

# EVANS & DIXON<sup>LLC</sup>

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October 7, 2022

Honorable Barbara Buffaloe, Mayor  
Honorable Members of the City Council  
De'Carlton Seewood, City Manager  
City of Columbia, Missouri  
701 E. Broadway  
PO Box 6015  
Columbia, MO 65205-6015

Re: Response to 9/30/2022 letter from City Manager regarding use of VFW Post 280 property, 1509 Ashley Street.

Dear Honorable Mayor, Members of the City Council, and Mr. Seewood:

My clients, Simmons Bank, Trustee of the Juliet Bowling Rollins Trust dated August 2, 1985, and Juliet Bowling Napier (“Julie Napier”), Trustee of the Juliet Bowling Napier Trust, and the Laura Rollins Napier Trust (hereinafter collectively “Trustees”) are the owners of the R-1 zoned property at 1619 Mores Blvd and 1717 Mores Blvd, Columbia, Missouri (Parcel No. 17-109-00-01-108.00 01) (“Trust Property”). [See aerial attached as **Exhibit 1.**] Julie Napier lives at 1717 Mores Blvd., in one of the two houses on the Trust Property.

At the October 3, 2022, City Council Meeting, the Replat Application of Bowling Street, LLC<sup>1</sup> for EC More’s Subdivision, Plat 1A, as amended, was approved by the City Council, despite the Trustees’ and other opposition. See the Trustees’ October 3, 2022 letter and attachments. **Exhibit 2**, hereto. Although statements were made to the contrary as such meeting, the City did not provide notice of the Replat Application to neighboring property owners. The new plat for the Bowling Street, LLC property (the “Bowling Street Property”), replatted the Bowling Street Property from over 8 lots into 1 lot. The purpose of the replat is so that Bowling Street, LLC can sell the Property to the Voluntary Action Center (“VAC”), for it to build and operate a homeless shelter known as the Opportunity Campus. The Bowling Street Property is adjacent to the south side of the Trust Property.

The City, by Mr. Seewood’s September 30, 2022 letter, advised that it has a contract to purchase the property owned by VFW Post 280, located at 1509 Ashley Street (“VFW Property”). This Property is adjacent to the west side of the Trust Property. The City’s intention is to use the VFW Property as a homeless shelter at least until the VAC homeless shelter is operational. The City seeks feedback as to how the VFW Property should be used once the VAC homeless shelter

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<sup>1</sup> Bowling Street, LLC is owned by City Council Member, Elizabeth Peters.

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is complete. The letter seems to assume that the Opportunity Campus will be developed on the Bowling Street Property.

Before the Bowling Street Property can be used as a homeless shelter, a conditional use permit must be granted,<sup>2</sup> and use specific standards must be met.<sup>3</sup> Additionally, the City law department is evaluating whether or not HUD conflict of interest rules which bar public officials from benefitting from Community Development Block Grant (“CDBG”) funds will preclude CDBG funding for the Opportunity Campus. The Bowling Street Property will also have to satisfy a strict environmental review, and meet other criteria to obtain funding. Furthermore, the Opportunity Campus development must satisfy the driveway, streets connectivity, frontage and other requirements of the City Ordinances.<sup>4</sup> As set forth in the attached letter, it is unlikely these requirements can be met. Meeting development requirements, including acquiring funding, may be even more difficult due to the planned I-70 interchange to the north of the Trust Property providing access to the Business Loop through the east part of the Trust and Bowling Street Properties. It is, therefore, far from certain that the proposed Opportunity Campus will come to fruition.

