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December 16, 2022

Planning & Zoning Commission
c/o Pat Zenner
Development Services Manager
City of Columbia, Missouri
701 E. Broadway
PO Box 6015
Columbia, MO 65205-6015

Re: Request of Bowling Street, LLC and Voluntary Action Center for Conditional Use Permit regarding EC More's Subdivision, Plat 1A

Dear Commissioners and Mr. Zenner:

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, Exhibit 1, and zoning map, Exhibit 2] The Trust Property is immediately to the north of property owned by Bowling Street, LLC ("Bowling Street"), described as EC More's Subdivision, Plat 1A. The Conditional Use Permit Application of Bowling Street and the Voluntary Action Center ("VAC") seeking to use such property for a substantial homeless shelter is before the Commission on December 22, 2022. [See Application attached as Exhibit 3, and Site plan, attached as Exhibit 4.] Such property (the "Bowling Street Property"), is zoned M-C. [See Exhibit 2.]

CONDITIONAL USE PERMIT CRITERIA NOT MET, IN PART DUE TO SIGNIFICANT ADVERSE IMPACTS TO THE SURROUNDING PROPERTIES

A conditional use permit is required for use of the Bowling Street Property as a homeless shelter. (Section 29-3.1 Permitted Use Table, M-C zoning.) Section 29-6.4(m), pertaining to conditional use permits, requires a finding by the Planning & Zoning Commission, among other criteria, that the proposed conditional use will not cause significant adverse impacts to surrounding properties. As hereinafter set forth in detail, specifically on pages 9 and 10, the use of the Property for a homeless shelter will have significant and substantial adverse impacts on the surrounding properties, particularly on the Trust Property. Negative impacts are also detailed in letters from the Loop Board and neighboring property owners, attached as Exhibits 12 and 13 hereto. Each of the conditional use permit criteria will be discussed, but first it is necessary to review the history of the Trust Property and the Bowling Street Property, and to review the proposal at issue.

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HISTORY

A detailed history of the properties is provided in the Historic Preservation Commission Report, **Exhibit 5** hereto. In summary, though, the Trust Property consists of approximately 23 acres with two historic houses, one of which is occupied by Julie Napier. The other house was occupied by Laura Napier until her death on March 23, 2022. This home, at 1619 More's Blvd., is currently undergoing a \$1.2 Million Dollar renovation after suffering water damage almost two years ago. The remainder of the Trust Property consists of wooded and grassy areas. The Bowling Street Property is an approximately 5.67 acre undeveloped tract, that until December 2021, was owned by the Trustees, or their predecessors in interest. These properties have been owned by the Bowling and Rollins families, or their trusts, since in or about the 1870s.

In 2009, the then Trustees, noting the existing C-3 zoning of the Bowling Street Property (then owned by the Trustees), sought rezoning for the Trust Property from R-1 to M-1. [See **Exhibit 6.**] The occupants of the Trust Property, Julie and Laura Napier, did not intend to change the use of the Property at that time but wanted it rezoned for future M-1 permitted uses. The Historic Preservation Commission ("HPC") submitted an objection to the request. [See **Exhibit 4.**] Among other things, the HPC asked the City Council to preserve the opportunity to develop the area as a gateway to downtown Columbia (noting MODOT plans for a future I-70 interchange at this location), emphasized the historic value of the houses on the Trust Property, the fear that they would be eliminated, and the significance of the land/green space itself which had been unchanged for more than 180 years. The HPC suggested preservation of the existing homes, creating a memorial to the Bowling family by nominating the property as a Landmark property on the National Register of Historic Places, conserving R-1 zoning to serve as a green space buffer for a future I-70 exit, creating a gateway to historic downtown Columbia, recreating the old More's Station Depot into a bike and pedestrian trailhead, using the Property as an access point for passenger service on the COLT railroad, and redevelopment of the nearby City power plant when taken out of service into lofts, and possibly a science museum. The HPC pointed out that M-1 zoning could include junkyards, adult book stores, commercial and self-storage facilities, and pawn shops – which the said Commission did not believe was appropriate for an entrance to downtown Columbia. The Downtown Leadership Council also weighed in opposing the rezoning, for similar reasons. The City Council ultimately denied the rezoning request. [See **Exhibit 7.**] The Trust Property is thus still zoned R-1.

The Trust Property and the Bowling Street Property were both owned by the Trustees until the sale of the Bowling Street Property to Bowling Street, LLC on December 7, 2021. [See **Exhibit 8.**] Bowling Street is owned by City Council Member, Elizabeth Peters. Julie Napier understood during negotiations related to the purchase of the Trust Property that the intended use of the Bowling Street Properties was long-term residential rentals (specifically a retirement village). In fact, the Trustees turned down other higher offers to purchase the Trust Property due to the belief that the use intended by Council Member Peters would be more compatible with the residential use of the Trust Property.

HOMELESS SHELTER PROPOSAL

On July 5, 2022, Bowling Street, submitted an application to the City to replat the Bowling Street Property from 8 full lots and 1 partial lot to 1 lot. In or about August 2022, the Trustees learned of the plan to sell the Bowling Street Property to the Voluntary Action Center (“VAC”) for use as a homeless shelter. [See Application with initial and final plats, **Exhibits 9a and 9b**, and Contract, **Exhibit 10** (“VAC Contract”).] At that time, the Trustees also learned of the replat application. The VAC Contract provides that it is contingent upon re-platting the Property into 1 lot, and on obtaining a conditional use permit allowing use as a homeless shelter.

According to VAC, the homeless shelter (“Opportunity Campus”) will include a 24/7 emergency shelter, 365 days per year, for individuals experiencing “chronic and unsheltered homelessness in Boone County.” The facility will not only house transient individuals but will also provide among other things medical and dental services, showers, laundry and kitchen facilities, secure storage, and a computer lab for the transient population. The facility will also include a kennel, a drop-in center and about 150 free community meals each evening. The shelter intends to serve 100 individuals daily with overnight shelter, 80 individuals daily with meals and 60 individuals daily with day center resources (such as behavioral health, mental health, substance abuse treatment and employment services). VAC has indicated that the shelter will be “low barrier,” meaning that mental health issues and substance abuse issues, will not preclude entry to the facility. Notably VAC is looking for a new location for homeless services as the present facility at Wilkes Boulevard Methodist Church has proven to be a burden on that neighborhood.¹

On October 3, 2022, the Trustees received a letter dated September 30, 2022, from De’Carlon Seewood, City Manager. [See **Exhibit 11**] It advised residents that the City had a contract to purchase the property owned by the Veterans of Foreign War Post 280 (“VFW”) at 1509 Ashley St. This property is approximately 2.70 acres, is located between the City’s Municipal Power Plant and I-70, and is adjacent to the Trust Property. The City Manager advised that the City plans to use the building to accommodate social service organizations, primarily Room at the Inn, a community organization which operates a homeless shelter until the Opportunity Campus is operational. He further stated that the Opportunity Campus should be completed in the next 1 to 3 years, and that the further use of the VFW facility will be finalized once the Opportunity Campus is completed.

Despite opposition by the Trustees and others, the City Council approved the Replat Application and the VFW purchase contract. The City has thereafter proceeded with plans to use the VFW property as a temporary homeless shelter, and Bowling Street and VAC are proceeding forward on their plans for the Opportunity Campus.

Bowling Street and VAC (“Applicants”) are seeking a conditional use permit for the purpose of using the Bowling Street Property as a homeless shelter. Approval of the conditional

¹ See Murphy, Mike, \$15 Million Homeless Services Center in the Works, comobuz.com, 8/8/22.

use permit will negatively impact the Trust Property in many respects, as hereinafter set forth on pages 9 and 10. When the replat was approved, staff and City Council members specifically discussed at the hearing, prior to voting, that opponents of the Opportunity Campus would have another opportunity to object during the Conditional Use Permit process. Therefore, the fact that the replat was ²approved should not be treated as approval of the Conditional Use Permit Application. Additionally, it is the Trustees' position that the replat application should have first been submitted to the Commission for a hearing and recommendation before going to City Council. Therefore, it is even more important that the Commission examine this matter independently and make its own decision.

Although there is support for the planned homeless shelter from homeless service organizations and similarly interested persons, there is substantial community opposition – particularly from those in close proximity to the planned development. See Loop Board letter, Exhibit 12, and letter from neighboring property owners and businesses, Exhibit 13. The Trustees share in those concerns; however, the Trustees and the Trust Property are potentially, the most impacted. The Trustees submitted their opposition to the planned homeless shelter by their letter to the City Council dated October 3, 2022.

CONDITIONAL USE PERMIT CRITERIA

The VAC Contract is contingent on obtaining a conditional use permit allowing use as a homeless shelter (as required by Section 29-3.1 Permitted Use Table, for use as a temporary shelter in M-C zoning). Section 29-6.4(m), pertaining to conditional use permits, requires recommendation by the Planning and Zoning Commission and approval by the City Council upon a finding that:

- (A) The proposed conditional use complies with all standards and provisions in this chapter applicable to the base and overlay zone district where the property is located;
- (B) The proposed conditional use is consistent with the city's adopted comprehensive plan;
- (C) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site;
- (D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion;
- (E) Sufficient infrastructure and services exist to support the proposed use, including, but not limited to, adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided; and
- (F) The proposed conditional use will not cause significant adverse impacts to surrounding properties.

² The Trustees' letter to the City Council is not attached as the information set forth in such letter is included herein.

Additionally, temporary shelters are subject to the use-specific standards outlined in Section 29-3.3(i), which provides:

- (1) An application for a conditional use permit for a temporary shelter shall include information about the size and design of the structure, population groups served, length of stay permitted, maximum design capacity and support services provided. These items shall be used to determine if the facility is in conformance with the character of the adjacent area;
- (2) A temporary shelter shall not be located within one thousand (1,000) feet of another temporary shelter; and
- (3) The minimum lot area for a temporary shelter shall be seven thousand five hundred (7,500) square feet. If a proposed temporary shelter structure is larger than two thousand five hundred (2,500) square feet of gross floor area there shall be provided an additional one thousand five hundred (1,500) square feet of lot area for each additional five hundred (500) square feet of gross floor area within the structure.

1. SECTION 29-6.4(M)(A) THE PROPOSED CONDITIONAL USE COMPLIES WITH ALL STANDARDS AND PROVISIONS IN THIS CHAPTER APPLICABLE TO THE BASE AND OVERLAY ZONE DISTRICT WHERE THE PROPERTY IS LOCATED

The proposed conditional use fails in many respects to comply with Chapter 29. Additionally, there are requirements within such Chapter that should be addressed by the Applicants and/or considered by the Commission.

A. Failures

(1) Preliminary Plat Required (Sections 29-5.2(c)(1)(ii), 29-5.2(d))

As stated above, although the replat was approved by the City Council, it should have been submitted to the Commission and a preliminary plat should have been required. Because the replat was not submitted to the Commission and required to follow the full approval process, many steps and requirements were omitted. More's Subdivision is a major subdivision which requires a preliminary plat pursuant to section 29-5.2(c)(1)(ii)). Due to the age of the subdivision there was no preliminary plat. A preliminary plat is also required for re-subdivision or replat by section 29-5.2(d) when, as in this case, the proposed re-subdivision is not in accordance with a valid approved preliminary plat. A preliminary plat must show on its face that it meets all the requirements of chapter 5. No preliminary plat was submitted in connection with the replat application. A preliminary plat should have been submitted and then there should have been a hearing with the Commission. Only after approval by the Commission, should the City Council have been asked to review the preliminary plat, and later the final plat. This did not occur. This process would also

have allowed for more public input on a matter which is extremely important to the community. Because of the failure to require a preliminary plat and follow the full review process, many steps and requirements for the replat were omitted.

(2) Failure to Show CATSO Plan Provisions

The current CATSO Major Roadway Plan (“CATSO Roadway Plan”) shows that the Missouri Department of Transportation (“MODOT”) intends to construct an I-70 interchange north of the Trust and Bowling Street Properties allowing access from I-70 to the Business Loop. [See CATSO Roadway Plan, **Exhibit 14**.] The said plan shows the access running from I-70 along Bowling Street to the Business Loop. Recommendations for a revised plan have been produced, however, showing the intent to move the I-70 access from Bowling Street, on the west side of the Bowling Street Property, to the east side of such Property, through existing More’s Subdivision lots 43 and 44, and consequently through the east portion of Lot 1 of the subdivision proposed. See **Exhibit 15**, Exhibit 1, Exhibit 2] Due to existing development north of I-70, in the area of the existing CATSO Roadway Plan route, it seems clear that the I-70 access will not be along Bowling Street but instead will be located on and through the east side of the Properties. The replat shows the I-70 access according to the outdated CATSO Roadway Plan and does not show the new I-70 connector. In accordance with City policy, the replat should have dedicated the right of way for the intended connector on the east side of the Bowling Street Property, as opposed to dedicating right-of-way for the outdated connector. The MODOT connector will run right through a portion of the Bowling Street Property and will greatly impact the intended use. The conditional use permit should not be approved because the intended use and site plan, which are based on a defective replat, will not and do not comply with the revised CATSO plan. If the Commission is inclined to approve the conditional use permit, the Commission should require an amended plat and site plan to accurately depict and grant the intended MODOT right-of-way. Also, the owner is and should be required to actually build the street pursuant to Section 29-5.1(g)(1) of the City Ordinances unless a variance is requested and obtained.

Additionally, Bowling Street is currently shown on the CATSO Major Roadway Plan as a Minor Arterial Street. The recent plat did not acknowledge the street status which may affect the setbacks and layout of the site.

(3) Streets Connectivity (Sections 29-5.1(c)(3), 29-5.1(c)(8))

Pursuant to Section 29-5.1(c)(3) of the City Ordinances, through streets must be designed according to the City ordinances. Chapter 29 Appendix A, (h)(ii) requires that a major arterial street have 110’ of right-of-way. Business Loop 70 East is a major arterial street and thus it requires 110’ of right-of-way instead of the 106’ of right-of-way shown on the replat. Additionally, under section 29-5.1(c)(8), a transportation impact analysis (“TIA”) may be required. The TIA must be required if there will be 100 or more trips in and out of the development site at peak hour. There is no indication, however, as to whether or not it has been determined if a TIA is required. No TIA was submitted, but the use described for the Bowling Street Property, seems likely to generate

sufficient trips to require a TIA. Even if such number is not met, a TIA should be required given the nature of the proposed use by vulnerable persons. The replat and site plan, and thus the intended use based thereon, do not meet City standards and a TIA should be required to complete a traffic hazard and traffic congestion analysis.

(4) Driveway (Section 29-5.1(f)(2)(iv))

Section 29-5.1(f)(2)(iv) provides that non-residential driveway spacing shall conform to the provision of the most current edition of the MODOT Access Management Guidelines or access management standards promulgated by the City. Section 940.13 of such standards provide that a major, non-freeway, must have at least 440' to 660' feet of spacing between driveways. Business Loop 70 East is a major, non-freeway and must, therefore, meet this spacing requirement.³ The driveway spacing requirement along the Business Loop is at issue, particularly with a large part of the length of the Bowling Street Property being along a MODOT access ramp. For this reason likely, the Applicants propose a driveway on the Bowling Street side of the property. However, the proposed location is too close to the Business Loop 70 intersection. Section 940.14, driveway corner clearance, requires 220' to 330' feet of distance from the centerline of the Business Loop – which is not met by the site plan. This distance is achievable, but such placement would not allow for a secondary entrance if required (see discussion below).

(5) Section 29-5.1(f)(2)(ii) - Lot Access

Section 29-5.1(f)(2)(ii), provides that a maximum of thirty (30) lots or units shall be permitted to be accessed from a single point of ingress/egress unless otherwise specified by the most current adopted edition of the International Fire Code or authorized by the City of Columbia Fire Department. The plan presented indicates 100-120 temporary sleeping arrangements not including the required support staff. This does not include the other intended uses of the site.

B. Additional Matters to Address or Consider

(1) Frontage (Section 5.1(f)(1)(iv)(A))

Section 29-5.1(f)(1)(iv)(A), states that as otherwise provided and specifically authorized under this chapter, all lots, tracts or parcels shall have actual frontage upon a street, which provides direct vehicular access to the lot. The site plan defines the front of the site as Bowling Street as that is where their access is. This affects the orientation of the site, setbacks, addressing, and the visual appeal from the Business Loop.

³ Section 5.2, of the CATSO 2050 Long Range Transportation Plan (“CATSO Transportation Plan”), states that access along arterial streets should be limited to improve traffic flow.

(2) Lighting Height (Section 29-4.7(e) - Neighborhood Protection Standards)

Section 29-4.7(e) provides that the maximum height of any lighting pole within fifty (50) feet of the side or rear lot lines shall be twenty (20) feet. All lighting shall be directed downward or otherwise situated as to prevent visible glare from beyond the property lines. Although lighting height is not defined at this time, several parking lot lights will fall within 50 feet of the R-1 zoned property to the north.

(3) Building Orientation (Section 29-4.7(f) – Neighborhood Protection Standards)

Section 29-4.7(f)(1) provides that all newly constructed non-accessory structures erected shall provide front entrances, windows and any porches oriented to the street from which it is addressed. The VAC offices building on the west side of the site appears to have the front entrance/face of the building pointing to the north and away from the Business Loop or Bowling Street.

Section 29-4.7(f)(2) provides that for the purposes of applying setback regulations, the following shall be applied: the front shall be toward the street or access corridor from which the lot is addressed; the rear is opposite to the front or as nearly so as the lot shape permits; and the sides are ninety (90) degrees to the front or as nearly so as the lot shape permits. The front is apparently intended to be on Bowling Street, which impacts orientation, setbacks, and addressing. The visual appeal from Business Loop may be negatively impacted by the proposed orientation.

Summary

In summary, all required improvements, including the proposed I-70 access road across existing Lots 43 and 44, should be shown on the replat, and site plan, however, they are not. For these reasons, the Application does not meet the requirements for a conditional use permit. If the Commission is inclined to grant the Application, it should first require compliance with all City Ordinances. Further there are considerations, such as frontage, lighting and orientation that should be reviewed and addressed.

2. SECTION 29-6.4(M)(B) - THE PROPOSED CONDITIONAL USE IS CONSISTENT WITH THE CITY'S ADOPTED COMPREHENSIVE PLAN

The proposed use is not consistent with the Comprehensive Plan. The Plan cites the CATSO Transportation Plan (pp. 47, 50), however, as stated above, the use will not comply with this Plan. Further, on pp. 143-45, the Comprehensive Plan, includes encouraging and supporting preservation of historic properties, working with neighborhoods to develop a planning process and supporting community safety. Stakeholders including neighborhoods, neighborhood associations,

Central City neighborhoods, and property owners should be consulted. The proposed use fails in all of these aspects. Finally, the Plan encourages infill development using existing infrastructure. Although utilities are apparently available, access points, the roadway and sidewalks are lacking.

3. SECTION 29-6.4(M)(C) - THE PROPOSED CONDITIONAL USE WILL BE IN CONFORMANCE WITH THE CHARACTER OF THE ADJACENT AREA, WITHIN THE SAME ZONING DISTRICT, IN WHICH IT IS LOCATED. IN MAKING SUCH A DETERMINATION, CONSIDERATION MAY BE GIVEN TO THE LOCATION, TYPE AND HEIGHT OF BUILDINGS OR STRUCTURES AND THE TYPE AND EXTENT OF LANDSCAPING AND SCREENING ON THE SITE

The primary planned use, and the use for which a conditional use permit is sought, is for a substantial homeless shelter. There is not another similar use in an M-C zoned adjacent area. The closest M-C property is located directly across the Business Loop, and is used for the Downtown Appliance warehouse, a storage facility, Farm Power Lawn & Leisure (a retail seller of lawn mowers, tractors and ATVs/UTVs, with a repair shop), and Montgomery Welding. The properties immediately to the east, are zoned I-G and are used primarily by Central Concrete. To the east across Paris Road, there is a section of M-C zoned property occupied by Big Daddy's BBQ, Hathman Place (D&H Drug Store, Napa Auto Parts, Wash House Laundry), Central Bank, Abelardo's Mexican Food, New Horizons Community Support Services, Woodhaven Learning Center, Wholesale Sales Donated Autos, Billy J. Palmer Training Center, Palmer's Home Care, and NH Scheppler's Distributing. The property immediately to the west of the Bowling Street Property is zoned I-G, and is occupied by the City power plant and the VFW Hall which is, or will soon be, used for temporary housing (but such use is temporary and cannot and will not continue if the Opportunity Campus is completed). The next closest M-C use is to the west of the power plant, consisting of Lee's Tire, Columbia Welding and Spicewine Ironworks. These uses are not similar to the proposed use and in fact, many of these uses, particularly service, retail and restaurant use are absolutely inconsistent with the proposed use.

Additionally, the Trust Property is R-1, there is R-MF zoning immediately to the west of the City power plant (in use for single family housing), and south of and adjacent to the business loop, and there is UC-O zoning south of the business loop. The proposed use is not consistent with the uses in these areas. The Applicants state that the homeless shelter is but one of the proposed uses for the property and its other uses are in conformance with the character of the adjacent area. However, the other uses are merely incidental to the main and primary use as a homeless shelter. Without the shelter, the other uses would not be housed on the subject site as there will not be funding or the construction of the buildings and other facilities.

The Applicants mention that there are discussions regarding bringing the CoMo Transit system to this site. This is further reason for denial of the permit. Bringing a bus stop, or other facilities to this site, will be a further inconsistency with surrounding uses. A bus stop will only serve to increase the number of homeless persons in the area and will create a loitering spot.

4. SECTION 29-6.4(M)(D) ADEQUATE ACCESS IS PROVIDED AND IS DESIGNED TO PREVENT TRAFFIC HAZARDS AND MINIMIZE TRAFFIC CONGESTION

As set forth in the discussion of criteria (1), the lack of a traffic study, and inadequate sidewalks, road frontage and access points, mean that the Application does not meet the conditional use permit requirements. The site is mostly bounded by a highway access ramp controlled by MoDOT, and a private driveway. Access is proposed off of Bowling Street, however, as set forth above, there is not sufficient distance from the intersection with the Business Loop for a driveway. Bowling Street is a narrow, and at this time, little used roadway, without a shoulder or centerline. It is not sufficient for the intended use. The Applicants suggest that traffic for the intended use will be minimal, but has not provided a traffic study. With all the services being offered, there will be significant traffic from employees alone.

5. SECTION 29-6.5(M)(E) SUFFICIENT INFRASTRUCTURE AND SERVICES EXIST TO SUPPORT THE PROPOSED USE, INCLUDING, BUT NOT LIMITED TO, ADEQUATE UTILITIES, STORM DRAINAGE, WATER, SANITARY SEWER, ELECTRICITY, AND OTHER INFRASTRUCTURE FACILITIES ARE PROVIDED

As stated above, the existing infrastructure is lacking as the roadways and access points are not sufficient, and further sidewalks are completely absent. The Applicants indicate that sidewalks on the Property will be constructed, but no other surrounding properties have sidewalks.

6. SECTION 29-6.4(M)(F) - THE PROPOSED CONDITIONAL USE WILL NOT CAUSE SIGNIFICANT ADVERSE IMPACTS TO SURROUNDING PROPERTIES.

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, particularly in the wooded area on the north side of the Trust Property. There was until recently a homeless camp on her property in which several individuals lived, one of whom was known by law enforcement to be dangerous. See Exhibit 16 hereto. Ms. Napier is currently working with a contractor, at her expense, to remove the items left behind at the camp, including tents, tarps, flooring, trash and other items. She is also looking at working with another contractor or contractors to install “no trespassing” signs and potentially additional fencing. Ms. Napier contacted the police to remove homeless individuals from her property more than 6 times in the last year. At one point the police declined to look for homeless persons on the property because it was dark after such persons had knocked on Ms. Napier’s door. Additionally, when police did tell a homeless person to leave, the officer did not stay to confirm that the individual left or stayed away, or require removal of their tents or other belongings. For a period it seemed that the City was using the Trust Property as an informal homeless shelter, without the consent of or compensation to the Trustees. The Trustees do appreciate the City’s and other persons recent help with this situation.

