



# City of Columbia, Missouri

## Meeting Minutes

### City Council

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Saturday, February 25, 2017  
9:00 AM

Special Meeting

Council Chamber  
Columbia City Hall  
701 E. Broadway

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#### I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a special meeting at 9:00 a.m. on Saturday, February 25, 2017, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members PETERS (arrived at 10:36 a.m.), TREECE (left at 11:21 a.m. and returned at 11:47 a.m.), RUFFIN (left at 10:40 a.m. and returned at 11:59 a.m.), TRAPP, SKALA, THOMAS and NAUSER (arrived at 9:11 a.m.) were present. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The agenda was approved without objection.

#### II. PUBLIC HEARINGS

PH2-17 Consideration of the Unified Development Code.

Discussion shown with B43-17.

B43-17 Repealing Article III of Chapter 12A and Chapters 20, 23, 25 and 29 of the City Code; enacting a new Chapter 29 of the City Code to establish a Unified Development Code; amending Chapters 2, 6, 13, 24 and 27 of the City Code as it relates to the Unified Development Code (Case No. 16-110).

Mr. Thomas asked if it might be worth discussing the amendments some of the council members were interested in before opening the public hearing so people could respond. Mayor Treece replied he was more inclined to have the public comment drive their amendments. Mr. Thomas stated he was agreeable to that process.

PH2-17 was read by the Clerk, and B43-17 was given second reading by the Clerk.

Mayor Treece opened the public hearing.

Ms. Nauser arrived at the meeting.

Lee Russell, 3456 Woodrail Terrace, stated she was on the Planning and Zoning Commission (PZC), but wanted the Council to know she was speaking on behalf of herself and not on behalf of the PZC. She explained the hours mentioned in the memo represented all of the hours in terms of public testimony, public hearings, and work sessions, and thought most of the PZC members spent 25 hours per week reviewing the document and driving around to try and determine the impacts of the proposed Unified Development Code (UDC). She commented that the memo outlined her thoughts extremely well with regard to their intentions. She believed a lot more work needed to be done and encouraged the Council to send some of it back to the PZC to work on it. She noted they could have spent more time on it, but had decided to send it forward since the Council had indicated they wanted to have the opportunity to deal with it prior to the election. She pointed out they had sent it forward unanimously. She stated she was

disappointed the document presented to Council was so dissimilar from the one they had sent forward. She understood the reasons why, and explained they had not had time to compare it to the errata sheets and to ensure the amendments were included. She noted the Council might receive more comments as they studied it further. She commented that she was proud of the work of the PZC and believed it was a really good document. She hoped the Council would approve it with the amendments they had already made, understanding the Council would likely make more amendments, and suggested they provide an opportunity to speak again after the amendments were made.

Mayor Treece understood the PZC had heard public comments from 52 people, and asked Ms. Russell if she thought most people were satisfied, were dissatisfied, felt it was not completely perfect, but not completely disappointed, etc. Ms. Russell replied she had the feeling that when they had finished, people were generally able to deal with it. She understood the neighborhood protection standards issue was huge, and the PZC had not really had the opportunity to dive into it. Mayor Treece asked why that was the case. Ms. Russell replied because it was complicated. They had resident and non-resident landowners and there appeared to be a conflict as to the standards. Given more time, she thought they might have been able to come up with standards people could live with, but they really had not discussed it in detail. She stated neighborhood protection standards and affordability were two items she wanted to see come back to the PZC.

Mayor Treece asked if the recommendations made were unusual for a town the size of Columbia or if other cities had something similar or had stricken the same balance they were attempting to strike. Ms. Russell replied they had reviewed the Nashville, Tennessee code, which had form standards, but not form and use standards. She thought they had also been provided the code from Missoula, Montana, but she had not had the opportunity to study it as well. She thought Columbia's was different from the ones they had reviewed. She noted she was from Auburn, Alabama, which was a college town, and this was different from their code. Auburn had some form based items, but not any use items.

Mr. Skala thanked the PCZ members for their work. As a former PZC member, he understood there was a perennial problem of items coming from the PZC to the Council after staff involvement, many times due to legal issues. He commented that when he was on the PZC, he did not mind when the Council disagreed with their recommendations as long as they took up some of the issues discussed at the PZC meeting. He understood Blue Springs, Missouri had recently gone through the process of a comprehensive plan and a form-based code, and asked if the PZC had reviewed that code or process. Ms. Russell replied she had not heard about the Blue Springs, Missouri process, but noted she had missed 1-2 meetings when it could have been discussed. She commented that sometimes the PZC did not feel valued when the Council overturned decisions due to input from citizen groups. Mr. Skala stated he wanted to assure her that was not the intention of the Council.

Mr. Thomas asked if Ms. Russell was referring to density bonuses with her comment regarding affordability. Ms. Russell replied she wanted to have a discussion on something of that nature as affordability in Columbia was almost non-existent. Mr. Thomas understood that was one of three items staff had identified for revisiting later, and noted he supported finding a way to address affordability.

Pat Fowler, 606 N. Sixth Street, commented that due to the scale of homes and lots in North Central Columbia, she had been able to achieve the dream of owning a 95 year old home in one of the oldest neighborhoods in the city. The north central area, due to scale, went a long way toward achieving the promise of affordable homes, affordable homeownership, neighborhood character, diversity, and economic and social justice. She had brought a demonstrative Lego exhibit of a streetscape depicting the scale of what could be built next door to her in R-MF zoning in relation to the small footprint homes in her neighborhood. Her house on North Sixth Street was 20 feet by 28 feet with a 17 foot roof peak, and her home could fit 20 times in the apartment building depicted,

which via the scale was 35 feet to the eave height, 200 feet long, and 60 feet deep only because the scale of the lots in her neighborhood were short and because she ran out of Lego bricks. She explained this had not been adapted to the show the step-down although that could have been done. She understood some of their investor neighbors were opposed to the step-downs and increased setbacks. She noted she was concerned about the setbacks as well, but for very different reasons. She stated large buildings, such as the one depicted, would displace neighbors, many of which were long-term renters and owners. In addition, there would be land disturbance, lateral effects, the loss of tree canopy, an additional load on infrastructure, such as water, sewer, etc., and it all had consequences for the quiet enjoyment of their homes. She noted the construction and rebuilding efforts near St. Joseph Street and Hubbell Drive lasted more than a year and often occurred outside of permit hours. She believed there would be car storage issues that would exceed the capacity of required parking, and large groups of people would disappear behind a main entrance depriving them of the care and concern of others on the street and depriving other neighbors of their involvement in how they cared for the neighborhood. They would not know them or have the ability to knock on their door when a party was too loud or express concerns when they felt something was wrong. Instead they would have to call law enforcement. The kids that rode their bikes and played kickball on the street would have to find another place to play away from the eyes and ears of caring adults, and eventually families would chose to no longer live there. As small footprint houses were removed for more expensive apartments at this larger scale, they went from the possibility of owner-occupied to only rental models, and would remove from the streets the very people that watched over them. She agreed neighborhood protections were an aspirational goal in the code, but the language in the UDC now did not provide that protection. It would further diminish the already diminishing supply of affordable houses available to rent and own. She pointed out new construction tended to not be affordable, and there was an inventory of affordable homes on her street and the surrounding streets. The City's planning to date, including the Community Land Trust, appeared to be centered on new construction and not protecting the existing inventory. She did not believe a policy of social and economic justice for citizens could be supported while encouraging the demolition of the affordable housing stock they already had. Columbia's economy was resistant to the usual rules of supply and demand despite an oversupply of rental housing for students as rents were not dropping. In addition, despite upzoning fifty years ago, single-family uses still persisted. She asked the Council to consider whether maintaining small footprint homes and the promise of homeownership for people of modest means was a net benefit to City's budget or a net loss. She commented that she planned to submit as a picture book some uses in scale as the North Central Columbia neighborhood was the most mixed-use neighborhood in Columbia. They had a lot of increased density and wanted to invite more increased density in scale. She described the people she lived next door on North Sixth Street, which included an LPN, three college instructors that were modestly paid, a blues musician, an animal science student who wanted to become a veterinarian, a student who lived in a three-bedroom house so her dog could be there with her, a drug and alcohol counselor, and the Reverend C. W. Dawson. They each had modest incomes and their lives worked in their little houses and apartments. In addition, they each added value to the fabric of Columbia, and the scale of what could be built alongside of them mattered to the survival of neighborhoods such as hers.

Mr. Thomas understood the model apartment building was presumably built on three or more lots. Ms. Fowler stated presumably. She explained her lot was 55 feet wide and the lot next to it was 75 feet wide. It altered lot by lot as her neighborhood had been built in the 1910s and 1920s. Someone would have to accumulate as many lots as they could to have their side setbacks and have the lots deep enough to accommodate the front and rear yard setbacks, parking, etc.

Mr. Thomas asked if there were any regulations in the proposed code or current code

regarding the combining of lots and building across lot lines in particular zoning districts. Mr. Zenner replied there was the ability to build across property lines to have them considered a single lot without replatting in the code that existed today. This standard had been removed from the proposed code, and any replat of property had to be brought back before the Council. The Council had the discretion at the time the replat was brought forward to consider the characteristics of the neighborhood and not approve the plat based upon a change that might overwhelm the existing character of the neighborhood. He commented that he believed the land use standards proposed in the UDC provided more tools than existed currently to ensure they could better manage the impacts of redevelopment. He agreed there were opportunities for improvement, hence the desire of the PZC for this portion to be returned to them for additional work. They believed other options existed to potentially address the disparities between resident and non-resident homeowners.

Mr. Thomas commented that the model was unattractive and asked if there were any form based codes in the RM-F, R-2, or R-1 districts. Mr. Zenner replied there were design standards as they related to RM-F zoned parcels and standards relating to general non-RM-F redevelopment as well. They dealt with building articulation, roof articulation, maximum building lengths before one had to articulate the building, etc. They were proposed to ensure they would not have a monotonous street frontage. Step-down and increased setbacks could be applied in order to reduce building intensity as well. He stated there was a higher level of design detail associated with multi-family building construction in the proposed code than existed today. There was also a restriction on the maximum number of attached units that could be built. The consultant, based on their design experience, had also extended the design requirements to all other types of land use with the exception of industrial development, so office and commercial retail would have similar articulation requirements. Mr. Thomas understood those would be less detailed. Mr. Zenner stated that was correct because of the environment in which they were located. He commented that a residential form base had been removed because it had not been mapped. The text still existed so it could easily be reinserted if the Council decided to apply it, but it would then also need to be mapped. He thought it had been very narrowly applied within the M-DT boundaries, and if he recalled correctly, it only applied to Hubbell Drive and St. James Street. He explained the PZC decided to remove the text when they realized it had not been mapped. Mr. Thomas understood it was a possibility to insert the kind of form based code into the neighborhood protection standards if it was sent back to the PZC. Mr. Zenner stated that was correct.

Ms. Fowler asked to speak about the flat frontage of the model apartment building, and explained she had tried to be fair with regard to some sort of articulated façade within the constraints of how many bricks and windows she had. She noted she was aware that every so many feet something had to change due the standards, but pointed out the building could still run for 200 feet. She stated they had expressed interest in detached footage and she would provide those details in her written remarks. She reiterated she had done her best to make a fair representation of the scale and to make it as attractive as possible. Any flaws were due to her personal flaws with Lego building.

Mr. Skala understood Mr. Zenner to say the Council had additional protections than what they had now in terms of the platting process. He wanted clarification because they had previously been told the final platting process was a ministerial process unless there was a health and safety issue. Ms. Thompson stated she had made sure the ability Council already had on a replat would carry over to the new code. She referred to page 19 of Article 5, and pointed out this was in reference to a replat, and not the initial plat because a replat was a ministerial act. When dealing with a replat, the Council could consider the size and the scale of the lots to ensure the replat was not detrimental to other property in the neighborhood, or, if alleged to be detrimental, the public benefit outweighed the alleged detriment to the property in the neighborhood. It was a finding the Council had to make in order to approve a replat. It was there to ensure the Council could maintain the

neighborhood feel and character. By eliminating the loophole of being able to build over lot lines, it was brought back into the purview of Council if someone wanted to combine lots and build a large structure. Mr. Skala understood that was not a change, and was a preservation of what they had before. Ms. Thompson stated that was correct. It was a preservation of what they had before, but pointed out a change was that people could no longer build over lot lines.

Mayor Treece asked Ms. Fowler if she had any opinion as to whether the neighborhood standards were adequate, were not adequate, could be improved, were totally wrong, should go back to the PZC, should be adopted by the Council with amendments from the PZC later, etc. Ms. Fowler replied she did not believe the neighborhood protection standards as written did what they were intended to do, which was to protect neighborhoods. She explained other portions of the code, such as the detached frontage language and the small apartments and townhouse language within the M-DT section, would be appropriate and would provide neighborhood protections because they were in scale with the uses on either side. She understood the Council had the power to amend the code and encouraged them to do so by using the language already there and applying it more broadly.

Mayor Treece asked Ms. Fowler if she had an opinion about the transition on the edges of the M-DT and neighborhoods. Ms. Fowler replied she was an enthusiastic supporter of the H3 design charrette, which envisioned as one headed toward her neighborhood, it would step down. They would go from 5-8 stories on Broadway to perhaps 3-5 stories as they got to her neighborhood. She noted three-stories, while big, did not displace any of the adjoining property owners. She felt scale could work well, even with three-stories. She explained they had some four-stories in her neighborhood because they had institutions like Columbia College and the Columbia Public Schools as neighbors. She reiterated it depended upon scale. Mayor Treece commented that transitions between the downtown and neighborhoods were nothing new, and referred to Lucy's Corner Café. It was an old gas station that would have sat at the edge of downtown before all of the neighborhoods started at Fourth and Fifth Streets, and one could still see the Tudor one-story almost residential in form building with two garages on the side. They had kept that gas station in scale and harmony with the neighborhood. Ms. Fowler agreed and noted they had many good examples in the North Central neighborhood. They were the most mixed-use, residential, and commercial neighborhood in town, and it fit well because of scale. She noted the Brown Shoe Factory building was four-stories tall, and her house could sit next to it because it was a certain width in the front.

