MINUTES

PLANNING AND ZONING COMMISSION MEETING

DECEMBER 12, 2016

COMMISSIONERS PRESENT:	**COMMISSIONERS ABSENT**
Mr. Brian Toohey	**Mr. Anthony Stanton**
Ms. Joy Rushing	
Mr. Dan Harder	
Mr. Rusty Strodtman	
Ms. Tootie Burns	
Ms. Sara Loe	
Ms. Lee Russell	
Mr. Michael MacMann	

I) CALL TO ORDER

MR. STRODTMAN: Good evening. I'll actually go ahead and call the special public hearing for the Planning and Zoning Commission on Monday, December 12, to order. May I have a roll call, please, Ms. Burns.

MS. BURNS: Yes. Thank you. We have a quorum; we have eight responding.

MR. STRODTMAN: Thank you, Ms. Secretary.

II) APPROVAL OF AGENDA

MR. STRODTMAN: Mr. Zenner, is there any changes to our big agenda?

MR. ZENNER: No, there aren't.

MR. STRODTMAN: Good. Thank you. With that, we'll go ahead and go into our special public hearing session.

OPEN PUBLIC HEARING

Case No. 16-110

A request by the City of Columbia to adopt a Unified Development Code (UDC) governing subdivisions and land use regulations throughout the City of Columbia's corporate limits as requested by the City Council and supported by the City's 2013 comprehensive plan entitled "Columbia Imagined - The Plan for How we Live and Grow." The UDC will replace Chapter 20 (Planning), Chapter 23 (Signs), Chapter 25 (Subdivisions), and Chapter 29 (Zoning) of the existing City Code. It will also amend Chapter 12A (Land Preservation) by relocating the provisions of Article III (Tree Preservation and Landscaping Requirements) into a single document.

As everyone remembers and the audience, we were working on Segments Five and Six and were not able to complete it at that time, and it's been too postponed a couple times, and here we are to finish that. So, Commissioners, I will open the floor up and we would like to have any amendments. There is -- there is a motion and a second to approve five and six, and we're making amendments to that motion. So, if anyone would like to start, like Ms. Russell, we will start with Ms. Russell.

MS. RUSSELL: I would. Actually, I have three that I'll just get started with. The first one is just for some clarity and easy reference on Page 323 in Section 29-5.2 on the table -- approved procedures table. I'd like to add a line for -- I move to add a line for a demolition permit below building permit with the appropriate notations.

MS. BURNS: Could you repeat that reference?

MS. RUSSELL: 29-5.2.

MR. STRODTMAN: Page 323?

MS. BURNS: Yeah. Approval procedures.

MS. RUSSELL: Page 323.

MS. LOE: I'll second.

MR. STRODTMAN: Ms. Russell, would you mind --

MS. RUSSELL: Yes. I was going to --

MR. STRODTMAN: -- would you just finish the --

MS. RUSSELL: -- move to add a line -- add a line for a demolition permit below the building permit line with the appropriate notations.

MS. BURNS: Thank you.

MR. STRODTMAN: It's Monday, we're not used to doing this on Monday.

MS. LOE: Then I'll second.

MR. STRODTMAN: The motion has been made and seconded to add demolition, I guess, as a category under the building permit section under -- labeled procedure, I guess it is.

MS. RUSSELL: Approved procedures table.

MR. STRODTMAN: Yes.

MS. LOE: Just for point of clarification. We had discussed those notations including a reference to Chapter VI to point people in the right direction. Do we want to --

MR. ZENNER: Well, that will actually in the section column,

so you'll have -- the procedure column will indicate demolition permit. The section column will reference Chapter VI of the Code.

MS. RUSSELL: Okay.

MR. ZENNER: And then we'll have it as the Department of Community Development as the decision-making body on that with the Historic Preservation Commission being a review body.

MR. STRODTMAN: Okay. A motion has been made and seconded. Commissioners, discussion? I see none. Ms. Burns?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Strodtman. Motion carries 8-0.

MS. BURNS: Motion carries 8-0.

MR. STRODTMAN: Thank you.

MS. RUSHING: Well, I'm a yes, but you didn't call me.

MS. BURNS: Oh, I apologize. Ms. Rushing?

MS. LOE: Seven to zero.

MS. RUSHING: Yes.

MS. BURNS: All right. Eight to zero. Thank you. I'm sorry about that.

MR. STRODTMAN: We have an old sheet, so we're going through the old Commissioners' names and trying to fill in the blanks. Sorry.

MS. RUSSELL: Do you want me to keep going?

MR. STRODTMAN: Yes, ma'am.

MS. RUSSELL: Okay. On Page 294, residential signs, Section 29-4.29, the table 4.9-1 -- Ms. Burns, I can give you these when I'm finished.

MS. BURNS: That would be great. Thank you.

MS. RUSSELL: Table 4.9-1, residential use signs. Increase the maximum area to 7.5 square feet per single- or two-family ID and sale or rent.

MS. RUSHING: Second.

MR. STRODTMAN: The motion has been made by Ms. Russell and seconded by Ms. Rushing. Commissioners? Mr. Zenner?

MR. ZENNER: Seven-point-five square feet; is that correct?

MS. RUSSELL: Correct.

MR. STRODTMAN: Yes. Seven-point-five. Commissioners?

MR. MACMANN: Just a point -- I'm sorry.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Thank you. The current is four square feet; is that where we are?

MS. RUSSELL: Correct.

MR. MACMANN: And those are -- I'll defer to the realtors. I mean, those are usually, like, two-by-twos? I mean, it's something along those lines?

MR. RUSSELL: Yeah.

MR. MACMANN: Right. Yeah.

MR. STRODTMAN: I would -- just the square part is two-by-two and then add the riders and different things added to it

potentially.

MR. MACMANN: Does that include the rider, the 7.5? Or the riders are the separate entity or a separate thing?

MS. RUSSELL: Well, they are a separate entity. This covers the riders.

