

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

DECEMBER 8, 2016

Case # 17-22

A request by WoodCliff Investments, LLC., 1507 Windsor, LLC., 1509 Windsor, LLC., and 1511 Windsor, LLC (owners) for a two-lot replat of R-3 and U-C zoned land, to be known as "Windsor Place, Plat No. 1". The 0.75-acre subject site is located on the north side of Windsor Street, approximately halfway between Ripley and William Streets.

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

Staff report by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of the proposed final plat.

MR. STRODTMAN: Thank you, Mr. MacIntyre. Commissioners, questions for staff? Ms. Rushing?

MS. RUSHING: The development that is currently taking place on those three lots goes over the lot lines. Right? I mean, it takes advantage of the whole property?

MR. MACINTYRE: That's correct. And that's the -- that's taking advantage of an existing ability that you have to --

MS. RUSHING: To go across?

MR. MACINTYRE: -- effectively consolidate lots by building over them.

MR. STRODTMAN: Any additional questions, Commissioners, for staff? I see none. As in past practice this is a subdivision matter, but we will honor anyone that would like to give us any information that would help us with our decision on this. So I will open it up to public input.

PUBLIC INPUT OPENED

MS. LAMAR: Good evening. My name is Phebe LaMar, and I have offices at 111 South Ninth Street. I'm here this evening on behalf of 1507 Windsor, LLC and 1511 Windsor Townhomes, LLC, which now own those proposed -- those four lots that are proposed to be combined into two. My clients have requested to replat Lots 21 through 24 of Stephens Addition located within the Benton Stephens neighborhood. I would like to point out initially that the plat actually technically falls within the scope of what could be done as an administrative plat, but for whatever reason, it was not approved as that and instead it is here this evening. Given that and following the analysis that is included in the staff report that you just heard and what was -- and what was published by staff, I would like to point out also that it is clear that the plat meets the specific requirements included within the City's subdivision ordinance. At the present time my clients are under construction pursuant to an already issued building permit on the proposed Lot 2. The building will look almost identical to what is shown in the picture that I'm passing out to you right now, and it is also permitted under the current ordinances included -- including the overlay. The only reason for replatting the lots is to pre-emptively address the issue that once the UDC is adopted,

crossing lot lines will no longer be permitted. As a result my clients are requesting that the property be replatted to permit the building to be conforming with the requirements both now and going into the future rather than putting themselves in a position where they might not be able to reconstruct the building that is currently located on the lots if something were to happen in the future after the passage of the UDC. The way to accomplish this is by combining Lots 22 through 24. It is also important to note that the replat that is proposed with the removal of the 10-foot strip from Lot 22 would not cause any problems with conformance of this -- of this development that is currently going on on this lot with the -- both the overlay and with the -- and with the other zoning ordinances that are in place in the subdivision -- the ordinances that are in place on that lot. Rather, that building will still be compliant with the requirements of the City's ordinances including the overlay upon approval of the plat. Lot 1 currently consists of a tri-plex, like Mr. MacIntyre included in his report, and which my clients did not construct, by the way, that is nonconforming under both the current and the proposed and revised code. In order to address to some degree the lack of conformance of the current Lot 21, they are requesting to move that lot line and would thereby remove the encroachment in the east side yard setback and permit possibly -- possible redevelopment in conformance with the revised overlay and whatever other ordinances are in place when the UDC is adopted. As a result they are requesting to add that 10-foot strip to Lot 21 to create Lot 1 of the proposed plat. I would like to address one of the contingents that was just brought up by staff with regard to what could be constructed on Lot 1 if this replat is approved. If the overlay were not in place, it is possible that the contingent that four units could be constructed on the reconfigured lot is probably accurate. However, in this case there is an overlay that is in place on that lot that would preclude being able to construct four units on that property at -- even with the inclusion of that 10-foot strip. The reality is the overlay at the point that it is redone, which is going to be after the current -- after the current preclusion of any developments in that area has already expired. But as soon as that overlay is redone, it's going to -- there's going to be a requirement of 50 percent green space on that property with a requirement of 50 percent green space and the additional parking spaces that are going to be required under the revised overlay. The reality is there is no way to construct four units on that property. Rather, it's going to be possible maybe to construct two units on that property, but certainly not four. As a result the proposal that is in front of you this evening actually decreases at the point that there might be redevelopment on that property, the density on Lot 1, as well as causing the Lot 2 development to be in compliance with the ordinances as they are proposed. Given all of that, I would ask you to keep that in mind as you are making a decision about this plat. Approval of a conforming plat is a ministerial function. It is otherwise known as an administrative function. It is set out in Missouri statute and has been affirmed by the Missouri courts. As a result this Commission and the City Council have the right to examine a plat in order to ensure that it meets the requirement of the ordinances providing according to Missouri courts that subdivision regulations must not be too general and must contain known and fixed standards that apply to all similar cases. I would ask you to keep that in mind as you are making a decision about this plat. The ordinance -- the ordinance needs to be applied in a way that everyone can look at the ordinances and