Mr. Ruffin asked Ms. Fowler if the attached single-family development across from Jefferson Middle School was a good example of what she envisioned. Ms. Fowler replied that was a series of townhouses that were not too deep, and even though it ran long, there were twelve doors. She felt she could pick up her house and set it right next door, and they would be fine as neighbors. She would know the neighbors and see them coming and going. If parking was in the back, they would maintain the classic streetscape. In addition, the setback was in keeping with most of the setbacks in the neighborhood. Mr. Ruffin understood that was a good visual example of how the code could ideally be applied. Ms. Fowler stated that was correct because of the scale. The choice of building materials and landscaping were all in scale with the current uses on the street. Mayor Treece agreed it was probably an asset to the neighborhood.

Mr. Skala understood Ms. Fowler was talking about buffers beyond green buffers and density buffers in terms of height. Ms. Fowler commented that she believed land use policies and looking at the greater good of the community were a part of the Council's police powers. If neighborhoods were not stabilized and could not provide some services, they would have to call law enforcement, need more social services, and have greater needs for some of the other resources the City provided with tax dollars.

Mayor Treece asked Ms. Fowler on her thoughts with regard to the neighborhood protection standards in terms of whether it was a good start or if they should start over.

Ms. Fowler replied she liked the heading, but aside from that, she thought they needed to lift other good examples that existed in the proposed UDC. Mayor Treece asked Ms. Fowler if she felt sending it back to the PZC created an opportunity for mischief or a further delay of having any improvement. Ms. Fowler replied she thought that was always possible. She explained neighborhood protection standards had been discussed exhaustively at the PZC level, and noted she was uncertain as to whether there would be any resolution even if it was sent back to them. She stated she expected the Council address this and make the hard decision as the elected officials. She reiterated there were opportunities to move language that existed in the proposed code to that location. Mayor Treece stated he would be interested in an amendment if she had thoughts. Ms. Fowler noted she would submit written remarks.

Mr. Thomas commented that he liked the idea of looking at examples of recent redevelopment and thinking about how they could establish rules to encourage the ones they liked and discourage the ones they did not like. Ms. Fowler stated she would provide written remarks.

Katie Essing explained she was the Executive Director for the Downtown Community Improvement District (CID) and stated the CID was supportive of the overall code as they had worked with the PZC, who had addressed many of their concerns. Today, she was bringing forward only a few other items for Council to consider. She asked the Council to provide consideration to the small lots in the downtown, and displayed photos of some of those developments. She commented that these small lots made the downtown special and provided its character. She asked for a small project exemption for lots of less than 10,000 square feet. She also asked for an exemption for expansions that did not exceed 75 percent coverage of the parcel and for the properties on the National Register of Historic Places. She displayed a graph showing a typical block size and when they spoke of less than 10,000 square feet, it was about one-eighth of a block. The typical block was 72,000 square feet and similar to the size of City Hall. She stated the code was great for their overall development as they grew, but she thought they wanted to protect the character and feel of the downtown. She listed some downtown businesses and their respective square feet, which ranged from 3,600 square feet to 11,000 square feet. She commented that the UDC could be overwhelming for small projects in terms of being too costly, too difficult, or too confusing. She thought they wanted to encourage small development and ensure it could continue in the downtown. She stated another request of the CID involved the open space requirement. She explained there was a section that allowed for retail ground floor to help meet open space requirements, and they wanted to expand it to include commercial as it would provide more flexibility. She commented that they were also asking for a parking exemption for developments of 20 or fewer bedrooms. They wanted to encourage people living on the upper levels of downtown buildings, and a lot that was landlocked would have difficulty meeting the parking requirements if parking could not be accommodated in the back of the lot or because garages were full. She provided examples of buildings with upper level living and the number of bedrooms involved.

Mayor Treece asked Ms. Essing if she was requesting the small lots be exempt from everything in the code. Ms. Essing replied they believed the uses made sense for downtown, but they wanted to make development easier for them. She understood some felt the code requirements were too expensive. She explained each lot was different, but when looking at each lot, they wondered if all of the requirements could be accommodated in terms of open space, elevators, etc. They wanted to make it easier to encourage the development of small lots as they did not want the small, unique properties to be swallowed up by larger developments that could more easily afford the changes. Mayor Treece commented that he thought a lot of those costs should be scalable for the smaller square feet. He stated he could see exemptions for some parking or open space requirements due to fitting on a smaller footprint, but did not feel they should be exempted from everything. Ms. Essing wondered if there could be an

easier process for the smaller lot developments so they could continue to encourage that type of development. Mayor Treece noted he could also see something in terms of historic preservation, but if the building was torn down, he was not sure the redevelopment of the lot should be exempt from any requirement. Ms. Essing understood, but noted it was difficult to see how they could build with open space in the back or incorporate an elevator depending on the use on the upper level when looking at some of the lots. It might just be easier to sell to the larger development next door. Mayor Treece noted the elevator was an issue of accessibility, and the building codes would require the installation of elevators. Mr. Trapp understood that was the issue of the second floor requirement.

Mayor Treece asked for an example of trading the open space requirement for open customer seating or converting non-residential space. Ms. Essing replied she thought they had received favorable responses regarding the new Tenth and Broadway apartments with the Medici Pizza at the bottom as it was nice vibrant open space that could serve as seating area. She noted District Flats had active uses with their gym and study room. Clearly retail would be great, but they would rather have something than an empty storefront. She explained they wanted the opportunity for more creative options.

Mr. Skala asked Ms. Essing if the CID wanted to do away with the 0.25 parking space per bedroom. Ms. Essing replied only for developments of 20 or fewer beds. Mr. Skala asked for the reasoning for the request. Ms. Essing replied she wondered where Lakota Coffee would be able to provide a parking space if it decided to build four bedrooms on its upper floor. They could not park behind the building. They might not be able to get a space in the parking garage if there was a waiting list. She did not want a situation where the apartment could not be built because they could not accommodate the one parking space required. Mr. Skala understood, but noted if the requirement was waived, neighborhoods such as East Campus and Benton Stephens would be impacted as people would park there.

Mayor Treece asked how they decided upon 20 bedrooms. Ms. Essing replied the number could be debated, but it was thought to be able to accommodate a lot of the upper floor living. Mayor Treece stated he might be supportive if it was 5-10 bedrooms instead. He thought a lower threshold would likely encourage larger units with fewer bedrooms, which was more appropriate for young professionals and retirees. He believed 20 bedrooms encouraged smaller units with more bedrooms. He commented that he would likely only be agreeable if there was an increase in the parking requirements for units with more than 20 or 10 bedrooms.

Mr. Thomas stated he strongly supported the recommendation of exempting buildings with 20 or fewer bedrooms from the parking requirement. People parking in the surrounding neighborhoods would not be a concern if they had a well-enforced parking program in all of those areas. If someone wanted to build four bedrooms above Lakota, they could find parking for the residents or market for walkable apartments in the downtown. Mayor Treece stated he could also see the exemption of parking requirements for the rehabilitation of existing buildings, but not for the demolition and rebuilding of a structure.

Ms. Nauser commented that she was also agreeable to the exemption, and explained she felt some might not have the money to building underground parking or accommodate parking behind their lot because there was a limited amount of space. Mayor Treece stated he agreed with that thought for an existing structure, but not for new construction. He felt the developer should be able to meet the demand being created if it was new construction.

Mayor Treece asked Ms. Essing for her thoughts on the neighborhood protection standards. Ms. Essing replied the CID had recommended they go back to the PZC due to the fringe areas of the M-DT. A property in the M-DT in the buffer area might not be able to accommodate parking in the rear depending on the lot size. They thought it needed more fine tuning for the border properties.

Peter Norgard, 1602 Hinkson Avenue, explained he was representing the majority opinion of the Benton Stephens Neighborhood Association, and noted Benton Stephens was one of the oldest neighborhoods in Columbia having been first subdivided in the late 19th century. Since that time, the neighborhood had changed substantially, much like Columbia. Throughout most of its history, the Benton Stephens neighborhood had served as a host to predominately mixed-use housing. In 1957, following the change in the zoning district to the central district region, redevelopment began as had been intended. In Benton Stephens, single-family homes were razed to make way for several high density R-4 projects, which were considered desirable at the time due to the perception that low-cost rental housing was limited and in demand. Now, modest single-family homes in the Benton Stephens neighborhood were rarely offered for sale at a price a single-family could afford. Home prices had inflated almost 100 percent in the last decade or so, and when those houses were sold to realtor developers, they were razed to make way for much higher density multi-family developments, which were not affordable. They were currently rented by the room at an average rate of \$500 per bedroom. In the past five years, there had been no less than 120 new bedrooms along with substantial numbers of cars, substantial increases in petty crime, and a lack of social diversity. He commented that the growth had caused stress to those that lived within the boundaries, and was supportive of the improvements to their overlay. Some of those changes included an increase in the greenspace requirement from 25 percent to 50 percent, an increase in the off-street parking requirement to the present day city standard for R-3 developments, and an elimination of the breezeway loophole, which permitted multiple structures to be considered as one when connected by a covered walkway. The goal in creating the overlay was to create a balance between the interest of the residential members and those with a commercial interest. In a truly free market, commercial interests represented the driving force, but people did not live in commercial markets. They lived in neighborhoods. He understood redevelopment pressures would always exist in neighborhoods that surrounded the central city region, and the question was how they would address redevelopment and manage it in a way that was respectful to the neighborhoods and those seeking profit. He commented that he would like to see further improvement in two areas of code. In the context of neighborhood protection standards, he wanted Section 29-2.2(a)(3) to be modified to read "The district is intended to provide a mix of one-family, two-family, and medium density multi-family residential development. It may include a range of residential uses from one-family to medium and high density multi-family apartments and condominiums and fraternity and sorority houses. The scale of development is regulated to ensure that new development was not out of scale with the character and density of currently existing adjacent uses. The principle use as a residential as shown in Table 29-3.1." He explained the original wording stated the scale of development was regulated to ensure new development was not out of scale with surrounding development, and believed the purpose was vague and provided no means for neighborhoods to address redevelopments that were neither in scale, with current uses, nor in keeping with neighborhood character. He also did not believe it gave staff any concrete guidelines to follow. In addition, he wanted to see Section 29-3.3(j)(2) to read "In the R-1, R-2, and the R-MF use or district, a family day care home that exceeds the size limit of item (1)(a), above, may be approved as a conditional use." He explained the current code only addressed the R-2 district and he wanted to see it extended to all residential zoning districts and uses. He had received considerable negative feedback from neighbors relating to use of properties on Paris Road, between Sandifer Avenue and North William Street, known as Tiger Tots. It was a commercial property existing within a neighborhood and with no use restrictions. Currently, day cares operated in a nebulous region of the code and were not bound by any zoning regulations. The proposed modification would permit neighbors some form of redress.

Mr. Thomas asked for clarification regarding Mr. Norgard's first request. Mr. Norgard repeated it and explained R-MF could currently be used as R-1, R-2, or R-MF, and in



neighborhoods, such as Benton Stephens, which were blanket upzoned, people living there as a single-family use would not have any protections if the use was not in conformance with the zoning.

Jay Lindner commented that he was concerned with the size restriction proposed in the new M-N district, which was equivalent to the current C-1 district. He stated they had identified nine C-1 zoned properties in town that would be zoned to M-N and had uses that exceeded the current proposed restrictions of 15,000 square feet for retail use and 45,000 square feet for a grocery use. He pointed out all nine properties were located on roads classified as major arterials or expressways, and felt those would be misclassified in today's zoning standards. He understood there was a grandfather clause indicating it could remain at that size if the building was reoccupied within a year. Unfortunately with big box retail, it oftentimes took more than a year to fill a vacancy of that size and once that time frame had passed, they would have to take a 60,000 square foot Gerbes building and split it into four 15,000 square foot retail uses. It created a variety of problems, which included cost and the fact there were not a lot of 15,000 square foot retail users. Those that were really growing, such as TJ Max and Marshalls, were 25,000 square feet and higher. He commented that he was also concerned about an act of God. If a tornado came through and wiped out a shopping center and they had to rebuild to the current standards, they would not be able to put the existing tenants into those spaces. He was not sure how that would impact insurance, but thought there would be an increase in the premiums since they would have to rebuild four 15,000 square users instead of one 60,000 square foot user. He suggested these properties should be converted to M-C, which is a mixed use corridor, instead of M-N as it fit these properties better. This had been discussed with City staff and the PZC, and they had indicated that if the UDC passes, he could apply for a rezoning to the next highest classification. He did not feel it was acceptable to have to spend the time and money to apply for the rezoning with all of the unknowns of that process to regain rights that had been taken away. He asked the Council to either classify these nine existing properties as M-C or to remove the 45,000 and 15,000 square foot limitations from the M-N district. He commented that they were in favor of revisiting the neighborhood protection standards and vetting them more thoroughly as they did not feel there had been enough process on that issue. In addition, there were some legal and other issues they had with some of the proposed standards as commercial property owners.

Mr. Thomas asked Mr. Lindner if he would be agreeable to strengthening the grandfather clause by removing the one-year limit and allowing the property to rebuild as it was if it was impacted by an act of God. Mr. Lindner replied he would be in favor of anything that created flexibility. He explained they would not create a situation that was more burdensome on the surrounding areas than now.

Mr. Thomas asked for the reason for the one year limit and not allowing acts of God to permit a development to rebuild as it had existed. Mr. Zenner replied it was a carryover from the nonconforming section of the current code. The idea, generally, of nonconforming use standards was to eliminate existing nonconformities as a result of more than 75 percent destruction due to incompatibility. He commented that the approach of Clarion was to allow a nonconforming use to minimally expand and exist in perpetuity if it was a functional property. He noted it was not uncommon, however, for larger potential nonconformities to be eliminated in conventional codes. He stated the suggestion of Mr. Linder of allowing those types of uses to be re-established was within the purview of Council, but he believed it was more appropriate to ensure the correct zoning was applied to the properties than to amend the nonconforming standards as they were applicable citywide. He explained over time the C-1 zoning district and the C-3 zoning district were not discrete in their application throughout the community as there were many properties that were zoned C-1 that should have been zoned C-3. He also pointed out the square footage standards had been developed with the understanding that C-1 parcels were to act as a buffer between residential neighborhoods and commercial

districts at lesser intense transportation nodes. The proposed code provided the opportunity for someone that had C-1 property to be able to redevelop subject to other design requirements without having to go through a much more elaborate rezoning process, but it did not address the facilities already in place that exceeded the requirements.