MR. MACMANN: So, this rider --

MR. RUSSELL: So they're the riders for them.

MR. MACMANN: Okay. Currently, just for a point of clarification. Currently, so riders are not included in that four square feet? So, 7.5 square feet is an expansion and it also includes any and all riders?

MS. RUSSELL: It's an expansion to help them get all of the information they need on their sign and to include the little riders that --

MR. MACMANN: And I -- yeah. I'm with you on the riders. This is what we should -- what we're putting in here? All right. That -- that's what I wanted to know. Thank you very much.

MR. STRODTMAN: Ms. Loe?

MS. LOE: The table shows for the sale and rent of multifamily properties is also four square feet. Do we want to increase that to 7.5 to be consistent with the signs for a Single family, or do we expect them to make smaller signs for multifamily properties?

MR. STRODTMAN: It would make sense, because some of those you do have for sale also.

MS. RUSSELL: Right.

MS. LOE: Okay.

MS. RUSSELL: All right. I will add to that under multiple family sale or rent, increase that to 7.5.

MR. STRODTMAN: Ms. Rushing, are you okay with that change?

MS. RUSHING: I am.

MR. STRODTMAN: Thank you. Commissioners, additional discussion? I see none. Ms. Secretary, at your convenience.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval. Voting Yes: Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Strodtman, Ms. Rushing. Motion carries 8-0

MS. BURNS: Motion carries 8-0.

MR. STRODTMAN: Thank you, Ms. Burns. Ms. Russell?

MS. RUSSELL: On Page 295, Section 29-4.9, Table 4.9-2, residential use sign other. In the column for open house/model home, increase the maximum area to 7.5.

MS. BURNS: Can I -- I have a question. For an open-house sign, we're increasing that to seven and a half feet?

MS. RUSSELL: Yes.

MS. BURNS: You know, those are very small signs.

MS. RUSSELL: They still have to have the same information on them, and they're only a temporary sign.

MS. BURNS: Okay. All right. Thank you.

MR. STRODTMAN: The motion has been made. Is there a second?

MS. LOE: Second.

MR. STRODTMAN: Thank you, Ms. Loe. Commissioners, discussion? Mr. Harder?

MR. HARDER: Sometimes agents put signs, I guess, open house signs -- riders to the house, but sometimes they will put them out getting in the neighborhood. Is this going to be the same square footage that'll be allowed getting into the neighborhood because that kind of seems a little bit big, I think. It's usually they're two foot by six inches maybe on a post. And so, I -- do all -- and I can see from a realtor's standpoint, hey, that's more, you know visibility and that kind of stuff, but sometimes people, at the opening of their subdivision, they might, you know, not want to have a sign in front of their house that's a full, you know, real estate sign, but the agent can say, well, it's -- it's allowed. So I don't know if that's -- it almost seems a little bit too big if it's off the property.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: I agree with Mr. Harder. I -- I want there to be good signage, but I think the standard for that sign has always been smaller, not the same size as a sign for sale, so I would not be inclined to support that.

MR. HARDER: Ms. Russell, a question, and then Mr. Toohey, you can answer. Are the real estate agents required to put their

typical sign at the -- at the entrance to a subdivision that has, you know, ReMax, the address of -- their realtor's name, for sale, their logo, and then open house as a rider, or is it just use the open house sign that you traditionally see that's just open house with an arrow? Mr. Toohey, would you be --

MR. TOOHEY: I mean, it doesn't have to --

MS. RUSSELL: It's -- they're not required to put the brokerage and the phone number and all of that on an open-house sign. So, if it gets voted down, I'm not going to have heartburn.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Don't we currently have a standard for these open-house signs? I mean, typically, like with Mr. Harder, I see them. They're 18 and 24 inches long, they're six inches tall, and it says open house with an arrow. And there may be a series of them and then perhaps something informational further down the road. Do we have a standard for these signs currently?

MS. RUSSELL: There is one on the table.

MR. MACMANN: This -- I mean, but where we are?

MR. TOOHEY: Specifically for --

MS. RUSSELL: For open house. And it's -- and it's in the table.

MR. HARDER: Okay. And, in fact, sometimes it's not even for an open house. It's just for a house for sale. I mean, it's the realtor wants people to know that there's a house for sale in

the subdivision. If they put one out, and eventually the City either gets a call or they see it and they take it, and they put it, I think, back behind the dumpster at the building.

MS. RUSSELL: Behind the garage.

MR. HARDER: And so I just want to make sure that -- I mean, that's as much as I would want to have, you know, advertised to get into a subdivision.

MS. RUSSELL: I'll withdraw the motion.

MR. STRODTMAN: Thank you, Ms. Russell.

MS. RUSSELL: I have another one.

MR. STRODTMAN: Go ahead, Ms. Russell.

MS. RUSSELL: Section 29-4.9 in the same table, 4.9-2, residential use sign other for the open house/model home column, change the block other to read, "Signs shall be permitted 48 hours prior to the time the house is open for viewing and removed one hour after closure of viewing time."

MS. RUSHING: Second.

MR. STRODTMAN: We have a motion that has been made by Ms. Russell, and seconded by Ms. Rushing. Commissioners, do we have any discussion on this amendment?

MR. HARDER: I apologize, I have one.

MR. STRODTMAN: Yes, Mr. Harder? You don't need to apologize.

MR. HARDER: Well, it’s the same thing I just talked to before. You know, to put a -- you put a -- if you put a rider in

front of a house, sometimes an agent may want it to be out there from like Tuesday on until Sunday just so everybody sees. Whereas this one here, I guess, would be more towards bringing people into the subdivision. I don't know if that needs to be clarified or not.

MS. RUSSELL: I'm unclear. I'm not sure what you're saying.

MS. RUSHING: I think he's saying that you would want the notice more in advance in front of the house than off the property.

MR. HARDER: If it was just 24 to 48 hours, I would see a property owner or his agent – his or her agent wanting that to be out there from like Tuesday or Wednesday, because a lot of times it's a rider.

