mr. Moehlman stated that he could not guarantee what City Council would do when the UDO is presented to them.

Mr. Moehlman informed me that he has heard discussion about a proposed amendment to the East Campus Urban Conservation District ordinance from Janet Hammen. According to Mr. Moehlman, City Staff has not received any such document from Janet Hammen, at this time. I respectfully requested that, if he does receive such a document in the future, Mr. Moehlman contact me regarding same. Mr. Moehlman agreed to do so. Mr. Moehlman is aware that the "East Campus Majority" does not support any document submitted by Janet Hammen, unless he hears from me to the contrary.

Mr. Moehlman and I discussed a letter from my office outlining our position and stating that the "East Campus Majority" is in favor of keeping the current East Campus Urban Conservation District ordinance language as it currently exists in the new UDO. Mr. Moehlman and I agreed that it would be a good idea to have a letter from my office in the files of City Staff outlining the position of the "East Campus Majority." Accordingly, I will prepare such a letter to submit to the City. I will send it to you for review prior to submitting to the City.

All things considered, I believe my conversation with Mr. Moehlman went well and was favorable to your position. If you have any questions, please feel free to contact me regarding same.

Sincerely,

Garrett S. Taylor

ATTACMENT 4

August 17, 2016

To: City of Columbia Development Services Manager Pat Zenner

CC: City of Columbia Attorney Nancy Thompson

Subject: East Campus Overly - UDO Integration Revisions 08-04-2016 Illegally Proposed Illegal Changes

The East Campus Majority does not accept, and does not support, the East Campus overlay that you proposed in your email to Tim Waid as an attachment entitled "East Campus Overlay – UDO Integrations 08-04-2016" (attached here as Attachment 1).

The East Campus Majority is currently composed of 212 parcel property owners of the 393 total parcels that exist within the boundaries of the East Campus overlay. The East Campus Majority is the representative group for the East Campus overlay and has presented the City of Columbia with a petition is support of the current overlay without any changes. You have illegally drafted three proposed changes to the current East Campus overlay that are illegal:

1. Your strike-through of the phrase "established before January 1, 2002" in Section 2 (e) represents an illegally proposed change;
2. Your related comment to the above strike-through regarding the definition of a legal lot represents an illegally proposed change. Your comment is: *A legal lot would need to meet the definition of "Lot" shown Section 29-1.13 of the UDO. To meet such definition the lot upon which the new construction would occur cannot include parts of previously surveyed lots described by a deed only or cross property lines to gain the 60-feet of frontage. The property will need a single "platted" lot;*
3. Your related comment to the definition of a legal lot in Section 2 (f) represents an illegally proposed change. Your comment is: *A legal lot would need to meet the definition of "Lot" shown Section 29-1.13 of the UDO. To meet such definition the lot upon which the new construction would occur cannot include parts of previously surveyed lots described by a deed only. The property will need a single "platted" lot.*

Additionally, you as an agent of the City have no authority to initiate proposed changes to the East Campus overlay. You are a City planner and not a member of a citizen task force, and, you are not a member of the East Campus Majority which is the representative group for the East Campus overlay.

The East Campus Majority has corrected your illegally initiated changes, and, said illegal changes to correct your draft to reflect the current East Campus overlay without changes (attached here as Attachment 2). These corrections simply remove your strike-through (noted in 1 above), and, remove your two comments (noted in 2 and 3 above).

The East Campus Majority mandates that your East Campus overlay mark-up for UDO integration be corrected as outlined here. To be clear, the definition of a legal lot that existed prior to January 1, 2002 shall be maintained in the East Campus overlay as it is integrated into the UDO. It is not a legal requirement that the language of the East Campus overlay refer to an underlying base zoning definition for a legal lot that has been updated in the UDO in 2016. It is a legal requirement that the East Campus overlay refer to an underlying base zoning definition for a legal lot that existed before January 1, 2002.

Submitted August 17 to Pat Zenner by members of the East Campus Majority on behalf of the East Campus Majority Housing Association, a corporation that is incorporated with the Secretary of the State of Missouri.

