



City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, March 22, 2018
7:00 PM

Regular Meeting

Council Chambers
Columbia City Hall
701 E. Broadway

I. CALL TO ORDER

MR. STRODTMAN: Good evening, everyone. We would like to go ahead and call the Thursday, March 22, 2018, City of Columbia, Missouri, Planning and Zoning Commission regular meeting to order. May we have a roll call, please.

MS. BURNS: Yes. We have seven; we have a quorum.

MR. STRODTMAN: Thank you, ma'am.

Present: 7 - Tootie Burns, Dan Harder, Joy Rushing, Lee Russell, Anthony Stanton, Rusty Strodtman and Michael MacMann

II. INTRODUCTIONS

III. APPROVAL OF AGENDA

MR. STRODTMAN: Mr. Zenner, approval of agenda. Any changes to our agenda this evening?

MR. ZENNER: No, there are not, sir.

MR. STRODTMAN: Thank you, sir.

IV. APPROVAL OF MINUTES

MR. STRODTMAN: Commissioners, the last meeting was on March 8, 2018. These notes -- these minutes were sent out to us in advance. Are there any corrections or changes needed to such minutes. I see none. I'll take a thumbs up for approval on those.

(Unanimous vote for approval.)

MR. STRODTMAN: And we have unanimous thumbs up. Thank you.

V. SUBDIVISIONS

Case # 18-59

A request by Engineering Surveys & Services (agent) on behalf of Columbia Public Schools (owner), for approval of a one-lot final minor plat to be known as "CPS Waugh-Locust Subdivision", and design adjustments regarding the amount of right-of-way dedicated with the plat and waiving corner truncation at the southeast corner of Waugh and Locust Streets. The

2.22 acre site is zoned R-MF (Multiple-Family Dwelling) and is located at 1208 Locust Street.

MR. STRODTMAN: First item of the evening. At this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to Case 18-59, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

MR. STRODTMAN: May we have a staff report, please?

Staff report was given by Rachel Bacon of the Planning and Development Department. Staff indicates the proposed replat has been reviewed and is found to comply with the provisions of the UDC with the exception of the requested design adjustments. Staff supports both design adjustments. The plat may be approved by the Commission with the approval of none, one or both of the design adjustments and recommends the following:

1. Approval of the final plat CPS Waugh-Locust Subdivision.
2. Approval of the design adjustment to Section 29.5.1(c)(4)(ii) regarding the dedication of road ROW.
3. Approval of the design adjustment to Appendix A.6(b) of the Unified Development Code regarding the corner truncation of ninety-degree street intersections.

MR. STRODTMAN: Thank you, Ms. Bacon. Commissioners, any questions for staff? Yes, ma'am, go ahead. Ms. Burns?

MS. BURNS: Thank you. Ms. Bacon, I don't know if you're aware of how wide the sidewalks are that we're talking about that are -- are they -- could you tell me the width, please?

MS. BACON: I can. So on Waugh and Locust, they are -- well, on Waugh Street, they are four feet. On Locust, they're four for part of it going into five, and then on College, they are -- they're wider, I think about eight feet or so.

MS. BURNS: Okay. Thank you.

MS. BACON: Uh-huh.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just a quick comment. In relation to these two design adjustments in particular, and this is maybe for all of us and for staff to ponder. In the core area of downtown, the old part of downtown, we've been asked to waive the right-of-ways and we've been asked to waive truncations -- Greek Town, Columbia College. We have an old -- the older core city character of neighborhood-type issue going on, and I'm just bringing this up. This is going to happen -- it's already happened three or four times. It's going to continue to happen. Just -- just throwing that out there. We may

want to address that.

MR. STRODTMAN: Job security. Any more questions, Commissioners, of staff? I see none.

As -- this is not a public hearing, but as in past practices, it is a subdivision. If there is anyone in the audience that would like to come forward and give us any information related to this case, we would welcome that at this time. I see none. Commissioners, questions? Additional information needed of staff? A motion? Mr. MacMann?

MR. MACMANN: I'll move. In the Case of 18-59, CPS Waugh-Locust Subdivision final map -- final plat with design adjustments, I move that we approve.

MS. RUSHING: Second.

MR. STRODTMAN: Thank you, Mr. MacMann, for making that motion for approval of the -- all three items, and we received a second from Ms. Rushing. Commissioners, any questions or additional comments needed on the motion? I see none. When you're ready for a roll call, Ms. Burns.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms.

Rushing,

Ms. Russell, Ms. Burns, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman.

Motion carries 7-0.

MS. BURNS: Seven to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Our recommendation for approval will be forwarded to City Council for their consideration.

VI. PUBLIC HEARINGS**Case # 18-68**

A request by Jaime Coleman (agent) on behalf of Pompie, LLC (owner) to revise the Statement of Intent for property within The Colonies Lot 101 & 102 OP Plan to allow "Personal Services, General" as an additional use. The 1.1-acre property is located on the east side of Colony Drive, approximately 400 feet north of the Forum Boulevard and Katy Lane intersection, and is commonly addressed as 2614 Forum Boulevard.

MR. STRODTMAN: Moving on to our first public hearing of evening, Case 18-68. At this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to Case 18-68, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Thank you, all.

MR. STRODTMAN: May we have a staff report, please.

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the Statement of Intent revisions for the subject property.

MR. STRODTMAN: Thank you, Mr. Smith. Commissioners, any questions for staff? Mr. MacMann?

MR. MACMANN: Just real quick. Planner Smith, any feedback from the mostly commercial neighbors on this -- on any of the personal services?

MR. SMITH: Yes. I think we did receive one call just of inquiry generally.

MR. MACMANN: No one complained? That's --

MR. SMITH: No.

MR. MACMANN: Okay. Thank you.

MR. SMITH: You're welcome.

MR. MACMANN: Thank you, Mr. Chairman.

MR. STRODTMAN: Any additional questions, Commissioners. Mr. Smith, is -- is fitness allowed today and/or would it be allowed in the future?

MR. SMITH: Fitness, as in a gym-type setting?

MR. STRODTMAN: Well, the -- the client's application letter had specifically stated some -- sorry I didn't have it open already -

MR. SMITH: Yes. Personal fitness, I think was one of the issues.

MR. STRODTMAN: It had personal services, general physical fitness center.

MR. SMITH: Fitness, yeah. That is something that was on the original application. And we did review that and we spoke with him about that, shared some of the concerns

with possibly that type of use in there because that is a strictly commercial-type use. And he, at that time, voluntarily -- voluntarily allowed us to remove that or basically self-remove that from the site, so --

MR. STRODTMAN: So that won't be part of the request?

MR. SMITH: Correct. Yeah.

MR. STRODTMAN: I was just asking for clarification. Additional questions? This is a public hearing, and I'll go ahead and open it up.

PUBLIC HEARING OPENED

MR. STRODTMAN: For anyone that's here for Case 18-68, we would welcome you to come forward and give us any information you might have. I see no one here for this. We'll go ahead and close the -- oh, sorry. Sorry. Withdraw that last little -- we would just ask for your name and address.

DR. BAH: Dr. Abdoulaye Bah, 2009 Wood Hollow Drive, Columbia, Missouri, 65203-0909. Thank you giving me the opportunity to speak here. This is what makes this country works. My neighbors are there. They're supporting what we're trying to do, but I'm glad that you give us the opportunity to speak out here, and I'm thankful for whatever decision you make because I've had the opportunity to speak out on behalf of my wife and myself, my children, and our business. We moved here as immigrants and we've been very grateful for what this country has done for us. I am a graduate of the University of Missouri system. My wife is a medical doctor for this community. My daughter is a medical student from this system. My son is intended to go to law school here. So thank you again for giving us the opportunity.

MR. STRODTMAN: Thank you, sir. Any questions for this speaker? I see none. Thank you -- thank you, sir. Anyone else like to come forward before we close the public hearing? Now, it's closed.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, any questions, comments, additional discussion needed? Mr. MacMann?

MR. MACMANN: If it's okay with the rest of the Commission, I have a motion.

MR. STRODTMAN: We would take a motion.

MR. MACMANN: In the matter of Case 18-68, The Colonies Lot 101 and 102 PD Statement of Intent revision, I move that we pass same.

MR. STANTON: Second.

MR. STRODTMAN: Thank you, Mr. MacMann, for making that motion. The motion has received its second from Mr. Stanton. Commissioners, any discussion or additional information needed on that motion? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms.

Rushing,

Ms. Russell, Ms. Burns, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman.

Motion carries 7-0.

MS. BURNS: Seven to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Our recommendation for approval will be forwarded to City Council for their consideration.

Yes: 7 - Burns, Harder, Rushing, Russell, Stanton, Strodtman and MacMann

Case # 18-73

A request by Central Design Group (agent) on behalf of School of Service, Inc (owners), seeking rezoning of three properties on the west side of Old Hwy 63, between Amelia and McAlester Streets. The property consists of 0.55 acres and is currently zoned R-1 (One-Family Residential District), and the applicant is seeking M-OF (Mixed-Use Office District) to facilitate the construction of a new office building.

Moving on to our next case for this evening, Case, 18-73. At this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to this Case 18-73, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Mr. MacMann?

MR. MACMANN: I don't know any details, but, as you can tell, there are a lot of people here to speak, and I certainly have heard that there's a lot of concern in opposition. I just wanted to let you know. And I don't know -- there are concerns. How about that?

MR. STRODTMAN: Thank you for clarifying that, Mr. MacMann. Anyone else?

MR. STRODTMAN: Can we have a staff report, please?

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the requested rezoning from R-1 to M-OF.

MR. STRODTMAN: Thank you -- thank you, Mr. Palmer. Mr. Zenner?

MR. ZENNER: If I may, Mr. Chairman. Just so the Commission is aware, this is a straight zoning action. As -- as a result, there is not a requirement in our Code that a development plan be submitted. We have not seen a development plan for this property, so that is -- I just want to make that comment before we get a bunch of questions asked. The applicant is here this evening and they may be able to address that. The recommendation as Mr. Palmer has made is based on land use, not on an actual physical building plan that we have actually evaluated and how buffering and screening will work. So the zoning district classification and the application procedure for this

request does not require the plan, so we didn't have one. If you have questions for Rusty to answer at this point, would be more than happy to do so. Just want to put that as a point of clarity out on the table for everybody here.

MR. STRODTMAN: So I think what you're trying to say is that there would be another opportunity, if we were to approve this this evening, if there was to be a building built in the future, there would be another opportunity to actually look at the building, the - - everything related to it?

MR. ZENNER: No, there will not be, sir.

MR. STRODTMAN: Got you. So everybody understands that. Commissioners, questions of staff? None at this time. Let me see. I think I have a couple, but I'm going to see if I can wait for a minute. I can wait. So we'll go ahead. And before I open it up, there's obviously a lot of people in the room this evening. And unless you're here for our amendment change after this, which you're probably not, I assume you're here for this -- this discussion. So I'll try to just give out some playing field rules, if you like. Probably a lot of you are not familiar with coming to this, so I'll try to kind of help you through it. Since it is a public hearing, everyone has a right to speak. We would love to hear everyone that is here this evening if you have something that is different than the person maybe that was before you. So what we would like to do is if there's an organized person, if there's an organized group here this evening, a homeowners' association or if there's an organized speaker in this group that's for or against this, that person -- that group -- that person will get six minutes. Anybody thereafter will get three on both sides. So if there is an organized person or a group that's -- a person that's here to speak for the -- the majority of you that here, I assume, that person will have six minutes. So please make sure that you identify yourself as -- if you're that organized speaker or not so that I give you that appropriate six minutes. If not, we will ask you to -- to stop at three. There's a little red light on the podium here you'll see right there. I'll blink it every once in a while when you're at your -- when you're past your time, and we ask that you wrap it up. And, you know -- and like I say, we all know that you're here for probably the same purpose, so try to keep it with different points. If it's the same item and we hear it 50 times, we'll listen to it all 50 times, but that's not necessary. We get the point. And if you want to cover something different, we welcome it. And with that, I'll open it up, and we just ask for your name and address before you start.