MS. RUSSELL: But it's not -- no. For open house, it's generally not a rider. It's a separate sign.

MR. HARDER: A separate sign. Okay.

MS. RUSSELL: So to have that out in addition to the other one would be a little bit much, I think.

MR. HARDER: Yeah. I think it would --

MS. RUSSELL: And I think this allows them time to put it up before the open house when it's like daylight and leave it up even if they're having it through the weekend, and then take it down Sunday afternoon.

MS. HARDER: That -- that clarifies it. Thanks.

MR. STRODTMAN: Commissioners, any additional discussion?

As I see none, Ms. Secretary, when you are ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Strodtman, Ms. Rushing. Motion carries 8-0.

MS. BURNS: Motion carries 8-0.

MR. STRODTMAN: Thank you, Commissioners. Ms. Russell, you're looking at me like you have another one.

MS. RUSSELL: I do.

MR. STRODTMAN: Keep going.

MS. RUSSELL: Under preliminary plat review, Page 344, Section 29-5.4, under (3) procedure, ID preliminary plat review, G, number 4, change the number one-third of the preliminary approved lots to one-fourth of the preliminary approved lots.

MR. STRODTMAN: The motion has been made. Is there a second?

MS. LOE: Second.

MR. STRODTMAN: Thank you, Ms. Loe. The motion has been made by Ms. Russell and seconded by Ms. Loe regarding the number of requirements for the preliminary approved lots from one-third to one-fourth. Commissioners, discussion on that amendment? Mr. MacMann?

MR. MACMANN: We had discussed this previously as one of the -- as one of the, not guarantors, but one of the elements of

also reducing the time to three years, because this was part and parcel of that or in relationship with that; is that correct?

MS. RUSSELL: Right. The next motion covers the timing.

MR. MACMANN: Okay.

MR. STRODTMAN: Any additional questions, Commissioners? I see none. Ms. Burns, whenever you're ready.

MS. BURNS: Yes

Roll Call Vote: (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Strodtman, Ms. Rushing. Motion carries 8-0.

MS. BURNS: Motion carries 8-0.

MR. STRODTMAN: Thank you, Ms. Burns. Ms. Russell?

MS. RUSSELL: This is my last one. Preliminary plat review, Page 344, Section 29-5.4 under (3), procedure, ID preliminary plat review, under G, number 5, change the verbiage to read, "The Director may grant a one-year extension if no change to a City ordinance would require a change in the plat. Appeal for an adverse decision shall be made to the City Council. Any subsequent extensions shall be made to City Council for a specified period on such terms and conditions as the Council may approve."

MS. LOE: Second.

MR. STRODTMAN: A motion -- an amendment to the motion has been made by Ms. Russell and seconded by Ms. Loe. Commissioners,

discussion? Ms. Loe?

MS. LOE: Mr. Zenner, you were going to check on us to confirm the Director could extend that one year or provide that one-year extension?

MR. ZENNER: On the preliminary platting, it was our position that because this is not dealing with a zoning authorization, this would be consistent, and that is what we have found in our other research. If we're told otherwise, we'll let you know. It's the zoning one as -- as it relates to extensions that we have not been able to obtain the information on.

MS. LOE: Thank you.

MR. STRODTMAN: Commissioners, any additional? As I see none, Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Strodtman, Ms. Rushing. Motion carries 8-0.

MS. BURNS: Eight to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns.

MS. RUSSELL: I'm finished.

MR. STRODTMAN: Sure. Ms. Loe?

MS. LOE: Page 291, neighborhood protection standards, item 29-4.8(c), item 1, I would like to change -- make a motion to change the words "the side and rear" to "contiguous side and

rear." I also want to change the verbiage in item 2. Should I make that part of the same motion?

MR. ZENNER: You can.

MS. LOE: Okay. So item 2, add language "along contiguous side and rear lot lines."

MS. RUSSELL: Second.

MR. MACMANN: All within C?

MS. LOE: All within C.

MR. STRODTMAN: A motion has been made and -- a motion has been made by Ms. Loe, seconded by Ms. Russell. Commissioners, discussion on this amendment? As I see none, Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Strodtman, Ms. Rushing. Motion carries 8-0.

MS. BURNS: Eight-zero, the motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Ms. Loe?

MS. LOE: On Page 172. Sorry. And so -- so I want to be in neighborhood -- my reference, not my actual --

MR. STRODTMAN: It's a good thing, huh? Segment four?

MS. LOE: Anyone else can jump in while I'm reevaluating my reference.

MR. STRODTMAN: The floor is open, Commissioners if anybody

else who would like to make a motions. Ms. --

MS. RUSHING: Chill out for a while.

MS. STRODTMAN: Just chill out. Ms. Rushing said we'll just chill out.

MR. TOOHEY: Actually, I've got a question for staff.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: In Section 29-4.9, with parking, loading, and circulation, would -- would the Conley Walmart and Lowe's and Sam's, that whole development, would that not be possible with the way Section E was written?

MR. TEDDY: What page is that?

MR. TOOHEY: I'm sorry.

MR. ZENNER: 292. We're referring to the driveway locations for parking, loading, and circulation within the neighborhood protection. Top of 292.

MR. TEDDY: So your – your thought, Mr. Toohey, is there is no driveway or a --

MR. TOOHEY: Well, there's a fire lane in the back of that -- that building, so would that type of setup not be -- you wouldn't be able to do that anymore, correct -- if this were to pass this way?