Ms. Napier, being in a wheelchair, is personally unable to patrol for trespassers. One homeless individual started a fire on the Trust Property, and brandished an axe. Another or the same homeless individual killed her cat. Ms. Napier's fence has also been cut multiple times. Ms. Napier recognizes that many of the homeless suffer from mental health and drug dependency issues, which causes greater concern.

The Trustees, and Ms. Napier personally, as a beneficiary of the Trusts, are also concerned about the large decrease in property value that will almost certainly result should the homeless shelter come to fruition.

The Trustees appreciate that VAC has reached out to them to discuss the Trustees' concerns. The homeless shelter will, however, undoubtedly attract more homeless individuals to the area – not all of whom will stay on the Bowling Street Property. To the knowledge of the Trustees, there are no plans for any increased police presence or any way to deal with safety and other concerns that will certainly follow the construction of a substantial homeless shelter.

When the City Council rejected the 2009 rezoning request for the Trust Property, it decided in favor of preserving the historic character of the area, preserving green space and keeping and creating an attractive entry into the City via I-70. The homeless shelter is directly contradictory to this goal. The addition of a homeless shelter will likely mean that the area is no longer suitable for private residences, which will result in the destruction of the existing houses and the re-zoning of the property to a commercial or industrial use. Certainly it is not appropriate to continue to require R-1 zoning on the Trust Property, with a homeless shelter on the Bowling Street Property.

Although homelessness is an issue that should be addressed, the Property is not an appropriate location for the shelter – particularly one of the size planned. The intended use will be detrimental to the other properties in the neighborhood, and this detrimental impact is not outweighed by any public benefit. There are other tracts available for development which will not be so negatively impacted. Furthermore, it may be that a homeless shelter of this size is not advisable, no matter the location.

This size of a shelter with the services being offered is a monumental project, and it has not been established that VAC has the resources or the know-how to develop and manage such a project. The impact on neighbors by other homeless shelters within the City, has not been good, as evidenced by the "Safe Camp" at the southwest corner of Providence and Blue Ridge Roads, that was shut down due to neighbor complaints⁴, and the "CAR Camp" at 2105 Paris Road⁵, which became unsightly, and is also now closed. There is no reason to expect that a homeless shelter of the size planned will be able to avoid the issues experienced by other homeless shelters.

⁴ See Laird, Skylar, CAR Camp offers shelter for Columbia's homeless population, comobuz.com, 4/18/20.

⁵ *Id.*

The Applicants state that the intended use will not have any adverse impacts on the surrounding properties. This statement is wholly false and absurd. The Applicants further state that it is intended that services will be under the supervision of VAC, or unidentified members of their collaborative network, but there is no evidence that VAC or network members has or have experience with a project of this type or size. The Trustees and other neighbors have significant problems with the homeless population currently and the Opportunity Campus will absolutely increase the number of homeless persons in the area. It is simply not conceivable that there will not be a substantial negative impact to neighboring properties in terms of related damage, trespassing or safety values. Furthermore, the Applicants cannot state that there will not be a decrease in property values.

7. SECTION 29-3.3(I) - A TEMPORARY SHELTER SHALL NOT BE LOCATED WITHIN ONE THOUSAND (1,000) FEET OF ANOTHER TEMPORARY SHELTER

There is currently a temporary shelter at the VFW facility. Such use must be terminated before use of the Bowling Street Property as a temporary shelter.

CONFLICT OF INTEREST

Finally, the conditional use permit application should not be approved without a determination as to whether or not there is a conflict of interest. VAC intends to obtain funding through the American Rescue Plan Act (\$6M), ARPA funds, and Community Development Block Grant (CDBG) funds. Council member Betsy Peters, in her conflict disclosure (**Exhibit 17** hereto), cites to section 2-531 of the City Code, 105.461 RSMo, and 24 CFR 570.611, and asserts that she will not make a financial gain when the Property is sold to VAC and that she has not participated in any actions that would constitute a conflict of interest or violation under any State or local laws.

However, pursuant to 24 CFR 57.611(b) no City Council members who exercise or have exercised:

any functions or responsibilities with respect to CDBG activities or who are in a position to participate in the decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.

HUD may grant an exception to such provision, however, there is no indication that an exception has been granted. Council Member Peters was in a position to gain inside information, and has a

financial interest in a real estate contract to sell the property to VAC. If VAC intends to use CDBG funds for the purchase, then it appears there is a conflict. Further, even if VAC funds won't be used for the purchase, council members are prohibited from having a contractual financial interest for themselves or for those with whom they have business ties (eg VAC through the real estate contract). In either event, it is not clear whether or not Council Member Peters will financially benefit. She may be able to take advantage of tax credits through the Neighborhood Assistance Program, through the Missouri Department of Economic Development, which could result in a six figure financial benefit over time (five years).

CONCLUSION

If the Applicants fail to establish any of the required elements for obtaining a conditional use permit, it must be denied. The Trustees respectfully assert that the Applicants have failed to establish any these elements. Although there is pressure to provide a solution to the homelessness issues in Columbia, the Commission must abide by the City's requirements for the granting of a conditional use permit. Under the City's criteria, the permit cannot be granted.

The Trustees therefore request that the Commission deny the Application.

Sincerely,



Marjorie M. Lewis

Attachments

- | | |
|--|-----------------------------------|
| 1 – Aerial | 9b – Final Proposed Plat (replat) |
| 2 – Zoning Map | 10 - VAC Contract |
| 3 – Conditional Use Permit Application | 11 – City Manager VFW Land Letter |
| 4 – Site Plan | 12 – Loop Board Letter |
| 5 – HPC Report (Excerpt) | 13 – Neighbors' Objection Letter |
| 6 – 2009 Rezoning Request | 14 – CATSO Roadway Plan |
| 7 – 2018 City Council Denial of Rezoning | 15 – I-70 SIU 4 Re-evaluation |
| 8 – Deeds to Bowling Street, LLC | 16 – Photos |
| 9a – Replat Petition | |

Parcel Information Viewer Map

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



Owner: BOWLING STREET LLC
Address: 305 MCNAB DR
Parcel Number: 1710900011080101

Boone County Assessor's Office

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.

Save map
as image

Parcel Information Viewer Map

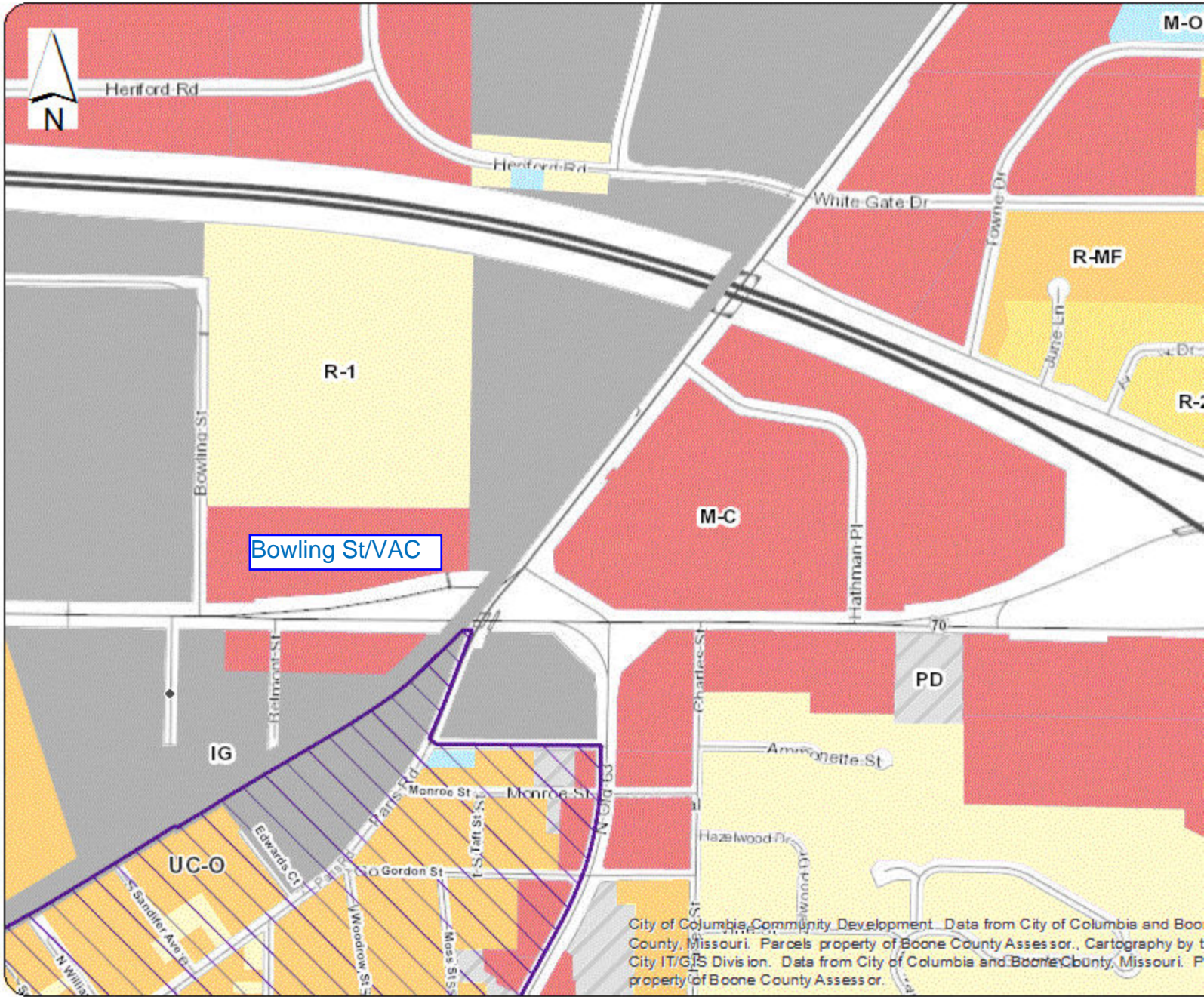
Prepared by the Boone County Assessor's Office, (573) 886-4262



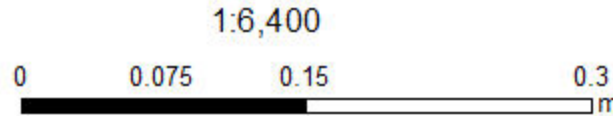
ATTENTION!!

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ArcGIS Web Map



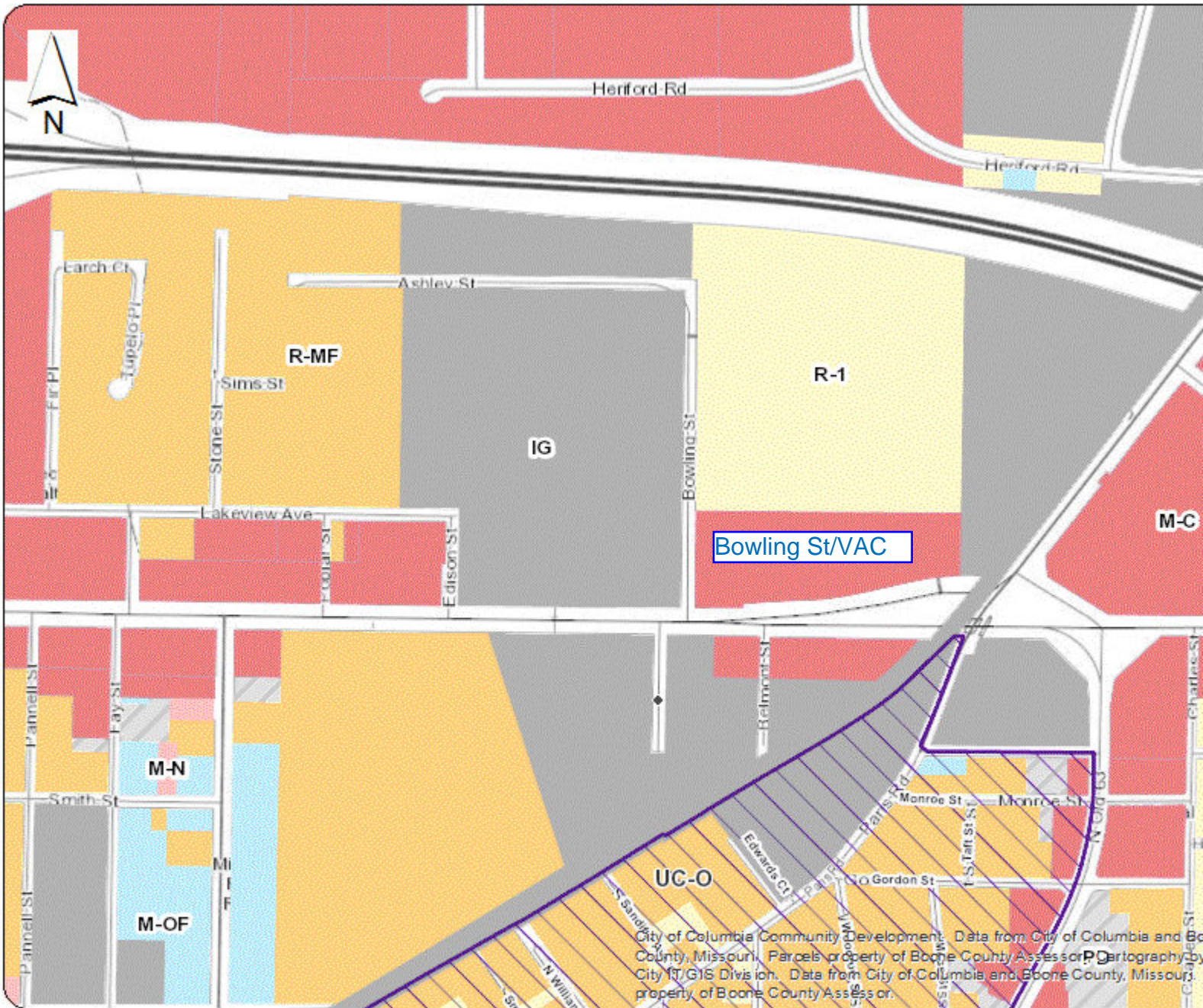
City of Columbia, Community Development. Data from City of Columbia and Boone County, Missouri. Parcels property of Boone County Assessor., Cartography by the City IT/GIS Division. Data from City of Columbia and Boone County, Missouri. Parcels property of Boone County Assessor.



Date: 12/15/2022

DATA FROM CITY OF COLUMBIA AND BOONE COUNTY, MISSOURI. PARCELS PROPERTY OF BOONE COUNTY ASSESSOR. THE CITY OF COLUMBIA DOES NOT WARRANT OR GUARANTEE THE ACCURACY, CONTENT, QUALITY, RELIABILITY, FITNESS, COMPLETENESS OR TIMELINESS OF ANY SPATIAL DATA OR ITS ATTRIBUTES. DATA ARE PROVIDED WITHOUT WARRANTY EXPRESS OR IMPLIED. USER ASSUMES ALL LIABILITY IN THE USE OF AND RELIANCE UPON ANY INFORMATION CONTAINED HEREIN.

ArcGIS Web Map



City of Columbia Community Development. Data from City of Columbia and Boone County, Missouri. Parcels property of Boone County Assessor. Cartography by City of Columbia GIS Division. Data from City of Columbia and Boone County, Missouri. Parcels property of Boone County Assessor.



1:6,400



Date: 12/15/2022

DATA FROM CITY OF COLUMBIA AND BOONE COUNTY, MISSOURI. PARCELS PROPERTY OF BOONE COUNTY ASSESSOR. THE CITY OF COLUMBIA DOES NOT WARRANT OR GUARANTEE THE ACCURACY, CONTENT, QUALITY, RELIABILITY, FITNESS, COMPLETENESS OR TIMELINESS OF ANY SPATIAL DATA OR ITS ATTRIBUTES. DATA ARE PROVIDED AS IS WITHOUT WARRANTY EXPRESS OR IMPLIED. USER ASSUMES ALL LIABILITY IN THE USE OF AND RELIANCE UPON ANY INFORMATION CONTAINED HEREIN.



December 13, 2022

Tim Teddy
Director of Community Development
City of Columbia 701 E. Broadway
PO Box 6015
Columbia, MO 65205

Re: Conditional Use Permit for the Voluntary Action Center's Opportunity Campus

Mr. Teddy:

On behalf of the property owner, Bowling Street, LLC, and my client, The Voluntary Action Center, I would like to take this opportunity to request a Conditional Use Permit (CUP) for Lot 1 of E C More's Subdivision Plat 1A as recorded in Plat Book 56 at Page 69 of the Boone County records and also being known as the VAC Opportunity Campus. Specifically, the CUP that is being requested is for the use of a temporary shelter as an allowed use on said tract of land as defined by Section 29-1.11(a) of the UDC and listed in the Permitted Use Table as a conditional use in Section 29-3.1, Table 29-3.1 of the UDC.

The tract seeking the CUP is a recently platted lot that is currently zoned M-C (Corridor Commercial). The use of temporary shelter is a conditional use under the M-C zoning. The subject property contains 5.51 acres in which just a portion of the total lot will be used for temporary shelter purposes. While the applicant is seeking a CUP for a temporary shelter, VAC will be utilizing the site of the Opportunity Campus for many other uses that coincide with their mission. The Opportunity Campus will house the VAC administrative offices which would be basic office type uses that would be occupied during normal business hours (typically 8:00 AM to 5:00 PM M-F). These uses would not have overnight occupants and would not be a part of the temporary shelter. The Opportunity Campus would also have business tenant spaces (about 10,000 total square feet) that would be space rented or leased to other business uses. These spaces would be occupied during normal business hours and would not be a part of the temporary shelter component of the campus. The Opportunity Campus would also have the temporary shelter portion of the site, also known as Client Services. Client Services would provide a temporary shelter for their clientele and related support spaces. These uses are anticipated to be operated in conjunction with

VAC's partners during both day and night hours. The primary component is the temporary shelter, which is anticipated to be approximately 8,000 sf (sized to accommodate roughly 100 clients for sleeping purposes). Numerous support spaces are anticipated to be provided to support both day and night uses and create an interdependent and multi-functioning series of uses based on the anticipated needs of the clientele. The support spaces are anticipated to include a client computer lab, client pet kennels and exam space, client storage accommodations, meeting rooms for client use, restrooms and showers, isolation rooms for clients who may be ill, mechanical spaces, laundry processing, and other storage and support functions. Daily evening meals are anticipated to be provided in conjunction with VAC's partners, a kitchen and food storage component is anticipated to be provided to support this use. It is currently anticipated between 100-200 (+/-) meals may be served at the evening meal service. Meals will only be served once per day in the evenings.

Below is additional information with regards to this request.

Criteria for approval per Section 29-6.4(m)(2).

(A) The proposed conditional use complies with all standards and provisions in this Chapter applicable to the base and overlay zone district where the property is located.

The current zoning of the subject tract is M-C which is compatible for the development of the property for all of the intended uses of the applicant with the exception of temporary shelter. This use is being requested to be allowed via a CUP. By granting of this CUP, the applicant would have to comply with use specific standards as listed in Section 29-3.3(i). These standards are specifically listed later in this letter.

(B) The proposed conditional use is consistent with the City adopted Comprehensive Plan.

The proposed conditional use is consistent with the current City of Columbia Comp Plan. The land use map in the Comp Plan notes this area as being commercial, or mixed use. The proposed uses on the site, not just the conditional use but all of the uses, would comply with this portion of the Comp Plan. The Plan also encourages infill development utilizing existing infrastructure. All needed infrastructure is currently in place to serve this site. This site is certainly an infill development given its central location.

(C) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of the building or structures and the type and extent of landscaping and screening on the site.

The conditional use that is being requested will only be a portion of the uses proposed on the subject tract. The existing zoning of the subject tract allows for all other intended uses with the exception of temporary shelters, which is the reason for the CUP. Temporary shelters are not an allowed use under any zoning classification in the City of Columbia but rather only allowed via CUP. The surrounding area is a mix of uses ranging from single-family residential to general industrial. Most notably the City of Columbia power plant, street operations, and Water & Light operations are adjacent to the site. Other uses along Business Loop in this area include retail sales, restaurants, and other commercial uses as well as being near a concrete batch plant and Interstate 70. The site is in close proximity to the blue line of the CoMo Transit system with conversations taking place to actually bring the transit system to this site. While the maximum building heights on the property are set with the zoning, in this case 45 feet in height, the CUP would limit buildings on the site to 35 feet in height in single story structures. Landscaping and screening on the property would all be in conformance with the current landscaping requirements of the City of Columbia. Given the above, the proposed conditional use would fit in with the character and of the area.

(D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion.

Access to this site will be off of Bowling Street which has direct access to Business Loop 70. Bowling Street is an unimproved City street that provides access to a mix of R-1 and I-G uses further to the north. The existing street has capacity and is able to adequately serve the proposed use, especially given that the vehicular traffic generated from the proposed conditional use would be minimal. Furthermore, adequate internal circulation will be provided to facilitate easy access to and from the site.

(E) Sufficient infrastructure and services exist to support the proposed use, including but not limited to, adjacent utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided.

Existing infrastructure is in place to serve the intended conditional use. There currently is overhead electric that runs down the west side of Bowling Street as well as along the north side of Business Loop 70. There is existing sanitary sewer on the property as well as a public water main along the south side of the tract. Public streets are along two sides of the property providing vehicular access to the site. Storm sewer infrastructure exists at the low point of the site that can be utilized as well.

(F) The proposed variance will not cause significant adverse impacts to surrounding properties.

As mentioned, the proposed conditional use would be only one of the uses planned for the subject site. Other services would also be provided on this campus. All of which would be under the operations of the Voluntary Action Center or a member of their collaborative support network. Given that this campus would be developed in accordance with the Unified Development Code, its proximity to existing services, and its centralized location, it will not have any adverse impacts on the surrounding properties.

Criteria for use specific standards per Section 29-3.3(i)

(1) An application for a conditional use permit for a temporary shelter shall include information about the size and design of the structure, population groups served, length of stay permitted, maximum design capacity and support services provided.

Size of Facility: Approximately 21,579 SF (shelter only). This includes general sleeping quarters, isolated sleeping quarters, laundry facilities, kitchen and food prep area,

Population Groups Served: Single adult males and females

Length of Stay Permitted: Intention is for a maximum of 90 days

Maximum Design Capacity: Max capacity is 120 beds

Support Services Provided**:
Substance abuse services
Mental health services
Laundry facilities
Showers
Secure storage

Kennel facilities
Computer lab
Physical mailing address
Mailing services
Medical and dental clinic
Drop-in center
Case Management
Transportation services (for appointments
such as doctor visits, interviews, etc.)
Employment assistance

** Support services may be provided in either the temporary shelter area or in the VAC offices located on the site. Any service that is identified as office and delineated in a yellow zone on the attached sketch would be provided during normal working hours. Any service that would be provided outside the normal working hours would be provided within the temporary shelter portion of this site and is identified as the green areas on the attached sketch.

(2) A temporary shelter shall not be located within one thousand (1,000) feet of another temporary shelter.

To our knowledge, this site is not located within 1000 feet of another approved site for a temporary shelter.

(3) The minimum lot area for a temporary shelter shall be seven thousand five hundred (7,500) square feet. If a proposed temporary shelter structure is larger than two thousand five hundred (2,500) square feet of gross floor area there shall be provided an additional one thousand five hundred (1,500) square feet of lot area for each additional five hundred (500) square feet of gross floor area within the structure.

The lot area of this site is approximately 240,000 square feet in size. The portion of the site that is being requested for temporary shelter is approximately 26,287 square feet. According to the above area restrictions, the minimum size of lot for the proposed building would be 78,861 square feet. The proposed lot size is roughly 3.0 times larger than required.




We appreciate your time in reviewing this request for the proposed conditional use permit for the VAC's Opportunity Campus. Upon review of this submittal, if you have any questions please feel free to contact us.

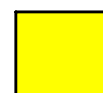

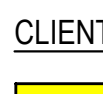


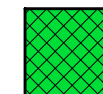
Sincerely,

Crockett Engineering Consultants, LLC

A handwritten signature in black ink, appearing to read "Tim Crockett". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Tim Crockett, PE

BUILDING HEIGHTS	
ALL BUILDINGS LOCATED ON THIS SITE WILL BE SINGLE STORY WITH A MAXIMUM BUILDING HEIGHT OF 35 FEET.	
PARKING CALCULATIONS	
	V.A.C. OFFICES & RELATED BUSINESS USE: 18,318 SF @ 1/300 = 61 SPACES
	TEMPORARY SHELTER AND RELATED SUPPORT SPACES USE: 120 MAX OCC.S @ 1/4 = 30 SPACES
	BUSINESS USE TENANT SPACES: 10,000 SF @ 1/300 = 34 SPACES
MINIMUM REQ. PARKING = 125 SPACES	
PARKING SPACES PROVIDED = 128 SPACES	
THE NUMBER OF PARKING SPACES PROVIDED IS EQUAL TO OR GREATER THAN THE MINIMUM NUMBER OF PARKING SPACES REQUIRED.	