PUBLIC HEARING OPENED

MS. JOHNSON: Is there an order?

MR. STRODTMAN: Whoever is first up gets to go. There is no for or against, there's no formal process in that regards. If there is no organized person that is here to speak

on a homeowners' association, that person or the applicant I would suggest would come forward first, but just to kind of get the ball rolling, because they might be able --

MR. RANDOLPH: (Inaudible.)

MR. STRODTMAN: Sorry, but we can't -- unfortunately, can't take it from the group, so let me do this. Is -- is there a homeowners' association being represented tonight that someone that's elected to that homeowners' association is here this evening? Can we start with that? Is there any elected officials here this evening from a home --

MR. RANDOLPH: There's two --

MR. STRODTMAN: Two of you?

MS. VIANELLO: Three.

MR. STRODTMAN: Three of you? And you're all three elected to that homeowners - - so, if the three of you want to kind of real quick, if one of you wants to take the six minutes, and everybody else gets three. Or I can pick for you.

MR. RANDOLPH: (Inaudible.)

MR. STRODTMAN: I can't -- you can't speak to me -- sorry. I don't hear you. You have to come to the podium, and your time starts.

MR. RANDOLPH: Not an officer, but the officer has allowed me to speak in his behalf here, so --

MR. STRODTMAN: Name and address, please.

MR. RANDOLPH: Good evening. My name is John Randolph; I'm a member of the Hilldale Village Subdivision. I'm here today to voice my opposition to Case No. 18-73. I want to start by expressing my surprise that this proposal has even reached this point. The three lots in question have covenants that run with the land and those covenants specifically prohibit the proposed construction. The seller is aware of the restriction violation and possible legal consequences. I find it troubling that the City would support this proposal, particularly as its support has forced Hilldale Village homeowners to go to the expense of engaging an attorney regarding the matter. The Commission should also know that for over 60 years, the biggest disputes the Hilldale Village Subdivision has had to deal with concerned how tall a fence or a hedge could be, and one year an unauthorized garden shed caused considerable uproar. But this proposal has upset the easy-going nature of our little neighborhood association more than any issue I've seen since I moved to the neighborhood 14 years ago. That said, let me briefly repeat the main points of my letter on why the three lots should remain zoned R-1. The Hilldale Village Subdivision was designed as and has been maintained as a restricted residential subdivision for over 60 years. The Hilldale Village Subdivision has a large common area that is unique in the Benton Stephens area and in central Columbia. The Hilldale Village

Subdivision is currently zoned R-1, which is the preferred zoning status of many Benton Stephens residents. The proposed commercial building offers no benefit to the residents of the Hilldale Village Subdivision or the surrounding neighborhood. Rezoning three of the 24 residential lots will lead to further commercial development in the Hilldale Village Subdivision, and the plan violates Hilldale Village Subdivision covenant number one by placing a non-residential structure across three lots. Legal counsel has been engaged to contest the proposed sale. Additionally, I believe an unintended consequence of this vote in favor of the rezoning is that it will essentially make our homeowners' association ineffectual and unable to perform its role. A situation would exist where a member is in open violation of the association's existing legal agreements and the association is essentially powerless to do anything about it. Once the basic authority of the association is broken in this matter, its authority is ultimately compromised and the needs for its members to conform to its covenants is greatly diminished. The eventual breakdown of any homeowners' association that cannot enforce its most basic policies is predictable and assured. I ask that you please consider the impact this rezoning will have not only on the individual homeowners that are impacted, but on our six-decade-old homeowners' association. I believe the crucial and deciding factor in this proposal is the very presence of the long-established Hilldale Village Homeowners' Association. If this project were to be constructed amongst a collection of homes with no homeowners' association or covenants, their proposed office building would perhaps be one viable option, but not in this case for the reasons previously stated. Lastly, I do have empathy for the School of Service and its quest for funding. Obtaining funding is the eternal burden all nonprofit organizations face. Access Arts has a noble mission and its merit is unquestioned, yet I'm also sure it will continue to provide its valuable services even if this proposal is not approved. There may be times when it's appropriate for City government to take action to benefit a deserving local charity, but an ill-conceived real estate deal that attempts to force a square peg into a round hole is not that time and certainly not at the expense of an entire neighborhood association whose members rightfully believe their homes are part of a restricted residential subdivision. For the reasons I've cited in my letter to the Commission and for the reasons I've expressed tonight, I sincerely ask you to deny the rezoning request in Case 18-73. Thank you.

MR. STRODTMAN: Thank you, sir. I didn't get -- oh, sir? I didn't get your address at the beginning.

MR. RANDOLPH: I'm sorry. 710 North Ann Street.

MR. STRODTMAN: 710 North --

MR. RANDOLPH: Ann.

MR. STRODTMAN: Ann.

MR. RANDOLPH: Uh-huh. Yes, sir.

MR. STRODTMAN: Commissioners, is there any questions for this speaker? Mr. MacMann?

MR. MACMANN: Mr. Randolph?

MR. RANDOLPH: Yes.

MR. MACMANN: Hi, again. We met, like, 30 years ago.

MR. RANDOLPH: Yeah. It's been a long time.

MR. MACMANN: Didn't recognize you till you said your name. Sorry for that aside.

MR. RANDOLPH: No problem.

MR. MACMANN: In regards to the legal counsel, the question that I'm asking is, do you plan to move forward -- say, we were to approve this. Do you plan to move forward at that time? Is that the trigger? Is our -- our behavior is the trigger?

MR. RANDOLPH: Absolutely. Absolutely, yes. Unless the -- unless the sale is withdrawn, we will go ahead and proceed with legal --

MR. MACMANN: All right. That's specifically the question I wanted answered. Thank you very much.

MR. STRODTMAN: Any additional questions? Mr. Stanton?

MR. STANTON: If the shoe was on the other foot, what would you want here?

MR. RANDOLPH: I would want the -- the seller to abide by our -- our -- the covenants of our neighborhood. Every person that moved here, when they bought that property, it was included on their deed that said this is a restricted residential subdivision. Lots -- it's one residence per lot, one home per lot. This is what we all expect. We all bought our homes with this belief, that we were going to be in a restricted residential subdivision, not that -- oh, you're going to throw in a commercial building just because the lots are difficult to build on and the seller has problems selling it. That's not the -- the fault of the association. The association, I would add, has been very supportive of Access Arts through the years. It's kind of been a very mutually supportive relationship through -- through all the years that I've been there. The sale of this intended property kind of turns over the applecart more than anything that's ever happened in our neighborhood, so it's -- it's an unusual occurrence.

MR. STANTON: Thank you.

MR. STRODTMAN: Mr. Randolph, is that -- is the area in between those homes, is that a common grounds? Is that maintained by someone, or is that maintained by each homeowners?

MR. RANDOLPH: It's maintained -- the common ground is maintained by the

homeowners' association. We all pay annual dues each year. We elect officers to maintain insurance coverage on it, as well as hire and engage a -- mowing services, whenever we need other landscaping services done -- tree-trimming and removal and stuff, we just had this past year, we authorize the officers of the organization to conduct business on our behalf, hire contractors to come in and perform the work for us.

MR. STRODTMAN: And you live on the west side of that square; is that correct?

MR. RANDOLPH: Yes. I'm in number three up at the top of the hill, just directly opposite. I look down the fairway from my house towards the --

MR. STRODTMAN: Right. So you have direct access visually to Old Highway 63, so you see all the cars going by and -

MR. RANDOLPH: Yes. Yes, I do. Right.

MR. STRODTMAN: And you don't think a building blocking that would be a little better maybe in some ways?

MR. RANDOLPH: Not a commercial office building. I would be happy to see a residential property there.

MR. STRODTMAN: You see two buildings over the one?

MR. RANDOLPH: Yeah. I don't really see three. That middle -- that middle lot is so problematic due to its drainage area, but I think the two side lots could be developed --

MR. STRODTMAN: Would you be concerned of your neighbors backing out onto Old Highway 63? Would you be concerned if you had to do that?

MR. RANDOLPH: I would be concerned if I had to do that, but I think it's how -- it's how you construct your driveway whether you have to back out or not.

MR. STRODTMAN: Well, if you were to put three in there, your driveways would be straight out. There would be no room for a circle drive or any kind of a 90-degree turn, unfortunately.

MR. RANDOLPH: Right. Right. I understand.

MR. STRODTMAN: Commissioners, is there any additional questions of this speaker? Thank you, sir, for coming this evening.

MR. RANDOLPH: Thank you very much.

MR. ZENNER: Mr. Chairman?

MR. STRODTMAN: Yes, sir.

MR. ZENNER: If I may, before we have another speaker, I'd like to provide you a little bit of advice as it comes out of our -- our Unified Development Code as it relates to private restricted covenants. This was a matter that was discussed as part of the adoption of the UDC. Section 29-1.7 has specific language as it relates to third-party agreements; i.e., restrictive covenants. 29-1.7(a) specifically reads, This chapter is not intended to

interfere with, abrogate, or annul any easements, covenants, or other private agreements between parties. However, where this chapter or the decisions of the Commission or the Council under this chapter impose greater restrictions or higher standards or requirements upon the use of land, buildings, or premises than those imposed or required by other easements, covenants, or agreements, the provisions of this chapter and related decisions shall govern. Nothing in this chapter shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this chapter. And then 29-1.79(c) of the same section reads, The City shall not be obligated to enforce the provisions of any easement, covenant, or private agreement between private parties. Just as a point of advice.

MR. STRODTMAN: Thank you, Mr. Zenner. Next speaker like to come forward?

MR. REES: My name is David Rees, and I live at 500 South Garth Avenue, 65203. I own a property with my wife at 800 Woodrow Street, which is just to the north of the area in question. Bought the house three years ago, remodeled it so my son can live there. We love the Benton Stephens neighborhood. What we love about it is the sense of community, the way in which people support each other. It -- the whole area, as you know, has many different characteristics. One of the things I liked about the neighborhood is the number of single-family residences and how people who are able to find a place that they can call their own. And it has also a lot of apartment buildings. It also has quite a lot of commercial area already. One of the things that I think is special about the Benton Stephens neighborhood and the Hilldale area specifically is this encouragement for single families to live close to the center of town. And I -- I think -- I'm just a little bit amazed in listening to the staff report that they seem to be eager to develop this property when it's -- the property is doing great the way it is. I also really love Access Arts. I knew Naoma Powell, support everything that she has done. And I believe that there are people within Hilldale, but also the greater Benton Stephens neighborhood who would be happy to try to find other ways in which to support the good work that Access Arts does. I believe, also, that not every piece of property within the City needs to be developed, that it's nice to be able to take a breath visually. Thank you.

MR. STRODTMAN: Thank you. Any questions of this speaker? Mr. Stanton?

MR. STANTON: I'm going to ask you the same question. If the shoe was on the other foot, and you owned this property, what would be a win-win situation and what would you like there, your own point of view?

MR. REES: Well, the -- the property that we bought is actually -- at 800 Woodrow is actually zoned R-3. I want to rezone it R-1. I think that it's the -- I think it should be part of the future of the -- of the City to have these neighborhoods that are closer to downtown,

that we should be able to encourage people to be able to walk to work, whether it's downtown or the University, Stephens College, and that we ought to encourage this kind of closer living circumstance.

MR. STRODTMAN: Any additional questions of this speaker? I see none. Thank you, sir.