Mr. Thomas stated it would be helpful to see a map showing the current C-1 zoned properties and C-3 zoned properties across the community. Mr. Zenner noted the existing zoning map was located in the lobby and explained those areas were scattered throughout the city so it was challenging to consolidate them.

Ms. Thompson commented that currently the conversion of districts was set forth in Article 2, and it provided that all of the C-1 zoned properties be converted to M-N. She noted there could be an opportunity to develop some criteria for property such that Mr. Lindner described along collector and arterial streets that were already developed that would convert those properties automatically as an M-C as opposed to an M-N. They would have to develop the criteria and determine when it would be appropriate.

Mayor Treece commented that he viewed a Westlake's or a Gerbes as assets to neighborhoods, and there would be a loss if tenants to replace them could not be found. He did not think they should have to come back after the fact to pursue an amendment to fix a problem they had created.

Mr. Lindner noted he thought they could all agree they did not want big box vacancies in the community as it was an eyesore and could create a maintenance issue. He pointed out it was hard to lease property to a new user with uncertainties, such as approval for a larger square footage.

Ms. Thompson stated she was not sure they would be able to define every single situation, but she thought they would be able to identify and address the bulk of the concerns. This meant some properties might still need to be rezoned later. Mayor Treece asked why they could not just change the map now for the properties identified without changing the text. Ms. Thompson replied the map was reflective of the text so the text in Article 2 would need to be changed in order to change the map. Mayor Treece asked staff to bring forth an amendment to address this.

Mr. Skala understood Ms. Thompson was suggesting this be handled up front instead of later. Ms. Thompson explained the intent of the conversion was to reflect the existing situation and not to accomplish a zoning change. Due to the way C-1 had been used historically within the community, some properties had been designated as C-1 that should have been designated C-3.

Mr. Skala stated the one year carryover from the current code seemed a bit arbitrary, and noted he appreciated the difficulties in being able find new tenants for some of these properties. He thought they might want to extend the time frame. In terms of the acts of God, he felt they would foreclose on the future to some degree by not encouraging a change. They would have a perpetual nonconforming use. Mr. Lindner stated he could appreciate that thought process. He explained he was not saying to not bring the property up to the current design standards. He was concerned about being five years into a 20-year lease with a tornado destroying the shopping center and being in a legal battle because the tenant could not be put back into the same property in terms of size.

Mr. Trapp commented that he believed the conversion of districts approach would best solve the problem without gutting the substance of what they wanted. He thought that would address the issues Mr. Lindner had expressed along with others in the same situation.

Mr. Thomas stated he disagreed. He noted he liked the M-N portion of the code and preferred to keep it so that it incorporated C-1 zoned property while accommodating relief for pre-existing businesses with that zoning.

Betty Wilson noted she had lived in the East Campus area for 55 years, 28 years on Wilson Avenue and 27 years on University Avenue. She commented that despite the fact the East Campus neighborhood had first been incorporated into the city in 1860 and most

of the houses in the area had been built and occupied by a culturally and economically diverse population by 1931, the zoning history had not been kind to the neighborhood creating unintended consequences. In the summer of 1957, when many of the residents of the neighborhood were away, the Council had rezoned the portion of the neighborhood from Ann Street to College Avenue without a hearing, and many of the large historic homes were converted to rooming houses and multiple unit apartments. In the 1970s, two efforts were initiated by the East Campus Neighborhood Association to rezone multiple blocks from R-3 to R-2 and R-1. Despite the support from the majority of the property owners and favorable recommendations from City staff and the PZC, the Council did not approve either effort. The consequence was further erosion of family occupied residences, loss of taxpayers, and the degrading of housing stock. In 1987, the C-2 zoning ordinance had addressed the downtown mix-use, such as residential dwelling units on the second floors of existing downtown buildings, but in 1988, the ordinance was changed by eliminating the requirement of a conditional use permit. Thereafter, a 2013 memo to the City Manager from the Historic Preservation Commission (HPC) stated the 1988 change was always intended to help save existing historic buildings by creating the opportunity for residential uses and an income stream for property owners with second floors. The Council and the PZC had never contemplated that entire city blocks would be razed for multi-family residential dwelling units with no height restrictions, setbacks, parking requirements and little or no retail components. She stated 15-story residential buildings were never contemplated for C-2 zoning, and the unintended consequences were abundant. In 1993, the Council passed a resolution recognizing downzonings might promote revitalization, and in the East Campus neighborhood, there were 62 downzonings from R-3 to R-2 or R-1, but the condition of rental properties further deteriorated due to weak inspection requirements and lack of follow-up. In 1995, 211 properties in East Campus were placed on the National Register of Historic Places, and from 2001-2003, the East Campus Neighborhood Association had initiated a request for a neighborhood conservation ordinance. A committee was formed, of which her husband was a founding member, and it had included resident and non-resident landlords and representatives of Stephens College and Boone Hospital Center. The committee had been charged with establishing geographic boundaries for an overlay district and to draft an ordinance for Council consideration. The committee had met twice monthly for 22 months, and an ordinance was passed in 2003. It included a prohibition on converting one-family dwellings to rooming houses, but that had often been ignored by some property owners and not enforced by City staff. Thus, the intent of the ordinance had been negated and rendered an effort of futility after on 22 months. Many dwellings in the East Campus neighborhood were now non-resident owned, and historic homes were occupied by many more than the law allowed. They experienced noisy parties on rooftops and yards attended by herds of millennials with six-packs of beer and fifths of whiskey, repeated parking violations, car storage, parking on lawns, and trash violations. In addition, precious and strained police resources were called upon daily. She understood they could not go back in time, but felt they were at a tipping point. The protection plan was a start, but was inadequate for R-MF zoning and needed to be enhanced in order to offer a chance for revitalizing some of what had been lost for core neighborhoods, such as East Campus.

Ms. Peters arrived at the meeting.

Mayor Treece asked Ms. Wilson how she would feel about going back to the pre-1988 zoning code as it would allow anyone that wanted residential in C-2 to go before the Board of Adjustment for a conditional use permit and the Board would have to apply a strict set of standards to include harmony with the community, sufficiency of services, and adequate parking and utilities. He did not believe anyone had contemplated in 1988 that entire blocks of downtown would be destroyed to build only residential with no concomitant retail or parking. He understood that would likely fix the downtown, but it would not fix the issues in East Campus. Ms. Wilson stated that was correct. She felt

what was lacking was that whatever happened downtown spilled over to the surrounding neighborhoods. Mayor Treece stated that the minutes from the 1988 meeting had indicated a concern for parking, but some thought it could be shared as those that lived there would leave for work and the shoppers would leave by the time the residents returned. He commented that he was not complaining about the growth of downtown as he thought it was great. He only felt they had to make the appropriate investments and protections. Ms. Wilson noted they also needed to recognize what would happen to the neighborhoods with growth in the downtown.

Mr. Skala understood the provisions for enforcement for overlay districts had been included in the UDC, and that there was now some controversy with regard to overlapping neighborhood associations within the East Campus neighborhood. Ms. Wilson stated she was aware of it, but did not have any comment related to it at this time.

Mr. Ruffin left the meeting.

Mr. Thomas commented that he agreed that as the downtown grew, they needed to make the right investments, and one of those investments was to improve the public transportation system. The City invested 1/3-1/5 per capita in public transportation compared with most other Midwest college towns. He believed they also needed to develop the policies that would push people toward using transit and discourage car use and car ownership. He understood the University of Missouri was moving in this direction, which would help. He asked the Council to plan to put some political will to implementing great improvements to the public transportation system over the next 1-2 years as it would solve so many problems. He noted most of the problems involved traffic, and he did not believe they would need to tolerate as much traffic if they had a good public transportation system.

Mr. Thomas asked Ms. Wilson if she thought well designed parking programs could actually protect neighborhoods from spillover parking. Ms. Wilson replied they should. She explained they had been talking about parking for at least 15 years, and felt it should be resolved. Mr. Thomas understood the North Village and Benton Stephens neighborhoods were getting parking permit programs, and hoped the East Campus neighborhood could get one too. He felt they could stop people from parking where they were not authorized to park, and people developing in the downtown could decide whether they needed parking for their clientele or not. He noted he opposed the minimum parking requirements downtown because they continued to delay making a shift in the transportation culture that needed to be made. Ms. Wilson explained students parked their vehicles in East Campus and then rode their bikes or walked to their respective campuses. They were storing cars in the East Campus neighborhood and not paying anything for it. Mr. Thomas stated he believed a parking permit program in the neighborhood would solve the problem. He understood there had been resistance to the idea of having parking meters on the streets even though that would be a way to pay for the parking permit program. He thought another option was to increase the price of parking downtown to pay for it, but the Downtown CID had opposed that suggestion. He stated he would like to look into that again, and thought the Downtown CID would benefit from it as well because they could then ultimately waive parking requirements for developments, which they preferred.

Ms. Wilson thanked Ms. Peters and others who assisted in eliminating the parking on the north side of University Avenue as it had made a huge difference.

Mr. Skala commented that he did not believe some of the solutions mentioned by Mr. Thomas were easy, particularly when it came to just enforcement. He agreed they needed a further discussion on how to solve these problems. He understood the parking permit program had been discussed by the East Campus neighborhood, but it had not worked out because the two sides could not agree. Ms. Wilson stated she did not believe they were too far apart in terms of differences. Mr. Skala understood the Benton Stephens neighborhood was next in line, and noted it was a real problem. He also thanked Ms. Wilson for her comment that whatever happened in the downtown tended to

spillover to the surrounding neighborhoods.

Michael Maw stated he lived on Fourth Avenue, which was in the Ridgeway neighborhood, and had lived there since 2012. He commented that each neighborhood in the center city had a different personality and identity, and each neighborhood was identified differently from within and from the outside. Many that lived outside of the First Ward might feel it was full of poverty and crime. He explained he had found a house in the First Ward that he could work with and afford, and he then met his neighbors, who he described. He noted this had sparked him to really discover what it meant to be in community and to be a neighbor, and he understood they all defined it differently. He stated he defined it as not only the faces and names, but to also know their sorrows, joys, hopes, and dreams. He commented that it provided a feeling of belonging, which was an amazing feeling. He explained Ridgeway was a truly diverse neighborhood in terms of the numbers of renters and property owners, and there was a high percentage of minorities. They also adjoined the Business Loop, and he listed some of the businesses he frequented. He continued to describe the positives of his neighborhood and nearby area. He pointed out that sadly more abandoned homes and empty lots were appearing in the neighborhood, and they wondered what the landlords and City would do to collaborate. He did not believe they should lose sight of protecting and encouraging affordable housing while preserving the neighborhood. He understood the proposed UDC would allow for multi-unit properties that did not identify with the neighborhood, and asked the Council to consider the center city neighborhoods and the continual building of neighborhood and community.

Mayor Treece understood Mr. Maw had an alley behind his house and asked if he used it. Mr. Maw replied occasionally, and noted his backdoor neighbor used it to park his car there at times. He pointed out it was fairly overgrown.

Mayor Treece asked if the proposed code struck the balance he wanted to preserve the neighborhood or if it needed more work. Mr. Maw replied they had some really good discussions at their neighborhood association meetings and casually with property owners and business owners along the Business Loop. He explained they invited businesses to their meetings, and believed it was important to have the conversations. Mayor Treece asked if he had a comment on property values increasing due the demand and growth. Mr. Maw replied he did not expect to live in this house forever, and pointed out he had two roommates. He anticipated renting his home and not selling it immediately. He stated he also had been cautious of making improvements because he was not sure the investment would be returned via its property value as he believed they were at a peak in the housing market. He commented that he was excited to be a property owner and landlord and felt there was the opportunity to rent to people that had a heart for neighborhood and community.

Janet Hammen, 1844 Cliff Drive, explained the central city neighborhoods were the oldest and most established neighborhoods. They shared a close-in location to the downtown, but had unique neighborhood characters. Each was a portrait of the history of downtown when each was established, and each neighborhood was in scale within its boundaries. They were also affordable and among the most densely populated. The typical lot size in the Benton Stephens neighborhood was 55 feet wide, and in the North Central, East Campus, Douglass, Ridgeway, West Ash neighborhoods, the typical lot size was less than 60 feet wide. There were already many two-family and multi-family dwellings. She displayed photos of houses in the East Campus neighborhood, and commented that except for apartment complexes, colleges, and the University, these were the most densely populated areas in Columbia with aging and deteriorating infrastructure. She displayed a picture of a development that showed the unintended consequence the zoning and development laws had allowed, and believed now was the time to protect the scale, character, and quality of life in some of Columbia's longest established neighborhoods through the neighborhood protection standards. She felt the intent of what had been proposed was good, but believed enhancements were needed if neighborhood,

character, and scale would truly be preserved. She commented that there were two components to the standard. The first was that it applied to all lots in the R-MF district with a principal use other than one- or two-family lots, and to lots in other districts that shared a lot line with R-1 or R-2. She did not feel the neighborhood character of central city neighborhoods was protected with this standard within the R-MF district. She recommended keeping the R-MF district principle, and adding it to all lots located in any district other than R-1 and R-2 for properties that shared a lot line with an R-1 or R-2 district zoned property. This change would enable the preservation of the residential property neighborhood character in the R-MF districts while still allowing all other zoning districts, such as C, IG, and M, to expand. Business Loop property owners whose property backed up to R-2 could expand or develop their businesses and buildings. She understood there was an either/or situation with regard to the setback requirement and decreased height, and did not feel it was protective for the R-MF districts. They felt the maximum height should be 35 feet in the R-MF district at the highest point of the roof, and all newly constructed accessory structures should have gabled or hipped roofs. She displayed an example of a house in the East Campus. She did not believe changes in the proposed parking requirements were needed for districts other than R-1, R-2, and R-MF. In the R-MF district, she did not feel parking in the side yard should be allowed without going to the Board of Adjustment. She commented that when variances were easy to obtain and could be granted by the Director of Community Development, as was proposed, the public would be shut out of the process. She stated it was the role of the Board of Adjustment to review variance requests, and to ensure the validity of the UDC and the neighborhood protection standards, variances should be rare and publicly renewed. She suggested adding downward cast illumination to prevent glare into the neighboring dwellings in terms of lighting. She also recommended two additional protections for the R-MF district. One was for the median setback requirement for all houses on the same side of the street to apply with a minimum to that setback of 25 feet. This should apply to vacant lands, and a public record of existing setbacks would need to be established upon the effective date of this code as properties were measured. She felt that guaranteed the transparent record of streets and blocks, and it would retain the scale and character of the neighborhoods. She commented that to allow for the density and scale with the residential neighborhood character in the R-MF district, buildings constructed could be no more than 100 feet along any street frontage of any property. She explained one charm of older neighborhoods was a narrow street, and displayed the narrow streets in the East Campus neighborhood. She believed allowing extreme density accumulation on these narrow streets made no sense except to a developer. The neighbors and the City would suffer the consequences of more cars, noise, trash, and the burdening of aging infrastructure. She did not believe the property rights of anyone would be damaged with these neighborhood protections. An owner could continue to use his or her property as they had previously. The standard would enhance the quality of life in the central city neighborhoods, encourage homeownership and affordable housing, and would discourage owner occupancy flight. She reiterated development in scale to existing neighborhoods would help preserve neighborhood character, scale, and quality of life.