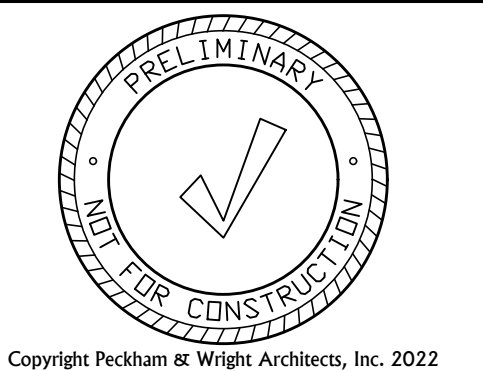
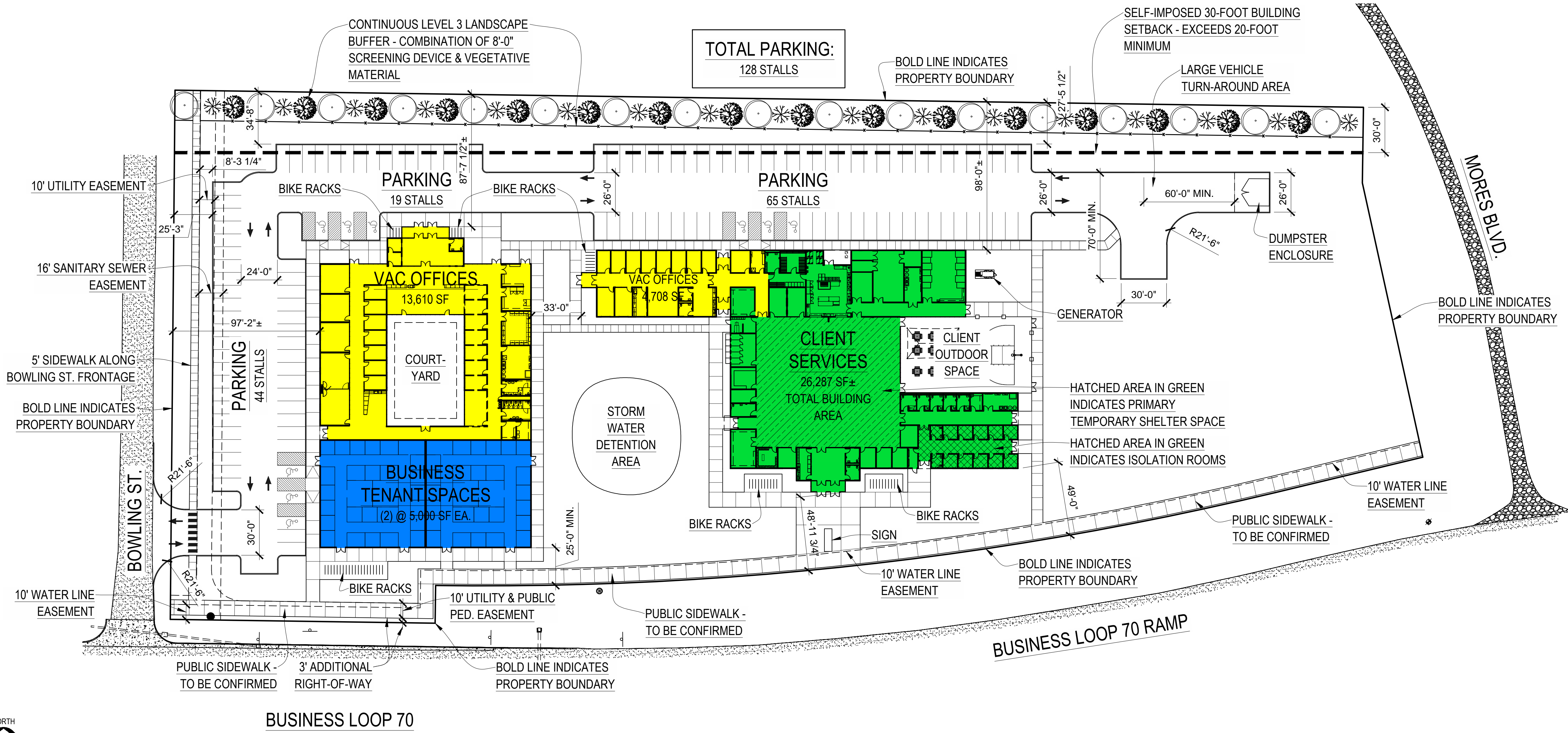
CONCEPTUAL PROGRAMMATIC USES LEGEND	
	V.A.C. OFFICE BUILDING (23,610 SF TOTAL) V.A.C. OFFICES & RELATED BUSINESS USE (13,610 SF SUBTOTAL)
	BUSINESS USE TENANT SPACES (10,000 SF SUBTOTAL)
CLIENT SERVICES BUILDING (26,287 SF TOTAL)	
	V.A.C. OFFICES & RELATED BUSINESS USE (4,708 SF SUBTOTAL)
	TEMPORARY SHELTER, SHELTER SERVICES, AND RELATED SUPPORT SPACES USE (21,579 SF SUBTOTAL)
	COMMUNAL OVERNIGHT SLEEPING AREA (8,200 SF, INCLUDED IN SUBTOTAL ABOVE)
	INDIVIDUAL OVERNIGHT SLEEPING ROOMS FOR ISOLATION (1,850 SF, INCLUDED IN SUBTOTAL ABOVE)

CONCEPTUAL USE NARRATIVE

VAC RESOURCE CENTER (BUSINESS USE)
VAC ANTICIPATES TO PROVIDE A NEW ON-SITE RESOURCE CENTER FOR THEIR BUSINESS OPERATIONS AND TO PROVIDE CONSULTATIONS AND OTHER SERVICES FOR THEIR CLIENTELE. THIS IS ANTICIPATED TO CONSIST OF A MIXTURE OF BUSINESS OFFICES (INCLUDING INDIVIDUAL OFFICES, OPEN OFFICE SPACE, BREAK AREA(S), LOBBY, ETC.), STORAGE, MECHANICAL SPACE, RESTROOMS, AND OTHER COMMON BUSINESS-RELATED USES. THIS BUILDING IS ANTICIPATED TO BE OCCUPIED DURING NORMAL BUSINESS HOURS ONLY (APPROX. 8:00 AM - 5:00 PM), AND NO CLIENTS WILL BE ALLOWED TO REMAIN IN THIS FACILITY OVERNIGHT. ONLY A MINIMAL STAFF PRESENCE IS ANTICIPATED FOR AFTER-HOURS USE. VAC'S BUSINESS OPERATIONS WILL BE SPLIT BETWEEN THE VAC RESOURCE CENTER BUILDING AND THE CLIENT SERVICES BUILDING IN ORDER TO BETTER SERVE VAC'S CLIENTELE.

TENANT SPACES (BUSINESS USE)
VAC ANTICIPATES TO PROVIDE TWO "WHITE BOX" TENANT SPACES RENTABLE TO BUSINESSES. POSSIBLE USES WILL NOT BE KNOWN OR PERMITTED UNTIL SUCH TIME AS THE TENANTS ARE IDENTIFIED, BUT ARE ANTICIPATED TO BE BUSINESS-TYPE USES. VAC'S CURRENT INTENT IS TO PROVIDE TWO 5,000 SQUARE FEET "WHITE BOX" SPACES FOR FUTURE BUILD-OUT BY THE FUTURE TENANT(S).

CLIENT SERVICES CENTER (SHELTER & OTHER SUPPORT USES)
VAC ANTICIPATES TO PROVIDE A TEMPORARY SHELTER FOR THEIR CLIENTELE AND RELATED SUPPORT SPACES. THESE USES ARE ANTICIPATED TO BE OPERATED IN CONJUNCTION WITH VAC'S PARTNERS DURING BOTH DAY AND NIGHT HOURS. THE PRIMARY COMPONENT IS THE TEMPORARY SHELTER, WHICH IS ANTICIPATED TO BE APPROXIMATELY 8,000 SF (SIZED TO ACCOMMODATE ROUGHLY 100 CLIENTS FOR SLEEPING PURPOSES). NUMEROUS SUPPORT SPACES ARE ANTICIPATED TO BE PROVIDED TO SUPPORT BOTH DAY AND NIGHT USES AND TO CREATE AN INTERDEPENDENT AND MULTI-FUNCTIONING SERIES OF USES BASED ON THE ANTICIPATED NEEDS OF THE CLIENTELE. THE SUPPORT SPACES ARE ANTICIPATED TO INCLUDE A CLIENT COMPUTER LAB, CLIENT PET KENNELS & EXAM SPACE, CLIENT STORAGE ACCOMMODATIONS, MEETING ROOMS FOR CLIENT USE, RESTROOMS & SHOWERS, ISOLATION ROOMS FOR CLIENTS WHO MAY BE ILL, MECHANICAL SPACES, LAUNDRY PROCESSING, AND OTHER STORAGE AND SUPPORT FUNCTIONS. DAILY EVENING MEALS ARE ANTICIPATED TO BE PROVIDED IN CONJUNCTION WITH VAC'S PARTNERS. A KITCHEN & FOOD STORAGE COMPONENT IS ANTICIPATED TO BE PROVIDED TO SUPPORT THIS USE. IT IS CURRENTLY ANTICIPATED BETWEEN 100-200(+) MEALS MAY BE SERVED AT THE EVENING MEAL SERVICE. MEALS WILL ONLY BE SERVED ONCE PER DAY IN THE EVENINGS. VAC IS ANTICIPATING TO MAINTAIN A PORTION OF THEIR BUSINESS OPERATIONS IN THE CLIENT SERVICES FACILITY TO BETTER SERVE THEIR CLIENTELE. THESE SPACES ARE ANTICIPATED TO BE TYPICAL OFFICE / BUSINESS TYPE USES ONLY.



VOLUNTARY ACTION CENTER
OPPORTUNITY CAMPUS
COLUMBIA, MO

Drawn: DP	Project Number: 202207
Checked: DP, EM	CAD File Name (Number): 202207 VAC - DD BASE PLANS -
Drawing Title: CONCEPTUAL SITE PLAN	

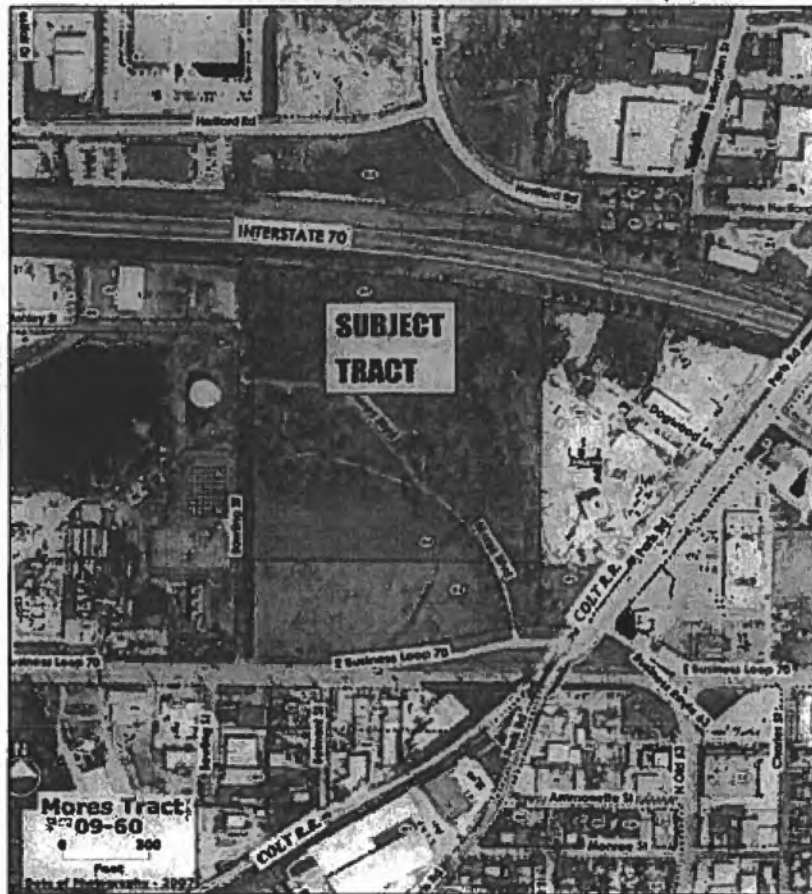
No.	Revisions:	Date:

Submission Date: TBD	Drawing Number: A-100
Plot Date: 12/14/2022	

**REPORT TO
THE COLUMBIA CITY COUNCIL**

**FROM THE CITY OF COLUMBIA'S
HISTORIC PRESERVATION COMMISSION**

**IN OPPOSITION TO
COUNCIL BILL NO. B270-09**



**Rezoning property located east of Bowling Street,
south of I-70 and north of Business Loop 70
(1619 and 1717 Mores Boulevard)
from District R-1 to District M-1**

37/11/102

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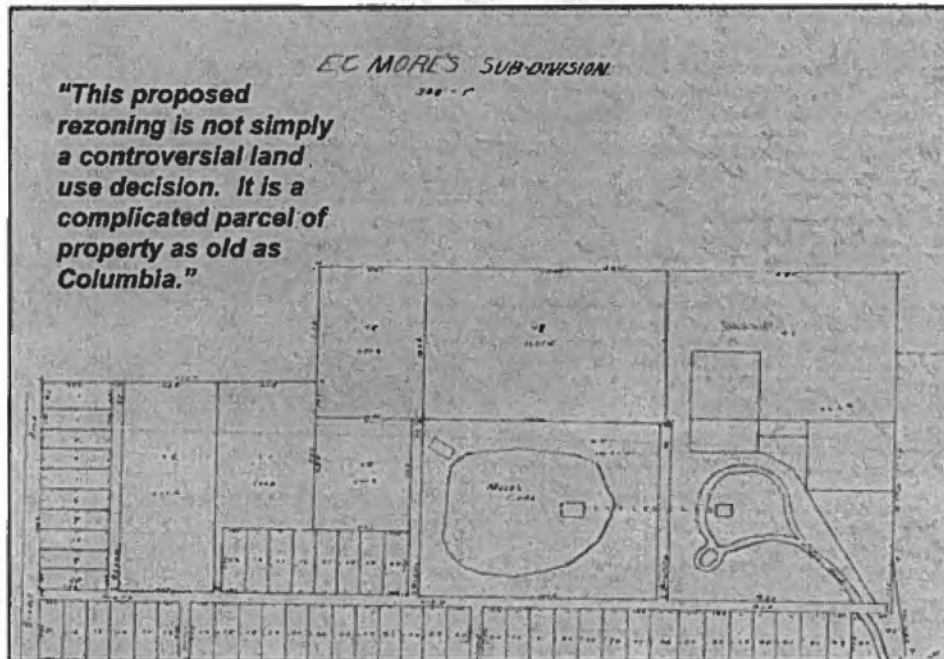
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V. ATTACHMENTS

<i>Application for Rezoning</i>	
<i>Juliet Bowling Rollins Revocable Trust</i>	
<i>Last Will and Testament of William C. Bowling</i>	
<i>Trustees' Special Warranty Deed</i>	

I. INTRODUCTION

The Juliet Bowling Rollins Trust has proposed to rezone property located west of Bowling Street and north of Business Loop 70, containing approximately 23 acres, from R-1 to M-1.



This proposed rezoning is not simply a controversial land use decision. It is a complicated parcel of property as old as Columbia. No other property is as important to Columbia's past, or to its future.

AUTHORITY

Section 29-21.4 (d) of the City of Columbia's Code of Ordinances grants specific powers and duties to the City's Historic Preservation Commission including the authority to "(16) To review and comment on proposed zoning amendments, applications for special use permits or applications for zoning variances that affect historically significant property, including but not limited to proposed or designated "notable properties," proposed or designated "landmarks" or "historic districts."

The City of Columbia's Historic Preservation Commission has unanimously voted to encourage Council to oppose this rezoning request to allow for more consideration of alternative options for this important property.

Our opposition can be summarized by two main concerns:

1. More thoughtful planning is required.
2. Critical legal questions must be resolved prior to rezoning.

We encourage the City Council to consider the likely impact of this proposed change and engage in a planning process that preserves the opportunity to develop this corridor as a gateway to Downtown Columbia.

HISTORY OF BOWLING & ROLLINS

The confluence of the Bowling and Rollins families represent an important nexus in Columbia's history. Between 1830 and 1950, the Bowling and Rollins families were significant benefactors in every area of influence, including: Higher education, the Banking industry, Charity and Service organizations, Construction, Public Safety, Growth and Development, State and National politics.

Since the 1870s, the More's Tract property has been occupied by only 2 families—the More family and later the Bowling family. This property represents the final link in a chain of property ownership, community leadership and historical relevance merged.

Elawson C. More (1837-1902) began to farm 400 acres just to the northeast of Columbia in the early 1870s. Born in Arkansas, More graduated from Yale University in 1858 and the Cumberland University Law School in 1861. He then practiced law in St. Louis and Helena, Montana, before arriving in Columbia in 1867.

- At the height of his success, More would construct a 20 room house, lake, and depot, "More's Station" along the Wabash Railroad line. The home, constructed in 1883 by Thomas C. Scruggs, would feature a ballroom, billiard room, and smoking den, and later became known as "Windemere."
- Today, the lake, which is visible on the City Power Plant property, and the road running through the property still bear his name.
- More was also active in politics and business for much of his life. He served as president of the Missouri Board of Agriculture, delegate to the National Democratic Convention on two occasions, and from 1887-1889 More was the U.S. Consul General to Mexico City, appointed by President Cleveland.



Built by Elawson More, the lake that bears his name is still visible on the City Power Plant property.

In 1897, More left Columbia to open a law practice in St. Louis. It was during this time the property was subdivided into three parts:

1. The parcel to the west of Bowling would become the site for the City Power Plant in 1904.
2. C.B. Rollins, prominent Columbia businessman and son of James S. Rollins (a congressman, businessman, and founder of the University of Missouri) acquired the land to the east.
3. Charles B. Bowling (1860-1944) acquired the house and surrounding acreage.

Charles B. Bowling was the founder of Exchange National Bank, now Landmark Bank.

His father James D. Bowling married Martha McAlester in 1859. Before forming Exchange National Bank, C.B. Bowling was manager of the McAlester Lumber Yard. McAlester Lumber Yard would eventually become Bowling Lumber located on 8th and Cherry. (Note: The McAlester family home would eventually become the grounds of the Columbia Country Club. Two family residences associated with Brightberry McAlester still stand today near the golf course.)

Charles B. Bowling had three children: Charles C. (1884-1968), William C. (1888-1977), and Juliet (d. 1987).

Charles Campbell Bowling, like his father, would serve as president of Exchange National Bank.

William Campbell Bowling served as president of the Bowling Lumber Company which was founded by his great grandfather Brightberry McAlester in 1863.

- William C. Bowling attended Beasley and the University of Missouri where he ran for the MU Track Team. He was a member of the Phi Delta Theta fraternity. While still in college, William C. Bowling operated the Moon Automobile Agency of St. Louis.
- In 1922, William C. Bowling became a founding member of the Columbia Rotary Club along with C.W. Digges, W.W. Garth, William J. Hetzler, Berry McAlester, Thomas McHarg, William Nowell, C.B. Rollins, Jr., Frank B. Rollins, James S., Rollins and others. The charter group included the presidents of the University and Stephens and Christian Colleges, the Dean of the College of Agriculture, two prominent University faculty members, two physicians, a judge and another attorney, three bankers, a state legislator, and 14 prominent businessmen. There are at least ten streets and buildings in the City of Columbia bearing the names of charter members. William C. Bowling was the last living member of the 28 founders of the Columbia Rotary Club.
- William C. Bowling was a member of the Exchange National Bank Board of Directors. He was one of the founders and Treasurer of the Tiger Hotel Corporation. He later became the owner and sold the Tiger Hotel in 1954.
- One of William C. Bowling's great interests was breeding purebred Hereford Cattle on his farm east of Columbia. He was the Secretary of the Hereford Breeders Association.
- Dying without children nor wife, William C. Bowling bequeathed his property in various ways, including in trust and to his sister, Juliet Bowling Rollins.

Juliet Bowling graduated from Mrs. Hazen's School in Westchester County, N.Y. and Christian College in Columbia. She also attended the University of Missouri.

- In 1922, Juliet Bowling married Frank Bingham Rollins, the son of George Caleb Bingham Rollins and the grandson of James S. Rollins.
- Juliet Bowling Rollins was a member of the National Society of Colonial Dames in America and the Kate Thomson Circle of the King's Daughters.
- Juliet Bowling Rollins had a daughter, Juliette Rollins Napier. Juliette Rollins Napier was the wife of former editor of the Mexico Ledger, Robert Napier.
- Two grandchildren of Juliet Bowling Rollins continue to live on the "Bowling Home Place".

The Bowlings would live in the home known as "Windemere" until it burned in February 1913, but would rebuild the structure still on the site today.

Because of the fire, the Columbia City Council improved its firefighting equipment and services. Before the fire, the department was staffed by Chief Albert G. Newman, a part-time fireman, two aged fire horses and a hose and ladder wagon. Because of the loss of "Windemere", a professional fire station was created with a motorized truck, 1,000 feet of hose, several ladders and a forty-gallon extinguisher.

Since 1913 when the current home was built, the cumulative history and ephemera of these significant accomplishments are embodied by this house and in this property. The ownership and occupancy of the property is a result of the merger of two of the most historically-significant, politically-relevant, and philanthropic families in the rich history of Boone County and especially Columbia.

There are no other surviving properties that represent the unique history, culture and remaining vestiges of the McAlester - Bowling - Rollins families and their successors.



Constructed in 1883, the 20 room house, lake, and depot known as "Windemere" would feature a ballroom, billiard room, and smoking den. Its destruction by fire in 1913 led the City of Columbia to establish a professional fire department.

SIGNIFICANCE OF THE PROPERTY

Generally described as 1619 and 1717 Mores Boulevard, this parcel includes two structures that are architecturally- and historically- significant to the City of Columbia. Rezoning the property to M-1 will create a non-conforming use for this property. Traditionally, this action is the beginning of the end for historic properties.

However, this residential element is only a small portion of the historic value of the property. Since the land has been unchanged for more than 180 years, the true value of this property is its green space and its context to Columbia. It is an archeological treasure that could last for years to come.

These types of landscapes and buildings are essential to our understanding of history and culture. There are many available initiatives to preserve places that will teach the American story for generations to come.

Some of these places are large, nationally known landscapes, such as a historic battleground where thousands lost their lives. Others are renowned literary landscapes such as Walden Woods—made famous by Henry David Thoreau. In other instances, an intact farmstead within a burgeoning city can reveal a scenic heritage landscape, a building where a historic event should be remembered, or simply because residents and families want their children and their children's children to be able to know the place. Heritage scenic landscapes that remain intact are a non-renewable resource. When these places subside to the infrastructure of development they are lost forever, for everyone.

The Bowling-Rollins property is not only a valuable piece of property. It is a valuable piece of Columbia's past. If this property is rezoned, it will be gone in our lifetime.



The residential element is only a small portion of the historic value of this property. Since the land has been unchanged for more than 180 years, the true value of this property is its green space and its context to Columbia. It is an archeological treasure that could last for years to come.

II. MORE THOUGHTFUL PLANNING IS REQUIRED

RETAINING R-1 ZONING IS AN IMPORTANT BUFFER FOR I-70 EXIT

In the MoDOT Record of Decision for Section Four of the Improve I-70 project, a portion of the northwest corner of this site is slated for a future interchange to connect Parker Street with Bowling Street.

If MoDOT is considering this as an entrance from I-70 to Downtown Columbia, the City's interest should not be to convert this into M-1.