MS. GORTMAKER: Ann Marie Gortmaker, my husband and I live at 1714 McAlester Street. I have a short script, but I'm going to ad lib first to let you know that when we came to Columbia a few years ago to consider whether or not this was a place we could live, move 1,000 miles and live here, I told my husband I didn't want to buy a '60s rancher and I didn't want to be part of a homeowners' association, because I didn't want anybody, this in my mind was, I don't want anybody telling me I can't put up a clothesline. Three days later, we purchased a ranch-style home built in 1958, and I became -- we both became members of the Hilldale Village Homeowners' Association. We pay about \$8 a month. Our common area is mowed. It serves as largely an informal retention basin when we have rain, and that's wonderful. It does -- it's a permeable surface, obviously. A couple of other comments about the neighborhood. It is within Benton Stephens neighborhood, which, as you well know, is part -- is considered urban conservation district. It's R-1. We have been the envy of our neighbors without -- throughout Benton Stephens who have fought and over three dozen have downzoned to R-1 from R-3. We never thought we would face such a challenge. We -- within the area of our home, within 100 yards of our home, we have three nonprofit organizations. I believe strongly in the values of nonprofits. I work for one. I find it most uncomfortable that I am in an adversarial position now with School of Service. It is most uncomfortable. We are two doors from School of Services original building, Naoma Powell's home, as I understand it. We are within a 30-second walk of Memorial Baptist Church. We are within 100 yards of Ann Street Community Garden, which is a collaborative effort of the church, the Benton Stephens Neighborhood Association Community Garden Coalition, and we are within a block of Harbor House. All of these organizations serve to support the community. They welcome those to the community. From -- apart from the specific design plan, which I know you do not have in front of you, what has been expressed by the potential buyer and developer of the property would be that we don't want people coming to us, we go to them. This would not be a benefit to the immediate neighbor, but that is my editorial comment. If you'll bear with me, I'm going to read my extremely large print writing here. This rezoning request was on the agenda and discussed at the Hinkson Creek Collaborative Adaptive Management (CAM) Stakeholders Group meeting yesterday. As you know, and to quote the helpthehinkson.org website, the goal of Collaborative Adaptive

Management process is to improve water quality in the Hinkson Creek. The three properties involved in Case No. 18-73 total less than one acre and are thus not subject to potentially more stringent storm-water management regulations under the development code. However, the general consensus of the members present at the March 21st CAM Stakeholders group meeting was that incremental impacts to the watershed which cumulatively may significantly increase runoff --

MR. STRODTMAN: Ma'am, you're out of time -- way past your time.

MS. GORTMAKER: Okay. I would just ask that you would reject this application for a number of reasons which have been expressed, and thank you for your time.

MR. STRODTMAN: Thank you, ma'am. Commissioners, is there any questions for this speaker? I see none. Thank you, ma'am.

MS. D'AGOSTINO: Hello. My name is Katie D'Agostino; I live at 1715 Amelia. I was one house down from the required notification of 185 feet. Frankly, I was quite shocked that I never got any notification of any sort about this entire thing, plus our process was quite truncated because the notification was delayed. Just last week, we had our information session, then suddenly we're here. All right. You all have many, many letters from us. Have you had a chance to read them?

MR. STRODTMAN: We did receive your letters, yes.

MS. D'AGOSTINO: Did you read them?

MR. STRODTMAN: Yes. I did. I can't speak for everybody else.

MS. D'AGOSTINO: Thank you. So I'll try to reiterate in that. Listening to the staff report, even though I had read it, I was concerned by two things. One, I thought he said that you're not allowed to approve this if it increases runoff. Well, of course, it'll increase runoff. It's grass, and they're going to put a building on there that's much more -- the building and its parking would take up more room than it would for an R-1. That's pretty much a given unless somebody decides to concrete their backyard. Also, the staff plan did not reference our neighborhood plan and our overlay, and that seems troubling, that considering rezoning should consider the needs, the values, the interests of the neighborhood. And the possibility that this would provide services to us -- no. The fellow that came to our meeting and said that he pretty much does large-scale developments, mostly not in Columbia. We don't need a large-scale development as individuals, and he already is bringing staff. He's not going to provide jobs, so it really has no benefit for us. There is a house on Old 63 with a driveway. If you want to know how that works, you might ask them. It's right next door to the lots. That's it. Thank you.

MR. STRODTMAN: Thank you. Any questions for this speaker, Commissioners?
Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman and Ms. D'Agostino. Having been on this property several times, I am a little concerned and I'm going to -- I just want to let you know I'm going to -- when the potential buyer comes up or a representative, I want to talk to them about storm water.

MS. D'AGOSTINO: Uh-huh.

MR. MACMANN: Specifically, I have some questions about what's exactly going happen. I don't think -- my greatest concern, just to let you know, and those -- the rest you can -- my greatest concern is that they will not violate the Code. I don't think more water will run off here if they follow the -- the precepts and ordinances we have. My concern is what's going to happen to the rest of you when they bring that property up. But I just want to let you guys know that we will address that particular issue. Thank you,

Mr. Chair.

MR. STRODTMAN: Do you have a question for her?

MR. MACMANN: No.

MS. D'AGOSTINO: Can I reply and --

MR. STRODTMAN: He didn't -- he didn't have a question, so -

MR. MACMANN: No. I'm sorry. I just wanted to inform you and everyone who is coming further on up that I -- I have some questions about storm water.

MS. D'AGOSTINO: Okay. Thank you.

MS. FLEISCHMANN: My name is Rita Fleischmann; I live at 1602 Hinkson. I'm part of Benton Stephens and Hilldale is a part of us. We group everybody together and we embrace them as a neighborhood. I just want to say to Anthony's question about if this was our property, would you do this. We did this. We had a house that was not ready to rent. It was taken down. What did we do with that house? We could have sold it. We could have had a developer come in. What did we do? We built an orchard. In the middle of Hinkson Avenue, you can drive by and see five apple trees and two pear trees that are going to be blossoming this year and hopefully we'll beat the squirrels and have a harvest. And I don't understand why we can harvest our neighborhood as such. You know, we embrace Access Arts. My son went there. We love them. I volunteered there. And maybe we could make it into a green space where it could be -- you know, let's build apple trees. Let's make terraces. Let's make it something that is useful for children to learn and to grow, and not make it a structure, which would be co-pathetic [sic] with what Access Arts wants. That's all I have to say. Don't make me cry. Anthony?

MR. STRODTMAN: Are you finished?

MS. FLEISCHMANN: Maybe. It depends on what you ask.

MR. STRODTMAN: So, Commissioners, any questions of this speaker? Mr. Stanton?

MR. STANTON: Well, what is your response to somebody -- I mean, somebody is paying a mortgage on this land or somebody has a financial issue. I mean, you know, they own it. It's their land, so what do you say to that?

MS. FLEISCHMANN: Well, that's what I had to choose. It was my ethical choice, what did I want to do with it. Did I want to make it a commercial situation, or did I want to make it a green space and make the neighborhood better. It's an ethical -- it's a commercial decision people have to make. And I don't understand why it cannot -- why -- why we cannot make a green space a natural space for children to learn. It's not beyond the concept of Access Arts to do this. And we did it, we took a loss. Every month, I take a loss, but I'm not -- I'm not sorry I took the loss.

MR. STRODTMAN: Any additional questions, Commissioners? I see none. Thank you, ma'am.

MS. FLEISCHMANN: Thank you.

MR. STRODTMAN: Is the applicant here this evening? Is he? Go ahead, sir. You're -- come on up. I just wanted to make sure the applicant was here and maybe we could hear from the applicant soon.

MR. PICKERING: Okay. Thank you. My name is David Pickering; I live at 1700 McAlester Street. It's located on the northwest corner of Hilldale Village Subdivision. The subdivision is unique in a number of ways. Number one, there is -- there is no commercial development in this subdivision. It includes 24 lots that are zoned R-1, single-family homes. We enjoy a common area of approximately 2.25 acres that's unencumbered by any structures. The common area is a green space stretching from North Ann Street all the way down to Old Highway 63. With the proposed rezoning of lots 15, 16, and 17, and a 5,000 square-foot building built at the lower end of the green space, the character of the neighborhood will forever be changed. The attractiveness of the neighborhood has since its founding, there has been no commercial building has ever taken place on its boundaries. Aesthetically speaking, when buildings, parking lots, cars, and driveways are constructed where trees and grass once were, the character of the area is changed forever. The process of construction to lots 15, 16, and 17 in itself goes against the original and ongoing -- ongoing philosophy of Hilldale Village as a residential area free of the problems commercial development brings to an area. The history of Hilldale Village has had no problems maintaining its integrity as an area of single-family homes. Rezoning of these lots would change the character of the neighborhood in an uncertain way, and I request that the Planning and Zoning

Commission consider the wishes and hopes of the residents of Hilldale Village and vote in favor of maintaining the R-1 designation.

MR. STRODTMAN: Thank you, sir. Commissioners, any questions of this speaker? Sir, you reference a square footage of a building. You say it was 5,000 square feet. Did you just do that calculation on your own, or was that calculation that was provided to you by the applicant?

MR. PICKERING: It was provided by the applicant.

MR. STRODTMAN: By the applicant. Okay. Thank you. Any additional? Thank you, sir. Anyone else like to come forward? And you're with the -- you are the applicant or part of the applicant?

MS. JOHNSON: I guess it depends on how you define the applicant. We are the current owners.

MR. STRODTMAN: Okay. Then you are the applicant.

MS. JOHNSON: Mr. Campbell is applying on our behalf.

MR. STRODTMAN: Okay. I understand. Okay. So, you're School of Services?

MS. JOHNSON: Yes. School of Service, also known as Access Arts.

MR. STRODTMAN: Thank you. So, now, can you give me your name and address?

MS. JOHNSON: Yes. My name is Shawna Johnson; I live at 2208 Oakwood Drive, 65201. As I'm sure you know from all the letters that were submitted, there has been -- and Mr. Randolph even indicated in his comments that this is quite an emotional matter amongst neighbors and it has disrupted everyone. After the agenda for tonight's meeting was posted last week, I read through all of the letters and comments submitted by the public. As a service organization, we work every day to enable a better quality of life for our fellow citizens. And so it was quite disheartening to read that so many feel we are pursuing this sale with little to no thought to the impact it will have on those around us. My staff and I are there every day, as are the children, the disabled, the veterans, and all the other populations we serve. Do they really think that I just want anyone moving in? Do they really think that we would make such a decision lightly? These letters were written by neighbors that we have always viewed as supporters and allies in our mission. They have witnessed how hard it can be for us simply to keep the grass mowed on this undeveloped property, property that has no benefit to us. They saw when we had to replace an HVAC unit a month ago. They saw when we had to dig up our yard and cut down trees to repair the sewer lines last summer, and also two summers before that. They see how much we rely on volunteers to rake leaves and shovel snow, and many have expressed their gratitude and appreciation that we maintain safe, pleasant grounds. They all have expressed their awareness of how difficult it is to take care of our three

buildings and the three empty tracts of land given the dwindling government funding and an unpredictable economy. Reflecting on all of these things, I was stung by their letters to this Commission. This property has been on and off the market for over a decade. I could not help but wonder why, if it is so important to them to keep the land the way it is, why have they not pooled their resources and bought it themselves. For a modest investment on their individual parts, they could have ensured their wants, as well as our needs, but they did not. They were content to let us bear the burden alone. Now that we have proposed a solution, they have a lot to say about how important it is to think of others. As the executive director of Access Arts, it is my job to ensure our mission and move the organization forward. As much as it saddens me to have such a negative response from our neighbors, I still see this as the best solution for our organization. After many conversations with Mr. Campbell, discussing his vision for the property

and desire for a long-term location for his business, I feel confident that he will also be a positive addition to the neighborhood, and I appreciate Mr. Stanton's question about if the shoe were on the other foot because it puts it in real perspective that this is a very hard decision, and there is no easy answer about ethical issues and why we should just leave it and make it an orchard or something of that sort because it all eventually comes down to money, and we cannot just simply leave this land undeveloped. This sale will be a huge windfall for us, enabling us to, for the first time in the history of the organization, to get out of debt. We will be able to hire additional staff and establish an emergency fund. We are seeking fiscal responsibility and long-term solutions. I hope that this Commission can take those things into consideration, as well as think about the number of people and the diversity of people that we serve, many of whom you see have come to show their support today. And that's all I have to say. Thank you.