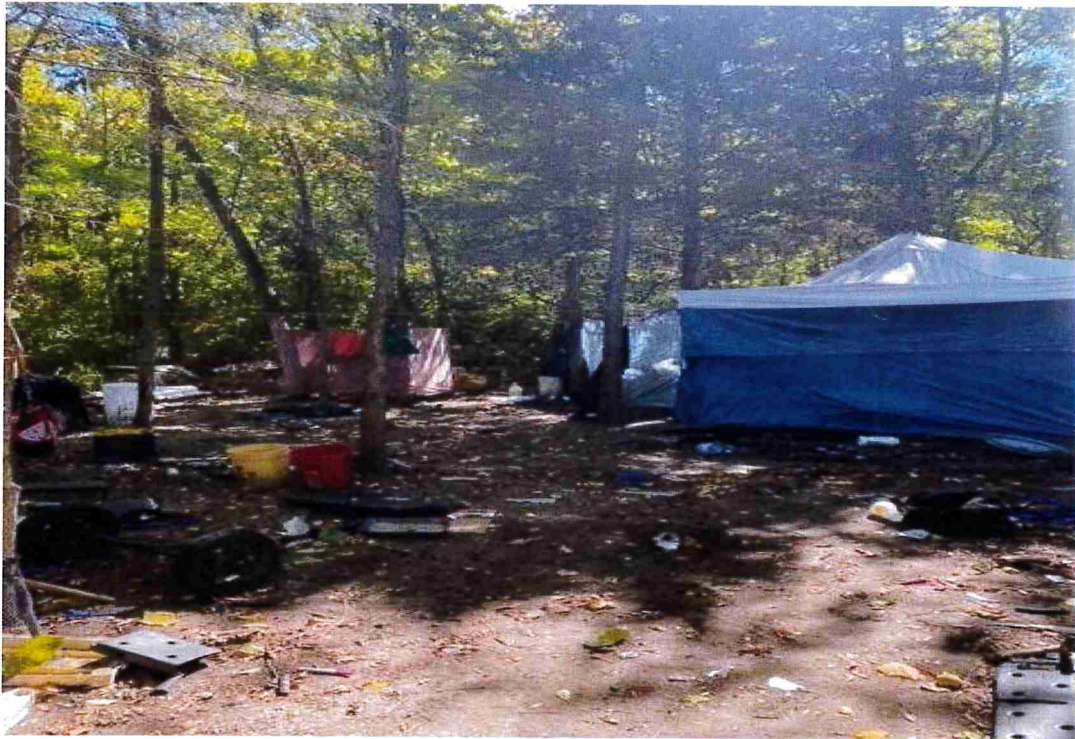
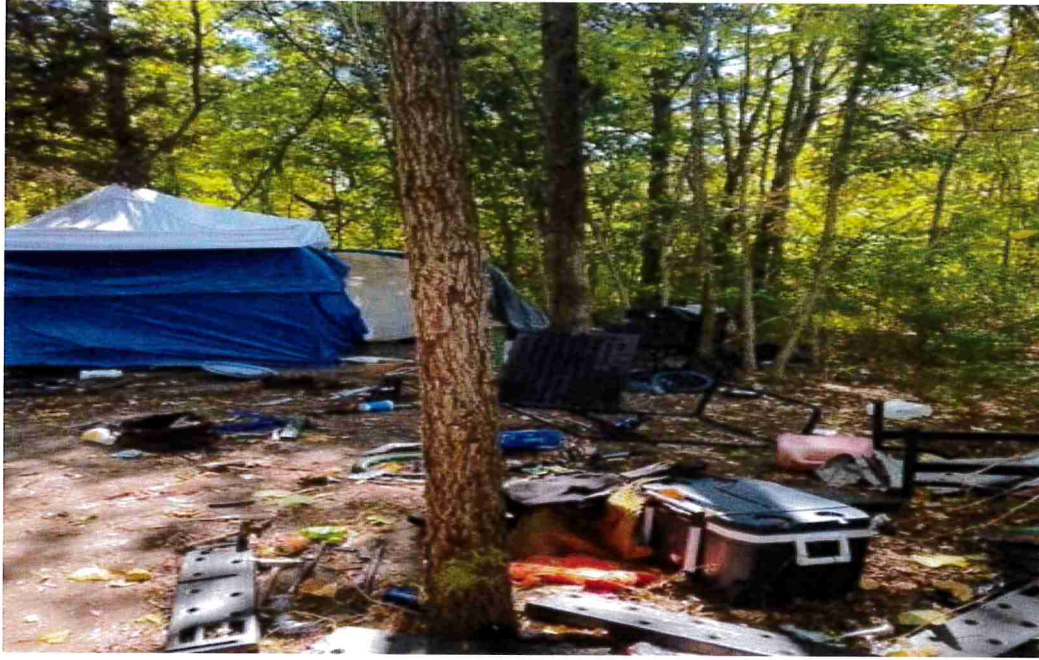
The Trustees remain strongly opposed to a homeless shelter located on the Bowling Street Property. The Trustees are also opposed to the operation of a homeless shelter on the VFW Property, whether now, or in the future. The Trustees’ position and arguments are set forth in detail in Exhibit 2. In summary though, the homeless shelter proposed on the Bowling Street Property and the shelter proposed on the VFW property, will almost certainly increase the homeless population on and around the Trust Property. There is currently a homeless camp on the Trust Property which the Trustees have been unable to remove despite repeated calls to the Police Department. Following are recent photographs of the homeless camp, located in the area shown on Exhibit 1.