M-1 general industrial zoning can include:

- automobile wrecking and junkyards,
- adult book stores,
- commercial and self-storage facilities, and
- pawn shops.



Is M-1 zoning the most appropriate entrance to downtown Columbia? Responsible city planning does not dictate that "highest and best use" is the *financially* "highest and best use". Highest and best use for this property is not M-1.

The existing R-1 zoning can be an important buffer zone to create a gateway to downtown Columbia that includes protected green space and a historic home. And, because the property is already held in Trust with the final disposition to the Commissioners of Boone County, there is an opportunity to engage in thoughtful public planning for this property.

In their letter of opposition to the City Council, the Downtown Leadership Council writes:

"The City Council should not rezone this property until the City's [urban design] consultant has finished their review of this area. Proposed rezoning of this property could impact the City of Columbia's ability to preserve existing green space for the Downtown Columbia exit that connects I-70 with historic College Avenue, the Wright Brothers Mule Barn, downtown arts district, and historic Downtown Columbia..."

...At our October 27, 2009 meeting, the City's Downtown Leadership Council approved a motion to request that the City of Columbia oppose this proposed rezoning request until a study can be completed fro this corridor's possibilities as a gateway to downtown."

Randy Gray, Chair
City of Columbia—Downtown Leadership Council

ALTERNATIVES TO REZONING

If the interest of the applicant is in the best use of the land, the best solution for the land should be explored.

Conservation Easement: Landowners who wish to protect their land so that its special scenic, historic and natural features remain intact for future generations, can use various tools to restrict the type, amount and location of future development. These techniques can provide more permanent ways to protect land than is possible using governmental regulations such as zoning.

Although there are many options, one easy to understand option is a conservation easement.

- A conservation easement is a voluntary agreement between a landowner and a land conservation organization that is permanently binding on the land, no matter who owns it.
- The landowner retains all rights to own, sell, and use the land according to the provisions of the easement. Many easements allow limited future development to occur.
- In order to ensure that the land retains its character, the type and area of development allowed is specified in the easements, and the areas that should be left undeveloped are shown on an accompanying map. If the easement is restrictive enough so that the property is diminished in value, this reduction in value may qualify for treatment as a tax-deductible charitable contribution.

A Landmark Property: Simply put, this property has all the potential to be a Landmark property on the National Register of Historic Places. In fact, it is one of best, most intact, examples of a Landmark property Columbia may have available.

Responsible city planning does not dictate that "highest and best use" is the *financially* "highest and best use". Highest and best use for this property is not M-1.

The existing R-1 zoning can be an important buffer zone to create a gateway to downtown Columbia that includes protected green space and a historic home. And, because the Juliet Bowling Rollins property is already held in Trust with the final disposition to the Commissioners of Boone County, there is an opportunity to engage in thoughtful public planning for this property.

"Because the Juliet Bowling Rollins property is already held in Trust with the final disposition to the Commissioners of Boone County, there is an opportunity to engage in thoughtful public planning for this property."

The proposed M-1 rezoning is a knee-jerk and unimaginative zoning designation that ignores significant historical attributes and legal encumbrances on this property.

Indeed, most members of the Columbia City Council in the 1970s and 1980s would not have believed a former sewer treatment plant near the railroad tracks on Stadium Boulevard, would someday become a trailhead and Martin Luther King Memorial Garden.

Before:



After:



In the 1970s and 1980s, most members of the Columbia City Council would not have believed a former sewer treatment plant near the railroad tracks on Stadium Boulevard, would someday become a trailhead and Martin Luther King Memorial Garden.

The same opportunity exists for Columbia north of the Business Loop. In the near and extended future, the Bowling-Rollins property can preserve the history of yesterday for those who follow.

Other Alternatives: The Historic Preservation Commission envisions this property having many opportunities beyond M-1 zoning:

1. **Create a lasting memorial to the Bowling Family** by nominating this property as a "Landmark" property on the National Register of Historic Places, consistent with Juliet Bowling Rollins wishes.
2. **R-1 zoning should be preserved to serve as a green space buffer** for a future I-70 exit not unlike the relationship of the Lenoir Home, Maplewood Barn, and the Boone Historical Society to the US 63/ Grindstone exit.
3. **Create a new gateway to historic downtown Columbia.** Preserve additional corridor space for the Downtown Columbia exit through existing green space to

connect I-70 with historic College Avenue, Wright Brothers Mule Barn, downtown arts district, Stephens College, Columbia College, and historic Downtown Columbia.

4. **Recreate "More's Station" depot** on the Norfolk/Southern Colt rail corridor and accompanying right-of-way to serve as a bike and pedestrian trailhead from Downtown Columbia to North Columbia.
5. **The Bowling-Rollins property can be an important access point for commercial and recreational use of the COLT railroad line.** On September 19 2009, the Columbia Daily Tribune reported "Central State Rail of Waterloo, Iowa, is in serious discussions with city officials to begin passenger train service to include about 144 weekend trips per year on the COLT railroad line between Columbia and Centralia."
6. **Encourage the private development of a Power Plant lofts-type development or City Science Museum, at the point when the current power plant is replaced.**



Looking south from I-70 down Bowling Street. The Bowling-Rollins property can be an important corridor that connects I-70 with historic College Avenue, Wright Brothers Mule Barn, downtown Arts District, Stephens College, Columbia College, and historic Downtown Columbia.

At 105 years old, the Columbia Power Plant may not always be a coal-burning power station.

Many cities have encouraged re-development of industrial areas as loft apartments, science museums, commercial and entertainment districts.



THE PURPOSE OF THE REZONING IS UNCLEAR

According to the minutes of the Planning and Zoning Commission, applicant's testimony indicates there are two reasons for this proposed rezoning:

REASON #1: R-1 zoning is not appropriate.

"R-1 zoning on this property is really not appropriate for this particular site...it's my opinion that the most probably use for this site is industrial or commercial."

Kirby Smith, appraiser

"I'm not going to spend a whole lot of time tonight trying to convince you that industrial is proper. What I'm going to try to do tonight is talk about why M-1 is good or better than M-P because I'm taking the assumption that industrial is a foregone conclusion."

Jay Gebhardt, civil engineer

"...because of the highest and best use or the most sensible use for this property is industrial..."

Jay Gebhardt, civil engineer

According to the applicant, the Trust is required to seek a re-appraisal every 3 years and the re-appraisal requires the "highest and best use".

Why is the Trust seeking a zoning change in 2009 when the surrounding uses have been the essentially the same for decades? The surrounding uses—cement plant, power plant, industrial—has not changed in recent years. In fact, the power plant has been there since 1904.

What was the "highest and best use" 3 years ago? 6 years ago? 9 years ago?

The existing zoning has not impaired the appraiser's ability to achieve "highest and best use" in the past. Why now?

This property is not the only R-1 zoning in the immediate area. Directly south of Business Loop 70 is an additional 23 acres zoned R-1. Together, the two parcels form a corridor that should be preserved for planned growth—unchecked industrial zoning.

REASON #2: When the property is sold, rezoning will be a contingency.

Reason for requesting zoning change: *Planning for future sale of land*

Application for Rezoning of Property
July 13, 2009

IV. RECOMMENDATIONS

The members of your Historic Preservation Commission respectfully request that the City Council defeat the proposed rezoning and refer this matter to the Historic Preservation Commission, pursuant to Section 29-21.4(20) in order to explore options for preserving this important piece of Columbia's History.

At a minimum, the City Council should convene a stakeholder's meeting involving all parties with interests in this property, including:

- **Missouri Department of Transportation—**MoDOT is required to consider the potential impacts any MoDOT project may have on significant cultural resources to comply with federal and state historic preservation laws and to be environmentally responsible. MoDOT may have historic preservation concerns for any project or activity that involves ground disturbances, and the purchase or sale of any existing or proposed MoDOT right-of-way or easements.
- **Columbia Water & Light—**Water & Light can provide important information about future expansions and reductions in the 1904 Power Plant adjacent to the proposed property.
- **Columbia Parks & Recreation—**The Bowling-Rollins property should be considered in the Parks & Recreation masterplan as a future trailhead for the MKT, archeological site, boulevard, and greenspace.
- **Boone County Commission—**The Boone County Commission is the ultimate beneficiary of the Juliet Bowling Rollins Trust and should be represented in any change to the Trust's assets.
- **Juliet Bowling Rollins Trust—**a representative of the "one-half undivided interest" with special attention to Juliet Bowling Rollins' written desire that the "Bowling Home Place" not be sold.
- **Representative of a 25% interest—**a representative of one owner of "25% undivided interest".
- **Representative of a 25% interest—**a representative of the other owner of "25% undivided interest".
- **Missouri Attorney General's Office, Charitable Trust Division—**The charitable trust division exists to make certain Trusts operate for the purposes intended.
- **Planning & Zoning Commission**
- **Historic Preservation Commission**
- **Downtown Leadership Council**

Sincerely,



The block contains three handwritten signatures. On the left is a signature that appears to be 'Brian Treece'. In the middle is a signature that appears to be 'BAJ'. On the right is a signature that appears to be 'Kurt Benzler'. There are also some scribbles and lines below the signatures.

Members, Historic Preservation Commission
City of Columbia



A CIVIL GROUP

CIVIL ENGINEERING • PLANNING • SURVEYING

RECEIVED

JUL 13 2009

PLANNING DEPT.

July 13, 2009

Pat Zenner
Planning Department
P.O. Box N
Columbia, Mo 65205

Re: Rezoning for 23.0 acres, located north of business loop 70,
south of interstate 70, and east of Bowling Street.

Dear Mr. Zenner:

Please find a signed rezoning application, a check for rezoning fees, a legal description of the portion to be rezoned, a location map, and a copy of the recent survey. The only two addresses for this property are as listed on the application. A concept review for this tract was held on June 4th. As recommended by staff during the concept review, the client is requesting M-1 zoning.

If you have any questions, please contact me at the number below.

Sincerely,

Spencer Haskamp
A Civil Group

1125 WILKES BLVD
COLUMBIA, MISSOURI
PHONE: 573-817-5750 FAX: 573-817-1677

EXHIBIT 6

APPLICATION
FOR
REZONING OF PROPERTY
(December 2007)

General location of property (use street intersections if possible) _____

BUSINESS LOOP 70 & BOWLING ST. (MORES BLVD)

14-Digit Boone County Tax Assessor's number 17-109-00-01-108,00 01

Street address of property (note N/A if site is vacant) 1619 MORES BLVD & 1717 MORES BLVD

Size of tract (expressed in acres) 23.0

Deed to property recorded in Book 1607, Page 373

Present zone (s) R-1

Requested zone (s) M-1

Present use (s) of property PRIVATE RESIDENCE

Columbia Land Use Plan designation EMPLOYMENT DISTRICT

Reason for requesting zoning change PLANNING FOR FUTURE SALE OF
LAND

SEE ATTACHED FOR DESCRIPTION OF ALL ITEMS WHICH MUST BE INCLUDED WITH THIS APPLICATION

Owner(s) of record:
LANDMARK BANK, TRUSTEE OF THE
JULIET BOWLING ROWENS TRUST

Name (Please Print)

P.O. Box 10165

Address

COLUMBIA, MO

City, State, Zip

499-7311

Phone

SLYNCH@FNB-COLUMBIA.COM

e-mail address

Contract Purchaser (if
applicable):

Name (Please Print)

Address

City, State, Zip

Phone

e-mail address

Agent (if other than
owner):

KIRBY SMITH

Name (Please Print)

a/o SMITH & ASSOCIATES

P.O. Box 10165

Address

COLUMBIA, MO 65205

City, State, Zip

573-424-0630

Phone

KIRBYDSMITH@Centurytel.net

e-mail address

[Signature]
Signature of property owner(s) or Attorney representing owner

By: KIRBY SMITH, CONSULTANT/AGENT

7/10/09

Date



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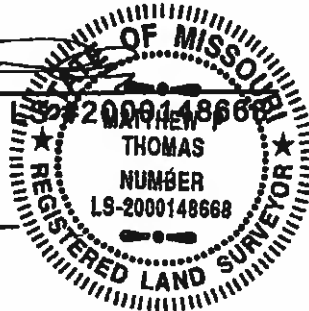
PROPERTY DESCRIPTION
MORES TRACT REZONING
CITY OF COLUMBIA, BOONE COUNTY, MISSOURI

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST IN THE CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, AND BEING PART OF THE TRACT AS DESCRIBED BY THE SURVEY RECORDED IN BOOK 649, PAGE 723 OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT; THENCE ALONG THE EAST LINE OF SAID TRACT, S00°00'00"W, 968.75 FEET TO THE CENTER OF LAKE VIEW AVENUE AS VACATED BY CITY ORDINANCE RECORDED IN BOOK 175, PAGE 248; THENCE ALONG SAID CENTERLINE, N89°34'00"W, 966.23 FEET TO THE EAST RIGHT-OF-WAY LINE OF BOWLING STREET; THENCE ALONG SAID RIGHT-OF-WAY LINE, N00°03'15"E, 871.41 FEET; THENCE N89°43'10"W, 24.89 FEET; THENCE N00°02'40"W, 202.80 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 70; THENCE ALONG SAID RIGHT-OF-WAY LINE, S87°22'55"E, 42.20 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE ALONG A 7056.61-FOOT RADIUS CURVE TO THE RIGHT, 955.46 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 07°45'30" AND A CHORD WHICH BEARS S83°19'35"E, 954.73 FEET TO THE POINT OF BEGINNING AND CONTAINING 23.00 ACRES.

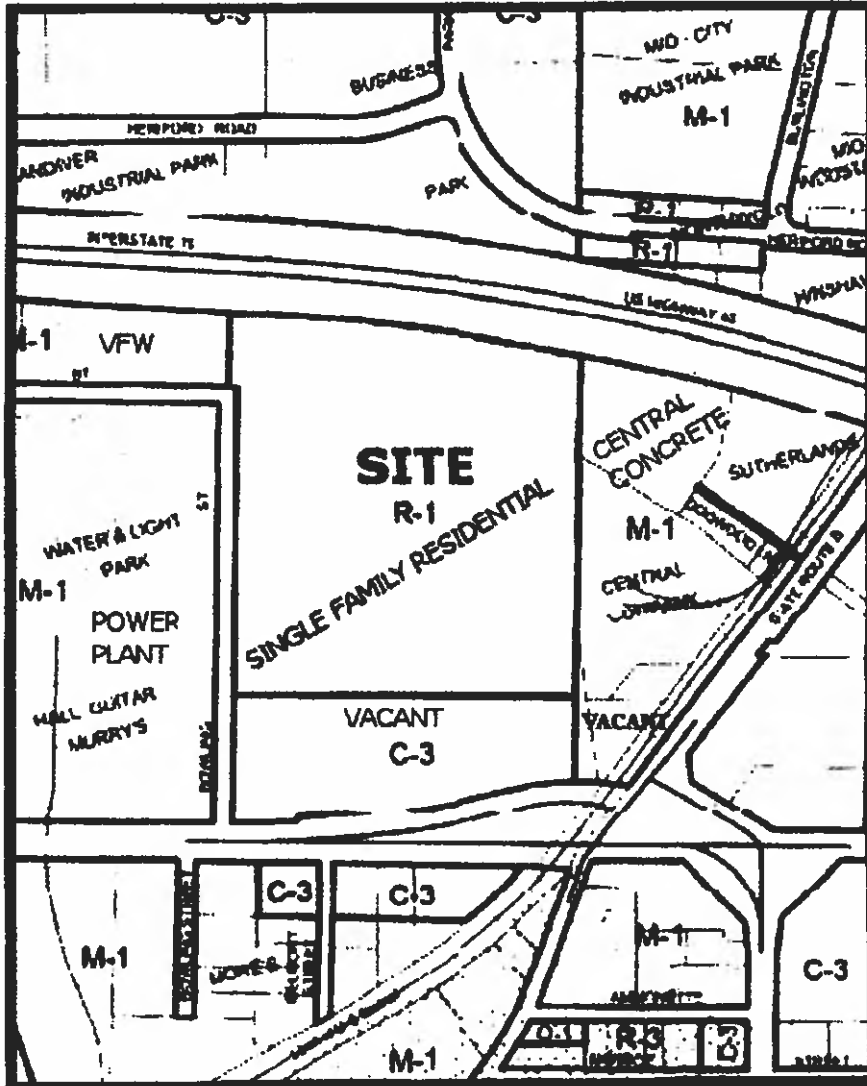

Matthew P. Thomas

7/13/09
Date



1123 WILKES BLVD, SUITE 450
COLUMBIA, MISSOURI 65201
PHONE: 573-817-5750 FAX: 573-817-1677

Rezoning Request Landmark Bank



Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 270-09

AN ORDINANCE

rezoning property located east of Bowling Street, south of I-70 and north of Business Loop 70 (1619 and 1717 Mores Boulevard) from District R-1 to District M-1; repealing all conflicting ordinances or parts of ordinances; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

An undivided one-half (1/2) interest in a 26.49 acre tract located within the city limits of Columbia, Boone County, Missouri, being bounded on the south property line by Business Loop 70, on the west line by Bowling Street extended to Interstate 70, Interstate 70 along the north boundary and properties owned by Tiger Broadcasting Company, Missouri Concrete Company, Continental Oil Company and the Norfolk and Western right of way on the east line and being a part of the southwest quarter of the southeast quarter of Section 6, Township 48, Range 12 West and containing, in addition to the unplatted land, the east half of Lot 36 and all of Lots 37, 38, 39, 40, 41, 42, 43, 44, 45 and the south part of Lot 46, all in E.C. More's Subdivision to the City of Columbia, Boone County, Missouri.

will be rezoned and become a part of District M-1 (General Industrial District) and taken away from District R-1 (One-Family Dwelling District).

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2009.

ATTEST:

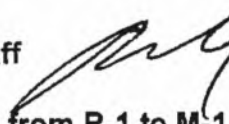
City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

Source: Tim Teddy 

TO: City Council
 FROM: City Manager and Staff 
 DATE: 6/28/09
 RE: Mores Tract rezoning from R-1 to M-1

FISCAL NOTES:

City Fiscal Impact	
Enter all that apply:	
\$0	City's current net FY cost.
\$0	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$0	Estimated 2 yr net costs:
\$0	One-time
\$0	Operating / On-going
Program Impact:	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
Resources Required:	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
Mandates:	
N	Federal or state mandated? (Y/N)

EXECUTIVE SUMMARY:

A request by the Juliet Bowling Rollins Trust (owner) to rezone approximately 23 acres from R-1 (one-family dwelling district) to M-1 (general industrial district). The property is located east of Bowling Street, south of Interstate 70, and north of the Business Loop 70, addressed 1619 and 1717 Mores Boulevard. (Case 09-60)

DISCUSSION:

The site features two homes, built in 1908 and 1913. The City power plant is immediately to the west of the subject property, and other industrial and commercial uses surround it on nearby Paris Road and Business Loop 70. This adjacent development is consistent with the Metro 2020 Plan's "Employment" district designation, as is the applicant's requested zoning.

In the MoDOT Record of Decision for Section Four of the Improve I-70 project, a portion of the northwest corner of the site is slated for a future interchange, which also would connect Parker Street with Bowling Street. The engineer for the petition is aware of this possible interchange and has indicated the site will be platted accordingly to accommodate the future infrastructure.

The Historic Preservation Commission has requested the opportunity to review the homes and their potential historic nature. The Planning and Zoning Commission acknowledged this request and felt it appropriate, but chose not to table the case and await a recommendation from the Historic Preservation Commission before forwarding the case to Council for consideration as ample time exists for such a recommendation before the Council's decision.

In a vote of 6-0, the Planning and Zoning Commission made a recommendation of approval. Three representatives for the owner spoke in favor of the case; no members of the public commented on it.

A staff report, maps, and minutes from the Planning and Zoning Commission meeting are attached.

FISCAL IMPACT:

There are no fiscal impacts associated with this rezoning request.

SUGGESTED COUNCIL ACTIONS:

Approval of the requested M-1 rezoning.

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
AUGUST 20, 2009**

SUMMARY

A request by Juliet Bowling Rollins Trust (owner) to rezone approximately 23 acres from R-1 (One-family dwelling district) to M-1 (General Industrial district). The property is located east of Bowling Street, south of Interstate 70, and north of the Business 70 Loop, addressed 1619 and 1717 Mores Boulevard. (Case #09-60)

REQUESTED ZONING

M-1 (General Industrial district).

SITE CHARACTERISTICS

Area (acres)	23 acres
Address	1619 and 1717 Mores Blvd.
Topography	Gentle slope from center to south; moderate slope in northeast
Vegetation	Maintained lawn, wooded
Watershed	Bear Creek

SITE HISTORY

Annexation date	1906
Initial zoning designation	First Dwelling (Equivalent to R-1, 1935)
Previous rezoning requests	None
Land Use Plan designation	Employment
Existing use(s)	Two (2) One-family dwellings
Existing zoning	R-1

SURROUNDING LAND USES

Orientation from site	Zoning District	Land use
North	N/A	Interstate 70
South	C-3	Open space; original platted lots from E.C. More's Subdivision
East	M-1	Industrial uses
West	M-1	City power plant

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	City of Columbia
Electric	City of Columbia
Fire Protection	City of Columbia

ACCESS

Bowling Street	
Location	West of subject property
Major Roadway Plan classification	Minor Arterial (anticipating I-70 overpass connection to Parker Street)
Capital Improvement Program projects	Description: None in City's CIP (Note: MoDOT proposes an interchange at the connection of Parker and Bowling Streets in its "Improve I-70" Record of Decision for Section Four. It would be the eastern interchange in tandem via frontage roads with the interchange at Providence Road, and would receive exiting westbound traffic and entering eastbound traffic onto I-70.) Cost: Not defined at this time Timeline: Not defined at this time

PARKS & RECREATION

2008 Neighborhood Parks Plan	No nearby acquisitions planned; closest existing park is Kyd Park, north of I-70
2007 Trails Plan	Proposed tertiary trail near Paris Rd. (east of subject site)
Bicycle/Pedestrian Network Plan	Business Loop 70 and Paris Rd. are designated urban trails/pedways

PUBLIC NOTIFICATION

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified by postcard of a public information meeting, which was held on August 3, 2009.

Public information meeting recap	Number of attendees: one (engineer representing owner) Comments/concerns: none
Neighborhood Association(s) notified	None
Correspondence received	None

DISCUSSION

The site contains two homes, of which one was constructed in 1913. The owner has proposed no uses for the property, should it be rezoned, as the rezoning request is to generally attain the highest and best use for the property. Staff and other City

departments are aware that approval of the rezoning request would create a nonconforming situation with both residences. The Law Department has determined that nothing in the City Code precludes a landowner from rezoning him- or herself into nonconforming status.

As adjacent uses and zones are of a more intense industrial or commercial nature, staff believes that rezoning the subject parcel to a similar zone, and one better matching the Metro 2020 Plan's "Employment" land use designation, is prudent.

Staff does not find it necessary to rezone the property M-P, as the site would offer a large tract of industrially-zoned land with good accessibility to I-70 and the M-1 designation is already prevalent in the area.

STAFF RECOMMENDATION

Staff recommends approval of the request for rezoning to M-1.

Report prepared by ML

Approved by PRZ

SUBJECT TRACT

INTERSTATE 70
1" = 2' U.S.

