

**EXCERPTS**

**PLANNING AND ZONING COMMISSION MEETING**

**NOVEMBER 16, 2016**

**Case No. 16-110**

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

**SEGMENT FIVE**

**FORM AND DEVELOPMENT CONTROLS (CHAP 29-4.7 THRU CHAP 29-4.10)**

MR. STRODTMAN: Mr. Zenner, may we -- or Mr. Teddy, may we have a staff report, please?

MR. ZENNER: Yes, Mr. Chairman

Staff report was given by Mr. Pat Zenner of the Planning and Development Department.

MR. STRODTMAN: Commissioners, is there any questions for Mr. Zenner? I see none. We'll go ahead and move forward into the public comment portion. Before we get started, just a couple of ground rules. Obviously, we're working on Segments 5 and 6, so please keep your comments related to those sections. We would ask that you give us your name and address when you approach the podium, and each speaker has five minutes. If you see the red light blinking on the podium, you know your time is up and we would ask you to kind of wrap it up. And also just for the sake of time, if someone has already spoken on a topic and you're just going to ditto it, we would appreciate -- we know you're here, but we don't need to hear the same thing over and over, if possible. If it's a different twist, bring it on up. So with that we'll go ahead and open it up.

**PUBLIC HEARING OPENED**

MR. STRODTMAN: To public input on Segments 5 and 6 and --

MR. ZENNER: Five.

MR. STRODTMAN: I'm sorry?

MR. ZENNER: Just Segment Five.

MR. STRODTMAN: I'm sorry. Just five. I'm sorry. Just five. So if you guys want to go ahead and if anyone has any comments on Segment Five, we would welcome that. There is a prize for first place -- first.

MR. COLBERT: Nobody wants to be first.

MR. TEDDY: Gift certificate.

MR. STRODTMAN: You're not last.

MR. COLBERT: Right. Caleb Colbert, attorney, at 601 East Broadway. And I just wanted to start with a question for clarification purposes. So when you look at the dimensional standards table on pages 171 and 172, certain districts already have increased setback requirements if they're adjacent to residential districts. Are the neighborhood protection standards then cumulative if -- if you opt for the additional ten-foot setback? So, for example, M-C or I-G property that has a built-in minimum setback of twenty feet for side and rear yards, is the neighborhood protection standard the ten foot that's on top of the twenty foot. Correct?

MR. ZENNER: That would be correct.

MR. COLBERT: Okay. Second, I wanted to offer a brief comment on the neighborhood protection standards on the change that Mr. Zenner mentioned about requiring the landscaping to be on the opposite side of the screening device. When you look at the table that deals with the transitional buffering, you can see properties that may be subject to a ten-foot landscape buffer and an eight-foot-tall screening device. If you require the landscaping to be on the opposite side of that screening device, you're essentially saying that the fence isn't going to be on the property line, and I think in the future you're going to end up with property-line disputes because over time that landscaping is going to be used and utilized by the neighbor. That's sort of the intention. I think that down the road we'll end up with adverse possession issues and property-line disputes if you move the fence off the property line. Historically, fences have been on the property line to delineate boundaries. Now we're taking that marker and saying we're going to set it inside of the property line to protect the neighbor, and I think that's problematic in the future. So I would ask that that subsection (d) of 29-4.8 be deleted to eliminate that problem. Thank you.

MR. STRODTMAN: Thank you. Is there any questions? Mr. MacMann?

MR. MACMANN: Mr. Colbert, I have a follow-up on your where the fence goes question. We've got neighbor, landscape buffer, and a fence. You would, for future property-line issues, you would put the fence on -- right on the property line where it typically goes. Where then does that landscaping go?

MR. COLBERT: Well, again, it goes interior and, as Mr. Zenner mentioned, the default rule is it does benefit the -- the more intense use, but that's the tradeoff.

MR. MACMANN: That's what I wanted to know. Thank you very much.

MR. STRODTMAN: Any additional questions? Thank you, Mr. Colbert.