MR. STRODTMAN: Thank you, Ms. Johnson. Commissioners, questions of this speaker?

MS. JOHNSON: Yes, Mr. Stanton?

MR. STRODTMAN: Mr. Stanton? Curiosity to your question.

MR. JOHNSON: Are you going to ask me the same question?

MR. STANTON: Yeah. But I want to -- I want to expand on that. Okay?

MS. JOHNSON: Okay.

MR. STANTON: Hearing both sides of the issue, and definitely understanding your perspective, there's no way to work this out?

MS. JOHNSON: Well, I feel that there are always lots of opportunities. Right now, this is the only opportunity that is open to us, given our contract with Mr. Campbell, given the reluctance of anyone else to come forward and purchase the property. We have no

other assets that we could sell that would have such an impact financially. So, no, I really don't see any other option. I've agonized over it for months, but this really is the only one I can see as being beneficial to us. And as I said, I think it, in the long term, will be beneficial to our neighbors. I have some of my board members here who have prepared some comments in regards to how it will benefit our neighbors, so I will let them speak to that, but I really do think this is the best solution.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. I knew Naoma a bit for a long time.

MS. JOHNSON: Yes.

MR. MACMANN: When she purchased that home, it was in the HOA. Right?

MS. JOHNSON: Well, Naoma grew up in that home. It was in existence before the HOA existed, so it was her family home that she -- that has been my knowledge.

MR. MACMANN: I'll just -- I'll back off that direction. That home was not as old as Naoma. Anyway, Access Arts is in an HOA that's R-1. Correct?

MS. JOHNSON: Correct.

MR. MACMANN: Correct. Okay. And you understand the limitations of the HOA currently? I mean, you understand that they intend it to be residential?

MS. JOHNSON: Yes, I do.

MR. MACMANN: Okay. I appreciate that you guys are pitted against each other and that's truly unfortunate and I understand that -- like I say, I've known Naoma for a long time. It's always been a money issue. If I understand Mr. Randolph, who seemed to speak -- speak for the Board, they're going to sue you if they win here. I mean, does that help you?

MS. JOHNSON: We are -- we just became aware of this as of Saturday morning, we received Mr. Randolph's attorney's letter. So, right now, we are consulting our own counsel to decide our next course of action if that does happen.

MR. MACMANN: Because it's beginning -- it has become a kerfuffle. I'll -- to follow up on what Mr. Stanton -- the line Mr. Stanton is going, it would be my hope that you all could work this out because they are -- you guys are in great need. I appreciate that. They also are in great need, have a lot of expectation, and were --

MR. STRODTMAN: Question, Mr. MacMann?

MR. MACMANN: My question is as follows: If you do -- if you are unsuccessful here, what will you try after this?

MS. JOHNSON: Well, we were in discussion with someone who had proposed donating some money to build little tiny houses that we could rent. That offer has since been withdrawn. So we, I suppose, would just continue to leave it on the market as is

because we do not have the funding to develop it ourselves.

MR. MACMANN: I have no further questions at this time.

MR. STRODTMAN: Ms. Johnson, can you describe -- tell me maybe in that picture where your three buildings are. When I Google, Access Arts is in the top on McAlester there; is that correct?

MS. JOHNSON: Yes. That is our large M-OF building. And then if you come down to McAlester Street, the first -- let's see, one -- yeah -- first two lots from on McAlester across -- I don't have it -- on the, what is that, south side of McAlester, the first two properties.

MR. STRODTMAN: Just above -- just above the subject site.

MS. JOHNSON: Those two, yes.

MR. STRODTMAN: So, it's the single house that backs out into 63 separates you, the three --

MS. JOHNSON: Correct. Uh-huh.

MR. STRODTMAN: So, you're obviously -- you live -- you don't live there, but you work there, and your buildings are there?

MS. JOHNSON: Yes. And we have artists that do live on site, yes.

MR. STRODTMAN: So you do have people that will be impacted by this building directly that live there in your buildings; correct?

MS. JOHNSON: Correct.

MR. STRODTMAN: How long have you owned this land? How long has School of Services owned this property; do you know?

MS. JOHNSON: I do not remember exactly when Naoma deeded it. It was sometime in the '80s, I believe.

MR. STRODTMAN: But a long time?

MS. JOHNSON: Yes.

MR. STRODTMAN: Okay. And you mentioned a decade that it's been for sale. Has it been for sale more than that one time in --

MS. JOHNSON: We have listed it with three different realtors, to my knowledge at different times.

MR. STRODTMAN: In those ten years' time?

MS. JOHNSON: Yes. Uh-huh.

MR. STRODTMAN: Okay. And -- and through that, that ten-year time, no one ever -- there was never a substantial offer that came forward that took it anywhere further than --

MS. JOHNSON: No. No. There was one offer that was very, very low, and it -- not reasonable to consider.

MR. STRODTMAN: Have you any remembrance as to what the use would have been potentially?

MS. JOHNSON: It was going to be an apartment complex.

MR. STRODTMAN: And can you describe the building in any format? Do you have any knowledge of the building that would be proposed by Mr. Campbell? Do you have any -- you know, one of our speakers mentioned a 5,000 square-foot building; do you have any knowledge of that?

MS. JOHNSON: I do not recall the square footage, but I do remember a lot of discussion about the visual appearance of it and how the -- the building would be basically pushed back as far as it possible could to the rear property line with some foliage and whatnot behind it to provide sort of a buffer onto the common area, and then there would be a parking lot all along the front of the building, between the building and Old 63. It would be a single-story office space. Mr. Campbell did have some preliminary drawings that he showed us. I'm sure he can answer that question much more adequately.

MR. STRODTMAN: You're doing a good job on it, so thank you. I was just curious more about the building and trying to understand that more, so -- Commissioners, is there any questions for this speaker? Thank you, Ms. Johnson.

MS. JOHNSON: Thank you.

MR. STRODTMAN: Mr. Campbell? Is Mr. Campbell here? Thank you, sir. Don't want to pick on you, but love to hear from you. Just need your name and address.

MR. CAMPBELL: My name is Jerry Campbell, Central Design Group. I actually live out in Rocheport, 4920 Boothe Lane, Rocheport, Missouri, the applicant, working with the School of Services for purchasing the property. I actually do have a couple of exhibits. I don't want to get in my six minutes.

MR. STRODTMAN: You actually have three because the executive -- we gave the executive director six. If you have something different.

MR. CAMPBELL: Well, what I'm going to do is I'm going to hand you these and you guys can pass them down.

MR. STRODTMAN: We can actually -- if you hand it over -

MR. ZENNER: I'll project them.

MR. STRODTMAN: We'll put them in the projector so -

MR. CAMPBELL: The reason why it's propriety, and if somebody were to buy the property behind me, they could -- they could copy our concept that we spent hours and thousands of dollars to prepare. So if you can respect that, I would prefer just handing it down the front, if you don't mind.

MR. STRODTMAN: I would respect that, I guess.

MR. CAMPBELL: Thank you. Appreciate it.

MR. ZENNER: Mr. Chairman, just before that gets circulated, this is actually going to be public record.

MR. CALDERA: So, sir, you need to know that that actually becomes a public record once you submit it to the group. So if that's not something you do want to be part of it, and would have to refrain from it.

MR. CAMPBELL: Okay.

MR. STRODTMAN: Thank you for -- see legal.

MR. CAMPBELL: Appreciate the clarity.

MR. CALDERA: Thank you.

MR. CAMPBELL: So in speaking, it is a very laser-focused use on the property. We picked this property for a lot of reasons, and one of them is the neighborhood feel and the access to Old 63, which is becoming a very populated road as the bridge is expanded around to Walmart from the Business Loop, so it becomes more heavily traveled. It is, like I said, very laser-focused for our office space. So we have an architectural office and construction company that we don't park equipment there, we house our staff and we work on projects. We do projects all over the United States. We do some in Columbia, just not as many, just because our clients aren't here. We picked this property. We're currently in the street -- down the street to the south, which is -- has a lot of transient people walking, and it's kind of a challenge for allowing women to exit the building at night for safety and we wanted to have something that was a little more close to people and has a little better security aspects. The green space behind us is appealing to us, to be able to look out the back of an office space during the day and see green and, you know, different than more of a commercial environment. We did actually go through a specific process to meet with the homeowners' association, as well as the Benton Stephens district, and to meet with them as a public expression of what we're trying to do and work with those people to show them what our intentions are. So we met with the Hilldale Subdivision, actually the president and the secretary called a meeting for a vote to review our project and to either allow it or disallow it per their -- their covenants. They did approve the project with a majority vote, which negates any legal action unless they want to sue in contradiction to -- to what that vote was. So did they call for that meeting. We did meet with the Benton Stephens Subdivision group and we -- to show them the different renderings and the different site plan. That was a really good meeting. We realize that they were opposed to multi-family and that an office space was not out of the question, so we didn't really get a lot of negative comment that evening. We did actually

talk to the director of the Benton Stephens Subdivision and he was in favor of something other than multi-family in the beginning, so we pursued it. So we would have stopped if we would have got a negative vote at the -- the homeowners' association meeting, and we would have stopped if it was totally negative at the Benton Stephens. So we're here to hopefully build a building on this site for our business, for a long term, and to be a good neighbor for the neighborhood.

MR. STRODTMAN: Thank you, sir. Commissioners, questions of this speaker?
Ms. Burns?

MS. BURNS: Yeah. In your last statement, Mr. Campbell, you said at the first meeting, if the homeowners would have been completely opposed to it or majority opposed to it, you would have not pursued the building.

MR. CAMPBELL: Right. There is a series of steps to -- to get to this point today, and we -- we had positive steps along the way, so we're here. And we spent, you know, a pretty good chunk of money getting here.

MS. BURNS: And I understand that. It looks like the design was -- was pretty far along. But given what you've heard tonight, you are still willing to pursue it, given the opposition that you have heard tonight and countering what you would have done previously because of the money that was spent?

MR. CAMPBELL: Not because of the money, but I am willing to go ahead with the project. Absolutely.

MS. BURNS: Thank you.

MR. STRODTMAN: Any additional questions, Commissioners? I -- Mr. MacMann?

MR. MACMANN: Just real quickly. Mr. Campbell, thank you. Thank you, Mr. Chairman. Can you talk to me about -- I don't know if you mentioned you're an architect or exactly what you do. I'm concerned about the storm water coming up against the back of that property. The plan, as presented by staff, has -- and I walked the property, been there many, many times. Bringing it all up to grade near the road, this is going to create a -- what's going to happen behind the property. That's a former lake there, or a potential lake that never really happened. Are you following me at all?

MR. CAMPBELL: Absolutely following you.

MR. MACMANN: What are we doing with that water?

MR. CAMPBELL: Well, our firm is an architecture firm. We deal with civil engineering, structural engineering, all sorts of engineering. We actually have a full grading plan that will allow the storm water to pass through the site, as well as not interfere with the neighboring properties at all. There is an overflow. So say the pipe under the site would get clogged, it would allow an overflow around the site, which is

below the basements or the lower levels of the neighboring properties.

MR. MACMANN: So could you say that last line again, please. You plan to move it through the ground as groundwater beneath the basements of the properties neighboring; is that what you said?

MR. CAMPBELL: No. I'm not exactly what you just heard, but you just said. What I said was we have a pipe that's going to take the water from the open space there.

MR. MACMANN: This, I understand. And if that got clogged -- could you please repeat what you said after if that were to be clogged.

MR. CAMPBELL: I'm working toward that. So if that pipe were to happen to be clogged; right -- there's an overflow around the property because it's lower on each side. That would drain positively and not affect the basements of the adjoining properties.

MR. MACMANN: All right. That's what I didn't hear.

MR. CAMPBELL: Yeah. The neighboring property to the north there, the house next door, we've been working on this for three or four months. Haven't seen them occupy that home once yet. And we want to have the opportunity to talk to them and tell them what that -- what that process is, but we haven't seen them yet.

MR. MACMANN: Okay. Thank you very much.