Herford Rd

Bowling St

Mores Blvd

COLETT RD

Paris Rd

E Business Loop 70

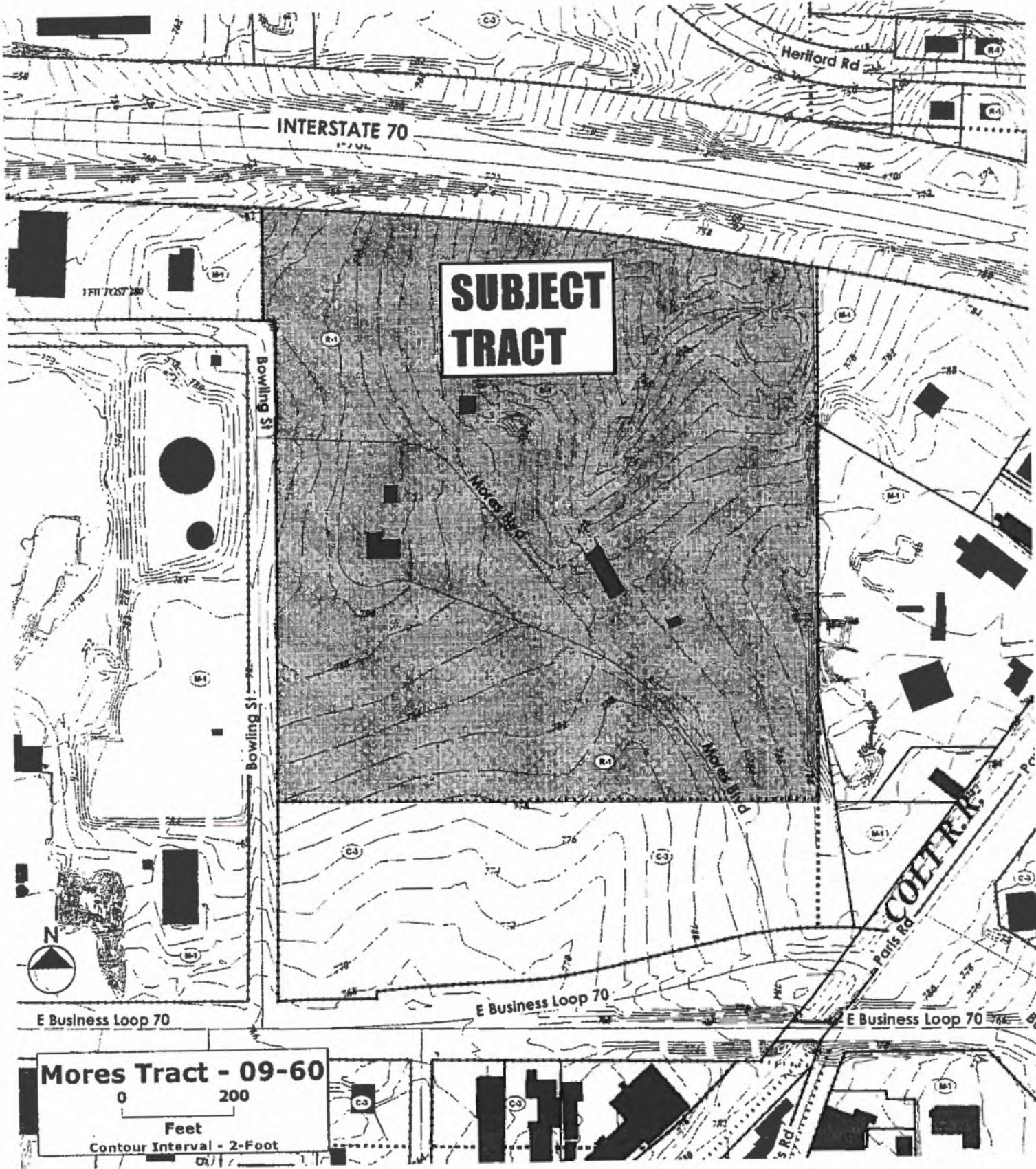
E Business Loop 70

Mores Tract - 09-60

0 200

Feet

Contour Interval - 2-Foot



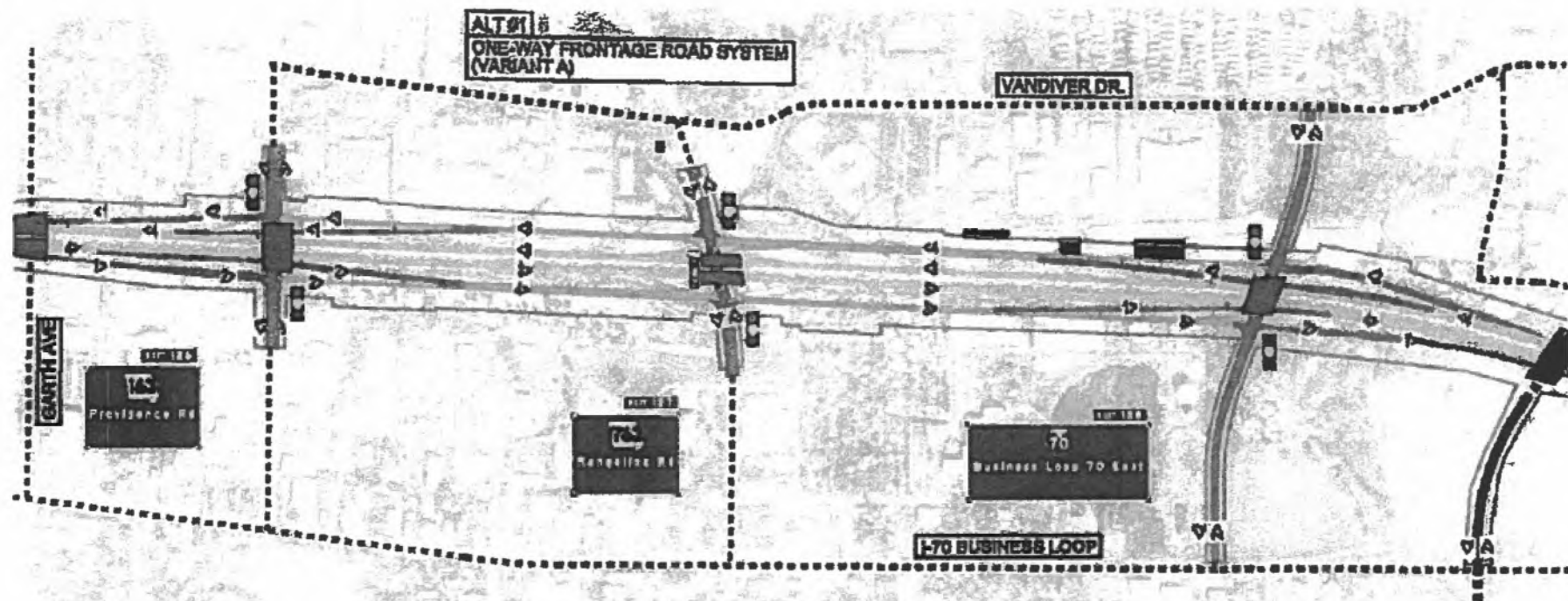
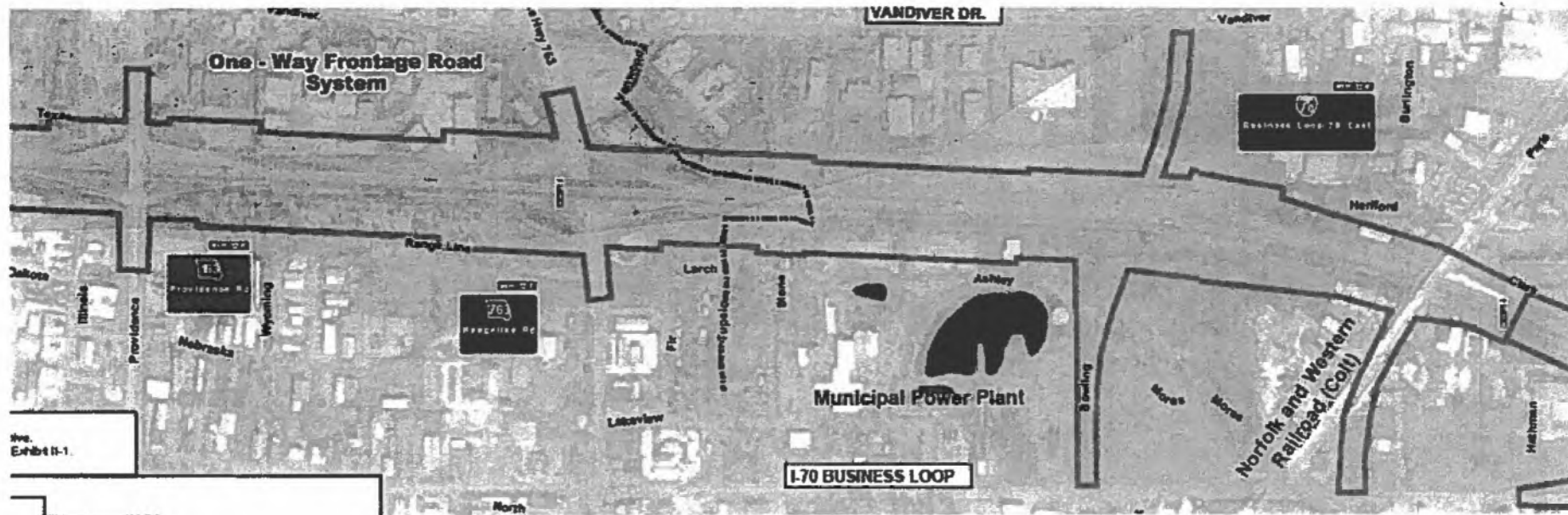


**SUBJECT
TRACT**

**Mores Tract
09-60**

0 300
Feet

Date of Photography - 2007



MoDOT Record of Decision, Section Four, proposed interchange alignments

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
August 20, 2009

4) PUBLIC HEARING

09-60 A request by the Jullet Bowling Rollins Trust to rezone property from R-1 to M-1, located west of Bowling Street and north of Business Loop 70, containing approximately 23 acres.

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

Staff report was given by Mr. Matt Lepke of the Planning and Development Department. Staff recommends approval.

Mr. Brodsky: Does anyone have any questions of staff? No?

PUBLIC HEARING OPENED

MR. BRODSKY: This is what we've classified as a simplified hearing process, so I believe we get six minutes, staff? Mr. Gebhardt?

MR. GEBHARDT: Yes. Good evening. My name is Jay Gebhardt; I'm a civil engineer here in Columbia with A Civil Group, and I'm also here tonight with Sharon Lynch with Landmark Bank, who is part of the trust department there, and Kirby Smith with Smith & Associates, who is part of this, also. And they'll be speaking after me and answer some of the questions as to why and who the family is and things of that nature. But the first thing I want to do is, because of the little surprise yesterday, and there is no other people behind us waiting, if I go over the six minutes, if you guys could give me a little leeway, I would appreciate it. We would like to go ahead and have this public hearing tonight, but in response to the request by the Historic Preservation Commission, which my understanding -- and, staff, if I say something that's incorrect, please correct me. But my understanding is they meet the first Tuesday of every month, which is September 1st. And we have no problem going and sitting down with them at their next scheduled meeting, explaining this to them, explaining what this is all about. There are no plans at this time to remove the home. Sharon is going to talk more about that and why we're doing this, but we don't have any problem with doing that. If you all feel that it is necessary to have their input prior to making a decision, then we would not oppose you delaying this or postponing it or however you want to phrase it to your all's September 10th meeting, which is your first meeting in September. If you guys -- you know, you're both recommending bodies to the City Council, and if you don't feel that you need that input, that would be fine with us, too, because we probably won't have any more information to add ourselves. We do not feel that it's appropriate to delay this to the October 20th as indicated in the letter. We feel -- the houses aren't going anywhere. Either they can get their information, they being the Historic Preservation Commission, and do whatever they want to do because the houses aren't going to go anywhere for a long time and they have plenty of time to document or do whatever they feel is appropriate. So, to the item at

hand, just pass out a little drawing. I don't know if everyone got out there to drive by the site or not, but this site is, basically, between the City's municipal power plant and Central Concrete's concrete plant and I-70. There is pretty much all industrial uses around here. In fact, the City is probably the biggest user with the power plant and the Grissum Building and the Hutchins Building across the street. It's pretty much dominated by the City's uses. We think that pretty well speaks for itself as far as use. We don't feel R-1 is an appropriate use. And if you start thinking about this -- and I'm not going to spend a whole lot of time tonight trying to convince you that industrial is proper. What I'm going to try to do tonight is talk about why M-1 is good or better than M-P because I'm taking the assumption that industrial is a foregone conclusion here, but -- and that may be overstepping my bounds, but I just don't see that commercial or any other uses is the highest and best use, and Kirby will talk about that a little bit. What we have here is a staff recommendation of M-1 for the property, and you have to ask yourselves why, especially some of you who have been here a while. It's -- planned districts are pretty well recommended over straight zonings in a typical case. And the reason this isn't typical or we don't feel it's typical is one of the -- if you read the purpose statement of M-P zoning, M-P zoning's purpose is to let you have innovation and flexibility in new designs. And when they say innovation and flexibility, at least from my point of view, is because of the surrounding areas, and so that you don't have impact to it. I don't see that as an issue here because we have a power plant and a concrete plant as a neighbor. So, if you look at the landscaping requirements for M-P and M-1, they're the same. If you look at the screening requirements for M-P and M-1, they're the same, whether it's indoor or outdoor storage or whatever. The lighting ordinance applies equally to both zoning categories; the tree preservation is the same; the storm-water management is the same; and the traffic impact of this is the same. What we get to on this is -- let me continue. The dedication of future roadways, that Matt showed on I-70 and that, is the same because that's part of the subdivision requirements. Preservation of the existing homes, it doesn't affect whether it's M-P or M-1. That doesn't have any -- M-P doesn't give you guys any ability to change what would happen to that. What does change is the uses; okay? In M-P, we could come and we could eliminate some uses from what's allowed in M-1. And I don't believe staff feels that way and I certainly don't. I can't imagine what use is inappropriate here. If not here, then where, is my argument on that. If there is a use in M-1 that can't be used here, then it probably shouldn't be allowed in the City because of this location. It is an industrial area with the things. I want to talk about the houses and the nonconforming use a little bit. This was a little bit of a struggle. We don't really cherish the idea of creating a nonconforming use for the house. And for those of you who don't know what I'm talking about, a nonconforming use is being created here because M-1 doesn't allow residential in it. M-P doesn't allow residential in it. And because of the highest and best use or the most sensible use for this property is industrial, it doesn't allow people to live there. But it doesn't affect how the residents, people that live there now, look at their property. This is their home, this is their parents' home, it was their grandparents' home. They don't look at it that way, and the Board of Adjustment, there is some relief. If they wanted to put an addition on the house or do

something of that nature, they have relief through the Board of Adjustment to ask for a hardship to add up to 25 percent of the value of the home. They have the ability to do structural and alterations that are lawful and needed to keep the home as a safe home. So, just because it gets this title of nonconforming doesn't necessarily mean that the houses are going to be abandoned and left to be run down, and that's simply not the case here. If you all have any questions, I'll take -- I'll be glad to answer them, but, if not, I'll let Kirby get up and speak.

MR. BRODSKY: Are there any questions for this speaker?

MR. GEBHARDT: Thank you.

MR. SMITH: Good evening. My name is Kirby Smith, and I'm a real estate appraiser. I imagine --

MR. BRODSKY: Could we get your address, for the record?

MR. SMITH: I'm sorry? What?

MR. BRODSKY: Address, for the record?

MR. SMITH: Address where I live is --

MR. BRODSKY: Or your office, either one.

MR. SMITH: I work out of my house --

MR. BRODSKY: Okay.

MR. SMITH: -- so that would be 4512 West Bridgewood Drive here in Columbia in the southwest part of town. I imagine that you all find it a little unusual that we have an owner of a property that's requesting the property to be rezoned when they have no intent to change the use on that property. They intend to use that property at its current use as residential dwellings and plan to live there for a very long time. The property is not being marketed for sale. There is no plan to develop the property by the current owners or by me or anybody else that we're aware of, and there is no contract on the property that has a contingency that says that we have to rezone it in order to sell the property. So, you might find that a little unusual. The reason we're here asking for this request is because a couple months ago I was asked to do an appraisal on this property. And in my initial research, it became apparent to me that the R-1 zoning on this property is really not appropriate for this particular site. And, to me, it's my opinion that the most probable use for this site is industrial or commercial, one or the other, and certainly not residential in between a power plant and a concrete plant. I also believe that at some point in the future, whether it's 50 years down the road or 300 years down the road, one of the owners of this property, one of the heirs will want to sell it. And at that particular time, if that happens, they'll have a contract, most likely, and, most likely, that contract will have a contingency that will say we want the property to be rezoned. And at that point in time, they'll have a time line that it has to be done and we'll have some, what I call, unnecessary stress associated with getting the rezoning done and some motivations involved that may not be appropriate. And at this time, we don't have any of those variables involved in this process. As staff said, the property was rezoned R-1 about 1906, so here we are 100 years later and we have this little pocket of R-1, and everything around it has been rezoned to industrial or commercial. So, it only seems logical that

we go ahead and rezone the property to what it's consistent with the surrounding properties. Some benefits to them going ahead and rezoning it today that I recommended or stated to them was that it's probably going to cost less today than it will 50 or 300 years from now because costs just continue to go up. It's probably going to be less difficult to rezone it today than it will be 50 or 300 years from now because zoning gets more restrictive as time goes on and it's probably just going to be a more difficult process. And I would have to think that if I am a beneficiary 100 years from now and I decide to sell the property, I would think that I would look back and say I am very happy that my ancestors had the foresight to go ahead and rezone the property at that time rather than put that burden on us at this time. As staff said, it fits with the 2020 Metro Plan for employment designated areas. And I see no negatives at all with rezoning this property. I only see positive aspects to this whole process. I'd be happy to answer any questions.

MR. BRODSKY: Are there any questions of this speaker? No? Thank you.

MR. SMITH: Okay. Thank you.

MS. LYNCH: My name is Sharon Lynch; I'm a trust officer at Landmark Bank here in Columbia and cotrustee with the two granddaughters of the -- of Juliet Bowling Rollins. Excuse me. I haven't been here in a long time. Just a little perception of the people who live there now and some of their heritage. This is actually the old Bowling Farm, and the pond behind the power plant was actually part of the farm. Where Interstate 70 is north was actually the orchard, and when Interstate went in in '65, they lost their orchard. The power plant went in later and, of course, the MKT was always a neighbor. Business Loop was the Interstate 70 back then. So, the daughter, Juliet, lived there for many years, and her granddaughters visited regularly. The original house, actually, that was built on the property burned, so the home -- one of the homes was built in 1906 and the other one in 1913, and you had pictures of those two homes there. When Juliet died, her daughter actually moved into the big house, what we call. They're both big, but the one with the columns there. And the other house was -- and one of the granddaughters and the other daughter -- granddaughter moved into what they call the smaller house. So, when their mother died, they became heirs and cotrustee with the bank of the trust. Since that time, one of the granddaughters has lived in the big house, continued to live there, and the other granddaughter has lived in the small house, which is not so small anymore. So, they call the front of their property, which actually abuts Business Loop and C-3, that's the meadow. That's how they refer to it. I believe it was about 15 years ago, the granddaughter living in what was called the small house started major renovations and additions to the house. That was the family home. She spent substantial amount of money adding on to preserve the original home, add on with modern conveniences, but it all blends in beautifully, and, actually, you really can't appreciate how pretty it is from the front. You never hardly, you know, know there's been additions onto it. So, a substantial amount of money has been spent by that daughter to make it the real family home that it is now. The other home has had substantial renovation. You can see that, you know, there's been painting, there's been heating, there's been air-conditioning. There is still some -- I mean, the

original – some of the original wallpaper is still in there being preserved, the hardwood floors. So, from the concern that these homes will not be preserved by the current cotrustees, residents, grandchildren, owners, it's the furthest thing from their minds to move. That's their home. I think they've proven that with their restoration and preservation of what is there; that is the meadow. In addition, these two granddaughters are both about the same age as probably the youngest one of you up here. They're younger than I am. No, I'm not sure; I'm not a very good judge of age. But they won't live 300 years, like Kirby said, but certainly the life expectancy of both of them, I would say, would be 45 years, 50 years at this point. And I'm not going to tell you their age, but you get the picture. I'm not sure what else to say except as a trustee, we do have a responsibility to have appraisals in the files every three years for auditing purposes. So, when this came up for the third year to be appraised, looking at what had happened in the property, the I-70 proposal, the little sliver – would you mind putting that map up. I'm not sure that was – the C-3 is in front. No, the other one. Sorry. Yes. There's a little M-1 zoning there where the exit ramp from Paris Road actually cuts off some of the property, so you've got R-1 on one side – or the corner there, then you've got C-3, and then you've got M-1. So, through the years, they've cooperated with the needs of the community and the COLT. As I said, the C-3 is maintained probably one of the nicest along Business Loop at that end. It's manicured, almost. This is their home, and we were put in a situation of highest and best use. And with the City 2020 Plan, the surrounding area, this seemed to make sense. It wasn't easy decision to make to move forward, but one of the responsibilities that we have as trustees, all of us, is to make sure that we have an accurate appraisal of the best use – highest and best use of the property. So, if you have any questions, I would certainly be happy to answer them.

MR. BRODSKY: Does anyone have any questions of this speaker? I had two quick questions.

MS. LYNCH: Okay.

MR. BRODSKY: Are your cotrustees or clients, are they willing to give HP some sort of access to these sites? I'm not sure exactly what the Historic Preservation Committee is wanting to do, but I'm assuming that they are going to want to take pictures or something of that nature.

MS. LYNCH: I cannot speak for them, but they are very private individuals. I would have to check, get their permission.

MR. BRODSKY: Yeah. No, that's fine.

MS. LYNCH: We've been a little concerned and actually working hand-in-hand, even when we do appraisal, to notify them ahead of time when the appraiser will be there, when pictures will be taken, and, you know, have -- and, actually, unfortunately, someone from the City showed up at 8:00 in the morning and were -- and rang the door -- or taking pictures, and we were not aware that they were going to be out there, and, you know, that was -- that's pretty intimidating. So, I would certainly be happy to work with them on that.

MR. BRODSKY: Okay. Well, I'm sure they'll be in contact with you.

MS. LYNCH: Okay. You can actually -- there are some really good pictures of the outside that we

could probably share with you, so --

MR. BRODSKY: Okay. Great. Thank you.

MS. LYNCH: Uh-huh.

MR. BRODSKY: Does anyone else have any other questions? Thank you very much.

MS. LYNCH: Thank you. You said you had two questions.

MR. BRODSKY: I forgot the other one.

MS. LYNCH: Okay.

MR. BRODSKY: Is there anyone else wishing to speak on this matter? Seeing none.

PUBLIC HEARING CLOSED

MR. BRODSKY: Commissioners, discussion? Does anyone have any questions of staff? I know we -- Mr. Zenner?

MR. ZENNER: We'd just like to point out that the actual HP Commission meeting, their next scheduled meeting, is the Tuesday following the Council's first meeting of the month. In September, the Labor Day holiday falls on their regularly scheduled first meeting, which would be the 7th. The HP Commission meeting would be the 8th and it would be the same evening as the Council meeting. So, as Mr. Gebhardt pointed out, if there was any correction, that was a correction that Mr. Teddy brought to our attention, that they will not be having a meeting on the 1st, it would be on the 8th instead, still in time, potentially, to receive a recommendation from them for the September 10th Planning Commission meeting, should you so desire, to delay taking action.

MR. BRODSKY: I wish we had a member of the Historic Preservation Committee here to give us a better idea of what they were asking for. Anybody? Mr. Wheeler?

MR. WHEELER: Let me start this off. I think that I agree with the assessment that M-1 zoning is appropriate here given, you know, laying between a concrete plant and a power plant. I don't think many people are going to want to live there except in the current setting, and it is, you know -- of course, I haven't been bold enough to drive down the driveway, you know, but -- and it is a very private setting. And it's another one of those cases where here's two houses that, certainly, it would be unfortunate for us not to document, but I don't see -- and I hope that HP can find a way to do that, working with the current owners. But I don't see that it's a case where preserving these two structures is feasible. And I guess for that -- from that perspective, I could see where -- and I could get behind moving forward with this tonight because, you know, I don't see any way to save the structures and put an industrial use there, and I think an industrial use is what should be there. And so, from that perspective, you know, it does seem like an appropriate land use. It -- and I don't see a real great need to -- although I don't see a great need to rush because, obviously, the owners are not in a hurry, but I also don't -- I don't see it making a difference in the way I'd vote on the land-use decision, which is what we're being asked about tonight. So, that's my take. I might come back later.

MR. BRODSKY: Anyone else? Well, seeing no one, I guess I'll go ahead and chime in. I think I'm

really with Mr. Wheeler on this one. I don't foresee any information coming from the HP Commission that would change my vote as it pertains to the land-use decision. But I also would like to honor or recognize, you know, the reason that the HP Commission is there and give them a chance to look at it. I'm not sure I really see a reason that they could not do that in the meantime prior to City Council seeing this particular item. I think that they would have ample time to do what they feel is necessary between now and then to file a report or a recommendation with City Council. So, again, I think I'm with Mr. Wheeler on going ahead and taking action tonight, but I would like to hear from everybody because this is kind of an unusual situation. Mr. Vander Tuig?

