

## EXCERPTS

### PLANNING AND ZONING COMMISSION MEETING

OCTOBER 6, 2016

#### Case No. 16-207

**A request by Hinshaw Family Partnership, L.P. (owner) for approval of a one-lot replat to be known as "Replat of Lot 3 of the Revised Plat of Cunningham Place, and Lots 1, 2, and 3 of Mitchell Court, Columbia, Missouri". The 0.778-acre subject site is located on the east side of College Avenue, approximately 350 feet south of Paris Road, and is addressed 404 and 408 North College Avenue.**

MS. LOE: May we get a staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the proposed final plat.

MS. LOE: Thank you, Mr. Zenner. Are there any questions of staff? Ms. Burns?

MS. BURNS: Mr. Zenner, could we go back to the photograph that the -- one of the red lines seemed to indicate that the property was -- this is the entire lot that we're talking about. Correct -- or lots that we're talking about?

MR. ZENNER: That is correct. The line, and since this is an oblique aerial, no, the house does not go over the property line. It is all included in the boundary.

MS. BURNS: Okay. I wondered if I was seeing things. Thank you.

MR. ZENNER: Not a problem. Any other questions to the aerial?

MS. LOE: Any other questions of staff?

MS. RUSHING: Well, I had a question with regard to something that is noted as Mitchell Court; is that -- is my recollection correct?

MR. ZENNER: That is the -- the subdivision, the technical name for the subdivision as a whole, the lots that are incorporated within it, we have a Cunningham Place Plat 2, but it is comprised of two different subdivisions, and I can let Mr. Lueck respond to that, as well, and more his wheelhouse than mine. But we have two platted subdivisions here of which portions of the lots came from both.

MS. RUSHING: So there is no roadway easement across the property?

MR. ZENNER: Not that I am aware of. What you see in the middle, which would be the driveway that is here -- and, again, I will let Mr. Lueck respond to this -- may have been at one point Mitchell Court, but it may have been vacated at a date in the past, but that is now part of the lots in question -- the driveway that appears to go between the two buildings. To me, when I first looked at this aerial, it did also look like a roadway myself, but that is its private driveway.

MS. LOE: Any other questions for staff? Seeing none. Again, this is not an item that's on our public hearing portion of the meeting, but if there is anyone in the audience that has information that they feel would help us in our discussion or reaching a decision, you are welcome to come forward.

## **OPEN PUBLIC DISCUSSION**

MS. LOE: Please give your name and address. Mr. Lueck?

MR. LUECK: My name is Ron Lueck; I am part of Lueck Survey -- I am the Lueck Surveying operation, 914 North College Avenue, Columbia, Missouri. Again, no development is planned for this. This is not contingent upon any sale. There is nothing marketed. I can only emphasize that enough. It's just a replat consolidating four lots into a single lot to be processed through this process now. This used to go through the City Public Works Department, and you guys wouldn't see this, but there is no site plan, nothing planned for this, no plans for building, for structures at all on this thing. The granting of 20 feet of additional right-of-way to College Street was done at CATSO's request out front. The Mitchell Court that you see there is a private street or was a -- not a private street, but there was an easement for Mitchell Court. Laura Mitchell, the woman that owned this back in the 60s, must have had a husband who developed this into the two rear lots and the front lot for the northern house, and they had to have access to those two rear lots, so they had a private drive easement to that. Mr. Hinshaw had his -- well, one of his brothers decided to put up a sign for Mitchell Court, made the City designate it as Mitchell Court. It kind of honors the Mitchells that lived there in the north house. And that's about it, just four lots consolidated into a single lot. If you have any questions, I'm -- try to answer them.

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

MR. LUECK: Thank you.

MS. LOE: Any other speakers on this matter?

MR. NORGARD: My name is Peter Norgard, 1602 Hinkson Avenue. I have to come out against this particular recommendation. No offense to Mr. Lueck, but, again, there are no plans, so there is no purpose I see other than speculative development in the future. We in the Benton-Stevens neighborhood are actively trying to get our overlay written a little tighter to -- I realize, I guess, that this would still be possible in the future; however, we feel that this is an encroachment on people that live in the neighborhood. The landowner has rights, but so do the adjacent landowners, and we feel that this is chipping away very slowly at the nature of our neighborhood. So I would ask that you not approve this. Thank you.

MS. LOE: Thank you. Yes, Mr. Stanton?

MR. STANTON: I have to ask, just as the last -- the last case we just had. Do you not think the overlay in the future and the development codes will protect your neighborhood enough? If he develops this, he has to conform to --

MR. NORGARD: Well, of course, you know. The process for reach -- for modifying our overlay is a negotiation, so we have to negotiate with the people -- we, the owner-occupiers, have to negotiate with the nonresident owners to come up with a solution that works for everybody. So, obviously, those of us that live in the neighborhood and own homes there are not keen on the idea of having ten-unit structures put in, you know. We're contending with that over on Windsor Street and, you know, there's a lot of animosity in the neighborhood over this.

MS. LOE: Any other speakers on this matter?

MS. FLEISCHMANN: My name is Rita Fleischmann; I live at 1602 Hinkson Avenue. And I would like to address your issue on would the overlay plan be enforced and would it cover the issues. In my experience of 30 years living there, the developers have found ways and loopholes to undermine the overlay plan. And unbeknownst to, like, us as neighborhood, like, dwellers there that -- homeowners, they have come in and they have, like, misrepresented themselves and have, like, pushed their buildings forward. They have, like, redrawn lines. They have, like, taken other houses and made them into one unit, and destroyed community gardens. There are not situations that -- that you can say, yes, an overlay plan exists, but that doesn't mean that they abide by it. And I'll be happy to take any questions.