ATTACHMENT 5

AN ORDINANCE

establishing the East Campus Urban Conservation District; 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. Establishment of East Campus Urban Conservation District.

The zoning district map established and adopted by Section ~~29-4~~ 29-2.3 of the Code of Ordinances of the City of Columbia, Missouri is amended so that the land within the following boundaries will become a part of District ~~U-C~~ UC-O (Urban Conservation Overlay ~~District~~) and shall be known as the East Campus Urban Conservation District:

A tract of land in the north half of Section 18 and the southeast quarter of the southwest quarter of Section 7, both in Township 48 North, Range 12 West in the City of Columbia, Boone County, Missouri; said tract being described as follows: BEGINNING at the center of the intersection of Lee Street and Wilson Avenue; thence southerly along the centerline of Lee Street and the southerly prolongation thereof to the centerline of Rollins Street; thence easterly along said centerline and the easterly prolongation thereof to the center of Hinkson Creek; thence upstream along said creek centerline to the centerline of Old 63; thence northerly and northwesterly along said street centerline to its intersection with the easterly prolongation of the north line of Lot 10 of McNab Subdivision as recorded in Plat Book 4 at page 42; thence westerly along said prolongation and north line and the north lines of Lots 11 and 12 of said subdivision to the northeast corner of Lot 18 of East Highlands Addition as recorded in Plat Book 1 at page 11; thence westerly along the north line of said Lot 18 and the north lines of Lots 17, 16,15 and the westerly prolongation thereof to the centerline of vacated Rockhill Road; thence westerly along the easterly prolongation of the north line of Lot 22 of Block 4 of Fyfer's Subdivision of Fyfer's Addition as recorded in Plat Book 1 at page 42 to the northeast corner of said Lot 22; thence continuing westerly and northwesterly along the north lines of said Lot 22 and Lots 21, 20, 19, 18,17 and 16 of said Block 4 to the southeast corner of Lot 5 of said Block 4; thence northerly along the east lines of said Lot 5 and Lot 4 of said Block 4 to the southeast corner of Lot 1 of Block 2 of said plat; thence easterly to the southeast corner of Lot 2; thence northerly to northeast corner of Lot 2; thence westerly along the north line of said Lot 1 and the westerly prolongation thereof to the centerline of Ann Street; thence southerly along said street centerline to the centerline of Anthony Street; thence westerly along the last said centerline to the centerline of William Street; thence northerly along the last said centerline to the easterly prolongation of the north line of Lot 5 of Cole and Ingels' Subdivision of Lots in Shields Eastern Addition as recorded in Plat Book 3 at page 31; thence westerly along said prolongation and north line to the northwest corner of said Lot 5; thence southerly to the

southwest corner of said Lot 5; thence easterly to the northwest corner of Lot B of said subdivision; thence southerly along the west lines of said Lot B and Lot A and the southerly prolongation thereof to the centerline of Bass Avenue; thence westerly along said centerline to the southerly prolongation of the east line of Lot 11 of Shields Eastern Addition as recorded in Book 45 at page 212; thence northerly to the northeast corner of said Lot 11; thence westerly along the north lines of said Lot 11 and Lots 10, 9 and 8 and the westerly prolongation thereof to the centerline of Dorsey Street; thence southerly along said centerline to the centerline of said Bass Avenue; thence westerly along last said centerline to the northerly prolongation of Lee Street; thence southerly to the POINT OF BEGINNING and excepting therefrom Lots 7, 8, 10 and 11 of Anthony's Addition as recorded in Book 80 at page 14, said lots currently being zoned O-P.

The provisions of this ordinance shall apply only to the East Campus Urban Conservation District. All regulations of Chapter 29 of the Code of Ordinances of the City of Columbia, Missouri, including regulations pertaining to the underlying zoning districts shall apply to property within the East Campus Urban Conservation District except where modified by this ordinance."

SECTION 2. Exemptions.

(a) This ordinance shall not apply to any land in zoning districts ~~PUD, O-1, O-P or C-P~~ PD, or M-OF.