MR. ZENNER: I would tell you that the -- it's -- in the first item underneath E, it says that you can't have a drive lane or circulation aisles between the principal structure, which would be Walmart, Hy-Vee, Lowe's, Sam's, and on a lot adjacent to

a lot containing a single- or a two-family structure. So in that particular instance, no, this would not prohibit that because the parcel to which that development abuts does not have single-family or two-family structures on it. I think when we evaluate a development plan as a part of our site plan review process as prior to the issuance of a building permit, which is conducted by our fire marshals within the City, as well as our building and our site development staff, situations where you may have an adjacent residential structure, single- or two-family, and a larger commercial building, we would have to identify what routes or alternatives exist in being able to meet the fire code standards themselves. Item 2 would allow the Director the authority to have that circulation aisle placed between that adjacent residential structure and a larger commercial development provided there was a six-foot buffer and a screening device installed, if that were the only option that would assure that the fire code would be met. It is not an uncommon situation in where we have buildings that do not necessarily have circulation all the way around them. Topography may limit that occasionally or it is otherwise not desirable to do so from either the developer's perspective or even from the City's perspective to have that. And this particular standard, as well as our relationship with the fire marshals and the fire code, allow us that flexibility. The fire code is very prescriptive as to its minimum standards as to what we are trying to achieve. It

does not necessarily give prescriptive solutions as to how to achieve meeting the fire code. That latitude is granted to the fire official himself and our code officials as they apply the standards, so it's a very coordinated effort. So I would tell you that E does not preclude a building potentially by having a circulation aisle around it, nor does it mandate through the fire code that circulation be provided all the way around every building. Scale does matter; that is the conversation I have had recently with the fire marshal's office. So as buildings do get larger, we do require more access to ensure that every point of that building is within 150 feet of the fire services' reach. Now, that doesn't necessarily mean that that 150 feet has to be via paved surface. So sometimes as long as you can come back around a residential lot and get to the backside center of that building from one side, from the principal street, you're within 150 feet, you're good. And if you come around the opposite side and you have that same 150-foot hose length, you're good. It doesn't mean you have to put a driveway down into e backyard to get into the property. So that was how it was explained to me today. And that, that to an extent, I believe, answers Mr. Crawford's question as it related to a concern of the disconnect between this particular section and the actual fire code itself. It -- and, unfortunately, for the Commission, you don't see this on a permitting side. We do, however, as staff. There is a lot of negotiation and a lot of evaluation of options

as it relates to meeting the fire code standards. Each site is different, so, therefore, we have to evaluate them a little bit differently and the code is not so prescriptive to say one solution fits all.

MR. TOOHEY: Yeah. I just wanted to get a clarification on that.

MR. STRODTMAN: Commissioners? Ms. Loe?

MS. LOE: It was -- I apologize for my confusion, but it was Page 172, and I realize this is outside of Section Fifth and Sixth, but it's an item that's been brought up as part of the discussion of Five and Six, which is the front-yard -- median front-yard setback, which is not covered separately in the protective neighborhood standards. So I would like to make the motion tonight just to address that point that's been brought up if that's acceptable.

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: Ms. Loe, you said 272?

MS. LOE: 172.

MR. STRODTMAN: 172.

MR. ZENNER: 172. Thank you. I'm looking at 272, and I'm like, whoa, it's not even there. Okay.

MS. LOE: A out of Section V.

MR. STRODTMAN: 172. It's in 4.1.

MR. ZENNER: No. I -- I think if we're -- we're trying to address -- we're trying to address the issue as it relates to

neighborhood protections, I see Ms. Loe's point, and I do not see any reason that it cannot be addressed at this point, so we can potentially resolve this matter, as well.

MS. LOE: I think it would add to the discussion.

MR. ZENNER: We'll make notation accordingly, so in my record as well as in the formal minutes, we'll know where we made this amendment under what meeting.

MS. LOE: So, Item 29-4.1(b)1, Item 1 -- I -- sorry. Add -- add a sentence to the end of that paragraph stating that in no case shall the setback be less than the minimum setback established in table 4.1-3 unless granted by waiver.

MS. RUSSELL: Second.

MR. STRODTMAN: Ms. Loe has made a -- a motion has been made by Ms. Loe and has been seconded by Ms. Russell. Commissioners, discussion, questions? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval. Voting Yes: Ms. Russell, Mr. Toohey, Ms. Burns. Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Strodtman, Ms. Rushing. Motion carries 8-0.

MS. BURNS: Motion carries 8-0.

MR. STRODTMAN: Thank you, Ms. Burns. Commissioners, additional amendments?

MR. ZENNER: Mr. Chairman?

MR. STRODTMAN: Yes, Mr. Zenner?

MR. ZENNER: While they're searching, I would like to bring your attention to an item that was brought forth at our last meeting which also, not unlike Ms. Loe's amendment, does have relevance to the particular section at hand, specifically, as it relates to a reference -- a cross-reference to the requirement of landscaping for neighborhood protection, a portion of which we took out. So if you go to Page 291 of your Code, 29-4.8, Section D or paragraph D, you will recall we took out everything after the standards of Section 29-4.5(e) apply. It was brought to our attention that the table, which is 29-4.5(e), which is our property edge buffering table, does not include a two-family designation. It includes single-family, multifamily, mixed use commercial, and industrial. So if, in fact, you happen to have a multifamily structure, i.e., a apartment building being built against a two-family structure, you have no reference back to what is the screening device or landscaping buffer that should be placed there. There is a gap in the buffer table, in the transition and screening table. I would suggest that the solution to this is to make a motion to add in the columns that -- the column in the row that say single-family, change that to be single- and two-family, not only in the vertical column, but also in the horizontal row that has that same heading.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I will make that motion.

MR. STRODTMAN: Thank you for that motion, Mr. MacMann.

MS. LOE: Second.

MR. STRODTMAN: Ms. Loe. We have a motion that was made by Mr. MacMann and seconded by Ms. Loe. Commissioners, discussion? I see none. Ms. Secretary, whenever you're ready.

MS. BURNS: Sure.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Strodtman, Ms. Rushing. Motion carries 8-0.

MS. BURNS: Motion carries 8-0.

MR. STRODTMAN: Thank you, Ms. Burns. Ms. Loe?