MS. FLEISHMANN: Yes, sir.

MS. LOE: Mr. Stanton?

MR. STANTON: To my knowledge, you'll be notified if there is any future development plans because they have to comply to your overlay. Do you have a mechanism as a -- a neighborhood association to watchdog that? I mean, this is kind of where we're getting at grassroots activism. I mean, you know, that's where it's coming down to.

MS. FLEISCHMANN: We do. And Peter, who just spoke, actually is my husband, and he is the neighborhood association president. And we have an active grassroots level that are, like, working diligently, signing petitions, getting people involved, and we have an active neighborhood association that is willing to work and to, like, if -- if we are notified. But the developments that have gone on previously, we were not notified. And when we brought up the issues when they were, like, too close to the sidewalks, and the developer said, oh, they'll take care of it, they have never, never, to this day, taken care of it. And so, yes, we have an overlay plan. But just because it exists doesn't mean there's ways that people get around it. And we fought an easement -- I believe that's what it's called -- on the Windsor Street, and we lost. We won the easement -- well, is that right, Peter? But -- but in the end, we -- we ended up that the community garden is gone, the buildings are going in, more development is going in, and houses are being destroyed.

MS. LOE: Questions? Ms. Burns?

MS. BURNS: Bless you, too. Are you and Mr. Norgard speaking on behalf of your neighborhood association or just as individuals?

MS. FLEISCHMANN: I am speaking as an individual, and I believe Peter was, but he can speak again.

MS. BURNS: I just wondered if you were part of -- if a group had --

MS. FLEISCHMANN: Yeah. Yeah. I was answering the question that -- no. I'm speaking as myself, and I've lived there for 30 years.

MS. BURNS: Thank you.

MS. FLEISCHMANN: And I moved there because it was a community and there were parks and there were schools, and it was a livable place. And I want to say in the last month, we have called the

police for parties and loud night parties that have gone on into the early mornings for, like, at least once every week, and that was not what we came for. That was not what we brought into the community for. And this is new developments that this is happening at. And I am just wanting to preserve our community.

MS. LOE: Can I ---

MS. FLEISCHMAN: I know this is -- I know this is an emotional plea, but --

MS. LOE: These lots are zoned R-3 --

MS. FLEISHMANN: Uh-huh.

MS. LOE: -- which is multi-family.

MS. FLEISCHMANN: Uh-huh. Uh-huh.

MS. LOE: What role do you see multi-family playing in the neighborhood?

MS. FLEISCHMANN: Well, to answer that question, ironically, I am a -- not a realtor. I own property. I'm a landlord, and I have -- all my properties are R-3 right now, and we take care of who we get in there. My oldest house was built in 1896 and it has a huge lot. And it could be destroyed at a flash. And if I wanted to make money -- but I don't. I want to keep the community whole and active and vibrant. And so, therefore, I don't do this. I mean, if I was in for the money, sure. I could replat everything. I could sell it as an R-3, but I don't because it is a community. So did I answer your question?

MS. LOE: You -- do you see a role for multi-family properties in the neighborhood?

MS. FLEISCHMANN: Well, I -- I do, if it's, like -- but it's -- I guess, I believe there's enough multi-families in our neighborhood already, and I think that what we need to focus on is families in the neighborhood and not multi-families. And if people want to develop, like, duplexes or something like a larger -- like, that could accommodate, like, a young family that is just starting out, that are graduate students that are just starting out, and they want to have a family, and it's near the parks, and they're not having parties unless it's a birthday party or an anniversary party. I mean, that's what neighborhoods are for in my mind. So I don't know.

MS. LOE: Thank you.

MS. FLEISCHMANN: Any other questions?

MS. LOE: Any other questions for this speaker? I don't see any at this time. Thank you very much.

MS. FLEISCHMANN: I -- I'm really -- I love this neighborhood.

MS. LOE: That's evident. Thank you for speaking. Are there any other speakers on this case? Seeing none, we're going to close the public hearing portion.

#### **PUBLIC PORTION CLOSED**

MS. LOE: Comments of Commission? Mr. Stanton?

MR. STANTON: And I'll put it pretty plainly. This is a technical administrative issue and it is his right to consolidate his property. I would hope that Mr. Hinshaw would be a good citizen and I really hope

that the overlay and the neighborhood associations stay on his behind and watch every blade of grass that moves on that property if you're concerned about it being developed. But this is -- this is a technical endeavor, and I'm willing to make a motion if there's no other discussion.

MS. LOE: Additional discussion? Mr. Stanton, I think you have the floor.

MR. STANTON: In Case 16-207, Cunningham Place Plat 2, final plat, I move to approve the final plat.

MS. RUSSELL: I'll second that.

MS. LOE: Mr. Stanton made the motion, Ms. Russell seconded. Can we have a vote, please?

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Ms. Loe, Mr. Harder, Mr. Stanton. Voting No: Ms. Burns, Mr. MacMann, Ms. Rushing. Motion carries 4-3.**

MS. BURNS: Okay. We have four votes in the affirmative, three votes negative. Motion carries.

MS. LOE: Thank you, Ms. Burns. Recommendation for approval will be forwarded to City Council. That's going to close our subdivision portion of the agenda, and we're going to move on to the Public Hearing and Subdivision portion.

MR. ZENNER: Ms. Chairman, if we may take a five-minute recess for our interpreter?

MS. LOE: All right. We are going to take a five-minute recess for our interpreter. We're going to reconvene at two to 8:00.

(Off the record.)

MS. LOE: Call the Planning and Zoning meeting back into session. We're moving on to the Public Hearings and Subdivisions.