(b) This ordinance shall not apply to the following uses: hospitals, mosques, synagogues, public schools, private colleges or churches.

SECTION 3. Uses.

Rooming houses, boardinghouses or lodging houses. One-family dwellings may not be converted to rooming houses as defined in the Rental Unit Conservation Law (Chapter 22, Article V of the City Code) or to boardinghouses or lodging houses after September 17, 2005.

SECTION 4. Standards and Criteria.

The following criteria apply in the East Campus Urban Conservation District:

(a) *Building height.* If a building that does not conform to the building height requirement of the underlying zoning district is damaged by fire or natural disaster, it may be rebuilt to its previous lawful nonconforming height, plus three feet but shall not be rebuilt to exceed the previous number of stories.

(b) *Roof pitch.* Seventy-five percent (75%) of the roof area on newly constructed nonaccessory structures shall have a minimum slope of four units vertical in twelve units horizontal.

(c) *Windows*. A replacement window that faces a street shall reasonably match the appearance of remaining windows and shall be at least 75% of the size of the original window. Infill material for removed or replaced windows shall reasonably match the exterior wall material. This section shall not apply to windows that are part of a porch that has been converted to habitable space before passage of this ordinance.

(d) *Trash*. A dumpster, other than a temporary dumpster, shall not be located in a required front yard. A dumpster located between the midpoint of a building and the required front yard shall be screened on the street side with a wooden fence. A dumpster installed after the passage of this ordinance shall be located on a hard surface at or behind the midpoint of the building. Roll carts must be located on the side or in the back of the building unless driveways, stairs, landscaping, proximity to another person's living area or other circumstances make back or side placement impractical.

(e) *New duplexes and apartments on legal lots at least sixty (60) feet wide*. Duplexes (in district R-2 or ~~R-3~~R-MF) and multiple-family structures (in district ~~R-3~~R-MF) built after passage of this ordinance on legal lots ~~established before January 1, 2002~~ that are at least sixty (60) feet wide at the building line may be constructed either in accordance with the standards of Chapter 29 of the Code of Ordinances or in accordance with the following standards:

(1) The total number of bedrooms in the building shall not exceed four (4) for each two thousand five hundred (2,500) square feet of the legal lot. A studio is considered one bedroom.

(2) A total of four (4) people are allowed in any combination of dwelling units for each two thousand five hundred (2,500) square feet of the legal lot.

(3) One parking space is required for each two bedrooms in the structure.

(f) *New two or more story structures on small ~~R-3~~ R-MF legal lots*. Two or more story (excluding basement) duplex and multiple-family structures built after passage of this ordinance on legal lots less than sixty (60) feet wide at the building line in zoning district ~~R-3~~ R-MF may be constructed either in accordance with the standards of Chapter 29 of the Code of Ordinances or in accordance with the following standards:

(1) The structure shall contain no more than four (4) bedrooms and no more than four (4) dwelling units.

(2) The total number of persons over the age of seventeen residing in the structure shall not exceed the number of bedrooms in the structure. A studio is considered one bedroom.

(3) The number of required parking spaces shall equal the number of bedrooms in the structure.

(g) *Lot size and parking waiver*. The lot size and required parking requirements of Chapter 29 of the City Code shall not apply to any property in District ~~R-3~~ R-MF that has a

Commented [TW1]: This strike-through of the existing overlay (City Ordinance 017627 and 017722) is inappropriate and represents a modification and therefore a proposed revision to the existing overlay. The East Campus Majority does not support this strike-through of the phrase "established before January 1, 2002". The language "established before January 1, 2002" shall remain since the East Campus Majority has petitioned the City to keep the existing overlay without changes. This strike-through is an illegal action by the City. The East Campus Majority is the 'representative' group for this overlay and not the City which has no legal authority to initiate proposed revisions to the overlay.