Mayor Treece asked Ms. Hammen for her thoughts on the neighborhood protection standards in terms of whether it was a good start, if they should start all over, etc. Ms. Hammen replied she thought the Council had the absolute authority to make these changes now. If the Council felt these types of protections were of value to the neighborhoods in the central city, she believed they had the authority and hoped they would they would include them. Mayor Treece asked for the top three changes Ms. Hammen would make to the code. Ms. Hammen replied she would separate the R-MF district from all of the other districts, to include commercial, industrial, and manufacturing. She understood that had been a big objection at the PZC because there were so many other zoning categories next to R-MF zoned properties, and it would inhibit the commercial and industrial property owner. If it was separated out and the enhanced

protections applied to the R-MF district the same as they applied to R-1 and R-2, she believed the problem would be alleviated. She felt that was paramount to enable protections. She also thought density and scale was important in terms of limiting the size of a building, and the height was important. The maximum height at 35 feet in R-MF was at the eave or the midpoint, but the peak of the roof was higher and there was not a break. The buildings in the neighborhoods were not massive monolithic structures. There were half-stories with gables, dormer windows, etc. She felt those items were important if they were going to save the character and scale in those neighborhoods.

Cecile Bentley, 1863 Cliff Drive, explained she and her husband owned this home on Cliff Drive and had also owned homes in the Benton Stephens neighborhood, which was an affordable neighborhood. She commented that with the unanimous recommendation by the PZC, she urged the Council to move ahead and not continue to delay the UDC any further. She stated she wanted to express her support for neighborhood protection standards. Their neighborhoods, and particularly the neighborhoods around the urban core, were a significant asset to Columbia in many ways. They had historic buildings that included architectural details that no one could afford to replace. The neighborhoods provided charm and ambiance that was increasingly valuable to cities across the country. The narrow streets, small lots, overarching trees, and unique homes created a livable, walkable, and unique neighborhood, which contributed to their selection as a city as one of the most desirable places to live. It also provided something equally important, which was diversity in the housing stock. Not everyone that wanted to live close to the University or to the downtown was an 18-22 year old as there were graduate students, students with families, students with pets, young couples wanting to purchase their first homes, professors that wanted to walk to work, etc. She believed they had plenty of housing stock for 18-22 year old single students. She commented that they did not have enough housing for the other groups and noted the University was even starting to advertise their dorms as being available to upper class members. She and her husband had looked for five years for a home close to campus, and were fortunate to find the home on Cliff Drive. She noted people were regularly cruising by the neighborhood looking for a home to purchase because they wanted to be close to the University and downtown. She explained she was present because she had one concern. She displayed a building on Wilson Avenue in her neighborhood, and noted the construction of that building had caused her to become politically active. She did not want anything like that to be built in the neighborhood again. She understood it was not likely the building could be rebuilt due to the codes and neighborhood protection standards they were now considering, but there were many contiguous properties in the neighborhood that were owned by one landlord. She wondered if those properties could be combined to build another monolithic building via the proposed codes. She understood buildings could be constructed up to 200 feet via the proposed code, and displayed a building on Bourn Avenue, which was attractive but still very large in terms of scale as it was 200 feet long. It meant there was no green space, big spaces for trees, pleasant gathering places, etc. She asked the Council to consider whether the 200 foot standard really provided sufficient safeguards for new development that was not out of scale. She pointed out they could still encourage density with a smaller building footprint by limiting the number of lots that could be combined into one, limiting the front-scape, etc. There were plenty of good examples of multi-family developments with side yards and wide passage ways to rear yards at less than 100 foot intervals. She did not feel they could depend on the sense of aesthetics of a developer to ensure they did not end up with developments that were out of scale. She encouraged the Council to consider ways to enhance the neighborhood protection standards to ensure the scale of development was appropriate for the neighborhoods.

Don Emery, 1804 Murifield Drive, stated he was a landlord, realtor, and had been a broker for over 40 years. He commented that he had a lot of knowledge about the East Campus neighborhood. He felt most of the people that complained about East Campus lived on the east side of the Hinkson Creek. They did not have to go through the area they did not

like as they could travel on Broadway. He explained he and his wife had been involved in the East Campus area for over 40 years as they originally managed the rental properties of a property owner and had then had the opportunity to purchase 1513 Wilson Avenue, a home Harry S. Truman had stayed in during the 1940s when he was the judge of Jackson County. He commented that back then one could not sell property in the area, but now no one could find property to buy. He did not believe it was affordable housing for most people. He commented that East Campus was not the Grasslands or Charleston, SC when it came to historic beauty. Most of the East Campus neighborhood had been transformed from a prestigious living area to rental property before most of them were even born. The GI Bill created a need for military persons returning from World War II to find living quarters while attending the University of Missouri. He pointed out he had spoken with someone who had indicated he had lived in a chicken house because there was not any other place to live. He explained the old two-story homes were transformed from residential to rental. Old single car garages and screened-in porches became bedrooms. Window air conditioning units were added to the homes, and some of the old houses were turned into rooming housing whereby people could rent by the week. Many were turned into rental properties. He stated landlords were not to be feared or hated. They were members of the community that wanted to see the community grow. He listed improvements made, which included rooming houses turning into annually leased houses, old coal fire furnaces with asbestos being converted to gas furnaces and energy-efficient furnaces, the window air conditioning units being removed and central air being installed, wet basements being changed to dry basements by adding drainage to old houses, and old windows being replaced with more efficient windows. He commented that zoning regulations were important to the purchaser of property to hold the value of the purchase and to see appreciation versus depreciation. He stated he did not believe the East Campus neighborhood needed new building restrictions. He wondered why it was acceptable to allow someone that purchased an R-3 zoned property to downzone to R-1, and to never let it be rezoned again to R-3. He wondered why someone had the right to lower the value of a neighbor's property by downzoning to R-1. He did not feel profit should be considered an ugly word. Individuals that purchased rental property as an investment should be assured new regulations would not change due to a few individuals desiring to limit what had been legally permitted in the past. He did not feel it was right to allow someone that purchased an R-2 zoned lot to rezone to R-1 as they would change the rules, and the rules were there when the lot was purchased. He commented that many landlords were proud of their property and wanted to take care of it, and the City inspected all rental property every three years as part of the rental permitting process. He stated he did not feel the East Campus neighborhood should be controlled by people that lived on the Hinkson Creek and choose to come through the neighborhood. He believed it was a rental area and should remain as a rental area.

Mayor Treece left the meeting.

Bonnie Zelenak stated she, like Mr. Emery, was an owner in the East Campus neighborhood. She explained the properties located between Bass Avenue and Bouchelle Avenue and between South College Avenue and Ann Street were 95 percent rental properties, and believed this was a significant factor. She noted she wanted to work collaboratively and cooperatively with the City staff, other landlords, and the neighborhood, but it was difficult when the East Campus Neighborhood Association did not include or inform them of when meetings were held. Even people who were members of the organization were not always informed of when meetings were held. This made things very difficult. In terms of the neighborhood protection standards, she believed they would devalue most of their properties. She was concerned they would not be able to rebuild a structure they had been told was beautiful with these standards. She noted this was an historic district and wondered why they could not rebuild in the existing footprint or have roof levels at the existing levels. She asked why they had to build in restrictions beyond what already existed. By not being able to rebuild the properties, the



neighborhood would change. She understood these restrictions only applied to R-3 and R-MF properties, and not R-1 properties, and wondered why they would be held to a different standard. With regard to the parking, loading, and circulation restrictions, she understood they could not have a driveway if they owned multi-family dwellings and their neighbor happened to be an R-1 zoned property. The City expected her to provide parking for the property, but she would be unable to have access to the back where parking was available. She did not understand why this would be considered and felt they needed to be reasonable. She stated The East Campus Housing Majority Association owned 95 percent of the property within the boundary she had mentioned previously. She noted she had owned property there for over 30 years, and she and her husband invested hundreds of thousands of dollars into renovating the properties. They cared about the neighborhood, the environment, the carbon footprint, etc., and the benefit of students living in East Campus was that it was right across the street from where they went to school. She agreed since they were students, they might not live in the manner some liked. She stated she was in favor of a police officer on a horse patrolling the neighborhood, but understood it might be expensive. She noted they had students partying on the roof of their properties and got them down within 30 minutes of notification because they did not feel that was acceptable. She commented that she liked students and renting to students, and explained she had been a professor, faculty member, and administrator at the University for 30 years. By living close to campus and downtown, they could walk home from the bars and school events. She stated they had been publicly called slum landlords, and pointed out she was not a slum landlord. She and her husband responded to maintenance requests within 24 hours, and usually things were repaired in that time frame unless more attention was needed. She noted they had been called absentee landlords as well, but most of them lived in Columbia.

Ms. Nauser asked Ms. Zelenak for her thoughts on the neighborhood protection standards. Ms. Zelenak replied she believed it needed more review. She wondered if she could remodel a building in its existing footprint or if she would be required to meet new setback requirements. If she was required to meet the setback requirements, she would not be able to remodel the building, which would impact her business. She wondered why they could not build in the existing footprint and build to existing heights.

Mr. Thomas stated he liked Ms. Zelenak's call for a beat police officer walking or biking as that was a great example of community-oriented policing.

Mr. Skala asked Mr. Zenner to respond to some of the questions asked about rebuilding in the existing footprint, etc. Ms. Nauser asked that the driveway issue also be addressed. Mr. Zenner replied it was a misinterpretation that a driveway would not be permitted to a multi-family development. The proposed UDC indicated no new parking area, drive-through lane, or vehicle circulation driveway should be located between a principle structure on a lot containing a use other than a single- or a two-family use. This meant a single- or two-family structure would allow one a driveway adjacent to an R-1 or R-2 property. It would not be allowed for an R-MF, or R-3, lot with a multi-family building that would be built next to a single- or two-family use, but the Director, when no other alternative existed, could allow for that driveway to be placed in that location provided it had a screen between it and the adjacent property. The idea was that if they had a viable alley structure system within the neighborhood that would access a parking lot for a multi-family structure, they would like the access off of the viable alley. Since viable alleys did not normally exist, they would have to deal with the potential conflict between existing single-family and two-family homes and a multi-family building in terms of accessing a parking area. The proposed code allowed it to happen, but it needed to be considered in terms of the impact of the location of the driveway. They did not always want parking areas immediately adjacent to single-family or two-family structures. They might want a driveway, but not the stacking of cars that might create a conflict between the two properties. The code left enough flexibility to work through the plan review process to determine the best location for the driveway and to ensure it was buffered

properly from the less intense use. He commented that the proposed code did not prohibit the ability to rebuild or make modifications to an existing structure. It would be considered legally non-conforming, and if one had to maintain the property for purposes of life or safety per the building codes, the repairs would be permitted. The expansion of a nonconforming building was further addressed under the legal non-conforming section, and it could occur for a nonconforming building provided the dimensional requirements established were met. The code did not restrict the ability to maintain ones multi-family structure. One could not, however, tear a building down and not comply with the new standards when building.

Mr. Skala understood there was a good deal of discretion by the Director in the proposed UDC, and asked to whom the Director discretion was deferred if there was some sort of appeal. Mr. Zenner replied appeals to the application of the zoning provisions or, in this instance, the discretion of the Director, would go to the Board of Adjustment as an appeal to the application of the law. As a quasi-judicial body, an appeal of the decision by the Board of Adjustment would go to the Circuit Court. He explained the discretion added to the Director was to simplify the process under very certain circumstances, so in many of those instances where there was discretion, it was limited. He noted Mr. Teddy was not willing to extend the Community Development Department or the application of the code beyond what appeared to be clear-cut. Mr. Skala commented that, indirectly, the Council had the responsibility to set policy should there be an issue as a result of the process, and that would ultimately create a checks and balance. Mr. Zenner stated that was correct. He explained they were trying to streamline the process with the code, and understood streamlining a process could muddle the certainty of the process. He thought that was some of what they had heard through the public process. He commented that when dealing with the application of zoning, there was variability and gray areas, and they were interested in tightening the gray areas if there were ways, but they did not want to hamstring the ability for the professional staff to function in the application of the broader goals and objectives such that everything had to go through a different regulatory process.