figure out what is going to be a conforming plat, and we would ask you to interpret it that way. Regardless, I would respectfully suggest that even under the provisions of Section 25-30, the plat should be approved. There are no restrictions on the existing plat that will similarly -- that will not similarly apply to the replatted lots. There is nothing about this replat that will be detrimental to the neighborhood. The overlay in Benton Stephens will preclude development of anything more dense than what is currently located on lot -- the proposed Lot 1, and, in fact, it is likely that any redevelopment project that might be constructed will be less dense than what is currently there. Moreover, the existing ways in which Lot 1 does not comply with the overlay will be remedied partially by the proposed plan and fully if and when redevelopment takes place. And with regard to Lot 2, the project that is currently under construction is fully compliant with the requirements of the overlay and meets the requirements with the replat. There is no detriment to the neighborhood which consists of -- in excess of 80 percent population in rental units. All that this replat does is to make this project compliant with the requirements that are coming down the pike as far as not crossing lot lines. As such I would respectfully ask that you approve this plat and allow my clients to do what they have been waiting to do, literally years, to improve the property that they own. I am happy to answer any questions that you might have, and Tim Crockett, who is with Crockett Engineering that prepared the plat is also available to ask [sic] questions if you have them.

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

MR. MACMANN: In reference to -- hi, Ms. LaMar. In reference to you your waiting for years, if you can refresh my memory a little bit with the history of this partnership. It is my understanding that the partner that owned Lot 20 had actually received a permit to go ahead and demolish and develop that property when later it was found the lot was not wide enough, it was too narrow, and that led to the future business partnership that has led to this development; is that correct?

MS. LAMAR: But the other partner has owned the lots that he owned for literally years.

MR. MACMANN: So -- and I do appreciate that. That's wonderful. I'm just -- but this business partnership didn't exist until April or May and this plan didn't exist until then?

MS. LAMAR: it doesn't -- that is a true statement.

MR. MACMANN: Okay.

MS. LAMAR: The reality is one of those partners has owned the lots on which part of this is being constructed for literally years -- I believe like 40.

MR. MACMANN: I -- I believe you're correct. I just wanted to clarify the development history of what is happening here and what -- these four lots together allow this plan to happen. Correct?

MS. LAMAR: These four lots together allow part of this -- well, actually, these four lots -- what is happening right now can happen regardless of whether these lots are combined at this point. So I guess I don't understand your question.

MR. MACMANN: Well, I just -- it was my understanding that these lots in this business partnership were put together in April, May to achieve the needs of both individuals. And I -- I'm just -- and they hadn't been developed previously. That's where I'm going. I mean, they have sat in this

condition for a long time, other than a demolition on --

MR. STRODTMAN: Is there a question, Mr. MacMann?

MR. MACMANN: I was just trying to clarify the history just to make sure that that was the case.

MR. STRODTMAN: Thank you. Commissioners, any additional questions? I see none. Thank you.

MS. LOE: I have a question for Mr. Crockett.

MR. STRODTMAN: Thank you, Ms. LaMar.

MS. LOE: Mr. Crockett, did your firm do the measuring to determine the front yard setback?

MR. CROCKETT: Yes, I believe they did.

MS. LOE: You tell me the three homes on the west side of the block all have front porches, can you tell me if those measurements are taken to the front edge of the front porch or to the front face of the building?

MR. CROCKETT: Ms. Loe, I cannot speak to that. I'm not familiar with what they measure with the front of that.