Commented [PRZ2]: ~~A legal lot would need to meet the definition of "Lot" shown Section 29-1.13 of the UDO. To meet such definition the lot upon which the new construction would occur cannot include parts of previously surveyed lots described by a deed only or cross property lines to gain the 60-feet of frontage. The property will need a single "platted" lot.~~

Commented [TW3R2]: This comment is inappropriate and represents a modification and therefore a proposed revision to the existing overlay (City Ordinance 017627 and 017722). The East Campus Majority does not support this comment. This comment shall be removed from this draft since it is not language contained in the existing overlay and the East Campus Majority has petitioned the City to keep the existing overlay without changes. This comment is an illegal action by the City. The East Campus Majority is the 'representative' group for this overlay and not the City, which has no legal authority to add new language to this overlay that would create a proposed revision to the overlay.

Commented [PRZ4]: ~~A legal lot would need to meet the definition of "Lot" shown Section 29-1.13 of the UDO. To meet such definition the lot upon which the new construction would occur cannot include parts of previously surveyed lots described by a deed only. The property will need a single "platted" lot.~~

Commented [TW5R4]: This comment is inappropriate and represents a modification and therefore a proposed revision to the existing overlay (City Ordinance 017627 and 017722). The East Campus Majority does not support this comment. This comment shall be removed from this draft since it is not language contained in the existing overlay and the East Campus Majority has petitioned the City to keep the existing overlay without changes. This comment is an illegal action by the City. The East Campus Majority is the 'representative' group for this overlay and not the City, which has no legal authority to add new language to this overlay that would create a proposed revision to the overlay.

change of use to duplex or multiple dwelling units provided that:

(1) There is no increase in the number of bedrooms,

(2) The width of the property is forty-five (45) feet or more,

(3) The exterior architectural features of the structure are not modified,

(4) The footprint of the structure is not enlarged more than one foot in any direction.

SECTION 5. Violations and penalties.

The violations and penalties provisions of section ~~29-39~~ 29-5.6 of the Code of Ordinances of the City of Columbia, Missouri shall apply to the provisions of this ordinance so that a violation of this ordinance shall be the same as a violation of the zoning ordinance.

SECTION 6. Amendments.

The City Council shall amend this ordinance only upon the receipt of a petition to amend the ordinance signed by the owners of fifty percent or more of the parcels of land within the East Campus Urban Conservation District or upon the request of a committee the Council considers representative of the property owners of the District. The Council shall not consider a committee representative of the property owners of the District unless the committee is composed of at least seven owner-occupants of property in the District and at least seven nonresident-landlords of property in the District.

ATTACHMENT 6

Waid, Tim

From: Garrett Taylor <garrett@vanmatre.com>
Sent: Thursday, September 15, 2016 11:16 AM
To: Phil Warnken; Waid, Tim
Subject: Fwd: UDO/East Campus Overlay

Gentlemen: Please see below. Thanks.

Garrett
---------- Forwarded message ----------
From: **Patrick Zenner** <patrick.zenner@como.gov>
Date: Tue, Sep 13, 2016 at 11:01 AM
Subject: Re: UDO/East Campus Overlay
To: Garrett Taylor <garrett@vanmatre.com>

No. The only changes that will be proposed at this time are those necessary technical changes to integrate the current overlay into the proposed UDO.

Pat

Sent from my iPhone

On Sep 13, 2016, at 10:49 AM, Garrett Taylor <garrett@vanmatre.com> wrote:

> Good morning, Pat. Hope all is well. Just a quick follow up question regarding the UDO and the East Campus Overlay - has anyone submitted to you any proposed language for the UDO that will apply to East Campus neighborhood? Thought I would check in on it. Thanks.
>
> Garrett
>
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> Garrett S. Taylor
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>
> If you have received this electronic communication in error, you should immediately delete the message from your system. We would also appreciate it if you would telephone us at (573) 874-7777, to advise of the misdirected communication.

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ATTACHMENT 7

To: Director of Community Development Tim Teddy Sep16, 2016

CC: Manager of Planning Pat Zenner; City Attorney Ryan Moehlman

Subject: **East Campus Neighborhood Association (ECNA) Violations of the City of Columbia's Neighborhood Organization Policy, and, City of Columbia Culpability for Improper Oversight of the ECNA**

The East Campus Majority Housing Association (East Campus Majority) is a non-profit corporation that has been incorporated with the Secretary of the State of Missouri in 2016. The East Campus Majority is the representative group of the East Campus Urban District Overlay and its boundaries and speaks for over 212 parcel property owners of the 393 parcels within these boundaries that heretofore have been **illegally represented by the East Campus Neighborhood Association (ECNA)**.