MR. VANDER TUIG: Yeah, I agree. I think the land use is right. You know, it would be a shame not to act tonight, I think, and miss a chance, perhaps, to get the right land use at this location. I'm still trying to decide whether we should hold off -- it doesn't seem to be a big issue -- in order to make sure it's -- and maybe I just didn't understand the dates -- to make sure that City Council has the information they need by their first reading, but you said it was the same date? The same date?

MR. ZENNER: That would be correct, sir. Their final action, however, would not be -- the final action on the vote would not be taken until the second Council meeting in September. Depending on the outcome this evening, the recommendation, if it is a unanimous recommendation in one direction or the other, would go on a consent agenda. The commission, under the provisions as it relates to sending items before Council, you could request for it to not be placed on the consent, and it would be discussed at that point. It wouldn't go through on the consent agenda itself. If you're concerned about the Council having an opportunity to have it slowed a little bit at its second meeting, but they're -- I think they'll have -- the HP Commission would have until the 24th to truly be able to get documentation to Council for their review with the actual proposal.

MR. VANDER TUIG: Thanks.

MR. BRODSKY: Mr. Reichlin?

MR. REICHLIN: I concur with the comments made so far, and I also think that the -- for all intents and purposes, the homes are going to continue to exist in their current state. And given that, if there are any concerns with regard to the HP Commission, regardless of the zoning, the homes are going to be there to review. But just as an aside, even with that, it seems like to what end would the Historical Preservation Commission be reviewing? I mean, the homes belong to the individuals who own the property. The property itself is in an area that's not really suited for residential. And, you know, to -- it just creates a quandary, in my mind, you know, that I can see their concern and I'm all for preserving these kinds of structures in their appropriate, you know, residential communities and things of that nature. But in this situation, it doesn't seem like it really applies.

MR. BRODSKY: Mr. Rice, do you want to weigh in?

MR. RICE: I've got nothing to add. I'm agreeing -- in agreement with pretty much everything that's been said. Won't waste your time.

MR. BRODSKY: Dr. Puri?

DR. PURI: I also agree with all the comments made. I don't think that the homes are not going anywhere. Everybody is assured of the fact that they're going to reside there, so the land use is best suited as suggested by the applicant. And we all know the fact that nobody would want to live on that property between a concrete plant and a power plant. And the Historical Preservation Commission will have all sorts of time to preserve in photos or whatever they're going to do on the homes, so I would tend to support this.

MR. BRODSKY: Mr. Wheeler?

MR. WHEELER: Well, I just wanted to make one final public comment, and that would be that our - or at least my expectation as a P&Z Commissioner would be that the current owners would cooperate with HP to document the homes as well as they can. And I understand, you know, privacy and the privacy issues, but this is one of those cases where, you know, we lose a lot of these as time goes on, and some of them, as in this case, I believe, it's probably appropriate to lose at some point. But, you know, we'll -- I, at least, would appreciate their cooperation in allowing HP to do this as thoroughly as they can.

MR. BRODSKY: And I remember my second question, if you wouldn't mind. Yes, please. They also own the strip of C-3 that goes along Business Loop, as well?

MS. LYNCH: Yes. That's the meadow.

MR. BRODSKY: Oh. That's the meadow. Okay.

MS. LYNCH: Yeah.

MR. BRODSKY: Okay. That's all I had.

MS. LYNCH: Can I say one other thing?

MR. BRODSKY: Yes.

MS. LYNCH: I think the family -- the girls would relish having documentation of these properties, but we'd like it with respect to them, not people out -- because it is very private back there, so -- thank you. Thank you.

MR. BRODSKY: Well, do we -- Mr. Rice?

MR. RICE: Well, I did want to say one thing and that is that, you know, oftentimes, we get cases where we look at them and it's obvious that what we're looking at is spot zoning; well, in this case, for a change, we're actually sort of cleaning up a spot, you know. We've got a remnant of R-1 that's now an island surrounded by either manufacturing uses or the Interstate or Business Loop and it's really -- it's not an appropriate use for where it is just because everything around it has changed over time. So, in a way, we're sort of doing a little bit of cleanup here by -- if we approve this.

MR. BRODSKY: If no one else has any other comments, is there a motion on the table? Mr. Rice?

MR. RICE: I'll make it. I make a motion for approval.

MR. BRODSKY: Mr. Reichlin?

MR. REICHLIN: I'll second it.

MR. BRODSKY: Is there any discussion on the motion? I think I'd like to make a comment – a public comment just for the Historical Preservation Committee. You know, they have till September 24th for the final vote to come from City Council, and, you know, we're not trying to sideline them or not make it harder for them to do their job, but I think that this case, there really wasn't any need to hold up the applicant, and it seems that we're all kind of on the same page on that. And, hopefully, they can do what they feel is necessary concurrently. Mr. Teddy?

MR. TEDDY: I just want to -- I'm sorry, Mr. Brodsky. It would be the 21st.

MR. BRODSKY: The 21st.

MR. TEDDY: Your meeting will be the 24th after the Council meeting.

MR. BRODSKY: Okay. Great. Thank you. Well, are you ready, Mr. Wheeler?

MR. WHEELER: Yes, I am.

MR. BRODSKY: All right. And roll call.

MR. WHEELER: A motion has been made and seconded to recommend approval of a request by Juliet Bowling Rollins Trust to rezone property from R-1 to M-1, located west of Bowling Street and North of Business Loop 70, containing 23 acres.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Wheeler, Mr. Brodsky, Dr. Puri, Mr. Reichlin, Mr. Rice, Mr. Vander Tuig. Motion carries 6-0.

From: "Brian Treece" <treece@treecephillips.com>
To: "William Watkins" <WHW@GoColumbiaMO.com>, "Sheela Amin" <SKAMIN@GoCo...>
Date: 9/10/2009 9:11 AM
Subject: Request to Remove B270-09 from Consent Agenda

At a special meeting on September 9, 2009, the City of Columbia's Historic Preservation Commission voted unanimously to request that Item No. B270-09-Rezoning property located east of Bowling Street, south of I-70 and north of Business Loop 70 (1619 and 1717 Mores Boulevard) from R-1 to M-1 (Case No. 09-60) be removed from the Council's Consent Agenda so that a full public hearing may be held on the matter.

Pursuant to city ordinance, any such item can be removed from the consent agenda and placed under old business at the request of a council member or any other interested person. The request must be made to the city clerk before noon on the Wednesday before the council meeting at which the council bill is scheduled to be considered for passage.

On behalf of the Historic Preservation Commission, it is our desire to present testimony and new information for the Council's consideration at their September 21st meeting.

Your kind acknowledgement of this request as timely is appreciated.

Sincerely,

Brian Treece, Chair

Historic Preservation Commission

He wondered why so many precious City resources were being wasted to serve a simple narcotics search warrant that ended in a \$300 misdemeanor fine. He also thought it was hypocritical to charge Mr. Whitworth with child endangerment when the only danger came from the guns being fired by police in his house and the emotional trauma of having his pets shot. He hoped the Council would set a national example of excellent policing policies. Citizens wanted to be able to trust the police to protect and serve them and wanted assurances that incidents such as this would not happen again. He noted they would continue to come before the City Council until something was done.

Holly Henry: Columbia Police Department Issues.

Holly Henry, 410 Hirth, provided a handout and noted she was requesting an investigation independent of the Columbia Police Department and Internal Affairs to be completed. She also wanted full disclosure of any evidence and the results of the investigation that could legally be released. She believed this was necessary to restore the public trust and confidence in the Columbia Police Department. She also asked for accountability for the mistakes made to include those involved in the investigation and the decision makers that approved the violent response of the SWAT. She believed a policy change was needed to limit the deployment of SWAT or any other violent response to a routine search warrant. The community wanted to believe in the police to be there to protect and serve, and wanted to limit the use of violent tactics, require video recording for future SWAT deployments and require monthly reports of SWAT deployments and incidents of violence used to serve warrants. She believed Council action was needed as the world was watching.

PUBLIC HEARINGS

None.

OLD BUSINESS

B270-09 Rezoning property located east of Bowling Street, south of I-70 and north of Business Loop 70 (1619 and 1717 Mores Boulevard) from R-1 to M-1.

The bill was read by the Clerk.

Mr. Watkins and Mr. Teddy provided a staff report. Mr. Watkins noted the amendment sheet corrected the legal description. Mr. Teddy stated there were two residences on the property that would become legally non-conforming if zoned M-1. This meant they could not be expanded or structurally altered, but could be maintained as residences indefinitely in terms of making necessary repairs and its upkeep. The Bowling-Napier Estate was eligible for the National Register of Historic Places, but was not on the Register and was not designated as any local landmark.

Mr. Sturtz understood the Downtown Columbia Leadership Council (DCLC) felt this rezoning was premature and asked if anything had changed since their October letter. Mr. Teddy replied the City was moving forward with the charrette process and its scope involved the intersection areas around Broadway and Providence and College and Broadway.

Mr. Sturtz wondered why rezoning was being requested at this time. Mr. Teddy thought the applicant should speak to that question.

Ms. Nauser made a motion to amend B270-09 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

Jay Gebhardt, a civil engineer with A Civil Group, stated he had been hired by the owners of the property to help with this rezoning and noted the process had begun in May of 2009. He explained the existing two homes were a non-conforming use as they sat today because two homes on one R-1 lot was no longer allowed. He pointed out the homes were owner occupied, and the owners had a strong interest in how this property was perceived and preserved. He noted the surrounding properties were mostly M-1 and R-1 was not appropriate for this site. The reason they did not request a planned district was because staff did not feel it was necessary due to the accessibility to surrounding major streets and because M-1 was prevalent in the area. The only difference between M-1 and M-P was that a planned district might limit the uses of the property. He understood the Historic Preservation Commission (HPC) created an extensive report on the history of the site, but pointed out the issue at hand was a land use and the owners did not plan to change the nature of the property at this time. He did not believe anyone valued the history of the property as much as the family as they had preserved the property in this state for over 100 years. He noted approval of this rezoning did not prevent what the HPC wanted. It only changed the zoning, which would create value and help the family in preserving the property.

Mr. Sturtz asked why the rezoning was needed at this time. He wondered why they could not wait another year or two so planning could be put in place. Mr. Gebhardt replied they were only trying to clean up the rezoning for consistency purposes. Mr. Sturtz asked if the City was pressuring them to change the zoning due to two homes being located on one R-1 lot. Mr. Gebhardt replied no. He explained the property this family had sold in the past had been to the City for a power plant and MoDOT for I-70 and the widening of the Business Loop. The property owners feared MoDOT would take more property at a R-1

value. The M-1 zoning would allow them to be fairly compensated. Mr. Sturtz asked for an estimated difference in value for an acre. Mr. Gebhardt replied he could not provide an estimate as he was not an appraiser or a real estate expert.

Brian Treece, 2301 Bluff Pointe, stated he was Chair of the Historic Preservation Commission (HPC) and encouraged the Council to consider alternatives to rezoning. He did not believe the proposed rezoning was just a controversial land use decision because it involved a complicated parcel of property that was as old as the City of Columbia. He provided some history and noted the property included the home of one of Columbia's most important founding families as the confluence of the Bowling and Rollins family represented an important nexus in Columbia's history. The residential element of the property was a small portion of its historic value. He noted the land had virtually been unchanged for the last 150 years and was an archeological treasure for the City. An alternative to rezoning was a conservation easement. It would allow the landowner to enter into a voluntary agreement with a land conservation trust that yielded favorable tax consequences for the owners and might generate the income they wanted. He pointed out this was one of the best examples in Columbia for a national register property. This property was also an important access point for the commercial and recreational use of the COLT railroad line in terms of possible passenger rail service between Columbia and Centralia and a trail. He noted the area would not always have a power plant. The power plant could be a science museum or lofts and had great potential to be a commercial and entertainment district. He believed it was important to preserve the R-1 zoning as a buffer zone for any future I-70 exit and gateway into the downtown, and noted M-1 was not the only zoning surrounding the property as there was commercial and residential in the area as well.

Ms. Hoppe understood the HPC had proposed a task force to be formed to review the potential for this site. Mr. Treece suggested there be a mechanism in place to allow the Planning and Zoning Commission to refer matters to the HPC as they might have reached a different conclusion after reviewing their report. He thought a group could be put together with representatives of the trusts, the Boone County Commission as a contingent beneficiary, and other organizations.

Ms. Hoppe understood other uses could be more beneficial to the City than M-1 and those needed to be considered. Mr. Treece commented that if the City ever wanted to clean up the Business Loop, they should not convert sites to unchecked, blanket uses. In addition, he thought the Council should know the potential for the site prior rezoning it.

Mr. Sturtz thanked Mr. Treece for the report and agreed more thoughtful planning was needed.

Mr. Thornhill asked if the owners had been made aware of any of the alternatives to the M-1 zoning that would help them maintain value through tax benefits. Mr. Treece replied he had conveyed that option, but thought the owners probably needed someone with more knowledge to explain it.

Ms. Nauser asked if zoning the property to M-1 would prohibit the property owners from having the homes added to the National Register of Historic Places. Mr. Treece replied it would not prohibit it, but commented that he believed it would create an incentive to destroy the homes. He noted he was not satisfied with the reasons for rezoning. The application indicated it was to prepare the property for potential sale. Juliet Bowling Rollins had not granted the authority to sell the property. He also understood it was for the purposes of eminent domain and stated he was not sure why the Council would want to rezone property for purely financial speculation knowing another taxpaying entity would have to acquire it in the future for a public benefit.

Randy Gray, 301 Edgewood, stated he was Chair of the Downtown Columbia Leadership Council (DCLC) and noted at its October meeting, the DCLC approved a motion asking the City to oppose this proposed rezoning until a study could be completed with regard to a gateway to the downtown. H3 Studio had been hired to conduct downtown planning charrettes and would also be looking at a potential new downtown entry from I-70 and possible uses of the COLT rail line, to include an adjacent pedestrian trail, freight and people mover. He asked that this property not be rezoned until the H3 Studio was done with its review of this area as the proposed rezoning of this property could impact Columbia's ability to preserve existing green space for new the downtown Columbia exit that would connect I-70 with College Avenue and other historic locations.

Mr. Kespohl asked how this rezoning would affect the gateway. Mr. Gray replied he believed there would more likely be a change in use over a period of time if the property was rezoned. Mr. Kespohl understood if MoDOT wanted it for a gateway, the zoning would not matter. Mr. Gray explained they were asking for the opportunity for outside review that would occur in a month.

Ms. Hoppe asked for clarification on what he meant by gateway as she understood it was not just access by MoDOT. Mr. Gray replied the primary focus of the DCLC was the immediate downtown, but it was also important to look at how people entered the community. At this time, he did not believe they had a perfect entry point into Columbia or the downtown.

Bryan Vanderhoof, 402 Rock Hill Road, stated he believed the property owners had the right to do whatever they wanted with their property, and if they wanted it to be rezoned M-1, it should be done.

Sharon Lynch stated she was representing the 50 percent owner of the Juliet Rollins Bowling property and the two heirs of Juliet Bowling that resided on the property. She explained they were trying to

protect the property they had grown up on and noted this was not spot zoning. This was a blatant abuse of surrounding property owners on what historically had been a residential neighborhood. She believed this was a reasonable method of protecting the historic homeplace of the two heirs that had legitimately inherited this property and asked the Council to support the rezoning request.

Mr. Sturtz asked if alternative methods for maintaining the historical and cultural integrity of the homes had been examined. Ms. Lynch replied there was no intent to do anything with the homes other than to live in them. Mr. Sturtz asked if research had been done to find other methods of preserving the homes. Ms. Lynch replied a couple alternatives had been reviewed. She stated conservation easements required certain circumstances that were based on income and the tax deductibility of the donation, and to make it a possibility, they needed the M-1 zoning to place value on the property for tax consideration. Ms. Hoppe commented that the land did not have to be rezoned to get the difference between the present zoning and the potential zoning for a conservation easement.

Ms. Hoppe noted a comment had been made indicating the only way to preserve the property was with M-1 zoning and asked if that was because eminent domain would be less likely since it would be more expensive. Ms. Lynch replied it would make the real estate more valuable and discourage its purchase. If MoDOT pursued the proposed plan, it would affect the kitchen of one of the homes. They were trying to protect the property for the heirs, who were also 50 percent owners, and zone the property in accordance with the surrounding area.

Paul Love, 100 Sondra, commented that he traditionally supported people being able to use their property as they wished and understood rezoning this property would increase its value allowing them to receive more money for widening the highway or a new entrance if that was needed. He encouraged Council to expedite the reassessment of the property if rezoning was approved so it was taxed appropriately. He noted many properties were assessed significantly less than market value.

Ms. Nauser asked for the boundaries of the DCLC study. Mr. Teddy replied the charrette would focus on the areas around Broadway and Providence and College and Providence, but noted it also included language indicating it would look at a downtown gateway. Ms. Nauser understood it was a concept at this time. Mr. Teddy replied that was correct. The City's current Roadway Plan did not show a direct link. Bowling terminated at the Business Loop in the Roadway Plan. He understood the DCLC had discussed extending something from Bowling, south of Business Loop and parallel to the COLT, to Wilkes Boulevard.

Ms. Nauser asked for a list of some of the M-1 zoning uses. Mr. Teddy replied M-1 was the most intense district in terms of industrial use and did not confine development to indoor operations. He listed some of the uses and noted M-1 did not strictly control site conditions.

Mr. Sturtz agreed with the DCLC and HPC in that this was premature. He did not believe there would be any harm in not rezoning the property at this time, especially due to some of the less desirable uses allowed in M-1 zoning. He commented that it was not a right to receive the highest use possible and believed there should be a process in terms of the use as neighbors would not want a junkyard of adult book store. He urged the Council to deny this request.

Mayor McDavid stated he was generally sensitive to an owner's right to use his property as he saw fit, but since the applicant indicated there was no intent to change the property, he was not sure of the need to rezone the property. If the applicant wanted to change the use of the property, he would be receptive. With regard to MoDOT, he understood they would likely not go through this property at this time due to its financial constraints.

Ms. Hoppe agreed this M-1 rezoning was premature in terms of the overall land use since there was not an immediate plan for a change in use. She understood other opportunities and uses might be available in the future and did not believe M-1 was the best option for the City. She understood they had time to plan before any immediate need or threat from MoDOT.

Mr. Dudley understood the property owners just wanted their property to be at the highest value possible as they did not know what might happen in the future. He wondered at what point Council could overstep its bounds in terms of what the owners could do with their own property.

Mr. Kespohl agreed with Mr. Dudley in that the applicants were trying to maximize the value of their property. He believed this rezoning was appropriate and planned to support it.

Ms. Nauser agreed no one knew what the future would hold, and in looking at this site and the surrounding property, this zoning was appropriate. She felt requiring the property to be planned was inconsistent with the zoning already there, and believed the community might need some of the uses within M-1. She stated she believed everyone had the right to maximize the value of their property. In addition, it was consistent with the current zoning in the area. She planned to support it and noted it did not preclude them from placing the homes on the National Register, which she believed would limit the ability of MoDOT from taking the property through eminent domain.

B270-09, as amended, was read with the vote recorded as follows: VOTING YES: KESPOHL, DUDLEY, NAUSER. VOTING NO: HOPPE, MCDAVID, STURTZ, THORNHILL. The bill was declared defeated.



Unofficial Document

Recorded in Boone County, Missouri

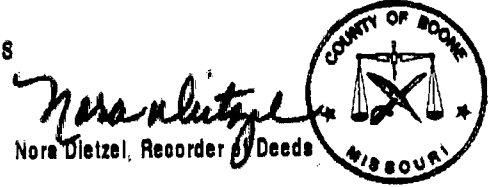
Date and Time: 12/08/2021 at 03:04:50 PM

Instrument #: 2021034027 Book: 5548 Page: 144

Instrument Type: TRST

Recording Fee: \$30.00 S

No. of Pages: 3



TRUSTEE'S DEED

This Deed, made and entered into this 7th day of December, 2021, by and between

JULIET BOWLING NAPIER, Trustee of the Juliet Bowling Napier Trust

of the County of Boone, State of Missouri, hereinafter called Party of the First Part (Grantor), and

Bowling Street, LLC, a Missouri Limited Liability Company

of the County of Boone, State of Missouri, hereinafter called Party of the Second Part (Grantee).

Grantee's mailing address is: 305 McNab Dr.
Columbia MO 6501

WITNESSETH, that the said Party of the First Part, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid by the said Party of the Second Part, the receipt of which is hereby acknowledged, does by these presents Bargain and Sell, Convey and Confirm unto the said Party of the Second Part, the following described Real Estate, situated in the County of Boone, and State of Missouri, to-wit:

An undivided one-fourth (1/4) interest in and to the following described property:

A tract of land located in the South Half of Section 6, Township 48 North, Range 12 West, City of Columbia, Boone County, Missouri, being part or all of lots Thirty-Six (36), Thirty -Seven (37), Thirty-Eight (38), Thirty-Nine (39), Forty (40), Forty-One (41), Forty-Two (42), Forty-Three (43), Forty-Four (44), and part of vacated Lake View Avenue lying East of Bowling Street as shown by E.C. More's Subdivision also shown by survey recorded in Book 649, Page 723, records of Boone County, and being more particularly described as follows:

Beginning at the southwest corner of the lot as shown by said survey recorded in Book 649, Page 732; thence S 89°35'00"E, 174.10 feet; thence N 00°25'00"E, 25.00 feet ; thence N 89°39'00"E, 60.30 feet; thence N 87°37'00"E, 100.00 feet; thence N

(legal description continued on next page)

EXHIBIT 8

Boone County, Missouri

BOONE COUNTY MO DEC 08 2021

Unofficial Document

85°04'00"E, 100.00 feet; thence N 82°31'00"E, 100.00 feet; thence N 79°57'00"E, 100.00 feet; thence N 77°24'00", 100.00 feet; thence N 76°07'00"E, 100.30 feet; thence N 12°00'50"W, 185.12 feet; thence N 00°25'00"E, 50.00 feet; thence N 89°35'00"W, 786.00 feet; thence S 00°25'00"W, 350.00 feet to the point of beginning and containing 5.65 acres.

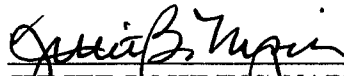
Subject to easements and other matters of record.

Grantor represents and warrants that JULIET BOWLING NAPIER, Trustee, is the duly acting Trustee of the aforesaid Trust, that the time for the termination of said Trust has not occurred, that the Trust Indenture has not been revoked, that said Trust is still in full force and effect, and that this Deed is executed pursuant to the powers conferred upon Grantor in the aforesaid Trust Indenture.

To Have and to Hold the same, together with all rights and appurtenances to the same belonging, unto the said Party of the Second Part, and to her heirs and assigns forever, subject however to real estate taxes for 2021 and thereafter.

Grantor as Trustee only and not individually, with all liability under this Deed with respect to covenants or warranties expressly limited to assets of the Trust Estate, hereby covenants that Grantor and the Successor Trustees under the Trust Indenture will warrant and defend the title to the above-described real estate unto Grantee and Grantee's heirs and assigns forever, against the lawful claims of all persons claiming under Grantor and none other.

In Witness Whereof, the said Party of the First Part has executed these presents the day and year first above written.



JULIET BOWLING NAPIER, Trustee of the Juliet Bowling Napier Trust

STATE OF MISSOURI)
) SS.
COUNTY OF BOONE)

On this 7th day of December, 2021, before me personally appeared JULIET BOWLING NAPIER, Trustee of the Juliet Bowling Napier Trust, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed as said Trustee.

Boone County, Missouri

BOONE COUNTY MO DEC 08 2021

Unofficial Document

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid, the day and year first above written.