MS. LOE: With how they measure?

MR. CROCKETT: Right. And I -- I would assume that they did given that that's -- you know, if that is what they called the front of the house, that is where the City has determined where the front of the house is, then we -- you know, we were in conformance with whatever the City classifies as that. So if the City --

MS. LOE: I'm not sure the City classifies --

MR. CROCKETT: Well, the City calls that a front porch. And so if it is a covered front porch, it is different from a non-covered front porch. And so it's in conformance with what the City surveyor would have us shoot and measure for the front yard setback. And I apologize that's not a better answer than that. I'm -- you know, I'm here representing because it --

MS. LOE: It's --

MR. CROCKETT: -- was something we had done in our survey site. And I apologize for that. I'm not trying to --

MS. LOE: No. And it's something --

MR. CROCKETT: -- sidestep the answer.

MS. LOE: -- that we --

MR. CROCKETT: I'm just trying to --

MS. LOE: -- have been discussing. I just thought you might be able to provide or shed some light on it for us, but thank you.

MR. CROCKETT: In a few minutes, I'll be able to get a better answer for you. I apologize for that. Again, it's not that I'm sidestepping, I just -- I'm not familiar.

MS. LOE: No. I put you on the spot.

MR. CROCKETT: That's okay.

MS. LOE: It's my fault.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Commissioners, any additional speakers -- questions for this speaker?

Thank you, Mr. Crockett. Additional speakers?

MR. NORGARD: My name is Peter Norgard; I live at 1602 Hinkson. And I am here speaking on behalf of a couple of neighbors that live in the vicinity of this particular replat. I would just say that first of all the City Code of Ordinance Section 25-30, paragraph (d) specifically gives the right to resubdivide to City Council. And until City Council makes a decision, it's not really a ministerial decision, so I would disagree with Ms. LaMar's characterization. If there is a disagreement, then it can always go to the courts, but until City Council makes a decision, it's not really ministerial. Pursuant to Section 25-30, paragraph (d), subparagraph 2 -- and I'll just quote from the Code, "A resubdivision of land shall not be approved by City Council if the Council determines a replat would be detrimental to other property and otherwise weighs the benefits to the subdivider against the detriment to the neighborhood." I can't speak on behalf of the subdivider as to the benefits to him. I can speak with some authority on the detriments to the neighborhood or at least the perceived detriments for those that live in the neighborhood, particularly with respect with out-of-scale redevelopment, which has been an ongoing issue in the Benton Stephens neighborhood. So let's talk about some pre-existing problems to quote Mr. Toohey from earlier with the first case you heard tonight. Increased vehicular density, so Windsor Street is -- has designated parking on one side of the street only, and it is also a segment of the bike boulevard, which was fought for -- by people that actually live on that street and by many others. I would make the point that increased vehicular traffic density as a result of any additional redevelopment will impact road safety, particularly for bicyclists on the road and pedestrians in crosswalks. Currently, Windsor Street and nearby Ripley Street persistently experience parking density greater than City standards permit, which act to limit the visibility of oncoming traffic to vehicles and pedestrians, particularly at intersections like Ripley and Windsor, and it's -- if you have ever walked it, it's very unsafe. People drive pretty quickly through there because one side is open. So I would argue that additional vehicular traffic will increase danger to both life and property. Increased on-street parking burden, this plays into the last one. As I mentioned previously, the parking burden on Windsor is -- Windsor Street and major sections of Ripley Street exceeds existing capacity. By giving 10 feet additional to the lot -- proposed Lot 1, 1507 Windsor, would give that particular parcel enough area to build a four-unit multi-family under current code. And let's be honest, there is no guarantee that the UDC is going to be passed. It is likely, but there is no guarantee. So based on that contingency, giving -- granting that extra 10 feet automatically gives this lot -- proposed Lot 1 sufficient area and frontage to build something that is out of character with the neighboring house for instance, and will put additional parking strain on an already overburdened street. And then the final detriment that I would point out is that this has a potential to decrease interest in single-family owner occupancy. One of the often cited reasons for people moving to Benton Stephens or trying to move to Benton Stephens or redevelopment in Benton Stephens is that people really want to be there because it