MS. LOE: I do have another motion. On Page 364, I think this is still in Segment Six, nonconforming uses. Item 29-5.5(d)4, Any redevelopment of the property that results in the demolition of all or part of an existing principal structure shall require the property be brought into compliance with all applicable requirements of the ordinance. In going through my notes, it was pointed out to us that this was a bit ambiguous. I would have to agree. On the preceding page, under 29-5.5(2)(I), it identifies that if a structure is damaged or destroyed by an act of God and the damage does not exceed 75 percent, that it may be rebuilt in the existing. So it has set a threshold of 75 percent. I'm wondering if we -- if a better phrase here would just be to establish a threshold to say if I'm -- if I'm damaging

or demolishing my own building, more than 75 percent, then it will need to meet all current codes. Or if we're doing it out of own freewill, is it at a different threshold? Right now, it says all or part. It's the part that's ambiguous.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: Could we make it match with 75 percent?

MS. LOE: That seems -- well, it makes sense that if you're changing up to 75 percent -- you can change up to 75 percent of your building without needing to meet the --

MR. MACMANN: For a nonconforming use.

MS. LOE: -- standards.

MR. MACMANN: For a non --

MS. BURNS: The same thing with damage or destruction.

MR. MACMANN: Well, I would submit the damage and destruction is not an action. May I go ahead, Mr. Strodtman? Thank you. Is not an action. Was an action outside the control of the owner? It's -- you know, an act of God, a tornado, earthquake, fire. Not -- not their deal. If I want to redevelop and I have a nonconforming use, and I can tear down 75 percent of my building, I can see 25 percent for a non -- this is a nonconforming use, because that can cover lots and lots and lots of things.

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: We're -- we're wandering off maybe and forgetting what the heading types are here. You have -- in

the 75 percent, when we talk about 75 percent, we're talking about nonconforming use. You're talking about a nonconforming structure. Then you get into the nonconforming lots, and you're talking about nonconforming site features, I believe, Ms. Loe. This is basically -- this is a site feature.

MS. LOE: Well, it says nonconforming land uses and structures.

MR. ZENNER: Well, and in the land use, I -- I would imagine is meant to be more to the -- to the -- to the usage of the land. So, for example, if this is an R -- if it's -- if the land is being used for storage and it has historically been being used as -- as an R-1 zoning district, that land use is not a conforming land use, so it is a nonconforming land use in that zoning district.

MS. LOE: Okay. But that item says any redevelopment of the property that results in the demolition of all or part of an existing principal structure.

MR. ZENNER: Correct. And/or construction of the new principal structure shall require. So this is a lot that may have -- and I would tend to agree with you. It seems odd, but this is basically referring to the fact that if you were using that lot as some nonconforming use, and it had a structure on it -- let's just say a storage building -- and you decide that you want to tear that building down, that lot is going to need to become compliant in any redevelopment of the property that

results in the demolition of all or part of an existing principal structure. So the land use may have a supporting structure with it that was there, but it's still a nonconforming land use in that zoning district.

MS. RUSHING: And at the beginning it talks about conforming land uses and structures and it's just evidently other things that are nonconforming.

MR. MACMANN: Mr. Zenner, can you, off the top of your head, give me an example here in Columbia on what -- the section of the ordinance that you're referring to? Yeah. I mean, is there something that I can get my -- wrap my head around here?

MR. TEDDY: Not removal of a building, but there's already parking facilities and it's the desire of the individual rebuilding a completely new building to reuse those parking lots, but there's some aspects of it that don't conform to current ordinance, this would give the authority to bring -- bring the --

MR. MACMANN: The entire lot into --

MR. TEDDY: Well, because they're doing a total knockdown of the building. And likely it's lacking landscaping.

MR. MACMANN: So, the -- the -- the crux of as it's written is principal structure? Principal structure could be a business or it could be a shed, right?

MR. TEDDY: It can.

MR. MACMANN: Principal -- it hangs on principal structure; is that how you read that?

MS. LOE: Uh-huh.

MR. MACMANN: Okay.

MR. ZENNER: I mean, the other -- the other example, Tim, if I'm correct, would be the VW -- the Beetle repair place that's off of Creasy, which has, I think, been a junkyard -- was a junkyard. It's not -- doesn't meet any of the junkyard requirements. They had a bunch of --

MR. MACMANN: And as long as he keeps that there, he's okay. But once he knocks down the garage, that's the thing he's got going there, he's got to redevelop.

MR. ZENNER: Yeah. It would have to be in compliance.

MR. MACMANN: So I missed the -- make sure I'm following this. Are you -- Ms. Loe, I mean, on your amendment, he has two bays, I think he has two bays, so he could knock one and a half bays and keep the junkyard?

MS. LOE: Well, that would be demolition. That would be -- because we're -- we're -- this says specifically demolition of part of the principal structure. So, if you demolish part of that building, the lot needs to be brought into compliance.

MR. MACMANN: Are you trying -- then may I ask a question to clarify? Are you trying to -- the way -- the way it's written right now, it seems to say all or part?

MS. LOE: It does say all or part.

MR. MACMANN: It does. It does say all or part. Okay. Which means if I do anything, I've got to bring it back into

compliance?

MS. LOE: Demolish.

MR. MACMANN: Demolish. Okay.

MS. LOE: Not -- not rebuild, not renovate -- demolish.

MR. ZENNER: Redevelopment is defined within the Code, so, I mean, again we've got a definition of what constitutes redevelopment. So -- and that may involve demolition of all or part of an existing principal structure and/or construction of a new principal structure. So if you wanted to leave your dilapidated shack on the property and then build a brand-new one, you would have to bring the property into compliance. So it covers both demolition of all or part of the nonconforming structure or the new construction of a structure or construction of a new principal structure.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: So if you have a two-story building and the stairwell is falling apart and you decide that you want to demolish that part of the building and put up a new stairwell, this says you have to take the whole thing down and comply?

MR. TEDDY: Not the whole building, but it does say the site features have to be brought into compliance. It says with all applicable requirements.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Help me, Mr. Zenner, here -- I mean, Ms. Russell, that’s a wonderful thought. If they're all inside,

that's not redevelopment, right?