DIANA PROVENZANO
My Commission Expires
August 21, 2024
Boone County
Commission #16262435

Diana Provenzano

Notary Public
Diana Provenzano

August 21, 2024

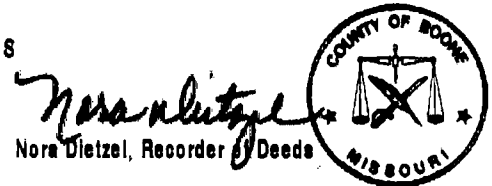
Boone County, Missouri



Unofficial Document

Recorded in Boone County, Missouri
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Instrument #: 2021034028 Book: 5548 Page: 145

Instrument Type: TRST
Recording Fee: \$30.00 S
No. of Pages: 3



TRUSTEE'S DEED

This Deed, made and entered into this 7th day of December, 2021, by and between

LAURA ROLLINS NAPIER, Trustee of the Laura Rollins Napier Trust

of the County of Boone, State of Missouri, hereinafter called Party of the First Part (Grantor), and
Bowling Street, LLC, a Missouri Limited Liability Company

of the County of Boone, State of Missouri, hereinafter called Party of the Second Part (Grantee).

Grantee's mailing address is: 305 MENAB DR.
COLUMBIA MO 65201

WITNESSETH, that the said Party of the First Part, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid by the said Party of the Second Part, the receipt of which is hereby acknowledged, does by these presents Bargain and Sell, Convey and Confirm unto the said Party of the Second Part, the following described Real Estate, situated in the County of Boone, and State of Missouri, to-wit:

An undivided one-fourth (1/4) interest in and to the following described property:

A tract of land located in the South Half of Section 6, Township 48 North, Range 12 West, City of Columbia, Boone County, Missouri, being part or all of lots Thirty-Six (36), Thirty-Seven (37), Thirty-Eight (38), Thirty-Nine (39), Forty (40), Forty-One (41), Forty-Two (42), Forty-Three (43), Forty-Four (44), and part of vacated Lake View Avenue lying East of Bowling Street as shown by E.C. More's Subdivision also shown by survey recorded in Book 649, Page 723, records of Boone County, and being more particularly described as follows:

Beginning at the southwest corner of the lot as shown by said survey recorded in Book 649, Page 732; thence S 89°35'00"E, 174.10 feet; thence N 00°25'00"E, 25.00 feet ; thence N 89°39'00"E, 60.30 feet; thence N 87°37'00"E, 100.00 feet; thence N

(legal description continued on next page)

Nora Dietzel, Recorder of Deeds

Boone County, Missouri

BOONE COUNTY MO DEC 08 2021

Unofficial Document

85°04'00"E, 100.00 feet; thence N 82°31'00"E, 100.00 feet; thence N 79°57'00"E, 100.00 feet; thence N 77°24'00", 100.00 feet; thence N 76°07'00"E, 100.30 feet; thence N 12°00'50"W, 185.12 feet; thence N 00°25'00"E, 50.00 feet; thence N 89°35'00"W, 786.00 feet; thence S 00°25'00"W, 350.00 feet to the point of beginning and containing 5.65 acres.

Subject to easements and other matters of record.

Grantor represents and warrants that LAURA ROLLINS NAPIER, Trustee, is the duly acting Trustee of the aforesaid Trust, that the time for the termination of said Trust has not occurred, that the Trust Indenture has not been revoked, that said Trust is still in full force and effect, and that this Deed is executed pursuant to the powers conferred upon Grantor in the aforesaid Trust Indenture.

To Have and to Hold the same, together with all rights and appurtenances to the same belonging, unto the said Party of the Second Part, and to her heirs and assigns forever, subject however to real estate taxes for 2021 and thereafter.

Grantor as Trustee only and not individually, with all liability under this Deed with respect to covenants or warranties expressly limited to assets of the Trust Estate, hereby covenants that Grantor and the Successor Trustees under the Trust Indenture will warrant and defend the title to the above-described real estate unto Grantee and Grantee's heirs and assigns forever, against the lawful claims of all persons claiming under Grantor and none other.

In Witness Whereof, the said Party of the First Part has executed these presents the day and year first above written.



LAURA ROLLINS NAPIER, Trustee of the Laura Rollins Napier Trust

STATE OF MISSOURI)
) SS.
COUNTY OF BOONE)

On this 7th day of December, 2021, before me personally appeared LAURA ROLLINS NAPIER, Trustee of the Laura Rollins Napier Trust, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed as said Trustee.

Unofficial Document

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid, the day and year first above written.

Diana Provenzano

Notary Public

My commission expires:

August 21, 2024



DIANA PROVENZANO
My Commission Expires
August 21, 2024
Boone County
Commission #16262435

CROCKETT
ENGINEERING CONSULTANTS
1000 West Nifong Boulevard, Building 1
Columbia, Missouri 65203
(573) 447-0292

July, 5 2022

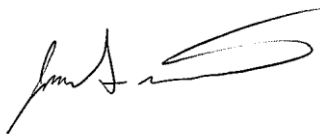
Tim Teddy, Director
Development Services
City of Columbia
PO Box 6015
Columbia, MO 65205

Mr. Teddy,

I am writing you on behalf of our client, Bowling Street, LLC, that you and your staff will proceed with the distribution and review of the attached E.C. More's Subdivision Plat 1A , located in Section 6, Township 48 North, Range 12 West and described by the survey recorded in book 649, page 723 & trustee's deed recorded in book 5548, Page 146. The parcel number for the subject property is 17-109-00-01-108.01 01.

Thank you for your attention in this matter. If you have any questions or need anything further, please feel free to let me know.

Sincerely,
Crockett Engineering Consultants, LLC



Josh Sims

No land analysis map is provided due to the fact that this site contains no steep slopes or regulated streams.



I/we hereby certify that I/we am/are the owners of record of the following described property. I/we am/are respectfully requesting processing and approval of the request made on or about E.C. MORE'S SUBDIVISON PLAT 1A, through the City of Columbia, Missouri Citizen Self Service (CSS) site. I/we hereby authorize the Applicant identified below to do the following: 1) to serve as the principal contact with the City in processing this application; 2) to communicate with the City regarding the application; and 3) to represent the Owner at all public hearings regarding the application. This authorization is not a power-of-attorney and does not authorized Applicant to execute contracts, deeds, easements or similar documents on behalf of Owner.

Property Address: 00000 E BUSINESS LOOP 70
Parcel: 17-109-00-01-108.01 01
Application Type: Final Plat

BOWLING STREET, LLC
Property Owner's Name (print)

David Butcher
Applicant's Name (print)

ELIZABETH PETERS, MEMBER
Title

Crockett Engineering Consultants
Company

Elizabeth Peters 7/1/2022
Property Owner's Signature Date

David Butcher 7/1/22
Applicant's Signature Date

Building & Site • CATSO • Housing Programs • Neighborhood Services • Planning • Volunteer Programs



573.874.7474 Service Counter
573.874.7239 Administrative Offices



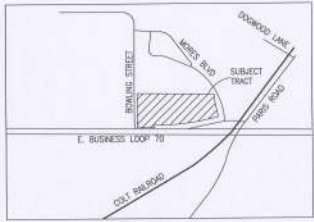
701 E. Broadway, P.O. Box 6015
Columbia, Missouri 65205



CoMo.gov
CoMo.gov/community-development

Our vision of Columbia is the best place to live, work, learn and play.

FILED FOR RECORD IN BOONE COUNTY, MISSOURI
 WANDA DETZEL, RECORDER OF DEEDS



LOCATION MAP
 NOT TO SCALE

- LEGEND:**
- E EXISTING
 - S SET
 - 1/2" IRON PIPE/REBAR (UNLESS NOTED OTHERWISE)
 - DR H DRILL HOLE
 - W/ CHASE/LED X
 - P.O.B. POINT OF BEGINNING
 - (35) LOT NUMBER
 - (35) EXISTING LOT NUMBER
 - (35) RADIUS OF CURVE
 - L= LENGTH OF ARC
 - Ch= CHORD DISTANCE & DIRECTION
 - FLOOD PLAIN
 - EXISTING LOT LINE
 - CENTERLINE
 - (MC) RECORD MEASUREMENT
 - (M) MEASURE DISTANCE
 - EX. F.C. EXISTING FENCE CORNER
 - IP IRON PIPE

FINAL PLAT E.C. MORE'S SUBDIVISION, PLAT 1A

A REPLAT SUBDIVISION LOCATED IN
 SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST
 COLUMBIA, BOONE COUNTY, MISSOURI
 JULY 5, 2022



BEARINGS ARE REFERENCED TO GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE), OBTAINED FROM GPS OBSERVATION.

CERTIFICATION

I HEREBY CERTIFY THAT IN JUNE OF 2022, I COMPLETED A SURVEY AND SUBDIVISION FOR BOWLING STREET, LLC, OF A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF LOT 36, 43 OF LOT 37, AND PARTS OF LOTS 38-44, INCLUSIVE, ALL OF E.C. MORE'S SUBDIVISION RECORDED IN BOOK 47, PAGE 54 AND PART OF THE SURVEY RECORDED IN BOOK 649, PAGE 723 AND BEING ALL OF LOT 37 AND PART OF LOTS 38, 39, 40, 41, 42, 43 AND 44 OF THE LAND DESCRIBED BY THE TRUSTEE'S DEEDS RECORDED IN BOOK 5048 PAGES 144, 145 & 148 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SURVEY RECORDED IN BOOK 649, PAGE 723, AND WITH THE WEST LINE OF SAID SURVEY N 0°31'15" E, 350.00 FEET; THENCE LEAVING SAID WEST LINE AND WITH THE NORTH LINE OF THE VACATED LAKE VIEW AVENUE, RIGHT-OF-WAY RECORDED IN BOOK 175, PAGE 248, S 89°10'30" E, 786.27 FEET, THENCE LEAVING SAID NORTH LINE, S 0°49'30" W, 50.00 FEET; THENCE S 12°25'35" E, 185.74 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BUSINESS LOOP 70; THENCE WITH SAID NORTH RIGHT-OF-WAY LINE, S 79°37'30" W, 100.30 FEET, THENCE 560.35 ALONG A 2240.89-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD S 87°41'10" W, 258.89 FEET, THENCE S 0°51'00" W, 24.98 FEET TO THE SOUTH LINE OF SAID SURVEY, THENCE WITH SAID SOUTH LINE, N 89°10'30" W, 175.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.67 ACRES.

I FURTHER CERTIFY THAT I SURVEYED THE ABOVE DESCRIBED PROPERTY AND SUBDIVIDED IT AS SHOWN ON THE PLAT IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY AND PLAT BY:
 CROCKETT ENGINEERING CONSULTANTS, LLC
 1000 W. HAYGATE BLVD. BUILDING 1
 COLUMBIA, MO 65203

DAVID T. BUTCHER, PLS-2002014098
 2/21/2022

CORPORATE NUMBER 2000151304

STATE OF MISSOURI) SS

COUNTY OF BOONE)
 I, David T. Butcher, Notary Public,
 My Commission Expires April 22, 2026
 Commission Number 14965667

SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF August,
 IN THE YEAR 2022.

Kenneth Farris, Notary Public,
 My Commission Expires April 22, 2026
 Commission Number 14965667

KNOW ALL MEN BY THESE PRESENTS:

THAT BOWLING STREET, LLC A MISSOURI LIMITED LIABILITY COMPANY, IS THE SOLE OWNER OF THE HEREIN DESCRIBED TRACT AND THAT SAID LIMITED LIABILITY COMPANY HAS CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN ON THE ABOVE DRAWING. THE STREET RIGHT-OF-WAY SHOWN BY THE ABOVE DRAWING IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE EASEMENTS AS SHOWN, ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE ABOVE DRAWING AND DESCRIPTION SHALL HEREAFTER BE KNOWN AS "E.C. MORE'S SUBDIVISION, PLAT 1A"

IN WITNESS WHEREOF, BOWLING STREET, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MEMBER, 1453 DAY OF 20th MONTH OF August, 2022.

Elizabeth A. Peters
 ELIZABETH A. PETERS, MEMBER

STATE OF MISSOURI) SS

COUNTY OF BOONE)
 I, Kenneth Farris, Notary Public,
 My Commission Expires April 22, 2026
 Commission Number 14965667

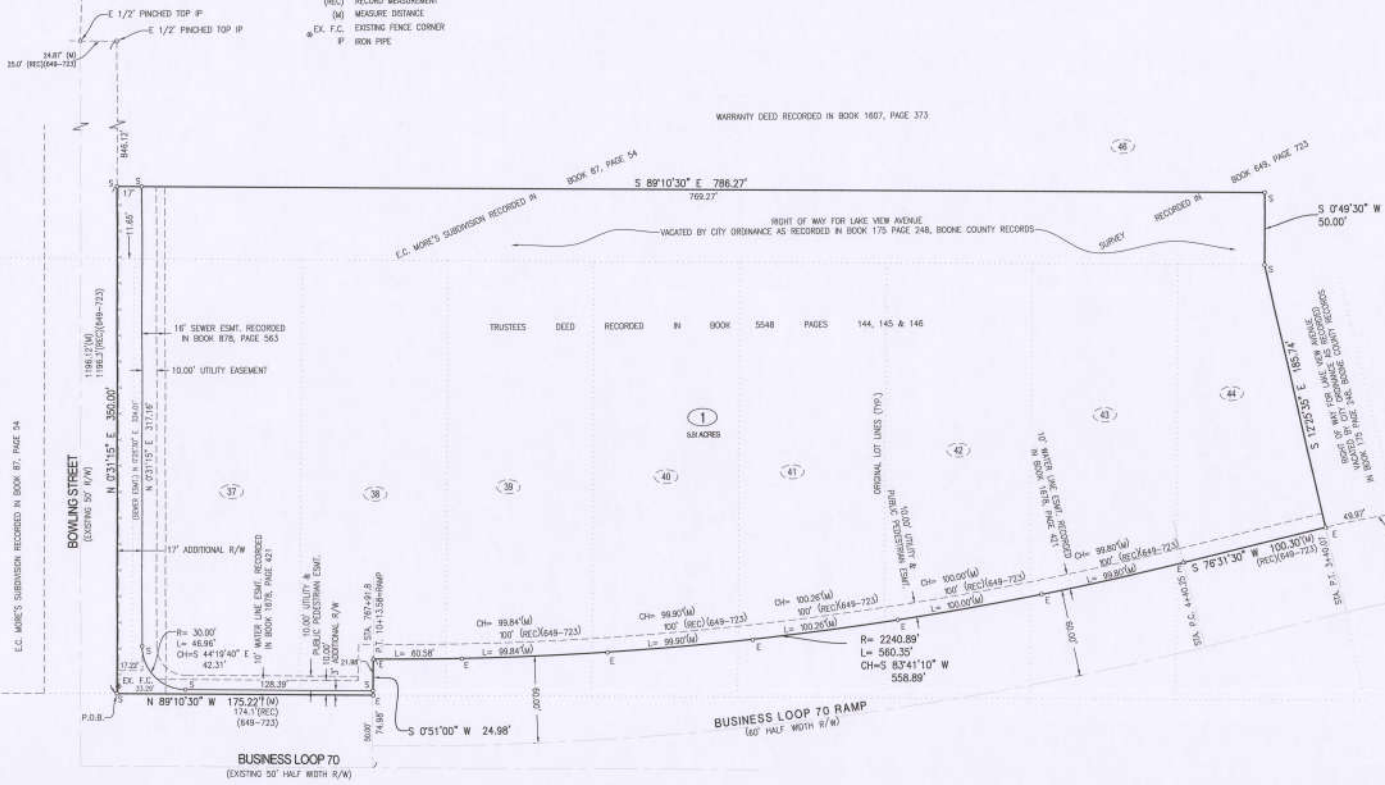
SUBSCRIBED AND SWORN TO BEFORE ME THIS 1st DAY OF September,
 IN THE YEAR 2022.

Kenneth Farris, Notary Public,
 My Commission Expires April 22, 2026
 Commission Number 14965667

APPROVED BY CITY COUNCIL PURSUANT TO ORDINANCE # _____
 ON THE _____ DAY OF _____, 2022.

BARBARA BUFFALO, MAYOR

ATTEST:
 SHEILA AMPL, CITY CLERK



- NOTES:**
- THIS TRACT IS LOCATED IN ZONE X-AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL FLOODPLAIN AS SHOWN BY THE F.E.M.A. F.I.R.M. PANEL NO. 29019C0200E, DATED: APRIL 19, 2017.
 - THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY CODE OF STATE REGULATIONS 2 CSR 90-60.040(2).
 - A CURRENT TITLE COMMITMENT WAS NOT PROVIDED FOR THIS SURVEY.
 - THERE ARE NO REGULATED STREAMS ON THIS SITE. NO PART OF THIS TRACT IS LOCATED WITHIN THE STREAM BUFFER AS DETERMINED BY THE 1982 MAP FOR THE COLUMBIA WATERSHED, BOONE COUNTY, MISSOURI AND ARTICLE 8 OF CHAPTER 12A OF THE CITY OF COLUMBIA CODE OF ORDINANCES.
 - ALL MONUMENTS WILL BE SET AFTER CONSTRUCTION IS COMPLETE OR WITHIN 12 MONTHS WHOEVER OCCURS FIRST.

		E.C. MORE'S SUBDIVISION, PLAT 1A A REPLAT SUBDIVISION LOCATED IN SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST COLUMBIA, BOONE COUNTY, MISSOURI	
		CORPORATE NUMBER 2000151304 	
DATE: 6/24/2022	SCALE: 1"=40'	PROJECT: 2209	DRAWN BY: JMS
DAVID T. BUTCHER PROFESSIONAL LAND SURVEYOR PLS-300294036		CROCKETT ENGINEERING CONSULTANTS 1000 W. HAYGATE BLVD., BUILDING 1 COLUMBIA, MISSOURI 65203 (572) 447-0793 www.crockettengineering.com	

CONTRACT FOR PURCHASE AND SALE OF REAL ESTATE

This Contract, made and entered into this 30th day of March, 2022, by and between Bowling Street, L.L.C., a Missouri Limited Liability Company, hereinafter referred to as "SELLER"; and Voluntary Action Center, a Missouri Nonprofit Corporation, hereinafter referred to as "BUYER."

WITNESSETH:

WHEREAS, SELLER has agreed to sell and BUYER has agreed to purchase, upon the terms and conditions set forth herein, the following described real estate (the "Property") situated in Boone County, Missouri, to wit:

A tract of land located in the South Half of Section 6, Township 48 North, Range 12 West, City of Columbia, Boone County, Missouri, being part or all of lots Thirty-Six (36), Thirty-Seven (37), Thirty-Eight (38), Thirty-Nine (39), Fort (40), Forty-One (41), Forty-Two (42), Forty-Three (43), Forty-Four (44), and part of vacated Lake View Avenue lying East of Bowling Street as shown by E.C. More's Subdivision also shown by survey recorded in Book 649, Page 723, records of Boone County, and being more particularly described as follows: Beginning at the southwest corner of the lot as shown by said survey recorded in Book 649, Page 732, thence S 89°35'00"E, 174.10 feet; thence N 00°25'00"E, 25.00 feet; thence N 89°39'00"E, 60.30 feet; thence N 87°37'00"E, 100.00 feet; thence N 85°04'00"E, 100.00 feet; thence N 82°31'00"E, 100.00 feet; thence N 79°57'00"E, 100.00 feet; thence N 77°24'00", 100.00 feet; thence N 76°07'00"E, 100.30 feet; thence N 12°00'50"W, 185.12 feet; thence N 00°25'00"E, 50.00 feet; thence N 89°35'00"W, 786.00 feet; thence S 00°25'00"W, 350.00 feet to the point of beginning and containing 5.65 acres.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. The total purchase price to be paid by BUYER to SELLER shall be the sum of Six Hundred Two Thousand and 00/100 Dollars (\$602,000.00) payable as follows:
 - a. An earnest money deposit in the amount of Thirty Thousand and 00/100 Dollars (\$30,000.00) shall be deposited with Boone-Central Title Company Title Company as Escrow Agent.
 - b. The balance of the purchase price shall be payable with certified funds at Closing.
2. In the event of substantial damage or destruction of the Property prior to Closing, then, and in such event, and at the option of BUYER, BUYER may receive any casualty insurance proceeds payable as a result of said damage or destruction, or may rescind the transaction and receive a refund of the earnest money deposit and the transaction shall thereafter be void and of no further force and effect.
3. SELLER agrees to provide to BUYER, within thirty (30) days of full execution of this Contract, a commitment to issue an owner's policy of title insurance issued by Boone-Central Title Company. Any commitment made

hereunder shall be in the amount of the purchase price of the Property, naming the BUYER as the insured and further naming any Lender providing BUYER funds for the purchase of the Property as an additional insured, which policy shall insure the owner's title to be marketable in fact as called for by this contract and shall provide that a policy shall be issued immediately after SELLER'S general warranty deed to BUYER is filed of record. All costs of said title insurance, including the premium for the final owner's title policy and any final lender's policy will be paid for by the SELLER. BUYER shall have thirty (30) days after receipt of the commitment to object in writing to any condition of title disclosed by the commitment. If such objectionable items cannot be removed by the date of Closing, this contract shall be null and void, the earnest money deposit shall be immediately returned to BUYER, and the parties shall have no further obligations hereunder.

4. BUYER shall have ninety (90) days from and after the date of full execution of this Contract to perform any and all inspections of the Property BUYER deems necessary in BUYER's sole discretion. These inspections may include a physical inspection, Phase I and/or Phase II Environmental Assessment, and Geotechnical Inspection. In the event any of BUYER's inspections reveal any defect with the Property in BUYER's sole discretion, BUYER shall provide written notice of such objection to SELLER before the expiration of the 90-day period and in such event, this Contract shall be null and void and the earnest money deposit shall be immediately returned to BUYER.
5. This Contract is specifically contingent upon the recording of a plat of the Property as a single lot, the issuance of a Conditional Use Permit by the City of Columbia to allow BUYER to utilize the Property for accommodations for homeless services, and the receipt of any and all other approvals as may be required from the City of Columbia to allow BUYER to utilize the Property for its intended purpose. BUYER shall have One Hundred Eighty (180) days from the date of full execution of this Contract to record a plat of the Property, obtain the required Conditional Use Permit and any other required approvals. BUYER shall provide written notice of the failure to satisfy any of these contingencies before the expiration of the One Hundred Eighty (180) day period and in such event, this Contract shall be null and void and the earnest money deposit shall be immediately returned to BUYER. In the event such notice is not received by SELLER within the One Hundred Eighty (180) day period, this contingency shall be deemed to have been waived. All costs associated with the plat, Conditional Use Permit or other approvals shall be the responsibility of BUYER. BUYER shall be entitled to extend the deadline for the satisfaction of these contingencies for a period of thirty (30) days upon written notice from BUYER to SELLER before the expiration of the initial One Hundred Eighty (180) day Contingency Period.
6. SELLER agrees to convey title in fee simple absolute by Warranty Deed containing the customary warranties, free and clear of all liens and

encumbrances with the exception of any existing easements. It is understood and agreed that, because of the commitments of the parties, time is of the essence of this Contract.

7. Real estate taxes for 2021 and all prior years shall be paid by SELLER and said taxes for 2022 shall be prorated as of the date of Closing of this transaction.
8. Any notice provided for in this Contract may be personally served or sent by Certified United States Mail, return receipt requested, in which case it shall be deemed served on the next business day subsequent to the date of mailing. Notices shall be addressed to a party's last known address.
9. SELLER warrants and represents to BUYER that SELLER has no notice of:
 - (a) Planned or commenced public improvement which may result in special assessment or otherwise directly and materially affect the Property except as disclosed herein.
 - (b) Any government agency or court order requiring repairs, alterations or corrections of any existing conditions except as disclosed herein.
 - (c) Any structural or mechanical defects of material significance in the Property, including the adequacy and quality of water and sanitary disposal systems except as disclosed in the attached disclosure statement.
 - (d) Any mechanic's liens or other encumbrances which may be assessed against the Property.
10. SELLER warrants and represents to BUYER that SELLER has no knowledge of the following:
 - (a) That there exists with respect to the Property or any part or component thereof any environmentally hazardous or dangerous condition, such as but not limited to, an existing or prior use of the Property as a dumping ground for hazardous waste or hazardous substances, or any use of the Property as a landfill or any disposal, discharge, deposit, injection, dumping, leaking, spilling, placing or escape of any environmentally hazardous substance or any hazardous substances, contaminants or pollutants.
 - (b) That there has been any use of the Property as a service station or filling station or for the storage beneath the surface of the real estate in an underground storage tank of any gasoline, petroleum product, or any other environmentally hazardous substance, or that any underground storage tank now exists upon or beneath the property or has previously been placed upon or beneath the Property.
 - (c) That any portion of the Property is listed or proposed for listing or is threatened to be listed on the National Priorities List by the Environmental Protection Agency, or on the Missouri Registry of Abandoned or Uncontrolled Hazardous Waste Sites pursuant to Section 260.435 to 260.480 RSMo. or that any discussions with any state or federal officials concerning the possibility of such listing has occurred.
 - (d) That there has occurred any disposal, discharge, deposit, injection,

dumping, leaking, spilling, placing or escape of any hazardous substance, pollutant or contaminate (as those items are defined in 42 USC Section 9601) on, in, under or from the Property or that there has existed upon the Property or within the Property any facility which is or has been used for the treatment, disposal or storage of hazardous waste, as those terms are described in the Resource Conservation and Recovery Act, 42 USC Section 6901 - 6987.