is so close and convenient to downtown, it's vibrant, it's close to parks. I would argue it's also desirable to be there because of the heterogeneous population of, you know, retirees, students, families, professionals. I would say the three replat, particularly the Lot 1 -- the proposed Lot 1 paves the way for additional redevelopment that is going to skew our population to a more homogeneous, and I would argue, affluent student housing condition. And then I would also say, finally, in the event that there is no plan for redevelopment, then I would argue particularly for proposed Lot 1, and what I'm specifically speaking about, the developer doesn't really stand to lose anything, and so there is really no reason to proceed with a replat of that particular lot. I personally don't have a problem with the consolidation of the lot -- the proposed Lot 2. I do have a problem with the additional 10 feet that would be granted to the proposed Lot 1. The idea that you would chop off 10 feet to make it compliant or to add 10 feet to make it compliant doesn't really hold water. You know, there are provisions in the Code current and proposed that would permit a structure substantially damaged by acts of God or terrorism to rebuild it substantially the same, so that place could be rebuilt as it is even though it is nonconforming. And I would argue that greater than 70 percent of the houses, lots, in Benton Stephens are legally non-conformant because they were carved out at a time when lot sizes were smaller. So with that I would argue that you should deny -- I would say maybe as an alternative, a win-win, reconsolidate the three eastern most lots as one, leave the one on the west alone.

MR. STRODTMAN: Commissioners, any questions for this speaker? Ms. Loe?

MS. LOE: Mr. Norgard, these lots are zoned R-3.

MR. NORGARD: Uh-huh.

MS. LOE: The smallest legal R-3 lot is 60 feet --

MR. NORGARD: Uh-huh.

MS. LOE: -- wide.

MR. NORGARD: Correct.

MS. LOE: So you are --

MR. NORGARD: Every one --

MS. LOE: You disagree with rezoning an R-3 lot to the smallest possible footprint width-wise?

MR. NORGARD: Well, I say that because virtually all of the lots in Benton Stephens were rezoned R-3 in the 50s or before.

MS. LOE: I --

MR. NORGARD: And they are legally non-conforming, and yet with the exception of redevelopment at a larger scale, if the property were to be damaged, I think up to 75 percent, they can rebuild without any additional questions, period. But there are provisions in the Code for legal non-conformities to be rebuilt if an act of God or terror or something.

MS. LOE: I believe it is 75 percent, but, yes, you are correct. But it does seem to me -- and I understand this community neighborhood is struggling with the change in zoning that was ruled over it back in the 50s, I believe. But the fact remains that these lots have not been rezoned to R-1, and that on

the Lot 2 --

MR. NORGDARD: Uh-huh.

MS. LOE: They are choosing to build single-family homes attached.

MR. NORGDARD: Connect-- attached.

MS. LOE: That's -- they are single-family homes.

MR. NORGDARD: By any other standard, that would be multi-family.

MS. LOE: They can be owned --

MR. NORGDARD: The fact that there is a firewall --

MS. LOE: -- and only sold --

MR. NORGDARD: -- that separates them.

MS. LOE: -- as single-family. So you're -- it's promoting single-family ownership.

MR. NORGDARD: It is promoting single-family ownership with -- I think there were four bedrooms per unit. It's -- I don't believe it is being sold as single-family residences. I don't believe a single-family could afford to move in there necessarily because it is being rented from my understanding on a -- either on a group basis or a per bedroom basis. But I can't speak to that because I don't know.

MS. LOE: No. And we haven't been given those plans.

MR. NORGDARD: Right.

MS. LOE: We've just been told that it is a six-plex single family attached dwelling.

MR. NORGDARD: Right.

MS. LOE: I understand your conflict. I have to admit I have -- I'm struggling a little bit with not permitting the smallest possible R-3 lot to be allowed. Thank you.

MR. NORGDARD: Uh-huh.

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

MR. UGARTE: Hello. My name is Michael Ugarte. And, first of all, thank you all for your work and your judiciousness.

MS. LOE: Can we --

MR. UGARTE: Can you hear me?

MS. LOE: -- get your name and your address, please?