MR. STRODTMAN: Any additional questions of Mr. Campbell? Mr. Stanton?

MR. STANTON: The crossroads of this problem to me is a building for the neighborhood associations and yourself to come to some kind of reasoning. I don't know what this building would look like. I don't know what it's feeling, this concern from the neighbors. Have you thought about this or are you just completely surprised with all this opposition?

MR. CAMPBELL: No. This is what we do all over the United States with some of our clients and differing properties where we go. I mean, either it be a hotel, a commercial building, apartment, or house, there's always going to have concern. We deal with it on a regular basis. We absolutely could have put a two-story project on here. As the hill, we looked at all the grade. We looked at all the possibilities. As the grade goes up, and you can't see it on your map, but as it goes up through that subdivision to the west, the grade rises. So our building is literally going to be a 12-foot eave on the -- on the front or the rear, and about a 13-foot eave on the front. It's a really shallow building, shallow roof pitch to keep a low profile structure, and that's totally the intention. We -- we spent a lot of time trying to figure out a building that would fit on that site and be -- be something that we'd be proud of, as well as be a good asset visually to the neighborhood. There's -- and a couple of things to speak about, too. Because of that, you can't see it on this map, but there are a series of utilities that run across the front.

You can imagine as properties aren't developed for a long period of time, the City takes advantage of utility easements, works through it. Neighbors need to extend. Things happen. So there's a series of utilities that run along that northeast corner that really impede how the building lays out. So we've had to tuck everything over to fit in the south -- southern portion of the property to make that happen. We put all of our parking toward Old 63, not in the rear. Some definitions in the ordinance talk about parking in the rear for those -- we've been sensitive to that. We talked about that. We put all our parking in the front of the site toward Old 63 so that green space would be kept in keeping. We don't have a lot of traffic. Our building is big enough to house us. We -- you know, it's not excessive. It's not going to be retail or off-the-street traffic. It's our -- our use, so it's - again, I say it's pretty laser focused for what we want to do.

MR. STRODTMAN: How many employees do you have or do you expect to -- I think you showed 17 parking spots?

MR. CAMPBELL: We show 17. I hope I don't get over 15. It scares me to death to have any more than that. They're great people; don't get me wrong. Some of them are here. I don't want to say, but they -- but, yeah. I'm not interested in a ton of employees. We can do what we need to do and be efficient with a very effective staff, so --

MR. STRODTMAN: Are you going to have more than one entrance onto 63?

MR. CAMPBELL: One entrance.

MR. STRODTMAN: One entrance.

MR. CAMPBELL: And it will be directly across from the hospital entrance. That site plan that now has disappeared kind of showed what that --

MR. STRODTMAN: Public -- public -- become a public record. Any additional questions, Commissioners? Thank you, Mr. Campbell.

MR. CAMPBELL: Thank you.

MS. JOHN: Ladies and gentlemen, my name is Martha John; I live at 2011 North Country Club Drive, which is, oh, across the street and down a ways on the corner of McAlester - well, that's our back corner. Anyway I'm here to speak on behalf of Access Arts as a volunteer at Access Arts, as a neighbor, and as a retired architect. I have -- well, I grew up knowing Naoma and her family. I have been involved with Access Arts since it was founded. My dad helped found it. The building that is expected to be there will be carefully designed and made to not look residential necessarily. It won't have a peaked roof or anything like all the houses, but it will fit in scale at least with the houses around it. They have, as you've heard, plans to manage the storm water. It will not take anything away from the existing green space except for in the space that is not owned by Hilldale Village. There won't be a lot of traffic. It will allow for a good transition between

the residential character of Hilldale Village and the LTAC across the street, -- the long-term acute-care hospital across the street. It will not encroach on the common area at all. It cannot result in additional commercial development in Hilldale Village because the rest of Hilldale Village is already developed. It's up to the rest of Hilldale Village what they do with that. Sale will allow Access Arts to better serve their students, ages five through -- I don't know -- 80, 90. And I can't see any downside. Well, I can understand not wanting to lose the flowering shrubs that are along the sidewalk there. However, if Hilldale Village really wants to maintain that as green space, they should buy the property and maintain the property and pay the taxes on it. Thank you.

MR. STRODTMAN: Thank you, ma'am. Commissioners, any questions of this speaker?

MS. RUSHING: I have a question.

MR. STRODTMAN: Ms. Rushing, go ahead.

MS. RUSHING: What did you say your address was again?

MS. JOHN: 2011 North Country Club Drive.

MS. RUSHING: 20 --

MS. JOHN: 11.

MS. RUSHING: 2011. And if the property right next to you, if they wanted to build this building on the property right next to you, what would your response be?

MS. JOHN: I actually have considered inviting them to do that.

MS. RUSHING: I think you have support for that.

MS. JOHN: If they -- if they fail here. However, I do not own the property next to us, so I don't know whether the people would be willing to sell it to them.

MS. RUSHING: But you wouldn't have a problem with this building being next to you?

MS. JOHN: No.

MS. RUSHING: Okay.

MR. STRODTMAN: Any additional questions? Thank you, Ms. John.

MS. JOHN: Thank you.

MR. VREDENBURGH: Evening. My name is Edward Jim Vredenburg III. I live at 1706 McAlester Street. My family has lived in this area for about 48 years. Whenever my family was looking for a place to raise their family, they chose this subdivision because of the common area and its location. Since then, we have seen apartment buildings that have sprung up around this. You've seen the Salvation Army. You've seen porn shops. We have seen gentlemen's clubs. We have seen liquor stores in our neighborhood. If it were to come down to the fact that the gentleman who is going to

develop this ends up passing away, selling his business, that opens the opportunity to have something like that in our backyard.

MR. STRODTMAN: Are you finished? Commissioners, any questions? I'll just clarify. One is that the majority of the uses, if not all of the uses that you reference that you had seen move to your area, I can't speak to 100 percent of those items, but 99 percent of those items would not be allowed in that building if Mr. Campbell was to, as you say, pass away and sell his building or however you referred to it. Those uses would not be allowed in that building.

MR. VREDENBURGH: I would also like to clarify that the vote that was taken at the last meeting, that Access Art down five properties [sic], so they had a majority vote. We also have one of our members who owns property, it's a husband and wife, that do not live in our community, and they, between the two of them, gave the overwhelming vote for that. We had two that were out of town at the time, and one that abstained.

MR. STRODTMAN: Thanks for clarifying.

MR. VREDENBURGH: As a clarification for that.

MR. STRODTMAN: Thank you, sir. Any additional questions, Commissioners?
Thank you, sir.

MS. VIANELLO: Hello. Good evening. I'm Lili Vianello; I am Ms. Burns' neighbor at 1005 Wayne Road in the Grasslands, but my husband and I own four of the lots on Hilldale property at 1721, 17 -- two at 1711 Amelia, and then one at 1704 McAlester Road, and we are the votes that were just referenced. I do think it's important to realize that not the entire association was represented at that meeting. And, in fact, the two organizations, the two individuals most impacted by this have not been able to be at the meetings, one because of health reasons and the other because they are, as it was yelled from the audience, snow birds who have been in Florida for the entire duration of this, but they will definitely be right up on this. My husband and I actually split our votes. I lived in the neighborhood for 17 years and he has never lived in the neighborhood, and for some reason, we agreed to split our votes and I took one and he took three, and so his three plus Access Arts did carry the vote. You know, I think given -- and, by the way, I should also mention that I've been a board member of Access Arts, so I'm - you know, I'm struggling with this myself. However, realizing that I'm not living in the neighborhood, I am deferential to those who are, and I do think it is a big surprise that this would be coming into our cozy little neighborhood. That said, I do think that there are things worse than this and certainly I have respected Mr. Campbell's attempt to accommodate us. John and I looked at the properties for ourselves to purchase, and they were not viable for -- for purposes of individual development. So, you know, I think they're either going to

stay open or they're going to be developed in a manner such as this, and I think this is probably a path of least resistance if we are indeed talking about development. I will note, though, that there are 20 units that are not owned by Access Arts, and if we all wanted to chip in \$2,500 a lot, we could probably make a deal. I don't know that my husband is going to want to pay four times that, but, you know, if things go a different way, we could certainly have that conversation.

MR. STRODTMAN: Any questions for this speaker, Commissioners? Ms. Burns?

MS. BURNS: Yes. Ms. Vianello, so have there been discussions about the neighborhood purchasing the lots?

MS. VIANELLO: There have not been serious discussions about the neighborhood purchasing the lots. I mean, it has been raised over the years and quickly glossed over. The neighborhood association -- I'm also the treasurer. I didn't mention that. The neighborhood association does not have money in its current coffers to purchase the lots. However, you know, special assessments happen and -- and those -- and those conversations have not been seriously had, no.

MS. BURNS: Thank you.

MR. STRODTMAN: Any additional questions, Commissioners?

MR. MACMANN: No. It's a comment. Later when we're -- thank you.

MR. STRODTMAN: Thank you, Lili.

MS. VIANELLO: Thank you for your time.

MR. STRODTMAN: Thank you.

MR. RYAN: Good evening. My name is Patrick Ryan; I live at 2111 Rock Quarry Road, scenic designated road here in town. I'm a contractor. I do utility construction. I've worked for the City of Columbia. I've been doing it for 19 -- since 1975, so I'm familiar with all rules and regulations. I'm here on behalf of Access Arts, and not on the -- at the behest of the developer. I don't know who the developer is and have never met him. They informally asked me just to look at the lot and see what I -- what I thought about it from a development standpoint. From a three-lot standpoint, keeping it three lots, trying to put R-1 housing on these three lots is impossible because of the slope of the ground and existing utilities and storm water and all of the other little things that they've got. With the plan that they've submitted, they're using less than one-third of the total acreage of the -- of the property. I don't believe -- this is my just my own personal opinion. I believe if this office development goes in, that nothing will ever be done with the other two lots. It'll be unfeasible to do that, so the Benton Stephens neighborhood will gain a free open green space, parkland, whatever -- whatever you want to call it. The cost of the development is going to be excessive just for the single office building here. But if you

choose not to accept this and -- this rezoning request, I don't see anybody ever coming in and doing anything to this property. You've got a property owner in town that, if they follow all the rules and regulations put up by the City of Columbia, and I work all over the State of Missouri and the Midwest, there's no entity that I work for that's harder to work for than the City of Columbia. They have more rules and regulations than anybody, so if everything is met, the person that owns the property should have the ability to sell the property so that it could be developed. If you don't rezone this thing, this thing will never get developed. It'll always be the way it is. Thank you.

MR. STRODTMAN: Thank you, sir. Commissioners, any questions for this speaker? I see none. Thank you, Mr. Ryan.

MR. PANGBORN: Hello. My name is Joe Pangborn, 4509 East Bridgewood Drive in Columbia. I am on the board of directors, and I wanted to just read a quick statement. I won't take a lot of your time, but it's in reference to some of the -- the letters that you all have about no benefit. It has been argued that adding a new office space would not provide jobs or services usually associated with added commercial property and thus there is no real benefit to the community to make such a change. We would argue that while there are no new jobs created, there is indeed a community benefit in service brought about

Mr. Campbell's development. There is the benefit of property tax payments that would be made, directly impacting to the local school, Benton Elementary, which is my alma -- what do they call it? That's where I went a long time ago. As it is now, there is no property tax being paid on this property since it is owned by a 501(c)(3) corporation. Over time, these annual tax payments can make a significant impact on educational revenue. It is also a well-documented fact that development -- development such as this tends to increase the property value of surrounding properties, so there is the inherent financial benefit for the current property owners in this area. Furthermore, by removing the burden of maintaining the property and providing the influx of unrestricted funding, Access Arts will conversely be able to provide even more services to not only the surrounding neighborhood, but also more residents throughout the City. We would -- we also would argue that there is no benefit in leaving the property undeveloped beyond the aesthetic preference of a few nearby neighbors. It is unreasonable to expect these preferences of a few to outweigh the value that would be brought to the larger community as a whole. One of the things I also wanted to point out was the photograph that is -- that we've seen does not show the entire neighborhood. The green space actually goes considerably further than that, so I think when you see the -- the red outline of the three lots, once it got developed, it just really makes that -- that green space look much, much

smaller because it looks like it would almost take up a third of it. You know, they're counting that vacant lot as that green space, and it really isn't the green space for the neighborhood. That is private property. And that's all I have.