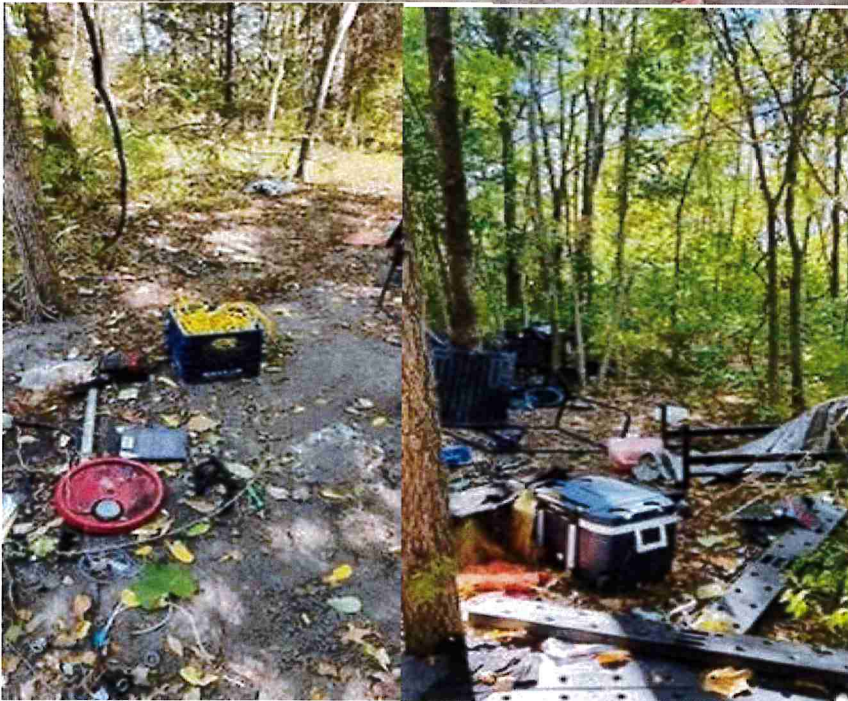
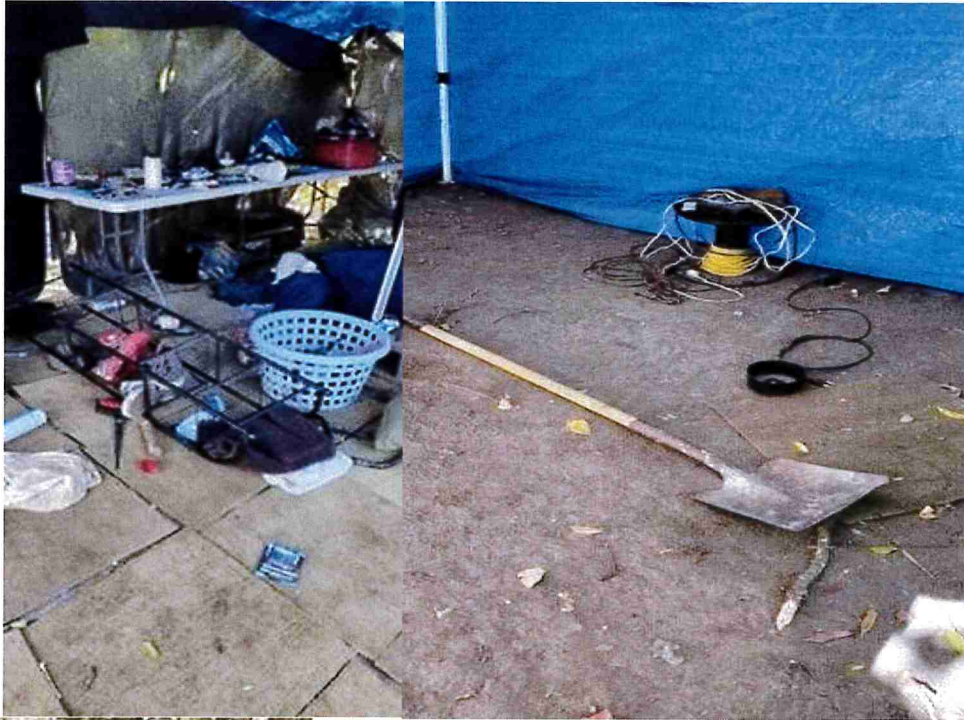
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<sup>2</sup> Section 29-3.1 Permitted Use Table, for use as a temporary shelter in M-C zoning); Section 29-6.4(m).