MR. UGARTE: I'm sorry. Michael Ugarte, U-g-a-r-t-e; I'm at 1505 Windsor Street. So, of course, my property is -- is important in this discussion, and I agree very wholeheartedly with our neighborhood association president and what he just said. So I want to address myself to two issues. And I'm not just speaking for myself, I think I'm speaking for the many people that live on Windsor Street aka Bike Boulevard as we have asked City Council to rename that and certain improvements that were made to our street with the idea of cycling being close to the center of town. And the two issues I want to address myself to are on the detriment to the community and to parking. So I'm -- I'm not a lawyer. I'm not sure what the legal definition of detriment to the community is, but as a person that lives in the area right adjacent to this, I think that our -- the entire future of this neighborhood is uncertain and it scares me.

And considering the direction that Columbia is going as a whole, I'm fearful of what the possible future is of our neighborhood. We're -- as our president said, we're single-family houses, also with rentals. We interact and -- but with an increase in the density of this area, I'm -- I'm, -- again, I'm scared about what the future of the entire neighborhood is going to be. My house is red brick. It has a real front porch. I've seen part of the plans for what is developed, and I can tell you that it doesn't really conform to -- to the historical feel of what this neighborhood used to be. And secondly about parking, I go through this Liberty Street quite often. I know that the City considers it a street and then at other times it considers it an alley. But I go through there a lot and really it is an alley. And I -- I don't know what they have planned for parking. I know part of it is going to be on this alley street. Traffic is going to be increased. I am certain of that. We have a traffic problem as it is, and on -- it -- it makes for very difficult traffic circulation in the whole area, an area that has lots of daycare centers and it may -- it may increase the possibility of accidents. So I'm asking you to -- to consider neighborhoods -- people who are living there, that notion of detriment is -- is open to definition, and many of my neighbors think that if given this plat, our neighborhood is going to be detrimental to our -- our living there. Thank you very much.

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

MS. LOE: So you live adjacent to the proposed plats. So is your site also zoned R-3?

MR. UGARTE: it is zoned R-3, but we have applied to downzone for R-1.

MS. LOE: All right. It's going to be --

MR. UGARTE: We're a part of that -- that movement as it is to downzone.

MS. LOE: Okay. Just the map we were given --

MR. UGARTE: Okay.

MS. LOE: -- shows it all R-3.

MR. UGARTE: Yeah.

MS. LOE: So that -- that's exactly what I would recommend if -- I mean, based on your comments tonight that you -- starting to define what you feel the neighborhood is. You also used the term "historic". So another avenue would be creating a historic neighborhood that identified some parameters. But you understand it is very tricky without those parameters and working within what is permitted that -- I mean, even if this were -- if left at the 50-foot widths, they could still provide -- or create a single dwelling unit with an accessory dwelling unit. So we are still talking six or eight dwelling units. So density-wise --

MR. UGARTE: We're not sure.

MS. LOE: Yeah.

MR. UGARTE: We're not sure what the consequences are going to be --

MS. LOE: No. I'm just --

MR. UGARTE: -- and we're -- and those of us who are living there are protecting the historical nature of the area, and --

MS. LOE: Right. But without that being defin-- more defined, as you said, it's -- it's not definitive at this time.

MR. UGARTE: I understand.

MS. LOE: It's hard for us to make an assessment with regard to the density. I have to admit, this project doesn't seem to be proposing a density beyond what could be done on R-1 or R-2 even -- R-1 with waivers. So I appreciate that you are doing the downzoning. Thank you.

MR. UGARTE: Okay.

MR. STRODTMAN: Commissioners, any additional questions? Thank you, Mr. Ugarte.