Mr. Trapp understood Section 29-4.7(c) indicated 24 feet for the building height, and asked if that had been 30 feet in the original Clarion recommendation. Mr. Zenner replied it was 30 feet, and had been revised during the staff review. He explained 30 feet did not fit. He noted the maximum building heights in the residential zoning districts of R-MF, R-1, and R-2 were 35 feet, and they rarely saw 35 foot tall buildings being built even with the way the height was calculated. Staff and the PZC felt 24 feet was preferable as it was equivalent to a standard two-story structure with 12-foot floor heights. He pointed out this was tied to some other architectural screening standards in the R-MF zoning district whereby architectural standards applied to anything over 24 feet. The logic behind this had to deal with the fact a single-family residence and a two-family residence could be built to be 24 feet with no requirements for architectural control, but if the exact size structure was built in the R-MF district as a multi-family structure, there was a requirement for four-sided architecture. The PZC had a lengthy discussion about leveling the playing field between the different housing types, and this tied into it as a related standard. The 30 feet was reduced to 24 feet and amendments were made in the R-MF use specific standards to tie everything together. He stated he could not say why Clarion had chosen 30 feet, and thought it had been an arbitrary number.

Mr. Trapp asked if 30 feet would allow some third story construction. Mr. Zenner replied potentially with 10-foot heights from floor to ceiling. A maximum building height at 35 feet to the midpoint of the ridge would allow a third story. He commented that the 24 feet was in essence to try to keep things within scale, and was really only applicable in the redevelopment scenario. Existing structures that did not meet this standard could continue to operate and be maintained. Mr. Trapp understood these standards were applicable everywhere in the City, and not just to the mid-town area where there were concerns. Mr. Zenner stated that was correct. He explained they had wanted to capture

multi-family building in the first point of the applicability section. They then wanted to ensure redevelopment or development adjacent to R-1 or R-2 zoning districts had some provisions as it related to the intensity of uses against the existing single- and two-family uses. He noted Ms. Hammen was correct with regard to the building height section in that it was not an "and" situation. It was an "or" situation. The building either had to be stepped down or the side yard setback had to be increased. The reason for the "or" was due to the differing size of lots. Narrower lots would not necessarily allow for increased setbacks with a functional development, unlike wider lots. The PZC had discussed the issue and the use versus zoning, and they had decided to leave the text as written, which was based on use in one instance and zoning in another instance.

Mr. Trapp asked if there was a way to waive these requirements. He understood if a property owner owned an R-MF property and the R-1 zoned property next door, the property owner would impinge on this own rights to develop the R-MF or R-3 zoned property. Mr. Zenner stated that was correct. He explained the reason was that the ownership pattern might not exist in perpetuity, and it could undermine what they were really trying to achieve. He noted the PZC had discussed this issue at length as well. They had also discussed the scenario of a non-conforming single-family home in the commercial zoning district, and how that might impact the redevelopment of a commercial lot, and could not come to an adequate resolution. They made some revisions to the text in order to define contiguous property boundaries, and with the screening and buffering section of the code. He noted any appeal could go to the Board of Adjustment.

Ms. Zelenak understood existing driveways between an R-1 and R-MF zoned property would remain. Mr. Zenner stated that was correct. The City would not require an upgrade because it was considered a legal non-conforming.

Mayor Treece returned to the meeting.

Andy Waters, 300 Lindell Drive, stated his comments dealt with the neighborhood protection standards, particularly as they applied to parcels in the M-DT zoning district downtown. He believed the M-DT was a high density zoning district, and was that way on purpose. The primary objective of the comprehensive plan, the Sasaki plan, and the H3 charrette was to encourage high density and fill development downtown because that was where it was sustainable. It made more sense to build infrastructure in the existing population areas than to build into the suburbs where it was costly and inefficient. They wanted to encourage growth and high density development downtown, and the neighborhood transition standards in Section 29-4.2(d)(4) were not consistent with that fundamental goal. Commercial properties that abutted lots where the use was single-family residential were subject to new height restrictions and setback requirements that would lower the density of new development. Columbia was growing and there was an increased demand for services and housing across the community, and if the supply of downtown commercial space and housing could not keep up, the rents would increase, making it unaffordable to small business and everyone except the wealthiest residents. He pointed out he did not have anything against chain restaurants and rich college students, but did not believe that was all they wanted to see downtown. He thought they wanted to see a mix of businesses and residents as that was what made it quirky and cool. The standards required a setback of up to 50 feet from any lot in any zoning district that was used for one- or two-family residential. The setback was 20 feet if building to the required building line, but the height was limited to 30 feet. It was the most restrictive neighborhood protection standard in the entire city under the proposed code. Other mixed-use areas, including office, neighborhood, and industrial park districts, allowed for taller structures closer to the residential lot line. He stated he owned property downtown, and this felt like an involuntary downzoning. He commented that he found it troubling that a change of use of a neighboring property could undermine the investment he had made in the property he owned. He had made investments on the universally accepted expectation of what he could do with the property, and had borrowed money based on a

value that had everything to do with how the property could be used, so coming in after the fact and changing grounds rules was extremely problematic. He believed it would have ramifications for investment across the community. He noted the PZC had done an outstanding job, but he did not feel the neighborhood protection standards had been vetted enough. He thought they had to strike a balance between individual residents, business owners, and investors, and pointed out a lot of small business owners were making investments in needed infill projects that benefited the entire community. He asked the Council to consider an amendment to delete Section 29-4.2(d)(4) from the UDC. It was the paragraph titled neighborhood transitions in the general building form standards for M-DT. He also asked the Council to make a motion to send the neighborhood protection standards for the rest of the community to the PZC for further consideration and recommendations. He commented that he did not have anything against neighborhood protection. He lived in an older neighborhood and it was the older neighborhoods that made Columbia cool, but thought a reasonable balance was needed, and they should not try to solve one problem by creating a bigger problem.

Mayor Treece asked Mr. Waters if he could see the other side in terms of a residential use being impacted by another development. He thought the argument worked both ways. Mr. Waters agreed, and noted it was a trade-off. He felt they needed to consider what they were trying to do. They had an M-DT zone that identified where they wanted the density to occur. They wanted to increase density in the downtown, but this was something that would decrease density in the downtown, the boundary they had designated as the urban core. Mayor Treece commented that there were pieces on the edges where it bumped up against a concomitant use. Mr. Waters agreed, but pointed out most of the surrounding areas would be zoned R-MF, which was an area designated as higher density. He felt the code went too far because it was based on the use and not just on zoning. They had an understanding as to what could be done with lots, and roadmap of where the density should occur, which was in the M-DT and R-MF zoned areas, and now, they were saying they could rezone some of the districts based upon how someone wanted to use a lot. It did not just impact R-MF. It also impacted commercially zoned lots. Someone building a single-family structure on a commercial lot could take out a huge swath of potential density all around it. He did not feel it made sense to take a large portion of the area of the city where they had designated the density to occur and to lower the density.

Mayor Treece understood Mr. Waters had provided two suggested changes, and asked him if that meant he supported the rest of the proposed UDC. Mr. Waters replied a lot had been addressed at the PZC level. Mayor Treece asked Mr. Waters if he was good with the two-story building height now. Mr. Waters replied there had been tweaks to the regulating plan that had addressed some of the issues. He agreed with the comments of Ms. Essing in that it would be tough for some small lot owners to develop a two-story structure if they were forced or wanted to redevelop the lot. There were some smaller properties on the major transportation corridors whereby it would hard to develop a marketable two-story structure that would work on the space due to parking limitations, the noise of the street, etc. In other areas, two-story structures would not be a problem. In fact taller than two-story structures might make sense in some areas.

Mr. Ruffin returned to the meeting.

Mr. Skala appreciated Mr. Waters' recognition of the key term, which was balance, as they had to balance community interest with a lot of the other interests. He agreed they had shifted from a totally zoning based system to a type of form based code, which was the whole idea for the visioning and comprehensive plans. He believed there were property rights that accrued to both the R-3 and R-1 property owners, and it was when those rights collided that it was incumbent on the Council to make a decision based on balance for the community good, and thought that was where they were now. He noted that although he agreed the downtown area was based on density, and it made the most sense to increase density downtown, there were other smart growth principles as well,

and two were a sense of place and mixed-uses. Those principles in addition to density belonged in the downtown. He did not believe the zoning of a property provided absolute entitlement to use the property as the owner wanted. It was also not the principle of zoning as that was the highest and best use, which was more flexible than the absolute authority to do what one wanted. Mr. Waters pointed out they were talking about a change in zoning and the zoning code. People had property in a certain zoning district that had certain rules, and that had been the basis for the investment in the property. What was permitted on the parcel would not change based upon the use of the parcel next door, and that was where there was conflict. He thought they needed to be mindful of it.

Mr. Skala asked Mr. Waters if he felt this was just a replacement of the zoning designations. He understood the principles of the zone based codes had been brought into the proposed code, and it was not just a total replacement and change. Mr. Waters understood they were trying to make a transition here, and thought they needed to determine the balance they were trying to strike. They had a desire to preserve the neighborhoods and increase density, and there was a line between the places where that occurred. He did not believe they had struck the right balance with regard to M-DT, and felt more work was needed.

Mr. Thomas stated he supported sending the neighborhood standards back to the PZC for more public input and review as he had concerns about the negative impact they would have on density, especially in the M-DT. He asked how many lots with R-1 uses were within the M-DT. Mr. Zenner replied he would have to review it to be able to provide a specific number. He noted the location of the majority of detached residential uses were generally in the southeast corner of M-DT, and detached single-family housing was not a permissible use in the M-DT boundary. An existing single-family home in the M-DT today would become a legal non-conforming use, and any modifications would need to comply with the M-DT standards. He agreed they would end up with some conflicts, and those would likely be close to the old Ameren UE site and Hubbell Drive and involve setbacks. It would thus narrow the depth of the developable parcel. He commented that the west side was more suburban in nature with all single-story construction in the area, and the two-story minimum did not exist west of Providence Road. It was one of the changes made to the regulating plan previously. Mr. Thomas understood single-story construction was not mandated in that area. Mr. Zenner stated that was correct, and noted two-story construction was not required either. He explained the highest density should be in the core of downtown, which was in the hatched area, and they then started to feather out. They were trying to bring density back down on the exterior. The conflicts were where they had the existing interplay between the R-3 zones and a four-story maximum. The concern was a dwarfing effect on a single-story bungalow that might have been built in an R-3 zoning district. He commented that he did not believe they would see the setback standard becoming the issue in terms of impacting the viable use of the parcels along the fringe with the exception of the area in the northwest corner. Mr. Thomas asked Mr. Zenner if he would consider exempting M-DT from the neighborhood protection standards. Mr. Zenner replied no, and described some areas that would be redeveloped. Mr. Thomas asked about in the heart of the M-DT. Mr. Zenner replied no, and pointed out it would not apply there because there would not be any detached single-family structures. Mr. Thomas stated he thought an R-1 use could trigger the requirements. Mr. Zenner read Section 29-4.2(d)(4)(i) in the proposed code and explained a residential structure could not be developed within the M-DT boundary.

Mr. Waters pointed out there were examples of residential uses now within the M-DT boundary. He understood new ones could not be created per the proposed code. Mr. Zenner explained that was his point. He believed the conflict points were the in southeast area and that there could be impacts in the northeast and on the northern boundary. He noted they needed additional opportunity to look into the situation. He commented that the point of Mr. Waters to restrict the height to 30 feet within the front 80 feet of a lot was

odd. He thought it might be more appropriate to change the maximum heights, but not the setbacks, as the idea was to control mass.

Mr. Thomas asked if they could say the R-1 uses or R-1 lots could not be in the M-DT in reference to the neighborhood protection standards because it was across the boundary. Mr. Zenner replied that was how it would be applied as a common lot line would have to be shared. Mr. Thomas commented that there was a common lot line in the northeast with the way the M-DT boundary had been drawn. Mr. Zenner explained this had been originally identified as the detached single-family form type that had not been brought forward in the proposed code. He stated he did not see value in saying they needed to eliminate the transition standards within the M-DT. He thought they should be retained because it protected the housing stock. Mr. Thomas asked Mr. Zenner if he thought the transition standards for R-1 uses in the middle of the M-DT should be eliminated. Mr. Zenner replied that could be suggested as the message that would be sent was that those R-1 properties and their adjacent properties would likely be redeveloped, and they should be allowed to develop to the intensity intended. Otherwise, they would diminish the opportunity to maximize density within the downtown area, which would lead to better, efficient use of the existing infrastructure. He pointed out they had to be careful on the peripheral areas of the boundary in terms of what they might eliminate as a restriction.

Mr. Waters stated he thought someone had done an analysis of how many single-family uses abutted the M-DT, and believed there were 56, so it was a high number. Mr. Thomas understood there would be a lot of potential for de-densification to happen in the M-DT. Mr. Waters provided the northernmost lot of the Columbia Cemetery as an example as it was single-family residential.

Mayor Treece asked Mr. Waters how his individual properties would be affected by the proposed code. He wondered if it had not changed or if it had been upzoned or downzoned. Mr. Waters replied it remained to be seen due to the way the code was written. The use could change for the neighboring property, which could affect the plans he had for the property he owned. He explained that was a big part of the concern. In terms of the entire code, there were some major changes in how people with property in the M-DT might go about development. Part of the issue was the uncertainty the proposed code created in terms of its application. He noted he had an expectation of what he could do on a C-2 zoned lot at this time, and it was hard to determine what the incremental costs would be to apply the form base standards as there would be additional costs. Most of the concern was what it would do to small projects. Big projects could accommodate those costs over the entire project, and the costs would be disproportionately higher for smaller projects.

Mayor Treece asked Mr. Waters if he owned any of those properties prior to 1988. Mr. Waters replied his family had owned property for that long. Mayor Treece understood there had not been the expectation of unlimited development when he had purchased the property. Mr. Waters replied no. He commented that he thought many people were excited about the proposal to throw out the proposed UDC and to go back to the pre-1988 code.

Mayor Treece asked about the four-sided architecture rule. He wanted to know when it would apply and when it would not. Mr. Zenner replied this was discussed in Article 3, and would come into play for multi-family buildings in the R-MF zoning district. Four-sided architecture would apply when one had a multi-family building that was greater than 24 feet in height. The discussion at the PZC meeting was whether the architectural requirements should be wrapped around the two-story multi-family building when it adjoined a two-story single-family or two-family dwelling building, and they determined it was significantly punitive to the multi-family individual when the adjacent single- or two-family structure did not have to apply any design standard. There were increased landscaping standards for that multi-family building between the adjacent single- or two-family dwelling, and architectural requirements for the roadway frontages for the

multi-family building. In addition, when a multi-family building was above the 24-foot height, essentially adding a third story, the architectural treatment of all four sides was required in addition to the increased landscaping.