MR. ZENNER: That would be correct. It would have to --

MR. MACMANN: If you just -- I mean, as long as you haven't taken the outside of the building off, the stairs could be brought up to code or --

MR. ZENNER: Can I just --

MS. RUSSELL: You'd have to just tear down part of the building including an exterior wall to redo this stairwell.

MR. ZENNER: But if you're not in -- so if you go up to Item Number 2, the expansion revision or redevelopment must not increase any nonconformity with the standards of, and that's basically landscaping, parking. So it would be parking, landscaping, and then the other one is the building design. So if your building is already nonconforming, you're replacing a dilapidated or safety hazard stairwell, it's not going to trigger tearing the rest of the building down. You're not going to increase the level of nonconformity by repairing that dysfunctional component of the building. So that would be -- you would not -- and as long as you're not in Item 3, the expansion or change, if you're going to expand or you're going to change the land use, it doesn't increase the amount of parking required, you're also not going to become compliant. So you can take that nonconforming use of that land and be able to reuse it. I think, Tim, would this not have corrected maybe part of what we had with Great Hangups as part of its problem initially -- as a

nonconforming land use and use of -- the reuse of the building was not going to be any more intense than what was there previously?

MR. TEDDY: Yeah. Yeah. I mean, it's meant to show those conditions under which changes could be made to an existing improved property without completely bringing things like lighting -- like the lighting pole height, and it might be their specifications, landscaping, which might be the density of plantings and screening and such. And then parking which, you know --

MR. MACMANN: May I --

MR. TEDDY: -- parking lot design features and also numbers of spaces.

MR. MACMANN: -- go back to -- Mr. Land is going to thank me dearly for this. Let's go to the Business Loop for just a minute. A lot of nonconforming structures -- I'm sorry, guys. A lot of nonconforming structures. I mean, you give them exemptions under 10,000, correct? They have essentially under 10,000. All those places, the lots are too small. They don't meet -- they don't meet the building code. They may or may not meet the building code. Parking is a big issue; riding is a big issue. Mr. Ennis' place, for instance. If he tuckpoints, he's okay; if he tears down a back wall to move it, he has a problem, and he has to rebuild. Is that a correct scenario? If he retuckpoints his building, that's fine because he hasn't

demolished it, but if he has to take a wall down, he's engaged in an exterior wall for whatever, repair,, then he's triggered the part section?

MR. TEDDY: I don't think -- you know, I don't think so. There's no expansion involved. If -- if it's one out of four walls, it's probably not enough to be considered demolition. I mean, you're demolishing in the sense that you're removing a wall, but there is a definition of demolition and it's percentage of front facade or percentage of total perimeter. I think you'd have to take down half the walls around the perimeters of the building, of course --

MR. MACMANN: To trigger? As a trigger there?

MR. TEDDY: Under --

MR. ZENNER: Under the building code. That's a building code.

MR. TEDDY: That's a building code, a percent of the facade, you --

MR. MACMANN: That's a building code issue.

MR. TEDDY: -- remove that and it's considered demo, as well.

MR. MACMANN: All right. This is something else that someone -- I'm sorry for sucking up some time, but we'll move on. And it's probably May and June, some folks were talking, particularly the Business Loop people were talking about -- and some others brought this up, too -- 25 percent requirement. I'm

not sure exactly where they were going and then we responded with the under 10,000, you know, giving these people, allowing them flexibility. I think they still have their flexibility here, Ms. Loe. Are you -- Ms. Russell is shaking her head no, and I'm not sure I'm -- I'm not sure I'm following you, Ms. Russell.

MS. RUSSELL: I think the term "or part" is the thing that we're tripping over. And I think if "or part" was removed.

MR. STRODTMAN: Ms. Loe?

MS. LOE: My concern is that this could for people with nonconforming properties, should they be deciding or engaging in deferred maintenance questions, be hesitant to take those on if they -- and even approach City staff about them if they feel they might be engaging or be required to then change uses.

MR. MACMANN: Right.

MS. LOE: So I think that the clearer we can be about what would trip this and what wouldn't would be nice.

MR. TEDDY: Yeah. You don't want to be a disincentive to make things like partial -- partial rebuilds that actually cure obsolescence like the stair shaft example.

MS. LOE: Right. Like safety -- correct.

MR. TEDDY: Like, bringing that up to code, that's a desirable improvement and you don't want to say, well, you're a lucky winner, you get to redo your landscaping and striping while you're at it. So we don't want to do that.

MR. ZENNER: See, and I'm not sure, given -- given the

conversation we just had, if you take "or part" out, I think what we have to be cautious of right now what this -- and the "or part" is where, yes, you're stumbling over and what is the disincentive clause here. We need to be careful that a demolition -- a partial demolition that demolishes more of a building than -- that the building code would then conclude that that building is actually demolished. So, if you remove more than whatever the building code's definition of not falling under demolition is, that's what we have to figure out how to say here. But I don't know if it's 75 percent, Ms. Loe. I don't know what that magic number may be, but we may need to make some reference back to --

MR. MACMANN: If it ties --

MR. ZENNER: -- demolition as determined by the building code, the adopted building code, or greater than. I guess what you could do, you could do two. You could do demolition as defined by adopted building code or greater than 75 percent. I mean, if you wanted to do that way, that would provide you -- if you're making modifications that are over 75 percent to the building, that guarantees that the site is then being brought up into code, but if you're -- because that may not trigger demolition under the building code, but that may be you've gone to the scale of improvement or redevelopment of that site that it does need to be addressed. Now, if I can, just for context, as I said, redevelopment is defined within the code. And while maybe