MR. COLBERT: Thank you.

MR. LAND: Members of Planning and Zoning Commission, my name is Paul Land; I reside at 4104 Jocelyn Court. Could I hand an exhibit out?

MR. STRODTMAN: Yes, sir.

MR. LAND: I want to amplify on the points that were just raised. I'm handing out to you the names of over 50 businesses currently that abut residential neighborhoods. This is the way our community has developed. Sometimes commercial properties run along a major corridor and residences

moved up next to them. Properties changed hands over the course of many years and people moved into those or next to those commercial properties knowing those commercial properties were there. They're pretty hard to disguise. But these are 50 businesses that if they weren't underneath or came before a remodel or changed their parking lot would have to subscribe to the standard that is now described where a fence would be placed inside their property line and grant ten feet to a neighbor and landscape something that will be shielded by a fence they'll never see. It would call into question maintenance of that landscaped area which is on the abutting property owner's side who will be seeing it, but the business will never see that landscaping. How do we know what's happening over there? I think it's a recipe for disaster not only because of the property line disputes that will happen in the future when property starts selling again and everybody thinking that fence represents the property line. I think that somebody openly and notoriously using that property for a period of years will be entitled to prescriptive easements over that, and I think that will create some heartburn. I think the standard needs to be revisited. It just doesn't seem to make sense to me. The light-pole standards will be called into that same question. Some of these may already exist beyond the height of 20 feet. If there's a remodel, that's going to be a new standard that's going to have to come into play. I'm -- and this is not directed at you folks because you're doing a great job and you're tackling many issues. But I'm telling you every time I read this Code, I discover something new and that's problem. This thing has got to be more simpler. It's got to be simpler. If somebody is in the field trying to interpret this, it can't be a new interpretation every night. And so when you get to the final element of this, I want you to consider if -- is it really a better Code than the one we have. Thank you.

MR. STRODTMAN: Commissioners, any questions for this speaker? I see -- I see none. Thank you, Mr. Land.

MR. LAND: Thank you.

MS. LEEPER: Hi. Alice Leeper, 2015 Ivy Way, and I have a handout I'm going to pass along. I'm here to speak on behalf of the sign standard and some changes that I think need to be considered. I am a real estate agent with ReMax/Boone Realty, and the current real -- residential real estate sign standard calls for a maximum area of four square feet. If you look at the handout that I'm passing along, we find ourselves in violation of that standard most of the time because each franchise and/or company has design standards on what they require for their signs. We also have to adhere to rules set out by the Missouri Real Estate Commission that requires us to advertise a brokerage phone number at the same time that we advertise an agent phone number. There are a limited number of companies of which ReMax/Boone Realty is one where they actually register every single phone number assigned to an agent with the MREC, and so therefore I can legally put my name and my phone number on my sign and not require a rider. Almost every other agent in town requires a sign rider in order to identify the agent and their personal contact information. In addition, we use sign riders to identify specific information about the property, to identify open-house information. The current standard at four square feet does not allow us to use sign riders on the sign, so every time we use one, we're in violation. So my proposal is that we

look at changing that minimum sign standard from four square feet to seven and a half square feet. That would allow the use of up to three sign riders in addition to the main panel. You'll note when you look at the -- at the documentation that there are a couple of -- of franchises right now that are butt up against the standard and -- and potentially in violation. The other part of that is the commercial standards for sale of land. The way the standard is written right now, it says that for lots one acre or less that the sign standard is twelve square feet. Well, most standard commercial signs by major franchises, the minimum size is four foot by four foot, so that's sixteen square feet. There is also a sliding scale for increasing that minimum twelve square feet up to a maximum of thirty-two square feet over the size of the acreage. Well, there really are only two standards. There's four-by-four and four-by-eight. Anything else is a custom sign. So in order to adhere to this current regulation, we would have to make custom signs for commercial real estate. Okay. In addition to that, if you look at table 4.9-2 on page 295, we are allowed a maximum of three open house advertising signs. To get into most subdivisions, it takes a minimum of five, so I think the standard there should be six to allow us to direct people from the entrance to the subdivision to the actual house that we're advertising. Anything less than that is -- is difficult. And personally I'd like to see us be able to put the signs out the night before instead of having to scramble and get the signs up, get to the open house, pick the signs up, and take them to the next house within the less than 30 minutes that we're allocated. On page 301 of the sign standard under (e), regulations based on type of sign/banners, you're missing the section for the Business Loop Community Improvement District. In the current -- current standards, they allow both the special business district and the Business Loop CID to use banners on light poles, but it's missing out of this new document. On page 309, table 4.9-8, there is a typo that you will miss because it is difficult. It's on -- it's the very last row, interstate freeway. It currently reads thirty-two square feet maximum area, six square feet maximum feet. That should be maximum height, H-T. Those are my suggestions and I appreciate your consideration. Any questions?