Mayor Treece asked about Commerce Bank, which had a historic façade facing Broadway, and their desire to build a modern addition. Mr. Zenner replied Commerce Bank was not a multi-family development, so the standard would not apply. The architectural requirements for general developments, which were located in Article 4, would apply in that situation. There would also be neighborhood transitional standards so the stepdown or setback standard could apply then. The additional landscaping or four-sided architectural standards would not apply. He thought there had been a modification at the PZC level for multi-family developments within the M-DT limiting buildings to no more than 200 units.

Ivy Boley, 307 Alexander Avenue, stated she resided within the West Ash Neighborhood Association in the First Ward and explained the City had designated the West Ash neighborhood as a part of the West Central neighborhood. She commented that she saw the West Ash neighborhood as the next place development would occur. She hoped to be able to strengthen their commitment to owner-occupied housing as they realized increased density was also of value, and especially liked the accessory dwelling unit (ADU) opportunities. She stated the West Ash Neighborhood Association was primarily made up of single-family homes, and many were smaller homes that were still affordable to lower and middle income earners. Although the City had committed itself to reducing poverty, she did not see these commitments reflected in the proposed code. She believed neighborhood preservation needed to include maintaining current homes. If they allowed single-family homes to be replaced by housing that was not affordable, the City would not be standing by its commitment. In addition to the commitment to building more affordable housing, she felt the City needed to preserve and value existing affordable housing, to include housing in her neighborhood that low and middle income earners could afford. She clarified she was not saying they should not have rentals or increased density as rentals provided an ongoing opportunity in the neighborhood. She noted they had a number of renters in her neighborhood that were a vital part of the community. She stated the community was economically, ethnically, and racially diverse, and the neighborhood was desirable. It was a wonderful place to live due to its diversity. She believed that by preserving existing houses and encouraging development of houses in line with current neighborhood use and scale, with an emphasis on scale, they could keep the City's commitment while fostering a strong and stable community in the West Central neighborhood.

Paul Land commented that he appreciated the work of the PZC and City staff, and believed only a few items had been overlooked in the desire of PZC to be completed by early January. He provided a handout, and explained his first point was to echo the comments of Jay Lindner. They had identified nine properties, which were currently zoned C-1 and proposed to be zoned M-N, that met the characteristics of C-3 zoned properties and should be zoned M-C. He listed some examples, which included Best Buy, Orschlen, and Kohl's. He felt C-1 or M-N zoned properties should be near neighborhoods and provided examples of locations where it might make sense. In terms of neighborhood protections, he noted he had identified 54 existing properties that were commercially zoned and abutted R-1 and R-2 zoned properties. He believed those 54 properties had been there, and people had moved toward them. They made a choice to live next to commercial property. The rear yard setback under the existing zoning was ten feet, and it would be 20 feet under the proposed zoning, but it would be 30 feet with the neighborhood protection standards. He thought consideration should be given to exempting commercial, office, and industrial zoned properties from the neighborhood protection standards, and provided examples of businesses that redeveloped on existing lots that would have been impacted by those standards. He commented that some permitted uses under the current pyramid of zoning did not perfectly transcribe to the new

zoning districts. He understood colleges and institutions of higher education and restaurants were not permitted in the industrial general district except as a conditional use. A conditional use under the current code would require approval by the Board of Adjustment, but under the proposed code, it would need to be considered by the PZC and the City Council. It created a 2-3 month delay. He stated he was not sure why they would not want to allow restaurants in industrial zoned areas, and provided an example of a location where restaurants were located within an industrial area. He echoed the comments of Andy Waters in that he would trade the 1988 code for the proposed UDC.

Mayor Treece asked for the best practices or policy with regard to the list of 54 properties provided by Mr. Land in terms of current heights and people's expectations when purchasing property nearby. Mr. Zenner replied the neighborhood protection and neighborhood transition standards needed to be kept in place. He thought there might have been a misunderstanding initially in that they built upon each other. He noted Lindsey Rentals had been provided as an example at the PZC level. The property was zoned C-3 today and would become M-C with the proposed code. Redevelopment would trigger the neighborhood protection, screening, and buffering requirements that were in the neighborhood transition section of the proposed code. If the building was greater than 24 or 25 feet from the property line and it met the height standards, there would not be any additional setback requirement. The underlying setbacks of the zoning district would apply and there would be screening required along the adjacent property lines of a less intense use. Without looking at each of the 54 properties, he believed the application of the transition standards needed to be reviewed in the context of what was around it. If there was single-family or two-family developments adjacent, protections needed to be provided. To waive or eliminate the requirements or to grandfather the property really did not look into the future. He believed these situations needed to be addressed on a case-by-case basis, and noted it was the reason the Board of Adjustment existed. Those affected could go to the Board of Adjustment and ask for a variance with specific information as to a hardship. He thought they needed to protect the code by not making significant modifications to its underlying standards because it was applicable citywide. He reiterated the Board of Adjustment provided a relief mechanism, and understood it would create uncertainty, but noted it was how the issues needed to be addressed if they were concerned about the integrity of the whole.

Mr. Trapp commented that Mr. Land's list was incomplete as he had toured Columbia Printing and Sign as they had plans to expand and create jobs, and they would have limits on expansion due to the neighborhood protection standards. He thought those standards needed to be reviewed in terms of what it would do to existing uses. The proposal appeared to be very appropriate as it would be well-screened, but it abutted the back of a very large R-1 lot. He believed there would be a real economic consequence with regard to job creation of these standards. He noted he also wanted to address restaurants in industrial zoned areas as well. He explained the Second Ward was unique in that it would be impacted by the proposed code, but was not benefited by it. The Spencer's Crest condominiums would be a non-conforming use, and it had held up better than the R-1 and duplex products in the area. He stated the neighborhood protection standards did not reflect that R-1 might not be the future when looking at millennials as they wanted other types of housing. He had many doubts about the neighborhood standards, and its impacts, specifically on the Second Ward. One of the biggest complaints he received was that there were not enough restaurants, and he did not want to make that type of development more difficult.

Mayor Treece wondered if they might want to consider the 1988 C-2 zoning as an interim protection while they revisited the neighborhood protection standards.

Mr. Skala understood there might be some support for the 1988 standards, but noted that was not consistent with the visioning process, the comprehensive plan, etc. He did not disagree that there might be work to be done when it came to neighborhood protection standards, but felt they needed to decide whether to pass this with some amendments



while working through those issues. He did not propose going back to the 1988 standards.

Mr. Zenner commented that they had acknowledged there would be issues with some of the conversions through the adoption of the UDC. Given the nature of the concerns expressed, they wanted to reduce the regulatory delay process for conditional uses as much as possible, so they would re-evaluate all conditional uses. The idea of streamlining the code included streamlining the approval process. The use specific standards in Article 3 that defined the additional requirements that needed to be applied to particular uses that might have unique conflicts needed to be developed. He explained Clarion made the choice based on their experience nationally to transition particular uses from what they would have deemed a permitted use to a conditional use. He noted staff had taken exception to it as they felt there were common problems that existed in Columbia, but had not had the opportunity to look at all of those uses as well as the national standards that created them as permitted. They wanted the Council to redirect that activity back to the PZC to create thresholds by which the conditional uses could be considered permitted uses.

Dan Johnson stated he lived on Fairview Road and had moved to Columbia from Los Angeles. He noted there were differing opinions as to the beauty of various buildings, but believed everyone could agree that traffic jams and urban sprawl were not beautiful. He commented that he was concerned about taking away from the vibrant downtown as the current code helped facilitate infill and the greater density needed to keep the downtown vibrant. He thought it would be a mistake to change those aspects of the code, and it would be difficult to go back in time. He explained he had properties whereby he could combine lots to create more units in the back, and noted he tried to preserve houses already in existence in his redevelopments. By taking away properties for infill, people that could have been living on piece of land that already had the forest and ecosystems taken away would go to the outer limits of Columbia creating more subdivisions out of farms, which he believed was wasteful. He thought they needed to keep on the track of the old code in allowing more infill development. He disagreed with the use of an R-1 property inhibiting his ability to create additional bedrooms on his R-3 property. He felt there were a finite number of students, and at some point, the infill opportunities would gravitate more toward other demographics in town. He thought the prices would come down as more supply was created closer to the downtown and the University. He would rather people live in units closer to the downtown and University regardless of how they looked because they were at least walking to class or walking home from the bars. Aesthetics did not matter much to him. He preferred clean air, the lack of traffic jams, convenience, biking, and walking. As a real estate agent, he was often asked what could be built next door, and could honestly tell them based on the zoning code in existence. He noted people that purchased or inherited an R-1 lot knew what could be built next door based on the existing laws unless they were not informed, and he did not believe ignorance of the law was an excuse. Now, he would have to tell them that the person next door could downzone and limit your development. There was so much uncertainty that he could not tell them exactly what could happen. He reiterated he believed they were missing an opportunity to continue on the path of previous city councils and their vision for a more vibrant downtown that had been fed by infill and greater density.

Mark Farnen, 103 E. Brandon Road, commented that the new code would make some properties, uses, or lots nonconforming. He understood they would be legal, but nonconforming. It was sometimes difficult to repurpose or fill a lot whereby the use would expire within 12 months. He asked that this be extended to 24 months, and understood it was addressed in Section 29-6.5. This would allow more time so people could use the building in the same manner they could today. He understood a preliminary plat would expire within three years in the proposed code, and this used to be seven years. He suggested five years since they were transitioning from a more lenient time frame. Three years appeared to be too harsh. He commented that the proposed code articulated a

variety of new zoning designations, which created imperfections and a conflict with the concept of mixed use, particularly as it related to neighborhood protections. He thought the idea was right in that there should be buffering and some sort of separation between different uses, but believed the practical application created a situation whereby there was not a mix. They were creating more rules to restrict development rather than providing incentives for true mixed use in many instances within the neighborhood protection standards, such as single-family residential abutting multi-family residential or commercial. In some cases, the single-family home that existed in an area did not define the area as well as another use, such as commercial. He thought the neighborhood protection standards should be sent back to the PZC for further review. He suggested the Council redirect the permitted uses that would now be conditional uses or could be better defined as special uses with additional rules to the PZC for further review as well. He commented that a previous speaker had indicated they wanted certain commercial uses in their neighborhood if they worked, and the neighborhood protection standards would not allow for a neighborhood discussion. He advocated for allowing those discussions and making exemptions when needed.

Mayor Treece stated he understood there were situations in the area of the Business Loop, Forest Avenue, Grand Avenue, and Fourth Street whereby businesses acquired the residential lot on the street behind them for parking or as a driveway for trucks and trailers to travel through. He commented that they were trying to strike a balance with a buffer zone or good neighbor policy to prevent situations such as that. Mr. Farnen stated he did not disagree, and noted there many rules in Section 29-4.4 in terms of screening. In terms of neighborhood protection standards, he did not believe one house should define the entire area in terms of intensity of use. He also believed there should be the ability to negotiate amongst the property owners.

Ms. Peters asked Mr. Zenner for his thoughts. Mr. Zenner replied the neighborhood protection standards were applicable to redevelopment. He commented that in the example provided by Mayor Treece commercial properties could not drive through a residential subdivision to gain access. Gravel driveways were not allowed as a point of access either, and paved surfaces were required. Unfortunately, these situations were not identified until a complaint was filed as they did not enough inspectors. In terms of negotiations, he pointed out there was nothing in proposed code that would prevent a property owner from building a fence with a gate at the request of the neighboring property owner, per the example of Mr. Farnen. The proposed code had screening requirements with opacity, height, and buffering standards based upon the belief that the impact could be diminished based upon increasing the separation of those non-compatible uses and adjusting the intensity of the landscaping itself. He commented that the question was whether they were trying to protect the residents in existing structures in R-1 and R-2 dwellings from the increase in development intensity that might occur around them because of what the zoning classification would allow. By eliminating those standards, they were telling people that had potentially invested their life savings into a lot that they did not care. He thought the PZC wanted an opportunity to look into it before removing it from the code as a balance was needed.

Mr. Skala asked Mr. Farnen if he would prefer the Council pass the UDC without the neighborhood protection standards section and to send that section to PZC for further review, or if it would be acceptable to allow the Council to pass the UDC as a whole with the PZC making recommendations to amend the UDC later. Mr. Farnen replied if he knew how the UDC would be amended in the future if it were passed today, he could respond, but in the absence of that, he believed there were a lot of things that still needed to be addressed in terms of neighborhood protections. He suggested the neighborhood protection standards be referred to the PZC. He was not sure if they could adopt other portions of the UDC or if they were bound to adopt it all at once. He reiterated he believed the neighborhood protection standards needed further review before they were adopted. In terms of the conditional uses being reviewed so they could be considered for

permitted uses with some requirements, he thought that could wait because its practical implementation would not change unless a use expired, which would not occur for 12 months. The neighborhood protection standards would be implemented right away. He noted another option was to not implement the code for 90 days and to use that time to review and address the issues. He agreed with Mr. Zenner in that there was nothing in the code preventing him from building a fence with a gate, but that did not address the fact the neighbor might be acceptable of him not setting his building back ten more feet or limiting the height of his building to 24 feet, but he would be prohibited in doing so because of the neighborhood protection standards. Mr. Skala stated he was not inclined to wait 90 days to work out details, and at this time, his inclination was to not remove the neighborhood protections standards from the UDC, but he was in favor of ensuring some changes based on feedback was incorporated into the final product.

Sara Loe, 1900 Vassar, explained she was a member of the PZC, but was speaking for herself. In terms of the M-DT lots that had a buildable space of 10,000 square feet or less, she wanted to ensure everyone knew the PZC had made some exceptions for those types of lots. Sections 29-4.2(d)(7)(i) and 29-4.2(d)(7)(ii) addressed the exemptions, and they were split between residential and non-residential. She pointed out the majority of the lots in the downtown were less than 10,000 square feet, so although it was considered a small lot, it entailed a majority of the lots in the downtown. She stated they had exempted the open space requirement for non-residential and for residential buildings of less than four units. With respect to parking, she noted the PZC had accepted the Parking and Traffic Task Force recommendations.