MR. STEVENSON: Good evening. Thanks for your service. My name is Mark Stevenson; I live at 3212 Shoreside Drive. I bought 1509 Windsor, my first home that I purchased in Columbia, in 1971. I was 21-years old. I was an MU student. It was leased at that time as a duplex. One unit, the west, was a one-bedroom apartment occupied by one person. The east side was a two-bedroom occupied by four people. The house was already very old and dated. The efficiencies included leaky roof, three layers of shingles, shared utilities, lack of air conditioning, poor insulation, poor windows, et cetera. Later, I purchased 1511 Windsor and occupied it as well as renting it out. This was my home. I enjoyed it. I enjoyed its proximity to MU, Stephens College, Columbia College, and the downtown and the Parks. I planned to someday remove the aging houses and build new apartments and let other people enjoy the great location. Buildings do not get any younger no matter how many repairs we did. The asbestos siding, the lead paint, et cetera, did not become more desirable. Eventually, we tore them down and offered the use of the land to the neighborhood for a community garden for free. This was very much appreciated and used by many neighbors. In fact, it was so successful that eventually I let neighbors in other parts of town to use five vacant lots. Sometimes I worry that my generosity is not appreciated. I want to speak for a moment about traffic and parking. This development and this replat meet all the current parking requirements. One of the problems with parking in that neighborhood is that there are two generators that we have not planned or made provisions for, one. Other apartment buildings that are three or four stories tall and have very little, certainly, insufficient parking, and so cars are brought into this neighborhood from those developments and stored there. Another one is the commuter parking where you have forced development to the outskirts of Columbia. They are predominantly people who live or work downtown and they drive and they commute. And that is where your traffic comes from. This neighborhood is walkable. These people will not be able to park any closer than just leaving their car there on the lot where we provide sufficient parking. I don't want to hear anything else about how great the bicycle boulevard is. I served for 10 years on the Bicycle Commission. Monday, I rode 28 and a half miles. I'm getting ready for a bike trip this summer. I love bicycling and this is bicycling proximate to all three schools. The 10 feet to add to 1507 Windsor makes it a compliant lot. If there were significant damage now, no, we could not rebuild for the three units that are there. Non-conforming uses cannot be rebuilt. This project meets all the requirements of the land on this for many, many years. Please vote for it. Thank you.

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

MS. HAMMEN: Hi. I'm Janet Hammen; I live at 1844 Cliff Drive. And there is just a couple of

points that I'd like to just kind of dwell on. First, there are no accessory dwelling units allowed in Benton Stephens, and that is part of the ordinance that they -- that that neighborhood was excluded. Second, I do believe -- I'm not an attorney, but I have heard differences of opinion of -- from attorneys about the ministerial action and the State law. So I don't think that that is a settled situation, and indeed, we have recently seen where the City Council has acted not to approve what was considered a ministerial action. This is pre-emptive replatting. There is no plans in development for this Lot 1, and so the owner will suffer no loss by not allowing this replatting at this time. If these lots are replatted, then there is no approval in the future or public scrutiny that would need to take place for development that might occur no matter what the UDC -- whatever is done with the Code in the overlay. So then, lastly, I would suggest that it really at this time doesn't make a difference if this is a non-compliant lot or if it becomes a small R-3 lot, it really does not matter because it is in a neighborhood of non-conforming lots. It has been there for 50, 80 years, and there are provisions in the current Code and the new Code for non-conforming lots. So I would ask that you would not approve this replat. Thank you.

MR. STRODTMAN: Commissioners, any questions for this speaker? I see none. Thank you, Ms. Hammen.

MR. CROCKETT: Tim Crockett, Crockett Engineering, 1000 West Nifong. Ms. Loe, I want to get an answer to your question regarding what was shot for to determine the building line. Porches were included if they included a roof structure. So unenclosed porches or porches that don't have roof structure were not included, but if they did have a roof structure, then they were included as part of the building, just for clarification purposes.

MS. LOE: Thank you very much, Mr. Crockett.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Any additional speakers would like to come up?

MS. STEVENSON: Carol Stevenson, 3212 Shoreside Drive. It is clear homeownership is a very emotional issue. This whole meeting, this whole evening shows that. You see that all the time. I do however want to address a mythology about the Benton Stephens area. The mythology is that it is a historically single-family neighborhood -- owner-occupied single-family. In fact, that was included in the report that the City made -- context of historically single-family neighborhoods, especially Benton Stephens and East Campus. The problem is that it is simply not true. In 1957, the City Council at that point decided to zone Benton Stephens as R-3 and possibly R-4 and designated it as high-density housing. Sixty years have gone by since then and people who bought property in this area bought R-3 housing with the benefits it had. Now we are trying to turn the tables very abruptly. Today, Benton Stephens is a very complex neighborhood. There is not just residential there, there is a lot of commercial, childcare, Tiger Tots, offices, radio stations, Stephens College, Salvation Army, an art studio, other businesses. There is a lot of business commercial plots in that area -- plats in that area. Today in the residential areas, 60 percent of the property and parcels are rental. I'm sorry to say, single-family owner-occupied houses are only 40 percent. Nine hundred and forty-seven certified rental units, and today, 80

percent to 85 percent of the people who live in the Benton Stephens area are renters. What Benton Stephens offers is affordable housing. Who is speaking for those renters, for the people who chose there and rent? Not everyone wants to buy a home. Not everyone plans to live in Columbia forever. I urge you to keep Benton Stephens what -- as it was designated in 1957, 60 years ago, and make it affordable housing for all. Thank you.