The East Campus Majority was formed by members of the ECNA due to the continued pattern **of illegal, unethical, and unrepresentative actions by the ECNA**. The ECNA is a dishonest organization that is managed by a handful of individuals who live east of Ann Street and one that has no interest in neighborly engagement with the parcel property owners west of Ann Street. Each of the ECNA leaders over the past 30 years have managed the ECNA with **vitriol toward the parcel property owners** west of Ann Street, and, with **vocal disdain toward residents** of those properties. **The ECNA has violated the terms of the City of Columbia's Neighborhood Organization Policy repeatedly** for decades without proper oversight by the City of Columbia and without proper discipline from the City.

Many individuals in the East Campus Majority who are members of the ECNA have tried unsuccessfully over the years to re-direct that organization and suggest that it follow the City's Neighborhood Organization Policy. Repeated **requests to the ECNA Presidents, and, Sixth Ward Council Representatives to seek a "more neighborly spirit" from the ECNA have gone unanswered** by those individuals who serve as city agents. (See Attachment 1 and 2)

In May, 2016 the ECNA President and Sixth Ward Council Representative attempted to "hijack" the East Campus overlay redesign and conducted illegal meetings using illegal means to illegally overturn a City zoning Ordinance (017722 and 017627). **The East Campus Majority brought these concerns to your attention on July 17.** (See Attachment 3)

The East Campus Majority believes that the ECNA does not comply with the city's Neighborhood Organization Policy. The East Campus Majority requests the following information from **the City of Columbia since it may be culpable in allowing the ECNA to have input on civic matters despite its illegal, unethical, and unrepresentative actions**:

1. A list of members and members' addresses, and, proof of payment by those members for membership to the ECNA, for the previous five years (2012 through 2016).
2. An annual financial report, and, documentation of payments, receipts, and balances for all transactions by the ECNA, for the previous five years (2012 through 2016).
3. Specifically on Item 2 above, provide detailed financial documentation of the receipt, expenditure, and balance of the $100,000 donation to the ECNA made by the Beta Theta Pi fraternity. What is the status of this $100,000 donation today and how does that status compare to the agreed upon terms of its use when the settlement was determined?

There are suggestions that the ECNA is composed by members who do not exist or do not reside within the ECNA boundaries or who do not pay dues. There are suggestions that the ECNA uses petty cash improperly, including disbursements to political campaigns that it supports. There have been suggestions that the ECNA did not utilize the $100,000 donation within the terms-of-use it agreed to, and, that the City lacked due diligence in this misuse.

The East Campus Majority requires a response to these inquiries by October 23, 2016. A lack of response is no longer acceptable to the incorporated East Campus Majority Housing Association which formally acts on behalf of the East Campus neighborhood parcel property owners in a legal, ethical, and representative manner.

Signed,

=➔ See Reverse Side

ATTACHMENT 9

September 26, 2016

Brown Law Office LC
Attn: David Brown
501 Fay Street, Suite 201
Columbia, MO 65201

RE: Sunshine Request Dated September 21, 2016

Dear Mr. Brown:

In response to your request for records fitting the following descriptions:

(1) A petition to amend City of Columbia Ordinance No. 17627;

(2) A petition signed by the owners of fifty percent or more of the parcels of land within the East Campus Urban Conservation District;

(3) A request of a committee of property owners of the East Campus Urban Conservation District;

(4) A request of a committee composed of at least seven owner-occupants of property in the Ease Campus Urban Conservation District and at least seven nonresident-landlords of property in the East Campus Urban Conservation District.

The Community Development department of the City of Columbia does not have such records. These records would only exist if any amendments other than technical amendments were made to the ordinance in question.

In June of 2003, an amendment was established to correct the legal description in the original ordinance and to correct the time when the ordinance would become effective.