not an ideal surrogate for this particular section, as this is really dealing with building structure modification, the definition, I believe, for redevelopment deals more with land. Redevelopment is defined in the code on Page 41 as development that; (1) expands or replaces any development and is on a site that has not been subdivided after September 4th, 2012, and is on a site that is either (a) one acre or more that has an impervious surface area more than 12 percent of the site or (b) less than one acre that has any impervious surface. I emphasize the ands. It's and, and, and then you have two ors. You have an option in that third item. All three of those have to come together in order for it to be considered redevelopment, and those ands are very important because you just don't read them in a vacuum. But this is generally -- that definition of redevelopment comes directly out of our storm-water ordinance I always carry forward so we could define what development or redevelopment meant in the context of subdivision and some of our other provisions that we have within the Code, such as landscaping treatment and things of that nature, because often that's the discussion we get into as a site is being incrementally redeveloped. What is happening, is that one first redevelopment activity actually truly redevelopment or does not require then that you need to upgrade some aspect of the site? So I'll go back to the principal question at hand. If you remove "or part" out of this 29-5.5(d), item number 4, and you were to replace that with any

redevelopment of the property that results in the demolition of all -- that results in the demolition of all of an existing principal structure in accordance with the adopted building code, or demolition greater than 75 percent of the existing structure, and/or construction of a new principal structure shall require that the property be brought into compliance with all applicable requirements of this ordinance. I believe that does two things. It gives you a threshold of -- a maximum threshold, and then it gives you the minimum threshold of what would be demolition if it's less by the building code.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just -- your last or, would it be more effective to put whichever is lessor? Do you understand what I'm saying? Because what the IBC determines and what 75 percent may not be the same number, and they may be in conflict with each other. I'm just -- I'm concerned if by rectifying an amorphous term, you know, we put a piece of competing interest in there that cannot be met. And I don't know what the IBC says off the top -- off the top of my head.

MR. ZENNER: My only fear would be either -- not whichever is the lessor.

MR. MACMANN: Uh-huh.

MR. ZENNER: If, in all instances, the building code becomes the lessor of the demolition -- of what we define demolition, I think what you do is you disincentivize the renovation, as

Mr. Teddy was saying, obsolete buildings, because all of the sudden, you're basically saying, well, I'm just going to let it rot on the site until I absolutely have to tear it down because I can't do anything else with it. There is no possible incentive at that point to preserve maybe what is still a structurally sound building.

MR. MACMANN: I think that's a sound -- I think that's a very sound argument, but you brought me to another argument. We have probably owners that do that very thing that you're concerned about right now. They literally let them sit and rot. And I don't -- it doesn't make sense for me. I'm not in that tax bracket, you know, but I'm sure that's the only way that makes sense sometimes. But I hate losing one of the -- in some of my conversations with Mr. Elliott, he used a term I can't use here, but there was a desire to incentivize them to do something with these properties, you know, then -- because I said what do we do about these? They need -- something about boot. There was a boot mentioned in there. But -- well, it's -- so I just wanted to make sure we're not going the other way. That's all. This -- I mean, I get what you're saying, but the part thing, the variable, what does that mean if I'm the builder or if I'm the redeveloper, what does it mean? And I don't know what that means.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Hasn’t the property adopted the property

maintenance code, or it hasn't been City adopted the property maintenance code?

MR. TEDDY: Uh-huh. Yes. Yes, it has.

MS. LOE: So we do have a code in place to address that if it's enforceable.

MR. MACMANN: I appreciate all references.

MS. LOE: I would like to go ahead and make a motion for 29-5.5, if there's no further discussion on it.

MR. STRODTMAN: It’s yours.

MS. LOE: 29-5.5, item D(4), revise it to read, "Any redevelopment of the property" -- in my head, this was going a little bit differently, so -- that results in the demolition of the existing principal structure as defined by the adopted building code" -- Mr. Zenner, yours was better -- "that results in the demolition of the existing principal structure as defined by the adopted building code or is more than 75 percent of the building and/or construction of a new principal structure shall require that the property be brought into compliance with all applicable requirements of this ordinance."

MS. RUSSELL: Does that work, Mr. Zenner?

MR. ZENNER: Yes, that will work.

MS. RUSSELL: I'll second that.

MR. STRODTMAN: Ms. Loe has -- a motion has been made and is on the table from Ms. Loe and seconded by Ms. Russell. Commissioners, discussion on this amendment? As I see none,

Ms. Secretary, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. Strodtman, Ms. Rushing. Voting No: Mr. MacMann. Motion carries 7-1.

MS. BURNS: Motion carries 7-0 -- 7-1. I apologize.

MR. STRODTMAN: Seven to one. Thank you, Ms. Burns. Commissioners, additional items? Ms. Burns.

MS. BURNS: It wasn't a motion, it was just a clarification. Have we taken care of this? I have in my notes about the conditional use table, to strike conditional use, as a conditional use is unnecessary as you only have permanent uses and planned districts. This was something we discussed, and I apologize for not having more reference to this.

MR. STRODTMAN: Mr. Farnen.

MS. BURNS: Yes.

MR. ZENNER: This was in relationship to Mr. Farnen's concern --

MS. BURNS: Yes, it is.

MR. ZENNER: -- in -- what was the page number on that?

MS. BURNS: Well, this was a page -- we didn't have the correct page number.

MR. ZENNER: Oh. It was Page 82, because it's back in the very beginning of the Code.

MR. STRODTMAN: Page 82? Eighty-two?

MR. ZENNER: Yes, if I recall correctly. That's why I couldn't find it initially. And it had to deal with a clarification. I don't believe it was really a --

MS. BURNS: No. I see the whole page, and it's not what --

MR. MACMANN: And that's the -- it's -- yeah. It's a different number.

MR. ZENNER: It's on page --

MS. BURNS: 291, that was another option.

MR. ZENNER: No. It's on -- it is on Page 83. I apologize. Page 83 of the Code. It's under the planned district requirements and it -- the reference that we had discussed about has to deal with what is underneath permitted and was previously headed and conditional uses.

MS. BURNS: Okay.