Mr. Zenner pointed out there was an exemption for fenestration requirements on lots that met a particular dimensional width standard, so there were provisions exempting the open space component as well as the fenestration requirements and scaling requirements that applied to larger parcels.

Mr. Thomas asked about the parking exemption. Ms. Loe replied the Parking and Traffic Task Force recommendation was to leave it at 0.25 spaces per bedroom with a provision that it be re-evaluated moving forward, and the PZC had not changed it. Mr. Thomas understood the PZC had not made any special exemption for parking for small lots. Ms. Loe stated that was correct. She pointed out commercial and retail did not have a parking requirement.

Mr. Trapp understood the form base standards covered open space and fenestration based on frontage size, but there was still a two-story minimum and the 25-foot rear yard setback that would apply for small lots. Mr. Zenner stated that was correct. He pointed out the rear setback was where an alley did not exist, and he did not believe it was 25 feet any longer. He thought that had been changed to 12 feet for a parcel that did not have alley access, but the majority of parcels in the downtown had alley access, so it would not apply. The minimum two-story requirement existed everywhere within the M-DT with the exception of Urban General West. He noted Section 29-4.2(d)(2)(iv) involved the fenestration requirement exemption, and read it.

Mr. Thomas understood the rear yard setback requirement only prohibited building on what would be the alley right-of-way. Mr. Zenner stated the alleys that were identified in the regulating plan but did not exist in the downtown was where this would fall into play. Mr. Trapp asked for clarification. Mr. Zenner replied where the regulating plan identified an alley they wanted built for the purposes of service, parking access, etc., they would be platting a half-width of the alley, which was 12 feet, at the time of replatting. In essence, a 12 foot rear yard access easement would be platted. The building could be built to the easement line. Mr. Trapp commented that he toured downtown to imagine this requirement. He thought expecting seven other similarly sized properties to create the same open space on both sides for an aspirational alley was a lot of pressure for 9,000 square foot lots.

Mr. Skala asked if the PZC had discussed inclusionary zoning and density bonuses or if that was something they wanted the Council to refer back to them for further review. Ms.

Loe replied she had personally made a recommendation to the Council. Currently, there were two density bonuses within the UDC, a cluster density bonus and an orientation density bonus, but both were geared more toward R-1 and R-2 zoning. There were no density bonuses involving multi-family developments. She suggested developing a density bonus for exclusionary affordable housing that targeted multi-family. Mr. Skala stated he recalled discussing these issues with Clarion, and they had indicated they would leave space for some of those items as it had been beyond their charge. Ms. Loe noted the PZC had received comments with regard to the lack of emphasis on affordable housing within the UDC.

Mr. Trapp understood the rural cluster density bonus, which seemed wise and good, and the solar access density bonus were not stackable. Ms. Loe agreed they were not stackable. Mr. Trapp understood there was a 10 percent bonus for each, but both options could not be used, and asked why someone could not utilize both. Ms. Loe replied she thought an evaluation of the likely result would be needed as these were complex items. She commented that they had not rewritten the terms of those bonuses. They were only carried forward. Mr. Zenner stated it was an issue of how much of a density bump one would receive. The rural cluster density bonus required setting aside 50 percent of the property area in order to obtain a 10 percent increase. If solar was allowed to be applied as well, there would be a 20 percent reduction in the lot area, which could defeat the idea of creating rural cluster subdivision. They could not obtain bonuses for both, but the development could utilize both techniques. It was managing the density impact that might or might not be created in relationship to adjacent parcels. He noted this had come directly from Clarion, but the number had been adjusted slightly by City staff as they had identified that the lot reduction in width was of a concern. He commented that very narrow lots created issues in terms of utility placement and the other public services necessary on a lot frontage, so the amount of the reduction in the lot area and width had been adjusted. Mr. Trapp explained his concern was that the solar orientation would be much easier to achieve if they could get the same bonus. He was afraid they would not see any rural clustering because it involved a sizable set aside of 50 percent. He asked if the orientation provision was necessary with the solar ready changes made to the building code. Mr. Zenner replied the two operated totally independently. Mr. Trapp understood one was about rooftop design and the other was about placement of those roofs. Mr. Zenner commented that the rural cluster might be more viable based on other changes that were desired in the original review and layout of subdivision as part of the concept review stage of subdivision development. A land development mapping process had been proposed in the UDC that required the identification of environmentally sensitive areas. He believed it might become more advantageous when looking at what needed to be set aside for sensitive land areas as those sensitive areas were identified.

Ms. Loe explained there had been a motion to delete the neighborhood protection standards from the UDC, and it had not passed. She noted her personal take was that the intention was to provide some level of protection for existing R-1 and R-2 properties located adjacent to non-similar zoning. She stated some neighborhoods were in interesting predicaments due to the decisions made by previous councils and did not believe that section would necessarily solve those specific issues. The overlay districts were another vehicle, although there had been issues in some neighborhoods with those as well. She thought there might be a third alternative and noted she was not sure this was a one-size-fits-all solution.

Deb Sheals, 406 W. Broadway, commented that she was on the Downtown CID and had been on the Parking and Transportation Task Force, but noted she was speaking on behalf of herself. She stated there were about 80 properties in the downtown that were listed in the National Register of Historic Places, and thought they needed to be very careful to protect those as part of the zoning process. She wanted to ensure some items required for the Downtown CID would not be applicable to historic properties, and gave an

example of an addition to the Niedermeyer property as it would have to be placed at the sidewalk instead of behind the building. She stated she supported the small lot exemption. She understood the PZC had addressed this on some items, but thought they could go a little further. She noted 10,000 was not a magic number, and could be reduced. She believed the two-story height and the carving of land off of the back of the lot would really impact the redevelopment of some lots. She explained her office was in the building that housed Kaldi's. It was not on an alley as it backed up to a parking garage, and if that building was torn down for redevelopment, there would be a 25-foot wide whole on Cherry Street. She thought they needed to look at that closely. If they made it difficult for little projects to work, people would hold, aggregate, and sell properties big developments, and that would be all they would then have downtown. She asked the Council to look hard at how they could keep downtown local. She commented that she also supported the parking exemption for small apartment projects. The suggestion of the Downtown CID was 20 bedrooms, but it was not a magic number, and could be adjusted. She believed it was a great way to use the space downtown, and felt they needed to make it easy for it to be done. She understood there were parking issues in the downtown, and knew enforcement was the solution, but it was not working now. She worried about new large-scale apartment buildings being developed downtown with only requiring 0.25 parking spaces per bedroom, and suggested that be increased. She also suggested the Council establish a parking commission before July as this was a major issue. She asked if "used restaurant grease" could be added to the definition of solid waste. The downtown had grease bins in public alleys, and new developments were not required to incorporate a place for used grease. She commented that she believed they needed to protect their historic neighborhoods, and work was still needed on that issue. She suggested the Council pass the UDC with those protections and allow the PZC to work on it for future amendments.

Mr. Thomas understood Ms. Sheals had indicated there were parking issues in the downtown and asked for clarification with regard to those issues. Ms. Sheals replied the parking issues were causing businesses to leave and provided Witt Print as an example as it had been in the downtown for 30 years. She understood part of the problem was perception while the other part was actuality. The perception issue was that parking was hard to find. She explained she was a small business that had just doubled her staff to two people. She had decided to pay the extra \$850 per year for parking and had been told it would be several years before she could get a parking space for her assistant. Almost every garage in the downtown, if not every garage in the downtown, now had a waiting list for parking, and a lot of the parking was being used by residents who often left their cars parked for 2-3 days at a time. Mr. Thomas noted that was illegal. Ms. Sheals agreed, but noted it was happening, and it prevented others from obtaining a parking space. Mr. Thomas asked how mandating additional parking in residential buildings solve the problem. Ms. Sheals replied she felt the residential parking tended to create the long-term storage of cars, and those should be stored within those buildings instead of the public parking garages. Mr. Thomas asked for clarification regarding the problem. Ms. Sheals replied people that lived in apartments in the downtown that did not supply any parking were renting spaces in the public garages. Mr. Thomas asked if there were no spaces in the garages. Ms. Sheals replied she could not rent a space in a garage in the downtown right now. Mr. Thomas asked if there were hourly spaces available. Ms. Sheals replied she believed there were hourly spots.

Mr. Thomas stated he believed better enforcement was needed, and during the last budget cycle, he had proposed raising parking meter fees and permit fees to fund the additional enforcement so they were better able to stop people that were parking long-term in garages illegally and parking in neighborhoods. He noted the Downtown CID had opposed it at the time, and asked if she would support it now. Ms. Sheals replied she would not support it. She explained if her office was a half-mile away, parking would be free, but since her office was downtown, she had to pay \$850 per year. People that

came downtown to visit businesses paid to park. She agreed neighborhood parking enforcement was needed, but did not feel it should be done at the expense of the businesses in the downtown. Mr. Thomas thought it would help the downtown because better enforcement in the downtown and the neighborhoods would eradicate the illegal parking and free up those spaces. It would also allow the market to work in constructing new residential buildings without government mandates. Ms. Sheals agreed enforcement could help, but she preferred the extra costs be placed on the new developments instead of existing businesses. Mayor Treece commented that the opposite of the government mandate would be a government subsidy of the City providing the parking, which was happening now. Mr. Thomas noted he did not support that either.

Ms. Nauser asked what constituted a historic structure as she could not find a definition in the proposed UDC. Ms. Sheals replied there was a historic preservation ordinance, but she was suggesting they use the nationally recognized definition of being listed in the National Register of Historic Places. Mr. Zenner stated a historic structure was generally something that was 50 years or greater in age in terms of the demolition permitting procedures for analysis by the Historic Preservation Commission. The historic preservation ordinance had other definitions as it related to landmark property, historical significant, etc. Ms. Thompson pointed out those definitions were in Section 29-1.11(d), which was in Article 1. Ms. Sheals clarified that generally historic was more than just a structure that was over 50 years old. It had to be intact. There were buildings that were 50 years old that were noncontributing buildings or not eligible for listing in the National Register of Historic Places because they had been so altered that they no longer portrayed that sense of time and place.

John Clark, 403 N. Ninth Street, commented that Mr. Zenner understood the interrelation, complexities, and interactions in the proposed UDC, and believed the Council needed the experience to relate the different sections of the UDC. He stated he was less reluctant to rant about needing more time due to the work Mr. Zenner had done and the proposed work that needed to be done by staff and the PZC, which he wanted the Council to commit to do. He explained he was thankful growth in the downtown was starting to slow, and if better rules had been in place, the rapid increase in population density in the downtown would not have happened. He pointed out the charrette process looked at an increase in population density downtown over a 15-20 year period, and he was not interested in rapid population growth in his neighborhood, the West Ash neighborhood, the East Campus neighborhood, etc. He stated it was the rapidity of change that disadvantaged and harmed so many people. He hoped this process and the result of this process would help them prevent it going forward. He commented that development plans for years had totally been developer driven and City staff had been supportive of anything that was not a disaster, and did not believe this should continue for the future. The purpose of the UDC was to lay out the rules or broad strokes of a guided plan with greater predictability for the government as it would deliver real benefits to the developers and the community. He understood Mr. Farnen mentioned the idea of bargaining, and noted flexibility and ad-hoc were the same, and he did not feel it was beneficial. He suggested the Council pass the neighborhood protection standards pretty much the way they were, and to change them later if needed. He did not feel they should be eliminated or sent back to the PZC immediately. He commented that a past council had made a decision years ago to blanket zone areas, most of which were already developed, and upzone them. He felt the neighborhood protections proposal was a modest proposal, which would address the balance of interest between owner-occupants and renters, whose main value of a residence was to use it as a residence. The neighborhood protection standards were designed to provide a rebalance from protecting the investor use to owner-occupants and leasehold tenants across the community. He reiterated his recommendation to adopt the neighborhood protection standard.

Mr. Thomas asked if the upzoning in the 1950s or 1960s had been done by the City government without the consent of the property owners whose properties were upzoned.

Mr. Clark replied there had been a comment in the papers recently that someone had wanted to do it because they had wanted to rent out their basement. He thought that would have happened in the 1940s due to the GI Bill. He commented that R-1 zoning would allow him to rent his house as long as he did not break it up into apartments or turn it into a rooming house. He understood this was done because it was the future, and they wanted the downtown and the University surrounded by R-3 zoned property with less intensity west of McBaine Avenue. He believed it had been seen as something good by the City Council at that time, but since then neighborhoods had been destroyed for a mixed-use developments in terms of owner-occupants and renters.

Mr. Thomas asked Mr. Zenner about the history and the legality of the upzoning that had occurred in the past. Mr. Zenner replied he understood, in 1957, the recommendation by Hare & Hare, the planning consultant that had produced the 1936 code, was to rezone certain areas from R-1 to R-3 in anticipation of the potential growth to accommodate the expansion of the University of Missouri. He also understood it had not been done at the request of the residents or in general consultation with them. It was a Council action and initiative. Mr. Thomas asked if it had been legal to do that at the time. Ms. Thompson replied they would not opine as to the legality of past actions of prior city councils. Mr. Zenner pointed out the recommendation for the rezoning was brought forth by Hare & Hare, and the effects of that action and recommendation could be seen today in the East Campus, Benton Stephens, and North Central neighborhoods. Mr. Thomas asked if any of the property owners that were affected had fought it or sued the City afterwards. Mr. Zenner replied not to his knowledge. There had been concern enough for properties that had been impacted to seek alternatives, such as the ability to downzone, the creation of urban conservation overlay districts, etc. Mr. Thomas commented that it had not appeared to be highly controversial at the time. Mr. Zenner replied he could not comment on that. Mayor Treece noted there had been many things in that code that would not be appropriate now. Mr. Clark stated he believed the rise in neighborhood associations was a direct result of the disastrous code and its application.

Mr. Skala commented that he understood that at the time those areas had been rezoned they had been trying to provide incentives to grow. The assumption was that upzoning property would increase the value, provide the incentive, and encourage people to develop the property. Much later, there had been a backlash that took the form of the urban conservation overlays, etc. He noted there had been value in upzoning properties in terms of the dollar value, and later there was a quality of life value that had accrued to some of the neighborhoods. Those values conflicted, particularly between owner-occupied and rental properties. He believed the proposed UDC tried to redress some of the balance.