Currently, the overlay is being amended to redefine terms required under the proposed Unified Development Code that is pending Planning and Zoning Commission and City Council review. The Planning and Zoning Commission will be holding a public hearing on the Unified Development Code on October 20, 2016 at 6:00 pm in the City Council Chambers at 701 E Broadway.

If you have further questions or need more information, please feel free to contact the Director of Community Development, Tim Teddy, at (573)874-7318.

Sincerely,

Amy Modrell-Miller
Custodian of Records
Community Development

ATTACHMENT 10

Waid, Tim

From:	Waid, Tim
Sent:	Thursday, September 29, 2016 4:26 PM
To:	'Patrick Zenner'
Cc:	'Ryan.Moehlman@CoMo.Gov'
Subject:	East Campus Overlay: 1. Illegal City Action; 2. Failure to Disclose; 3. Exempt Overlay from UDO

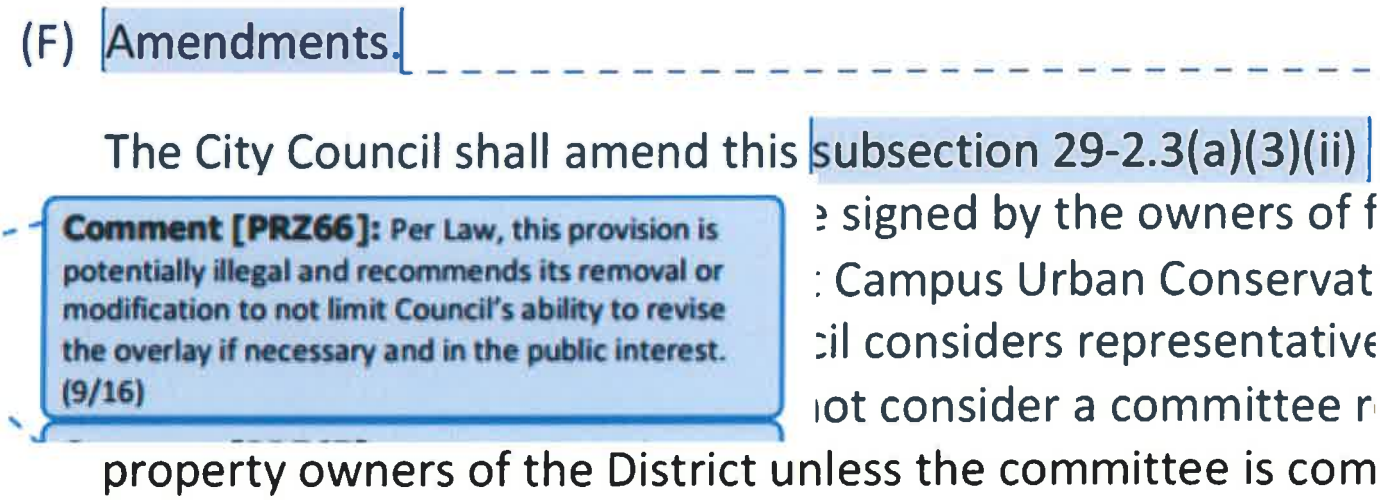
To: City of Columbia Planning and Zoning Commissioners; City Development Services Manager Pat Zenner (Pat, please use official city channels to distribute this thread to the Planning and Zoning Commissioners as required by law)

CC: City of Columbia Attorney Ryan Moehlman

Dear Commissioners:

Please note that a revision to the East Campus Urban Conservation District Overlay has **been illegally initiated, and, illegally amended without the Commissioners knowledge by City Development Services Manager Pat Zenner** as part of the Unified Development Ordinance draft presented on September 26, 2016.