<sup>3</sup> Section 29-3.3(i)

<sup>4</sup> Sections 29-5.1(f)(2)(iv), 29-5.1(c)(3), 29-5.1(c)(3)(ii), 29-5.1(c)(8), 29-5.1 (f)(1)(iv)(D), 29-5.1(c)(3)(i)(G), 29-5.1(c)(ii).







When the police are called, they show up, tell the trespassing individuals to leave, and then the officers leave. The officers do not wait and make sure that the trespassers leave the property, or require them to take down and remove their tents and other belongings. The City is seemingly using the Trust Property as an informal homeless shelter, without the consent of, or compensation to the Trustees.

As stated in the attached letter, there is a short distance between the Bowling Street Property and the home of Julie Napier at 1717 Mores Blvd. She already deals with trespassing, trash and fires related to the homeless community routinely. She has contacted the police to remove homeless individuals from her property 6 times in the last year. The addition of a homeless shelter or shelters adjacent to the Trust Property will likely mean that the area is no longer suitable for private residences, which will result in the destruction of the existing historic homes and the rezoning of the property to a commercial or industrial use.

Although homelessness is an issue which should be addressed, neither the VFW Property nor the Bowling Street Property is an appropriate location for a homeless shelter. Experience with homeless shelters in the City shows that a homeless shelter is not compatible with nearby residences and retail businesses, such as are located in the area in question. In 2010, when the Trustees sought rezoning of the Trust Property from R-1 to M-1, the City Council denied the request in order to preserve the historic home on the Property, to preserve green space and, given the planned I-70 interchange north of the Property, to develop an attractive entryway into

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Columbia given the planned I-70 interchange. The City has restricted the Trustees' use of the Trust Property to R-1 uses, but now intends to make such use completely untenable, in direct opposition to its earlier position.

In conclusion it is clear that not only the Trustees but numerous members of the community are opposed to the use of the Bowling Street Proper and the VFW Property as a homeless shelter or for other homeless services. The Trustees request that the VFW Property is not used in such manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Marjorie M. Lewis". The signature is fluid and cursive, with the first name being the most prominent.

Marjorie M. Lewis

**Attachments**

1 – Aerial

2 – 10/3/22 letter

# Parcel Information Viewer Map

Prepared by the Boone County Assessor's Office, (573) 886-4262



ATTENTION!!  
 DISCLAIMER: READ CAREFULLY. These maps were prepared for the inventory of real property based on the utilization of deeds, plans, and/or supportive data. In addition, map files are frequently changed to reflect changes in boundaries, lot lines and other geographic features resulting from changes in ownership, development and other causes. The existence, dimension, and location of features, as well as other information, should not be relied upon for any purpose without actual field verification. The County of Boone makes no warranty of any kind concerning the completeness or accuracy of information contained on these maps and assumes no liability or responsibility for the use or reuse of these maps by persons not affiliated with Boone County. Use of these maps by any person not affiliated with Boone County constitutes agreement by the user to assume full liability and responsibility for the verification of the accuracy of information shown on these maps.

EXHIBIT 1  
 10/7/22 ltr