There being no further comment, Mayor Treece continued the public hearing to the March 6, 2017 Council Meeting.

Mayor Treece explained he had seven amendments he thought needed to be considered based on comments today. He thought they should discuss what they envisioned for the Monday, March 6 meeting. He wondered if they should utilize up to an hour to determine if there was additional public comment, dispose of any amendments, and open it up again for public comment. They would also allow more comment at the March 20 meeting. He listed the seven items he had collected. He thought they could either pass what they had in terms of the neighborhood protection standards, insert their own plan if they could come up with something, or they could send it back to the PZC, and if they chose to send it back to the PZC, he wondered if they wanted to entertain some interim protections, such as passing what they had and providing the PZC six months or so to come back with an alternative. He stated they also had some Paul Land and Andy Waters amendments regarding adjoining residential uses and whether they wanted to pass it or fix it. He understood some of it could be fixed by returning the neighborhood protection standards to the PZC. They had Janet Hammen's amendments regarding heights, setbacks, lot widths, and side drives, the Downtown CID requests for complete

exemptions for small properties and parking exemptions for 20 and fewer beds. They also wanted to add grease bins to the definition of solid waste. He understood there were likely others. He stated parking was an issue, and suggested that if they provided a parking exemption that they offset it elsewhere.

Mr. Trapp asked if they had captured the M-C versus M-N issue raised by Mr. Lindner. Mayor Treece replied he would make a note of it.

Mr. Skala suggested they consider as an amendment an appeals process, and suggested a semi-permanent task force to deal with unintended consequences. He thought it would be beneficial to the Council to have a group to provide additional input, and for the group to consist of 3-5 people. He viewed it as a policy committee and different than the Board of Adjustment to inform the Council of changes so the UDC would become a better document. Mayor Treece stated he saw that as an exceptions committee. He commented that the proposed code provided the Community Development Director considerable discretion, and he might not be comfortable making such calls during the first 12 months. He saw the group looking at the code and determining whether what was being requested to be done had been the intent. He thought it could be a combination of real estate experience, legal experience, planning experience, love of community, vision for downtown, etc. Mr. Skala explained he wanted it known that there might be an additional resource beyond the legal channels necessary. Mr. Thomas stated he was agreeable.

Mr. Trapp commented that he appreciated the work of Mr. Zenner and would encourage the PZC and staff to work through the conditional uses to determine if parameters could be set so they could be permitted uses. He explained he did not feel he could represent his Ward well by not asking for an amendment to add restaurants as a permitted use for industrial property. The Second Ward was all neighborhoods, and they did not have any restaurants. There were also problems with regard to the cost of development versus the cost of renting space that created a disincentive to invest in the neighborhood. He noted the walkability scores were low, not only because there were not sidewalks, but also because they did not have any place to go. He reiterated they were spending a lot of time talking about issues that impacted only 3-4 midtown neighborhoods although the standards would apply to entire community and would do harm to property owners and residents in his Ward. He wanted to ensure something in the document helped someone in the Second Ward.

Mr. Thomas noted there had been discussion in relation to the West Central neighborhood planning process, and a map had shown circles around some of the major intersections as allowing higher density and lower parking requirements. He did not believe they were zoned C-1 and asked how that plan envisioned new requirements on those corners so they could become more walkable, transit nodes as they redeveloped. Mr. Zenner replied they had more detailed land use maps that went with the land use plans created. The land use maps within the area plans were intended to act as guides to those that wanted to make investments. When an application or concept review was sought, staff would look to the land use plan of the area plan to determine if it was consistent with the goals and objectives, and if so, would suggest they submit a formal application for a rezoning request to the PZC. If Council were to choose to approve the rezoning, the map would be amended, and the conditions associated with development of the property would be governed by the UDC. The scale of the nodes would vary based on the scale of the infrastructure that was there.

Mr. Thomas asked about the details of the pedestrian- and transit-oriented overlays. Mr. Zenner replied the transit-oriented areas would be along the major corridors and were identified in Article 6. He pointed out it was a Board of Adjustment action to establish the standards. He explained a transit standard in the M-C would provide the ability to reduce parking because the development was on a transit line and supportive of transit. In M-N, one had the ability to go to the pedestrian-orientation, which would allow buildings to be pulled closer to the frontage and allow for modifications of the general underlying



standards. He noted Article 6 provided for the criteria the Board of Adjustment would use for approving the dimensional waivers for pedestrian or transit orientation. He pointed out Article 4 provided the dimensional standards table. The dimensional standards table for standard M-N and standard M-C varied when looking at transit and pedestrian orientation. In order to elect to go to the optional standard, the developer would have to go to the Board of Adjustment and meet the criteria for the Board of Adjustment process. Mr. Thomas asked how the parking requirement would change, and asked if it was in Article 6. Mr. Zenner replied it was in Article 4, and explained reductions were allowed when one chose to go to transit and pedestrian orientation.

Mr. Thomas stated the parking regulations did not appear to be organized by the zoning districts, and were organized by the actual uses. Mr. Zenner stated that was correct. Mr. Thomas noted he could not figure out how to find the transit-oriented version of M-C or the pedestrian-oriented version of M-N. Mr. Zenner explained they were under the parking alternative section in Article 4, which was Section 29-4.3(d). Mr. Thomas asked if these numbers had been recommended by Clarion. Mr. Zenner replied no, and noted they had been recommended by staff. Mr. Thomas asked if it had been based on other cities. Mr. Zenner replied he thought the 20 percent in (i) had been recommended by staff based on other standards identified, and the 30 percent in (ii) had been based on the recommendation of Clarion, but he would have to look at the original draft to ensure that was the case. He noted there were also options as one went through the parking alternatives for a developer to further reduce the number of parking spaces required.

Mr. Thomas asked for clarification regarding Table 4.3-2: Shared Parking Reduction Factors. If parking could be shared by residential and food, beverage, and indoor entertainment uses, he understood there would only be a 10 percent reduction for each of those businesses even though the timing would be complimentary. He also wondered why the intersection of food, beverage and indoor entertainment use with office use was quite a bit higher than the others. Mr. Zenner replied there was a definite separation between those two uses as one was during the evening and the other was during the day. Mr. Thomas stated he viewed the residential use as being geared toward the evening as well. Mr. Zenner pointed out residential had not been broken down by single-family, multi-family, etc., so it was residential in general. In addition, the table had been developed by Clarion. He explained the residential use was unlike other uses where one could count on a definite separation of timing of when occupants would and would not be there, so the credits were not given.

Mr. Thomas asked for a summary of how the proposed parking requirements were different than the current code. He understood the M-DT was almost identical to the current C-2 requirements. There was a difference in the range within where the off-site parking could be located in that it was changed from 0.50 mile to 0.25 mile. He noted R-MF was exactly the same as the R-3 and R-4 requirements even though Clarion had suggested it be reduced by about 50 percent because staff had changed it back based on public input. He asked if anything had changed for R-1, R-2, C-1 to M-N, and C-3 to M-C. Mr. Zenner replied the minimum requirement for parking for the commercial designations had generally been reduced, and they had simplified calculation of the parking spaces. It was based more on the national standards. He pointed out the residential standards had essentially stayed the same. He commented that the expansion of parking alternatives, which involved credits for on-street parking or shared parking, was a significant change in how parking on adjacent properties or within a specified distance was managed.

Mr. Thomas asked how bicycle parking worked in Section 29-4.3(k) of the proposed code. Mr. Zenner replied it was similar to the way it worked currently. The one significant exception had to deal with the maximum amount of bicycle parking that would have to be provided when exceeding vehicle spaces of 300 or more. Mr. Thomas asked if that meant they would not allow a developer to build more than a certain amount of bicycle racks. Mr. Zenner replied five percent was the minimum in a 300 space parking

lot. Mr. Thomas understood if they had 300 vehicle spaces, they would build 15 bicycle spaces at a minimum. Mr. Zenner stated that was correct. Mr. Thomas asked if there was a maximum as he thought that had been said. Mr. Zenner replied the minimum required would be capped at a certain amount, but a developer could always build more. Mr. Thomas asked if reductions in car parking spaces could be allowed by providing extra bicycle spaces. Mr. Zenner replied the current code allowed a reduction in required vehicle parking by one for every bicycle parking space provided. Mr. Thomas asked if that was over and above the minimum bicycle parking required in the first place. Mr. Zenner replied for every required bicycle space, the developer was allowed to subtract one required vehicle space. Mr. Thomas understood if 300 vehicle spaces were required, 15 bicycle spaces would be required, so 285 vehicle parking spaces would actually be required. Mr. Zenner commented that the proposed code carried forward the way it worked in the current code, which meant credit was only provided for the required number of bicycle spaces, and not any additional bicycle spaces the developer might include. There was not an incentive to provide extra bicycle spaces. Mr. Thomas thought they could leave the minimum of five percent the same, and wondered if they could allow up to 15 percent and provide for a reduction in vehicle spaces up to that 15 percent as well. He asked Mr. Zenner if he thought that would be a good idea. Mr. Zenner replied he believed it could be successful in some situations, but in other situations, they would just be creating an excessive problem in spillover off of a commercial site. He thought they needed to be careful of user preference. Mr. Thomas asked Mr. Zenner when the last time was that he saw every vehicle space taken in a commercial site, except the day after Thanksgiving. Mr. Zenner replied he did not disagree with that point, but explained he understood any commercial property owner and developer would maximize parking because they wanted every user of their site to be able to park in front of the door of the store they wanted visit. He pointed out they would not build more parking than needed, but would build to what they believed the clientele wanted. He understood some felt the minimum parking spaces required were too low, and it was the reason they included a parking cap in the proposed the code. Mr. Thomas understood the cap was at 150 percent. Mr. Zenner stated there were three tiers, and anything above the top tier required the approval of the Board of Adjustment.

Mr. Thomas commented that he would like to discuss allowing greater reductions in parking minimums, especially in the downtown, in return for building additional bicycle parking. Mayor Treece noted he would likely have a companion amendment to increase the minimum number of parking spots for x number of residential units or more. Mr. Thomas asked Mayor Treece why he would have an amendment to increase the requirement. Mayor Treece replied it was because they were creating the demand that generated the parking problem they had in the downtown.

Mr. Skala asked for the changes that had occurred with the M-DT regulating plan compared to the original concept. Mr. Zenner replied the map provided today was the final M-DT map, and the proposed UDC dated September 2016 included an amendment of what Clarion had originally proposed. The amendment was the result of comments made between May and July. He stated he could produce a sequence of the changes to Council. Mr. Skala stated he would appreciate that. Mr. Zenner pointed out that by the time the map had been finalized, the purchase of the McAdam's property had not occurred. They could now modify the map to designate that property as public space, which would in essence be the expansion of Flat Branch Park, if desired by Council. Mr. Skala stated he would appreciate that, and asked if there had been any subsequent changes to the northeast sector of the M-DT. Mr. Zenner replied yes, and described those changes. He explained they would likely need to revisit areas that might be inconsistently coded per current land use, and when they determined a more appropriate zoning, the regulating plan might be affected.

Ms. Nauser read Section 29-4.3(b)(5) of the proposed code, which indicated the right-of-way would be reserved for future widening or the opening of a street where a line

on the Major Roadway Plan indicated that a street widening had been planned or programmed for a capital investment within five years, and asked for the current policy. She noted the capital improvement ballot issue was on a 10-year cycle. Mr. Zenner replied this provision was new, and it basically tied their goals and objectives of infrastructure planning to the other planning documents. The process today was that a developer was required to dedicate the required half-width even if the roadway was not on the capital improvement plan or it was not anticipated to be funded for many years. This provision would require it to be within a five-year capital improvement funding spectrum. Ms. Nauser stated she had concerns and provided Scott Boulevard as an example. It had been on the capital improvement project list in 2005, and did not get completed until recently. If this standard had been in place, the section that was just completed would have required the acquisition of right-of-way. She thought this provision would place a constraint on the City in terms of building its roadway system. She pointed out they were always criticized for not planning ahead, and this would take future widenings of roadways off the table forever. Mr. Zenner stated he thought the solution would be to eliminate the time frame. Ms. Nauser commented that she believed the date needed to be removed. Ms. Thompson stated that was supported legally, so they could easily delete the time frame. She noted Columbia had only applied it to subdivisions, but she thought it could be extended to building permits and changes in the use of the property to ensure the necessary right-of-way would be obtained. Ms. Nauser stated she was agreeable to the suggestion of Ms. Thompson, and asked that it be brought forward as an amendment.

Mayor Treece asked the Council if they wanted staff to craft the amendments suggested. He noted he could provide his list to everyone so they were aware of potential amendments. Mr. Trapp and Ms. Nauser stated they were agreeable. Mr. Skala asked staff to determine if some of the items cascade or if there was a natural order.

Mr. Thomas suggested extending the time period for review and consultation with the neighborhood groups from 15 days to 45 days for amendments to the East Campus overlay. Mr. Zenner explained that provision was a minimum. Any amendment to an overlay or zoning provision would have to start with the PZC, which would trigger a text amendment process. An amendment proposed by a resident would be processed through the Community Development Department, who would first send the Council a report asking for direction to proceed with the public hearing process with a public information meeting and the PZC notice and hearing. By the time it was to Council, it would have gone through 2.5 months of process. Mr. Thomas understood the 15 days was for the triggering event at Council, and not when the Council voted. Mr. Zenner stated that was correct. Mr. Thomas understood that amendment was not necessary then.

Mayor Treece asked for clarification regarding how the area north of Park Avenue, around Hubbell Drive, St. James Street, and St. Joseph Street had changed throughout the process. Mr. Zenner replied he thought that area around St. James Street and Hubbell Drive had originally been identified as detached single-family, but was removed. He noted he could not recall all of the details. He pointed out the area with the Ameren site had not originally been included. Mayor Treece commented that the area was a residential anomaly. He stated he might want to pull it back for a more intensive public input process.

### III. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 2:58 p.m.