On page 96 of the UDO draft Mr. Zenner has added two comments dated September 16, 2016 that illegally amend City Ordinances 017722 and 017627. Those illegally initiated, and, illegal amendment are shown here:



As a reminder, the East Campus Majority has submitted a petition to the Planning and Zoning Commission demanding no changes to the current East Campus Overlay. That petition contained 212 parcel owner signatures within the boundaries of the overlay that contains 393 parcels. As a reminder, the East Campus Majority is the representative group for the East Campus Overlay and has never initiated a request to include the overlay in the UDO. To be clear, **City Development Services Manager Pat Zenner has illegally initiated the overlay amendment effort, and, has illegally modified the overlay**. Mr. Zenner is not member of the East Campus Majority nor is he a parcel property owner within the overlay boundaries.

It is apparent that **Mr. Zenner has not informed you Commissioners** of his actions. This may be viewed as **Mr. Zenner's disregard for your contributions to the UDO draft**, or, as a **lack of Mr. Zenner's fiduciary responsibility**.

Our group believes that Mr. Zenner's disregard for the law and those City Ordinances may also be espoused by members of the City Council and the Mayor. Therefore, **we have prepared litigation against the City of Columbia**.

To avoid this conflict, we request that you override Mr. Zenner's ill-advised and illegal actions and **vote to exempt the East Campus Overlay from the UDO**. Integrating the overlay into the UDO is not necessary. However, doing so will only enable further tampering by the City Council and the Mayor, and, will expose the City of Columbia to costly litigation and negative media attention. We find it regrettable that City officials may disregard citizens' property rights and the legal processes used to create zoning laws.

Once again, we thank you for listening to our concerns and for your service to the City of Columbia. **We remain hopeful that your integrity will prevail despite the burden of understanding the illegal actions of Mr. Zenner**.

Respectfully,
Tim Waid
1513 Bouchelle

Timothy Waid *M.B.A, Ph.D*
Associate Teaching Professor – Department of Management
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(573) 882-5963 • waidt@missouri.edu
timwaid.missouri.edu



Patrick Zenner <patrick.zenner@como.gov>

East Campus Overlay Comment PRZ66

Wendy Kvam <wendykvam@gmail.com> Fri, Oct 14, 2016 at 9:04 AM
To: Timothy.Teddy@como.gov, patrick.zenner@como.gov

Dear Planning and Zoning Commissioners:

I am an original member of the 2001-2003 Committee that created the East Campus Overlay and also a member of the East Campus Majority Association. We own 1416 Wilson Avenue, 1627 Wilson Avenue, and 1708 Cliff Drive within the boundaries of the East Campus Overlay.

I am writing to you to register my disappointment with and opposition to Mr. Zenner's addition of Comment PRZ66 as a sidebar note to the East Campus Overlay included in the proposed UDO. This challenge to the Amendments clause (Section 6) within the East Campus Overlay disregards the intent and provisions the original Committee members unanimously agreed to include.

The creation and drafting of the East Campus Overlay involved a two-year discussion by resident owners and landlords–two groups of stakeholders in the neighborhood–in a process of consensus to address neighborhood issues we all believe are important. The Amendments section of the Overlay was thoughtfully and purposefully included to prevent one side or the other from future political maneuvers to amend the Overlay without the awareness or consent of the other side. We were open and frank about this dynamic and this possibility in the future during our Committee discussions.

Comment PRZ66 challenging Amendments (Section 6) of the Overlay violates the intent of the Overlay Committee. City Attorney Fred Boeckmann, who consulted with the Overlay Committee throughout the process, drafted the language of the Overlay. A group of Committee members met with Mayor Darwin Hindman in his law offices prior to the passage of the Overlay to discuss the draft and specifically the process of future amendments. The amendments section of the Overlay was thoroughly canvassed and considered legal.

The present efforts to exclude the Amendments (Section 6) from the Overlay is a political maneuver to skirt the provisions that the original Overlay Committee drafted and enacted. In addition, the exclusion would nullify the current petition signed by over 50% of neighborhood parcel owners requesting the preservation of the original East Camus Overlay.

The present situation is exactly what the original Committee foresaw and intended to prevent with the Amendments (Section 6) of the East Campus Overlay. We ask that you help us maintain the integrity of the East Campus Overlay by honoring the original ordinance as it stands. Thank you for your consideration.

Sincerely,

Wendy Kvam
Committee Member
East Campus Overlay Committee, 2001-2003