MR. ZENNER: And the clarity that was needed here really is to adjust, if I recall correctly, paragraph 1 underneath this. So if you're under permitted uses now, bottom of Page 83, item number 1, it should read, "An application for rezoning to a planned district shall identify which of the uses listed in table 29-3.1, permitted use table, will be permitted -- will be -- the table reference, we have in the -- in the -- in the reference here in paragraph 1, we actually have permitted use table as the name of table 29-3.1. It is possible what we can do here in order to address what Mr. Farnen's concern was, is to

take out of parentheses permitted use table, so we just refer to table 29-3.1 hyphen permitted use table, and basically will be allowed instead of permitted -- allowed uses in all or specific portions of the PD district. That's -- that's the first as added, and then the second one would be to -- after uses in the first paragraph or in the first line "An application for rezoning to a planned district shall identify which of the uses (permitted, conditional, temporary, or accessory) listed in table 29-3.1 hyphen permitted use table will be allowed uses in all or specific portions of the PD." That was the clarification that was confusing. The way that this reads, it -- it appears to read as though conditional uses from the permitted use table would not be allowed when, in fact, that was not what was intended. What was intended was to ensure that when you create a planned district, you are not creating conditional uses that would be required to go through the Board of Adjustment process or the Planning Commission after going through the lengthy PD process to establish the zoning on that land. So by adding after uses in the first line in parentheses all of the different types of uses that are in table 29-3.1, it should be inclusive enough that people understand you can select a permitted use. You can select a conditional use. You can select a temporary or an accessory use as an allowed use on that PD property. And that's, I believe, where the confusion may have existed as -- as it's currently written. And we can -- again, it's a new approach that

we're taking here, and the clarification of the change can be made in the side margin note so folks understand why we did what we were doing, and it was to clarify in fact the conditional uses. You don't have, by right, conditional use in a planned district, you actually have only allowed uses.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: So do we need a motion on this --

MR. ZENNER: I definitely would suggest that, yes, you do have the motion to add after that first uses in item number 1 under permitted uses now on Page 83, permitted, conditional, accessory, temporary, those captured in parentheses. And then basically just add a hyphen after 29-3.1 hyphen permitted use table will be -- and then strike permitted in the last sentence and make that allowed -- will be allowed uses in all or specific portions of the PD district.

MS. STRODTMAN: Okay. Ms. -- would you be --

MS. BURNS: Have we captured that to the satisfaction or do I need to repeat that for the motion?

MR. STRODTMAN: So, Ms. Burns is making the motion.

MS. BURNS: I am, yeah. On Page 83 add, let's see, in Section 29-3.1 --

MR. ZENNER: 29-2.2.

MS. BURNS: Two-point-two. This is where we're adding to add permitted, conditional, and accessory and temporary to the verbiage?

MR. ZENNER: Right.

MS. LOE: 3.381 is the table.

MS. BURNS: Okay. I've got 29.3.1.

MS. RUSSELL: Do you want me to read -- do want me to read that motion?

MS. BURNS: Yes. That would be great. Thank you.

MS. RUSSELL: Okay.

MR. STRODTMAN: Ms. Russell is going to make a motion.

MS. RUSSELL: Okay. I move -- on Page 83, Section 29-2.2, the zoning districts under permitted uses, number 1. After the word "uses" and in parentheses permitted use, conditional use, accessory use, conditional accessory use and temporary use, end parentheses. In table 29-3.1 hyphen permitted use table will be allowed in all or specific portions of the PD district.

MS. BURNS: I'll second that.

MR. STRODTMAN: The motion has been made by Ms. Russell and seconded by Ms. Burns. Commissioners, discussion on this amendment? As I see none, Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Strodtman, Ms. Rushing. Motion carries 8-0.

MS. BURNS: Motion carries 8-0.

MR. STRODTMAN: Thank you, Ms. Burns. Additional

amendments, Commissioners? Anything else? Ms. Loe, are you making notes or are you --

MS. LOE: I'm making notes.

MR. STRODTMAN: No amendments? No amendments?

MS. LOE: I cannot -- no. sorry.

MR. STRODTMAN: If there's no further discussion, then we'll close this part of the meeting. Everybody is good with that? Yes?

PUBLIC HEARING CLOSED

MS. RUSSELL: Do we adjourn to --

MR. ZENNER: You have -- yeah. We wrap up our meeting like we normally would.

IV) COMMENTS OF THE PUBLIC

MR. STRODTMAN: Comments of the public?

(There were no comments from the public.)

V) COMMENTS OF STAFF

MR. STRODTMAN: Comments of the staff?

MR. ZENNER: Just so we have for the public's information, the Planning Commission has previously discussed that we'll be adjourning this meeting and convening back into a work session to discuss additional items that may be presented as amendments either following the final public discussion at the December 15th meeting or that may be introduced at the January 5th public hearing that we will have as a terminal public hearing on the Code as it is proposed to have completed its public process at

that point. We will have for the public for the January 5th meeting a revised errata sheet that does identify all of the Code amendments that have been made in the public hearing processes since the October 20th hearing. We have an errata sheet that is out currently that has all of the amendments that have been made through the November 16th meeting, and that will be Appendment 2 with any additional changes made from this evening's meeting, as well as those that will be proposed at the December 15th meeting. We will be starting our meeting here at six p.m. on the 15th, and the only item on that agenda is the final public comment associated with the Unified Development Code, and then any additional amendments that the Commission may desire to make at that time. So, with that, that is all we have to offer at this time. We will adjourn at your leisure.

MR. STRODTMAN: Thank you, Mr. Zenner. That's one of your shorter wrap-ups.

VI) COMMENTS OF COMMISSIONERS

MR. STRODTMAN: Commissioners, any comments from Commissioners?

VII) ADJOURNMENT

MR. STRODTMAN: If not, do we have an adjournment motion?

MS. LOE: Move to adjourn.

MR. STRODTMAN: Do we have a second?

MS. RUSSELL: Yes. Second.

MR. STRODTMAN: If you're all in favor that, thumbs up?

We'll be moving over next door. Ten minutes, Commissioners?

(The meeting adjourned at 7:10 p.m.)