MR. STRODTMAN: Thank you, sir. Commissioners, any questions of this speaker? Thank you, sir.

MR. CODY: Hi. My name is Patrick Cody; I live at 800 Hitt Street in Wolpers Hall. I wouldn't be in Columbia if it wasn't for Access Arts. I moved here from the east coast from Wilmington, North Carolina, because their mission is to serve people with disabilities and people with abilities and kind of mix that in art. This is a very, very unique thing in the world. I am what you see as a living Naoma Powell. I lived her life for a year and a half. I gave 1,000 hours of volunteer service to Access Arts in over a year and a half. I walked away with zero money from that job. The people that they affect is -- far outreaches the impact that I could ever explain to you guys today. I've seen veterans who have PTSD who walk away from an art class with peace in their mind. I've seen children get a creative learning experience that they would never be able to afford at any of the schools we offer here. They have high level of teachers teaching these classes. For example, I have lived at Access Arts and I finished my MFA there. This also propelled me into a position at MU, so now I'm generating revenue in the -- in the community. I mowed that lawn, and I can tell you what, it is full of water. It is full of water. And if you mow it on the wrong day, you will just -- there's ruts everywhere. But I think it's to the north of that is a sign shop that just bought that -- that store, and they've renovated it, and now that space looks beautiful. I agree with the neighbors about the businesses north of them. I can totally respect that. And I also am very good friends with a lot of them because I helped clean up

the property. But I think the benefits for what Access Arts does in the community far outweighs this vacant property. I recently, with my other half, purchased a house and I know we would have never bought this lot because I couldn't come up with the money to drain the water out of there. The water just funnels down. It's unrealistic. Yeah.

MR. STRODTMAN: Commissioners, any questions of this speaker? I see none. Thank you, sir.

MR. MULLEN: Hello. My name is James Mullen, and I live at 710 Old 63 North, so I am across the street from the subject site right next to Landmark Hospital. I just have a quick point, quick concern of mine, and that would be the -- the proposed parking lot, if the site is developed, and the traffic there. If you can see there, the Landmark driveway and my driveway are virtually next to each other. So when I make a left turn to head south onto Old 63 and there's employees leaving Landmark to go north onto 63, it creates danger there because the folks that are turning right, they're not looking at me. They're looking at the oncoming traffic that way. And so then when you have same situation going on across the street, and virtually Landmark and the development site directly opposed from each other, to me, that proposes a dangerous situation, so that's my concern for this.

MR. STRODTMAN: Thank you, sir. Commissioners, any questions of this speaker?

Just for a little clarification, it's a much safer practice if the road is across from each other, those drive lanes. Unfortunately, I can see on -- on the map that your driveways are very close to each other with the -- with the hospital, but from an efficiency standpoint, it's much easier for traffic if the roads are directly across from each other, so that is a little -- that is the best way to do it from a road traffic engineer's standpoint, even though your driveway is really close and I can definitely appreciate your concern there.

MR. MULLEN: And I would just voice the same concern for my neighbors across the street, the Crossens (ph.) who are, you know, right next to the property.

MR. STRODTMAN: Right. Thank you, sir.

MR. MULLEN: Thank you.

MS. HOLTZCLAW: Hi. My name is Emily Holtzclaw; I live at 1720 Amelia, Apartment A, just down the road from the proposed site. My brother-in-law -- my brother, sister-in-law, and nephew live at McAlester and Ann Street. I work at Cumulus Broadcasting, just south at Old 63 and Hinkson. I walk -- I'm also a board member at Access Art, so I walk through this neighborhood all the time. And I just wanted to voice some of my concerns with the lot as it is now. The water in the area causes a problem for me. I walk through clouds of gnats, clouds of mosquitoes in front of those trees and the brush right in front of there. It's also not lighted on that side of the street because of the -- the homeowners' association, and I fully understand the reasons why, but walking in the dark, it feels more dangerous to me to not have that lit. Some neighbors have voiced in their open letters concern about people facing homelessness in our neighborhood, which is a real consideration because of the Harbor House there. They thought that this would actually increase traffic through the Hilddale Neighborhood Association. Actually, myself and the board, we think that it will cut down on some of that traffic of people facing homelessness in our community. It is an unreasonable conclusion to jump to. The current land is overgrown with brush. There's no lighting. The large culvert there also provides shelter, if anyone would -- needed quick shelter. I've seen -- I have not seen people in the culvert necessarily, but I have seen a variety of furry creatures including a rat that ran across the path in front of me just a couple of weeks ago -- or a couple of months ago rather. And I have pulled -- myself, I pulled a sleeping bag and backpack out of the brush. I've helped with the cleanup of this area, and you're constantly finding food packages and things that have been left under there, so people have used that for shelter in the past. So we think that a lighted parking lot will really help this situation. That's -- thank you.

MR. STRODTMAN: Thank you, ma'am. Commissioners, any questions for this speaker? Thank you, Ms. Holtzclaw.

MS. DRISKEL-HAWXBY: Hi. My name is Lisa Driskel-Hawxby. My address is 3809 Larkspur Court in Columbia. I'm a proud business owner in the North Village Arts District. When we proposed our distillery in the North Village Arts District, as you might be thinking, we had some concern and some opposition. We were so excited to meet with the neighborhood and we were so excited to meet with our potential new partners that we could show them and share with them that our vision was to be a great partner and a great participant in this community. We've had nothing but overwhelming success and we've had nothing but overwhelming support from them. And as soon as we were able, we looked for opportunities in this community to give back. And lo and behold, Access Arts showed right up. We have been partnering with them for a multitude of years on a lot of their projects, and this group of people, including their current board and their administration, are the most thoughtful and conscientious people I have ever met that care about a community. I could not believe that they would ever propose something that they thought would give them gain and someone else a true loss. Change is uncomfortable, and if you asked me if I would care if someone would do this on my home and the lot next to my home, we have done everything we possibly could to -- for the viability of living in the North Village Arts District, but if you have ever gone there, you know that living there is almost impossible these days. And so I would be more than happy to live in a mixed-use neighborhood where I felt like community was really happening, where it was about more than just what I needed and what I wanted, where it was about doing the best work that we possibly could to bring us all together. And so I would like you to think beyond today and what's best for Columbia, and the possibility of this being a great opportunity to show the rest of our City, as well other cities in our state, what a collaborative community looks like. Thank you.

MR. STRODTMAN: Thank you, ma'am. Commissioners, any questions of this speaker? I see none. Thank you, ma'am.

MR. LISING: Hello. Michael Lising; I am 800 North Valley View Drive, 65201. I just wanted to -- it was brought up that in regards to the covenants that Access Arts -- I am on the board of Access Arts -- and that the -- we met with the proposed builder and the neighborhood association, I believe it was around December 11th. They -- as a -- in good faith just to kind of, like, bring the project to their attention. At that point, the neighborhood association put on their agenda that they would put a vote -- to a vote that evening on whether or not they would accept, you know, the proposal for the project. And, you know, the concern was, you know, whether or not there was a quorum for that kind a vote to take place, and since I was -- I think there was the property owners that were there. Shawna was there as part of the Access Arts, and the votes were put

through that evening in favor for this project to go ahead and I just wanted to bring that point up. And so it was just, I guess, that -- this -- this week that the lawsuit was brought up as, you know, not adhering to the covenants.

MR. STRODTMAN: Thank you. Commissioners, any questions of this speaker? I see none. Thank you, sir.

MR. BUCHMANN: My name is Diane Buchmann; I live at 904 Sandifer Avenue. I'll make it short. I think the storm water is the biggest issue. Two people ago, the person that was testifying that he mows the grass, it is wet. It is always wet. I'm just concerned. I hope that the buyer/developer is aware of what he will need to do so that the rest of the neighbors aren't affected by the development. Thank you.

MR. STRODTMAN: Thank you, ma'am. Any questions, Commissioners? Thank you, ma'am. Anybody else would like to come forward to give us something this evening?

MR. NORGARD: Hi. We meet again. I'm actually speaking on behalf of Benton Stephens.

MR. STRODTMAN: Name and address?

MR. NORGARD: Peter Norgard, 1602 Hinkson. Could I request four minutes instead of six? Okay. All right. I'll just start out. All lots in the Hilldale Village neighborhood have been historically bound by a private covenant between the members and confirmed yearly by payments of dues into the homeowners' association. This covenant dates back to 1957 when this land was first subdivided and redeveloped in its current form. Each of the members intentionally bought into this neighborhood with the understanding that the covenant afforded certain protections; namely, that the land would remain single-family residential. I appreciate that the City doesn't have a legal responsibility to honor agreements that it's not a party to. I also recognize this is a dispute between differing factions of Hilldale Village. However, I would point out that by voting in the affirmative for this zone change request, Planning and Zoning Commission would or could unfairly change the balance of power in a private legal dispute. Since the petitioner did not adequately seek remedy through the rules established by the covenants to which they are bound, the City should not have permitted this application to move forward. This proposed zone change is also, in my opinion, a clear example of what's commonly called spot zoning, which is essentially a deviation in the plan benefitting a single tract by creating a zone for use different from the surrounding properties. Office space use is completely different from single-family residential use. A specific objection I have to this zone change request is that it takes the least possible restrictive -- or least restrictive view of what constitutes surrounding properties. While it is true that there are

surrounding businesses, I think many of us who live here and who have been there for a while did not want those either. In the context of the neighborhood, I would argue that only lots in direct physical contact or only the lots that are in the direct line of sight or only those lots that are cared for by community fund should be considered surrounding. It's in these lots that the -- that house the folks who made the investment and the commitment to follow their own rules. I return back to the businesses that surround -- that staff considers to be surrounding, many of which are relatively new. Perhaps if I had been involved in this matter -- in these matters before, I probably would have fought those, as well, precisely because these businesses have established a precedent. The petitioner seeks to employ the fact that these businesses establish -- that developments of a similar nature to the one slated for construction are nearby. This same argument couldn't have been used necessarily ten years ago because several of the businesses that are nearby didn't exist then. The great danger of unplanned zone change requests is exactly this type of gradual stair-stepping shift in the nature of an area because of prior precedent. I am concerned that any change to the zone -- change in the zone to the tract in question will further diminish citizens' ability to resist developments similar to this or still it is the precedent that a decision in favor of this request sets for all homeowners' associations within city limits. And I would also just very briefly like to specifically refute the point that --

MR. STRODTMAN: Ask you to wrap it up, please, sir. Your time is up.

MR. NORGARD: I am. The Benton Stephens Neighborhood Association neither took no position -- took no positive or negative position on this because we didn't feel it necessary to be pushed into a vote, so I would ask that you reject this.

MR. STRODTMAN: Thank you, sir. Commissioners, any questions of this speaker? I see none. Thank you, sir.

MS. HEITKAMP: Commissioners, I'm Kristen Heitkamp, 600 Paris Court, Columbia, Missouri. I'm a Benton Stephens resident, and I'm a past Boone County Planning and Zoning and Rocheport Planning Commissioner. And in my experience, we've seen similar -- we've seen similar things to this where we got a landowner coming to us who had a restricted covenant on a deed. And you've heard a lot tonight, but you've heard a lot of distractions. As a Planning and Zoning Commissioner, your job is to look at the deed. It's to look at the land, how the land is going to be developed. The restricted deeds on these lots were in place when the people bought or acquired that property. They well knew that they would end up in circuit court with an injunction should they try to get out of their restrictive covenant. So what they did do is they did an end run around circuit court and they came to Planning and Zoning. They think they're going to get in by

coming to Planning and Zoning. And when we saw this in Boone County, we stepped away and we told them you go fight it out somewhere else. I would also like to say that setting a precedent like this with spot zoning opens up that neighborhood to RMF. Ask yourself why are there absentee landlords who voted for zoning to upzone this property, because it would allow them to get into Hilldale and to create more RMF. Finally, I would like to say that Mr. Campbell appeared to us at Benton Stephens. He gave us the plan by fiat. He never tried to get a waiver of that restricted covenant from Hilldale. That was never voted on. And so, he will indeed, I would believe, if you go ahead and give him this zoning, he's going to end up in court. Thank you. Do you have any questions?