(e) That any part of the Property is a landfill or has been used as a landfill or that any soil in or beneath the Property is or has been chemically contaminated, or that gasoline, petroleum or any contaminate is or has at any time been stored or transmitted in tanks or lines located beneath the surface of the Property.

11. This transaction shall be closed on or before October 7, 2022 (the "Closing") at the offices of Boone-Central Title Company, or at such other time or place as the parties may agree, subject to the extension of the Contingency Period as provided for in Section 5 above. At such Closing, SELLER shall deliver the Warranty Deed and BUYER shall make payment as specified above. BUYER and SELLER agree that any fees due the title insurance company for their services shall be paid equally by the parties. Each party shall be responsible for their respective attorney's fees which will be paid at Closing.
12. This Contract contains the entire and complete agreement between the parties with respect to the transaction set forth herein. All other contracts, agreements, undertakings, understandings, warranties or representations entered into or made by either of the parties hereto with respect to the transaction set forth herein, or in any matters related thereto, are hereby rendered null, void and of no further force and effect to the extent not incorporated into this Contract. Each of the parties acknowledge that the other party to this Contract has made no contracts, undertakings, promises, understandings, warranties, statements or representations with respect to the transaction set forth herein, the Property or any matters related to this transaction or to the Property described herein or any of the characteristics of the Property described herein or the value of the Property described herein, or any part, component or characteristic thereof, other than those which are specifically set forth herein.
13. This Contract may not be modified or amended orally, but may be modified or amended only by a written document signed by all of the parties hereto.
14. In the event it is necessary for either of the parties hereto to enforce this Contract or any of the warranties or covenants set forth herein, then the prevailing party shall be entitled to recover their reasonable attorney's fees and any costs incurred in connection with the enforcement of this Contract.
15. This Contract shall be binding upon and inure to the benefit of the parties hereto, their heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties have hereunto executed this Contract on the day and year first above written.

SELLER:

BOWLING STREET, L.L.C.

By Elizabeth Peters

Title: Owner

BUYER:

VOLUNTARY ACTION CENTER

By: Ed Stansberry
Ed Stansberry, Executive Director



September 30, 2022

Dear Resident,

The City of Columbia has a contract to purchase property located at 1509 Ashley St. The property is owned by the Veterans of Foreign War (VFW) Post 280. The site is approximately 2.70 acres and is located between the City's Municipal Power Plant and Interstate 70.

The main building is approximately 13,500 square feet and includes a large, open-space meeting room with a seating capacity of 300, several smaller rooms that contain a game room and lounge, offices and a commercial kitchen. A 3,000 square-foot outdoor picnic shelter is located on the east end of the property and is part of the sale.

The City's short-term plan is to use the building to accommodate social service organizations, primarily Room at the Inn, a community organization that provides unsheltered people with a warm, safe place to sleep. Other providers may also be part of the facility, but that has not yet been finalized.

Over the next 1-3 years, construction of the planned Opportunity Campus should be completed. The Opportunity Campus will become a permanent home for these social services, providing individuals and families with temporary shelter, transitional housing, meals and wrap-around services with the goal of lifting people up and out of homelessness.

The City's plan for how the nearby VFW facility will be used once the Opportunity Campus is complete has yet to be determined and needs to be finalized. Therefore, the City is seeking resident feedback as to how the VFW facility should be used once the Opportunity Campus is complete.

Residents can provide feedback by the following ways:

1. On-site public input meeting. There will be a public input meeting Monday, Oct. 10, from 4 to 6 p.m. at the VFW Post 280 picnic shelter located at 1509 Ashley St.
2. BeHeardCoMo (BeHeard.CoMo.gov). BeHeardCoMo is a place for residents to learn, provide feedback and share ideas to help shape the vision of the City of Columbia going forward. Register and select the VFW Post 280 project. Comments will be accepted until midnight on Oct. 10, 2022.
3. Email the City Manager's Office at CMO@CoMo.gov. Comments will be accepted until midnight on Oct. 10, 2022.

All comments received by the posted deadline date will be shared with the City Council at their Oct. 17, 2022, meeting.

Sincerely,

De'Carlon Seewod
City Manager



September 28, 2022

Madame Mayor and City Council Members:

Representatives from the Business Loop CID recently met with representatives from the Voluntary Action Center (VAC) to discuss the planned Opportunity Campus on the Business Loop.

We have welcomed a number of social service agencies to the street--Boys and Girls Club, Welcome Home, and soon the Central Pantry--so we recognize the need they fulfill and the importance of an accessible location. However, we are concerned that locating everything on one street has the potential to impact the work we've done to boost the Loop economy and may upset the business mix we've worked so hard to balance.

VAC's project does meet several key needs for Columbia, including temporary housing, storage, health care, and other assistance. Having a safe place to shower, store belongings, and access services is a critical first step to getting people on the road to self-sufficiency.

VAC representatives welcomed our input on the facility and they've shown great attention to planning within the building itself. However, an assessment of the impact on the surrounding area and how to manage any potential problems has not been addressed. One key concern we voiced during our discussion with the representatives from VAC was that there appears to be less planning for what happens outside the walls of the center and no consensus on who bears responsibly for it. Managing a facility is only part of the project--managing the external and often unplanned issues that come with the facility is equally important.

What is the plan for people who are not admitted into the facility due to violence, drug or alcohol possession, or other violations of the center's policies? This will create spillover problems along the Business Loop as any bad actors become the public's problem rather than the center's problem. Whose responsibility is this to manage? Will VAC police the area or is there an agreement with CPD to do so? Will social service agencies be able to address needs that the facility cannot? How will VAC and the city manage the concentration of problems in one area?

Our businesses saw increased vandalism and theft when the "car camp" was located on the Business Loop. We also saw an impact on sales in an important commercial corridor for the city. It's overly optimistic to think there will be no similar problems with this new facility. What is the plan for managing this? How is VAC working with the city, existing social service agencies, and the police department to prevent this from reoccurring? How can CPD increase the focus on the Business Loop given limited staffing and existing priority areas? Will CPD be willing or able to shift their focus from an area such as downtown in order to properly manage the Business Loop?

The Loop Board

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Chair
Passions

Michele Batye
Flooring America

Karen Geotz
Dive Bar

Sara Huaco
Carlito's Cabo

Ryan Euliss
Boone Electric

Jay Rader
Bus Loop 70 Properties

Linda Schust
Jabberwocky Studios

The planned location itself is highly inaccessible and it's unclear if the impact of this has been assessed. How will the lack of sidewalks in this area create a public safety risk for a population that largely travels on foot? What accommodations, infrastructure or otherwise, are planned for those with disabilities? How will people safely travel to or from the center and other areas of town to access services, jobs, and the like? Where will most of the center's clients spend their days and how will that travel be managed? Or will people remain concentrated along the Business Loop simply because it's close by?

Homelessness is a city-wide problem but given that the campus is planned for the Business Loop our business owners, already impacted by this problem, have voiced these concerns. I've spoken with colleagues in cities across the nation and have seen first hand that a mismanaged shelter—or a lack of management of the overflow effects—can kill a street within months.

We urge the City Council to consider these questions when reviewing the plans for the Opportunity Campus and the unintended effects it may have on the Business Loop. Specifically, we recommend an analysis of potential spillover issues (either expected or unintended), a review of the impact of similar facilities in other cities, and an action plan based on the best practices of similar facilities which have been successfully designed and managed to avoid negatively impacting the surrounding area.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Carrie Gartner". The signature is written in a cursive, flowing style.

Carrie Gartner
Executive Director
The Business Loop CID

OBJECTION TO BOWLING STREET, LLC REPLAT APPLICATION
SUBD 217-2022 ("EC More's Subdivision, Plat 1A")
October 3, 2022 City Council Meeting

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

Re: SUBD 217-2022 ("EC More's Subdivision, Plat 1A") – Replat Application

Dear Honorable Mayor and Members of the City Council:

The undersigned are property owners and/or tenants of properties, including residences, and businesses, located within close proximity to the property at the southwest corner of Bowling Street and Business Loop 70 E. ("Property"), which is the subject of the Bowling Street, LLC Replat Application referenced above. We understand that the current owner of the Property, Bowling Street, LLC, intends to sell the Property to the Voluntary Action Center ("VAC") for use as a homeless shelter.

Attached hereto is a copy of the September 28, 2022, letter from The Loop Board to you. We agree with the concerns expressed in such letter and strongly oppose the Replat Application. We believe that our properties and businesses will be negatively impacted by the homeless shelter. Many business owners will be required to fence in their properties and/or to hire security guards to protect their properties. Additionally, a homeless shelter is not conducive to attracting customers and may result in a loss of business. The undersigned may also experience increased insurance costs. There is further a substantial concern for the safety of business owners, employees, customers and homeowners. Those of us who live close to the Property have the right to the peaceful enjoyment of our properties and the homeless shelter will almost certainly unreasonably interfere with this right.

Although homelessness is an issue that should be addressed, the Property is not an appropriate location for the shelter – particularly one of the size planned. The Replat Application seeks to convert multiple small lots into one large lot for the sole purpose of a large capacity homeless shelter. The replat thus will be detrimental to the other properties in the neighborhood, and this detrimental impact is not outweighed by any public benefit.

[Signature Pages Follow]

Attachment:
9/29/22 The Loop Board Letter

OBJECTION TO BOWLING STREET, LLC REPLAT APPLICATION
SUBD 217-2022 ("EC More's Subdivision, Plat 1A")
October 3, 2022 City Council Meeting
[Signature Page - Entity]

OWNER/TENANT (Circle One):

Entity Name: FARM & POWER LAWN & LEISURE INC

By: Travis Burnett [Signature]

Name Printed: TRAVIS BURNETT

Title: OWNER

Business Name: FARM POWER LAWN & LEISURE INC

Business Address: 1702 BUSINESS LOOP 70 EAST

COLUMBIA, MD 65201

573-442-1139

*Owns 1712 and 1702 Business Loop 70 East

OBJECTION TO BOWLING STREET, LLC REPLAT APPLICATION

SUBD 217-2022 ("EC More's Subdivision, Plat 1A")

October 3, 2022 City Council Meeting

[Signature Page - Entity]

OWNER/TENANT (Circle One):

Entity Name: FARWAY Commercial Buildings Inc

By: [Signature] [Signature]

Name Printed: BRIAN MAYSE

Title: Owner

Business Name: FARWAY Commercial Buildings Inc

Business Address: 7750 E. Hwy AB

Columbia MO 65201

} MAJLWR

*Owns 915 Business 70 East, 2416 Paris Road and Intersection of Highway 63 and Paris Road intersection

OBJECTION TO BOWLING STREET, LLC REPLAT APPLICATION
SUBD 217-2022 ("EC More's Subdivision, Plat 1A")
October 3, 2022 City Council Meeting
[Signature Page - Individual]

OWNER/TENANT (Circle One):

Name: MITCHELL BARKWELL

Name Printed: Mitchell Barkwell

Business Name: _____

Business Address: 1203 BELMONT ST.
COLUMBIA, MD. 21020

*Homeowner lives at 1203 Belmont

OBJECTION TO BOWLING STREET, LLC REPLAT APPLICATION

SUBD 217-2022 ("EC More's Subdivision, Plat 1A")

October 3, 2022 City Council Meeting

[Signature Page - Entity]

OWNER/TENANT (Circle One):

Entity Name: Heartwood Enterprises

By: Chris Heston [Signature]

Name Printed: Chris Heston

Title: owner

Business Name: Traditions in wood

Business Address: 1200 Bowling st
Columbia Mo 65201

* Owns 1201 Belmont and 1200 Bowling Street

OBJECTION TO BOWLING STREET, LLC REPLAT APPLICATION
SUBD 217-2022 ("EC More's Subdivision, Plat 1A")
October 3, 2022 City Council Meeting
[Signature Page - Entity]

OWNER/TENANT (Circle One):

Entity Name: Montgomery Welding

By: [Signature] [Signature]

Name Printed: Clifford Montgomery

Title: owner

Business Name: Montgomery Welding and Show Me Bison Meats

Business Address: 1211 Belmont Street

Columbia, MO 65201

* Owns 1205,1211,1614 and 1618 Belmont Street

OBJECTION TO BOWLING STREET, LLC REPLAT APPLICATION
SUBD 217-2022 ("EC More's Subdivision, Plat 1A")
October 3, 2022 City Council Meeting
[Signature Page - Individual]

OWNER/TENANT (Circle One):

Name: Genie B. Rogers Trust

Name Printed: [Signature]

Business Name: _____

Address: 1400 Business Loop 70E
Columbia MO 65201

OBJECTION TO BOWLING STREET, LLC REPLAT APPLICATION
SUBD 217-2022 ("EC More's Subdivision, Plat 1A")
October 3, 2022 City Council Meeting
[Signature Page - Individual]

OWNER/TENANT (Circle One):

Name: Hartley Rogers Trust

Name Printed: by John W. Moore

Business Name: _____

Address: 1500 Business Loop 70 E
Columbia MO 65201

OBJECTION TO BOWLING STREET, LLC REPLAT APPLICATION
SUBD 217-2022 ("EC More's Subdivision, Plat 1A")
October 3, 2022 City Council Meeting
[Signature Page - Individual]

OWNER/TENANT (Circle One):

Name: Rogers Family Trust

Name Printed: by John W. Rogers

Business Name: _____

Address: 1400 Business Loop 70 East
Columbia MO 65201

OBJECTION TO BOWLING STREET, LLC REPLAT APPLICATION
SUBD 217-2022 ("EC More's Subdivision, Plat 1A")
October 3, 2022 City Council Meeting
[Signature Page - Entity]

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By: Travis Burnett [Signature]

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COLUMBIA, MD 65201

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[Signature Page - Individual]

OWNER/TENANT (Circle One):

Name: MITCHELL BARKWELL

Name Printed: Mitchell Barkwell

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COLUMBIA, MD. 21020

*Homeowner lives at 1203 Belmont

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SUBD 217-2022 ("EC More's Subdivision, Plat 1A")

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[Signature Page - Entity]

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Carrie Gartner
Executive Director
The Business Loop CID

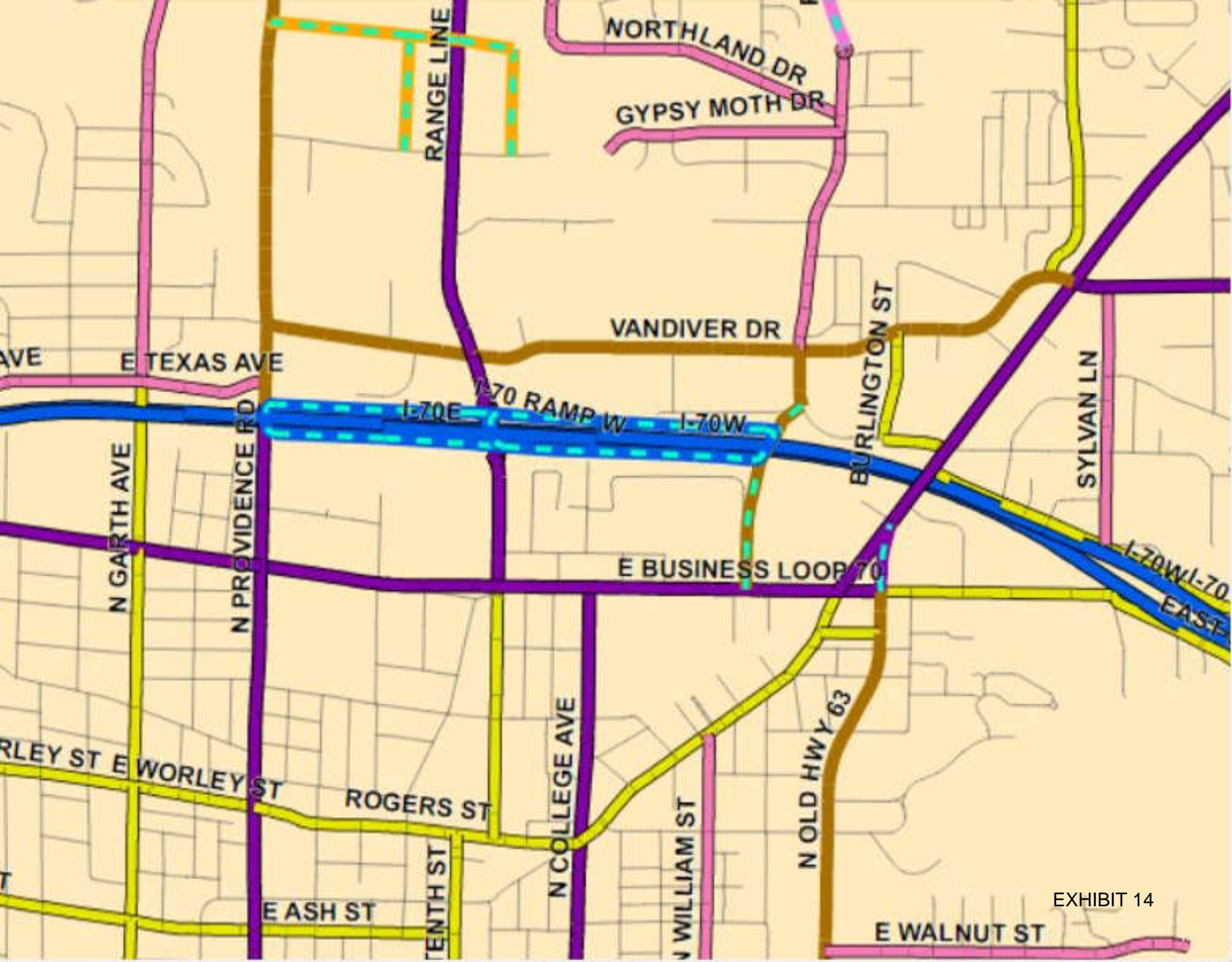


EXHIBIT 14

I-70 Section of Independent Utility 4 Re-evaluation

Community Advisory Group (CAG) Meeting #2

July 11, 2022

4PM – 6PM

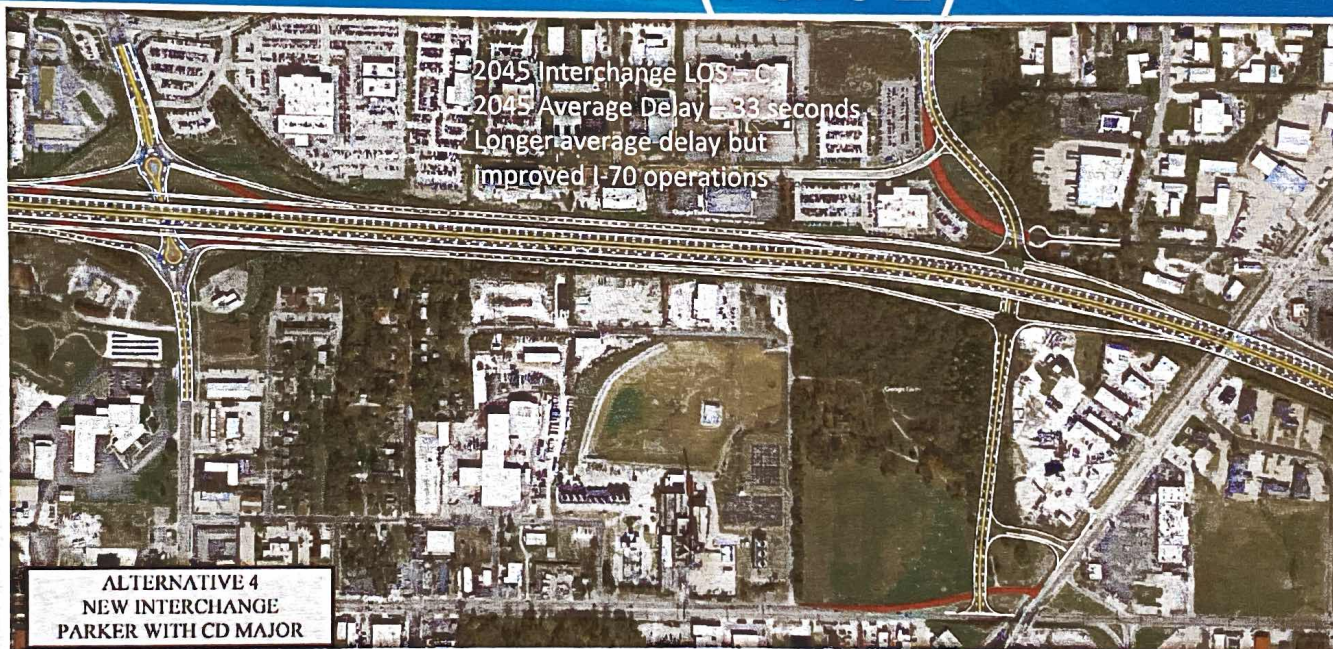
Columbia ARC



I-70 SIU 4 Re-evaluation

CAG Meeting #2 – July 11, 2022

Providence/Rangeline/Parker Reasonable Alternative (Part 2)



Notes:

- ADT – Providence: 22,600 (2021) | 27,940 (2045) Rangeline: 14,700 (2021) | 16,570 (2045)
- 2016-2020 Crash History at Providence Interchange Intersections – 1 Fatal, 16 Minor Injury, 45 Property Damage Only (PDO)
- 2016-2020 Crash History at Rangeline Interchange Intersections – 1 Suspected Serious Injury, 11 Minor Injury, 21 PDO













December 16, 2022

Members of the Columbia Missouri Planning and Zoning Commission:

I am writing in reference to the Conditional Use Permit request of the Bowling Street/Business loop 70 property. As I understand it this request is to allow the Opportunity Center to be constructed and operated on this property.

As a former store manager, former property and business owner on the Business Loop for over 50 years, I am a founding member of the Business Loop Community Improvement District, and former chairman of the Loop Board of Directors. With this history I believe I have a fairly sound perspective to offer in this situation.

I recognize the fact that there are multiple reasons for this type of service in our community. Homelessness is a real issue and we need to work diligently to address these concerns.

My objections to this specific location of the proposed center are based on several facts.

First is the lack of proper infrastructure to support access to the proposed facility. It's a fact that the Business Loop is controlled by MODOT and not the city of Columbia. MODOT has no plans nor money available to make any changes to the Loop to provide sidewalks, bike lanes or any pedestrian safety improvements to the street. The simple situation of The Loop reducing from five lanes to two is a serious safety issue, in itself. Add the truck traffic generated by the businesses and the Columbia Water and Light facilities in the immediate area and pedestrian traffic becomes very dangerous.

Safe pedestrian access to this site from the east is impossible. The Loop is a very busy street and the street narrows to two narrow lanes under the Colt Railroad overpass and there is no possibility of safe pedestrian access under this overpass as there is simply no room to walk safely. The only other walking access is to cross Paris Road from the Hathman Village shopping center. This is as dangerous, if not more so, than attempting to walk under the overpass. Paris road is also a very busy street and the intersection of Old 63, Paris Road, the Colt overpass and the access ramp from Paris Road to the Loop is one of the busiest intersections in Columbia. Obviously, vehicular traffic on Paris Road, the heavy concrete trucks accessing and leaving the Central Concrete Plant, the traffic generated by the shopping center, and the reduction from five lanes to two lanes of Paris Road at this point and no sidewalks, all contribute to a very dangerous intersection not only for pedestrians but for vehicles.

These safety concerns alone, should eliminate consideration of this site for a facility that most clients walk or possibly bike to.

I respectfully request denial of this application for a Conditional Use Permit on this property.

David R. Griggs
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