MR. STRODTMAN: Commissioners, questions for this speaker? I see none. Thank you, Ms. Stevenson.

MS. FLEISCHMAN: Good evening. My name is Rita Fleischman; I live at 1602 Hinkson. I moved in in 1987 and '90 -- between those -- into Benton Stephens neighborhood, and I used to go around and put notes in people's mailboxes, please, if you sell your house, I want to buy your house. I love that neighborhood so much. I raised my child there. We went to the park there. The park was filled with children. Kids playing, swinging from the jungle gyms. My son was raised there; he had friends there from all over the community. You go to the Benton -- the Lions-Stephens Park now, there is hardly any children there, and it is mainly the impact of the development communities that has changed the livelihood of our community. There are no more children swinging on the jungle gyms. There's, you know -- only when the daycares bring them down, and it is heartbreaking. It is just heartbreaking. I own property there. I also am a landlord there. And we have like gone door-to-door and have renters who have signed petitions who live in these new developments saying that they don't want any more development. I just beg you to like really think long and hard. I know it is an emotional appeal. I know you have the ordinances. I know you have everything else, but Benton Stephens is special, and we are trying to keep it special. And when you bring in groups of like four people who have their boyfriends and girlfriends or whatever that have visitors, that is just going to impact our neighborhood and there's not going to be any more children there or maybe there will be a whole lot more children. I don't know. But I'm willing to guess there are not, and I just ask you to like keep the heart of Benton Stephens there. I'm ready for questions. I didn't cry.

MR. STRODTMAN: You did a good job. Commissioners, any questions for this speaker? I see none. Thank you, Ms. Fleischman.

MS. FLEISCHMAN: Thank you.

MR. STRODTMAN: Yes. Thank you. Any additional speakers? I see none. We'll go ahead and close the public input portion of this.

PUBLIC INPUT CLOSED

MR. STRODTMAN: Commissioners, questions, comments, discussion? Mr. Stanton?

MR. STANTON: We've had this discussion over and over again. Mr. Stevenson is an aggressive landowner. He has a right to do whatever he wants to do with his property. He has exercised that right and he has made it public that that is what he wants to do. It's a chess game. Game on. The residents of this neighborhood need to make the next move. You guys have organized and have chosen your next move, and I suggest you continue to do so. Exercise your right, like Mr. Stevenson has done his. And

that's -- that's where we are. It's your move. I plan to support this because it's generally just a technical exercise. He has the right to do it. He has maneuvered himself to make his position. And I don't see any reason why not, so I plan to support this, but I also support the neighborhood. Make your move. It's a chess game. Make your next move.

MR. STRODTMAN: Mr. Harder?

MR. HARDER: I just also wanted to agree that sometimes these houses do kind of get pretty old. I've had friends that lived in Benton Stephens. They probably shouldn't have been living in the structure because it was pretty close to being ready to be, you know, torn down or replaced. And so sometimes that has to be done. If he owns -- if they own all four lots and they want to move their lot line 10 feet, I definitely think they should be able to.

MR. STRODTMAN: Would anybody like to form a motion for consideration? Mr. Stanton?

MR. STANTON: As it relates to Case 17-22, Windsor Place Plat No. 1 replat, I move to approve the final plat.

MS. RUSSELL: I'll second that.

MR. STRODTMAN: We have a motion that has been placed on the table by Mr. Stanton and Ms. Russell has seconded that motion. Commissioners, any discussion on this motion, please? As I see none, may we have a roll call, please, Ms. Secretary.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Loe, Mr. Harder, Mr. Stanton, Mr. Strodman. Voting No: Ms. Burns, Mr. MacMann. Motion carries 7-2.

MS. BURNS: Seven to two, motion carries.

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

V) PUBLIC HEARINGS