MR. STRODTMAN: Thank you, ma'am. Commissioners, are there any questions for this speaker? I see none. Thank you, ma'am. Anyone else like to come forward this evening with something that we haven't already addressed?

MR. PRINGLE: My name is Shawn Pringle; I live at 803 Woodrow, just right next to the area that we're talking about. I don't see the problem. I feel like times are changing. It's nice to keep things nice for as long as we can, but he's talking about building a nice building. And it's better to allow someone that is considering your wants and needs to build there than in the future something else happened and someone else that doesn't care build. I have seen the green space. It does look nice when it's dry. Otherwise, it is a stagnant lake and it does produce a lot of pests. Also, I don't understand why people would want to spend their money, say, clogging up the courts with suing instead of trying to find a way to help maintain this property or to buy this property if it matters that much to them. I have seen -- I walk by this property a lot. It -- that section of it, it collects all the water, it collects all the debris that washes down. It does not look nice via -- even though people try to make it look nice. It's -- it's an uphill battle, and nobody seems to want to help or care about it until someone has found something to do with it, and then all of a sudden, everybody cares. I just thought it would be nice for somebody that lives in the neighborhood that wants it to move forward with -- with the development to say something, so --

MR. STRODTMAN: Thank you, sir. Commissioners, any questions of this speaker? I see none. Thank you, sir.

MR. PRINGLE: Thank you.

MR. STRODTMAN: Anyone else like to come forward this evening? We'll go ahead and close the public hearing this evening. Easily done.

MR. KOENIG: My name is Paul Koenig; I purchased a house at 700 North Ann just last year, and my sons and grandsons are living in that house. It's lot number 1. That house was -- they say it was built in 1890, and it looks like it, but we're fixing it up. I

guess I can make both sides mad today. I can understand the sympathize with the Access Arts people because it's obvious to anyone who looks at those lots that you wouldn't want to put a residential single-family dwelling on it. The thing that these people and myself are concerned with is multi-family going in there because that would allow anybody living there to use that green space, which we kind of protect for ourselves. Mr. Stanton asked a pretty good question, like what would -- what would please both sides. Well, probably what would -- I -- I don't think you're going to please the homeowners' association with anything that goes in there, but we sure as heck don't want multi-family use in there. And I noticed on the -- on Mr. Palmer's report that he said an alternative would be a PD district designation, and it says would limit use to -- to restrict multi-family development. And he said, however, the staff has concern that such restrictions may be within such a narrow scope that the site development would become stalled if the applicant's proposed office were not completed as planned. So we don't have any assurance that in the future, the plan wouldn't become stalled, and then you'd end up with a lot of land maybe moved or -- I don't know how it would become stalled, but it would go -- it would -- what other use besides multi-family use would you -- would you consider that might happen? I mean, it's -- that's one question I would have. But I've got good neighbors over there now, so I'm voting against -- I vote no.

MR. STRODTMAN: Sir, I'll just give you a little -- we are -- the actual applicant is looking to seek -- is seeking M-OF, which is mixed use office district.

MR. KOENIG: Yeah.

MR. STRODTMAN: So it would not allow RMF. So if we approve it tonight, it's not going to be an RMF situation, it's going to be an M-OF, which is mixed use office district, so it would be an office use if we were to approve it this evening.

MR. KOENIG: I was under the impression it could be multi-family, but I --

MR. STRODTMAN: It's an M-OF, mixed use office district.

MS. RUSHING: That's listed as an alternative. That's not the alternative that we're considering tonight.

MR. ZENNER: Mr. Chairman?

MR. STRODTMAN: Mr. Zenner?

MR. KOENIG: So you would -- you would not consider a PD designation for this property, which would pretty much keep it in the straight and narrow for what everybody suggested might be a good idea for development.

MR. STRODTMAN: That could be a recommendation that comes out of this evening. We don't know that. We're not at that point. We're just at the public hearing portion of that, so it might become a PD. That might be our recommendation. I can't say what our

recommendation is going to be at this point.

MR. KOENIG: Well, I'm -- I'm going to have to stick with my neighbors. They've been good neighbors for the year that we have lived there, and I bought that -- bought this property with that green area in mind there. That was a valuable piece. That's a -- that's a valuable consideration on that piece of property that I bought, even though I am one of the few lots that's not directly connected to that green space, we can still go in there any time we want. And all the neighbors kind of protect their little space there --

MR. STRODTMAN: But you do realize, sir, that that was somebody else's property that you --

MR. KOENIG: Huh?

MR. STRODTMAN: You do realize that that was somebody else's property; right? That somebody else owns that land?

MR. KOENIG: What land are you --

MR. STRODTMAN: The three lots, do you -- that that's not the green space; do you realize that?

MR. KOENIG: Oh, I understand that.

MR. STRODTMAN: Okay. I was just making sure you realize that. We're not selling the green space.

MR. KOENIG: The use on the green space, if those were three residential lots, would probably -- you know, it -- probably coincide with what the rest of the people, you do with the green space, which is little or nothing. I know Access Arts probably gets more use out of that green space than anyone, because I see kids playing down there. I've got no problem with that, and I'll have to disagree with the -- with the owner of Access Arts that that green space is not valuable to them, because I think it's very valuable to them, including the three empty lots.

MR. STRODTMAN: Thank you. Mr. Zenner, did you have a -- did you have something?

MR. ZENNER: Yes. I just want to again provide guidance a little bit for the Planning Commission. The M-OF zoning district does allow multi-family development. It is a permitted use per the permitted use table. Principally, however, the district is intended as described within our district descriptions for mixed professional administrative, corporate, and other offices in similar low-impact, non-residential uses. However, being a mixed-use zoning district, mixed use does include the multi-family, so just as a point of correction and advice so the public does know an M-OF district does not guarantee that, should the office project as proposed by the applicant, it does not restrict that. However, again, private civil matter. These were single-family lots, restricted to single-family,

one-dwelling uses. Our Code and our investigation of rezoning requests does not take into account reading deed descriptions and evaluating restrictive covenants.

MR. STRODTMAN: Thank you, Mr. Zenner, for clarifying that, and for correcting me on the -- the M-OF clarification. And we are still getting used to these new zoning clarifications, also, so I apologize to the audience for that.

MS. GARDENER: But I am going to say something new and different.

MR. STRODTMAN: And your name and address.

MS. GARDENER: Christine Gardener; I live at 112 Anderson Avenue. I was here not too long ago concerning the downzoning applications that we proposed. It's been very interesting watching how this process has been handled. Not only is there the covenants, there's an overlay. Our West Ash Central Neighborhood Action Plan also suggested a recommendation for keeping the character of our neighborhood as proposing and going through the process of an overlay. So when is that going to be upheld and not disregarded and overdone when obviously these neighbors have a lot of problems with this and I don't think you're really listening to them. They want to save the character of their neighborhood. Thank you very much.

MR. STRODTMAN: Thank you, Ms. Gardener. Any questions of this speaker, Commissioners? I see none. Thank you, ma'am.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, discussion? Yes, ma'am. Ms. Russell?

MS. RUSSELL: I have a couple of things. I'm a firm believer that if there is some land you don't want to see developed, you really seriously need to consider buying that land. I used to live in a house, had an incredible backyard. The lot was not mine. It was forested. My kids built a fort back there. We had deer back there. I considered buying it, and just kind of never thought about it, and then, sure enough, somebody else bought it and built a really ugly house. Tore down the trees and my children's fort was gone. So I really think if Hilldale wanted this property to stay the way it is, that they could do something to buy it. Furthermore, they've mentioned the water sitting there and the mosquitoes and the pests. I really believe the new building will conform to storm water and help that mosquito and pest issue. There will be lighting so people can walk. I think this would be an asset, and I plan to support this.

MR. STRODTMAN: Thank you, Ms. Russell. Anybody else? Ms. Rushing?

MS. RUSHING: I find this proposal very difficult. There are a number of considerations I've considered in looking at it. The first is that Old U.S. 63 is a corridor that is becoming more and more commercial. The other -- on the other side, I have walked this neighborhood and that this particular area is very unique and I can understand

the property owners living there wanting to maintain that uniqueness. What has been the deciding factor for me tonight is that the owners of the property proposed for development have provided substantial evidence that the property has no value and cannot be developed as R-1. And, for me, that's the deciding factor. So I will support the proposal with the understanding that that does not solve the legal issues between the property owner and the neighbors.

MR. STRODTMAN: Thank you, Ms. Rushing. Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. I'd like to say I think Mr. Campbell is correct. I think if this development goes in, he has made his neighbors money, and this is my reasoning here. This comes in that HOA is broken. Residential development can go in there and we've all heard much testimony there are quite a few rental lots in here. These folks mostly weighted in favor of that. If the HOA has no meaning, if it has nothing at all, I don't know why we spent so much time the last two years talking about everyone needs an HOA to protect them when we are dismantling it. I appreciate what Mr. Zenner says. I do. I disagree with the interpretation, and I am quite concerned with taking the HOA apart and taking the neighborhood apart because, honestly, it's a business decision. If I own that rental property, Mr. Campbell got a redo, you know, or Access Arts -- (inaudible) -- development -- can develop. I've got four houses in a row. The Zoning Commission has -- Planning and Zoning Commission has shown the willingness to change the HOAs, what they thought was protected. Why don't I sell? Why not, you know? I could sell my house for now \$130,000 to someone like Mr. Campbell. If someone else comes in and I sell it for two or three times that. For the reasons, to protect the HOA, and to protect this neighborhood, I am going to vote no. And, thank you.

MR. STRODTMAN: Thank you, Mr. MacMann. Anybody else, Commissioners, want to -- Ms. Burns?

MS. BURNS: I see two issues here. I appreciate everybody coming out. Obviously, there is a lot of passion on both sides. I do have to think about this in sterile terms, though. As much as I support and recognize Access Arts, I don't know if we can look at who the owner is when we're looking at zoning decisions, and that's where I struggle with this. I also agree with Mr. MacMann that we, as a City, have encourage homeowners' associations and assisted them, and if we don't support them or help them have teeth in their desire for neighborhood protection, it kind of goes against what our neighborhood protections stand for.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Yeah. I'm kind of on the same path Ms. Burns is on. Technically,

legally, the home -- the property owner has a right to this process. The housing association also has a right to counter with legal action, so I think that's where it's going to have to go. I do follow on the same argument that, you know, we push for neighborhood plans and overlays and all that stuff, and I really wish that we had more teeth to that because we cannot support the -- a covenant that the City does not -- is not bound to. So that is an issue that I definitely will bring up again and again, and I don't like that. I don't like that this situation doesn't have a win-win, but there's an organization that has land that it needs to use or do something with to keep -- to keep moving, and I can't, in good faith, just deny that person the ability to use all of its resources to survive and to eat. So it's with a heavy heart, but I guess it's go to war, I guess, is all I can say.

MR. STRODTMAN: Commissioners, anybody else? Somebody like to make a motion?

MR. HARDER: I'll --

MR. STRODTMAN: Mr. Harder?

MR. HARDER: I think it's -- I think it will be an improvement to the area. It does kind of seem like it does have the potential to have water sit on it and, you know, mosquitoes. The guy that mowed it described that it's always wet, as well, too. But the applicant -- it sounds like the applicant is going to locate his business there, and so it definitely sounds like it will be an improvement to the area, so I'm going to support it.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: I'd like to go ahead and make a motion. I move in Case No. 18-73, approval of the requested rezoning from R-1 to M-OF.

MR. STRODTMAN: Thank you, Ms. Russell. Do we have a second?

MR. STANTON: Second.

MR. STRODTMAN: Ms. Russell has made a motion for approval of Case 18-73, and we've a second by Mr. Stanton. Is there any questions or clarification needed on this motion? I see none. Ms. Burns, when you're ready for a roll call.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms.

Rushing,

Ms. Russell, Mr. Harder, Mr. Stanton, Mr. Strodtman. Voting No: Ms. Burns, Mr.

MacMann. Motion carries 5-2.

MS. BURNS: Five to two, motion carries.

MR. STRODTMAN: Our recommendation for approval will be forwarded to City Council for their consideration.

MR. ZENNER: Mr. Strodtman, for the purposes of the public in attendance, as well as those that may be watching on television, this was not a vote that passed -- no. It did.

Five-two. This is an item that will likely through policy be placed on the consent agenda, however, will likely potentially be pulled based upon the conversation and the discussion here this evening unless the Commission otherwise directs us to have it put under old business for Council's consideration, given the discussion.

MR. STRODTMAN: Commissioners, the question is basically do we want to give the public an opportunity to speak to City Council?

MS. BURNS: I would make a motion that we move this to old business as presented to City Council.

MS. RUSSELL: Second.

MR. STRODTMAN: Ms. Burns, do we need a roll -- no.

MR. ZENNER: Old business is where you would like it placed. Correct?

MR. STRODTMAN: So, what that means is everyone has a right, has the option to come back and speak to City Council. So everyone that's here tonight has the option to come back and anyone that's not here this evening would have the chance to come and speak to City Council, so that would give you -- everyone a chance to let everyone know about it, if they weren't aware of it already, and give you a chance to speak to City Council and they will have the final say. We'll take a quick five-minute break while the room clears out, and we can refill our drinks or use the rest room. Five minutes.

Yes: 5 - Harder, Rushing, Russell, Stanton and Strodman

No: 2 - Burns and MacMann

Case # 18-83

A request by the City of Columbia to amend Section 29-5.1(b) of the Unified Development Code as it relates to avoidance of sensitive areas, land analysis mapping, and preservation of sensitive areas. Comments were received on this matter at the March 8, 2018, Planning Commission meeting and has been scheduled for a public hearing and vote on March 22; however, may be delayed based upon additional public testimony.

MR. STRODTMAN: Mr. Zenner, if you're ready, we'll go ahead and get started again. Moving on to our last public hearing case of the evening. At this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to Case 18-83, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. May we have a staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the proposed amendments to Section 29-5.1(b) of the Unified Development Code.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, any questions of staff? Ms. Burns?

MS. BURNS: Mr. Zenner, I know that at least twice we've dealt with the floodplain quest-- using flood fringe questions. Have we been challenged on the steep slope issue?

MR. ZENNER: We never really have been. I think that the practicality of identifying the slopes and what it really means in the -- in the broader scheme of things has really not been raised at this point. We require it, and I think most of the engineering firms that we work with regularly, they begrudgingly say okay, well, provide you the four-to-one slopes on our property. I think the definition, the addition of the natural slope clause will help definitely clarify, I think, some of the confusion that has existed within the industry. We basically tell them it says all 25 percent slopes, they fork it up for us. When we say natural slopes, I think that that is probably far more definitive for them as design professionals and we may get something that's more meaningful. I can't really tell you because normally when we deal with this type of slope, we're not really -- the areas that we're seeing development in aren't those that are of the most high sensitivity. If you recall, this discussion hit its flash point when we were doing stuff north of what is now The Brooks up off of Rolling Hills right on the North Fork of the Grindstone where we had slopes that were probably 20 -- 25 percent along the creek channel. And -- and we had other valleys and areas within that development that had some pretty significant slope, as well. We really haven't seen development like the Brooks II, which you just heard for platting and annexation purposes, is flat in all -- in all respects. Breckenridge out off of

the end of Smith Drive, which was our last major development that we saw also, fairly flat until you got to where the Perche Ridge was, but we weren't proposing development in it, it was actually retained as open space. So, I mean, I think the development community understands stay away from it. If they don't stay away from it, we've already got another protection that says you've got to have an extra 20 -- 10 or 25 feet into it per the way the Code is currently written. So, I think it -- I don't think we have experienced anything, to my knowledge, that's really come to the flash point of anything. I know as Ms. Dokken's memo from the Sierra Club indicates, there is a concern, obviously, that if we do not protect these areas appropriately, we lose them. I will say that is what is in the comprehensive plan, which is quoted in Ms. Dokken's letter, is aspirational. It applies in very specific areas. Yes, we'd love to have 15 percent -- all slopes 15 percent in grade are protected within the City. I think, from a development perspective, that's probably extremely impractical as it relates to other factors -- soil conditions and things of that nature, which, if we had any other attendees in the audience that were engineers, they would probably tell you, based on the soil conditions in this community, a three-to-one slope is very developable. A two-to-one slope is probably developable in most instances, as well, but they're not suggesting we go up to two to one. They're willing to take what we have in our storm -- in our land disturbance manual.

MR. STRODTMAN: Commissioners, any additional questions of staff? I see none. I'll go ahead, and this is a public hearing. I'll open it up to anyone in the audience.

PUBLIC HEARING OPENED

MR. STRODTMAN: Dee, come on up. You're a trooper; you've been here the whole night.

MS. DOKKEN: I'm Dee Dokken; I live at 804 Again Street. And, boy, I almost have more questions than comments. I'm not going to go over the letter again. I think the concern is for -- for one thing, anything over than 15 percent is steep. Now, you can allow -- you know, you can decide you want to do things on it, but I think it's good to have it on a map and know -- a lot of communities do it, but 15 to 25 and 25 -- above 25. But it's good to know where those slopes are when you're deciding what to do. And if it's not protected in that part of the comprehensive plan, it's not protected anywhere? I don't understand that. I think there is some danger along streams, which is the main concern, where they're going to be out of the buffer, but still a steep, scenic habitat rich slope, and that this protection is needed in that case. Ideally, it won't come up very often. And it is true that most of the -- the area is not in steep slopes. Like, I -- in the letter, I say that the Natural Resource Inventory says only 2.6 percent of the land area in the metropolitan planning area is even above 15 percent. And then when you go to above 25 percent,

which is what we're talking about now, it's only 1 percent. Hopefully, most of that is protected in buffer, but some of it won't be. And it would be good to have that on map and avoid it and do some bonus density or something to protect it, I believe. My -- I think the land disturbance at 33 percent is a big issue. Why is that happening? I think -- why -- why has the land disturbance part of this not been part of the comprehensive plan? I -- they can still go in and bulldoze or do whatever they do that upsets people and I don't have a handle on the land disturbance issue. And if they're saying, yeah, you can go in and change the land's -- or, you know, disturb a three-to-one slope, maybe that's something we should be dealing with. I would like to say Austin, Texas, has -- they've been doing a very contentious long code redo, and right now, their final draft is saying anything between 15 and 25 percent has special requirements for vegetation, impervious surface, and terracing, and they aren't allowing anything over 25 percent. So, any questions, I guess?

MR. STRODTMAN: Thank you, Ms. Dokken. Commissioners, any questions of this speaker?

MS. DOKKEN: I guess I have one more comment. I know from your work session that this is going to be quite a process going through the Code and making decisions on it. But whatever process, I think that this slope thing, I would -- even I don't completely understand it. I don't know if you all understood everything, but it seems like a little more process would be good for this issue.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just real quick. I would like to echo the Chairman's comments. Dee, you've been a trooper. You've been here since 5:00.

MS. DOKKEN: Yeah.

MR. MACMANN: I appreciate that, I really do.

MS. DOKKEN: Look at you all.

MR. STRODTMAN: We get paid for it, though.

MR. MACMANN: Oh, yeah. You saw the pay we get.

MR. STRODTMAN: We don't get a pay. I'm just joking.

MS. DOKKEN: Well, this is my new hobby. I'm going to be going --

MR. STRODTMAN: I'm tired. I'm sorry. Getting a little giggly. We're not paid.

MS. DOKKEN: Yeah. Right.

MR. STRODTMAN: Any questions of Ms. Dokken? Thank you, ma'am. Thank you again for coming in this evening and sticking with us.

MS. DOKKEN: And, I'm sorry. I think the natural slope thing, there might be some unintended consequence about it, but I think as long as it's not going to hurt a waterway

or something, it makes complete sense. I don't care about something that -- you know, some pile of dirt in an empty lot, you know.

MR. STRODTMAN: Yeah. Thank you. Anyone else like to come forward?

PUBLIC HEARING CLOSED.

MR. STRODTMAN: Commissioners, discussion, comments, specific -- specific items that you're concerned with? Mr. Stanton?

MR. STANTON: As it relates to Case 18-83, Unified Development Code Text amendment, I move to approve the change to the text.

MS. RUSSELL: Second.

MR. STRODTMAN: Mr. Stanton has made a motion for approval of Case 18-83, and it received its proper second from Ms. Russell. Commissioners, is there any discussion needed on this motion?

MR. MACMANN: I'll make it really quick.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I'm sorry. I didn't see you.

MS. BURNS: No. Go ahead.

MR. MACMANN: Okay. I will be voting no. I've been counting and I'm sure this will pass. My concerns are as follows: I understand that 33 percent and 25 percent aren't the same. I think 33 is too far, and I'm a little concerned -- I'm still concerned about enforcement procedures. That's why I'm voting no.

MR. STRODTMAN: Ms. Russell? Oh, I'm sorry. Ms. Burns?

MS. BURNS: We did have tremendous discussion on the steep slopes and I was okay when we went to 15 to 25, but then going 25 to 30 on -- what -- I guess I didn't have enough time to consider this or have discussion on this. So unless Mr. Stanton wants to amend his motion, I'll probably vote no, too.

MR. STRODTMAN: Thanks, Ms. Burns. Anyone else, before we do roll call? Ms. Burns, when you're ready for roll call.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Harder, Mr. Stanton, Mr. Strodtman. Voting No: Ms. Burns, Mr. MacMann. Motion carries 5-2.

MS. BURNS: Five to two, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Our recommendation for approval will be forwarded to City Council for their consideration.

VII. PUBLIC COMMENTS

MR. STRODTMAN: Anyone from the public that's left with us this evening who would like to come forward?

VIII. STAFF COMMENTS**IX. COMMISSIONER COMMENTS**

MR. STRODTMAN: Commissioners, any comments from Commissioners?

X. NEXT MEETING DATE - April 5, 2018 @ 7pm (tentative)

MR. ZENNER: Your next meeting is April 5th. I'll make this quick. We've got a couple of items, only two. Almost your second shortest agenda I think you've had this year. You've got one subdivision with a final plat adjustment. This is the Doctor's Office Park right off of West Broadway, just across from the library. And then Auburn Hills, Plat 16. This is PD plan approval. This is up just north of the Moser site, our future City north police substation site. Your maps for those two properties, Doctor's Park here. Again, it's a final plat. We're looking at creating a consolidated lot for the purposes of being able to obtain a building permit to build a couple of carports on the property. They will be for -- to accommodate some solar panels on the roof of those carports. And then again the development plan for Auburn Hills. These are four lots that will be consolidated through a separate platting action to accommodate our future north police substation site there off of International Drive. That is all we have for this evening. We will be discussing at your upcoming work session on April 5th capital improvement projects for FY '19, and we will have speakers that are actually going to be coming in from our departments -- our allied departments to provide you additional reports. Thank you, sir.

MR. STRODTMAN: Thank you, Mr. Zenner.

XI. ADJOURNMENT

MS. RUSSELL: Move to adjourn.

MR. STRODTMAN: Do we have a second?

MS. BURNS: Second.

MR. STRODTMAN: All in favor, thumbs up. Adjourned. Have a nice evening.

(The meeting adjourned at 9:57 p.m.)

(Off the record.)