MR. STRODTMAN: Any questions? Ms. Burns?

MS. BURNS: Yes. Ms. Leeper, I was wondering where you found the time, the 30 minutes prior to the open house. I was looking for that in --

MS. LEEPER: That's pretty -- I mean, that's what we allow ourselves.

MS. BURNS: Oh. Oh, I see.

MS. LEEPER: And because --

MS. BURNS: That was what you were referring to in the Code.

MS. LEEPER: -- we have haul the signs with us. Yeah.

MS. BURNS: Okay.

MS. LEEPER: And so when I'm scheduling open houses, I typically try to do three in a day. And so I schedule them from like, say, 12:30 to 1:30, and then from 2:00 to 3:00, and then from 3:30 to 4:30, so I really have a half an hour to get from one property to the next. If I have people that are staying a little extra time or came in at the last minute, then sometimes I don't make it to the next house on time --

MS. BURNS: And you're --

MS. LEEPER -- and sometimes I can't put my open-house signs out for that reason.

MS. BURNS: And you're currently prohibited from putting them out the night before?

MS. LEEPER: Yes. Because, currently, we are allowed to put signs out for the time of the open house only. So it doesn't allow us to set them out early at all.

MS. BURNS: Thank you.

MS. LEEPER: Okay. Thanks.

MR. STRODTMAN: Additional questions, Commissioners? Ms. Loe?

MS. LOE: Ms. Leeper, on your handout you say that the current sign standard allows for four square feet?

MS. LEEPER: Uh-huh.

MS. LOE: So all the signs are currently exceeding -- the ones you have noted are currently exceeding the current standards?

MS. LEEPER: If you are using sign riders, in most cases, you are exceeding the sign standards.

MS. LOE: Okay. Thank you.

MS. LEEPER: And the table at the back shows you the sizes of each of the different franchises.

MS. LOE: Right. I just wanted to confirm they're all out of compliance currently.

MS. LEEPER: Mostly. Yeah.

MS. LOE: All right. Thanks.

MS. LEEPER: Thank you.

MR. STRODTMAN: Any additional questions? No? I see none. Thank you, Ms. Leeper.

MR. HINSHAW: Paul Hinshaw, 1116 Wilkes Boulevard. Just wanted to comment tonight that most people don't understand this massive document. I don't think most people in this room totally understand it, even though it's going to affect many, many people. The more you understand, the more you don't understand. It is way too complex to understand. Why do we need such a complex Code? I wanted to highlight one -- I wanted to comment that there is a big difference between zoning and use. All parcels could be zoned one thing and a use could be granted to one of those parcels that could affect its surrounding neighbors, even though all the parcels were zoned the same, and I don't think that's fair. Thank you.

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

MR. TRABUE: My name is Tom Trabue; 1901 Pennsylvania. I really wanted to draw your attention back to the handout that Mr. Land provided. I own one of those buildings that's on that list and we don't have a problem with our neighbors or the screening. When I go down through that list, and I -- and I would encourage you to go through that list very carefully, I suspect that a large majority of those are perfect examples where there is no problem at all and that this -- this particular screening and buffering is not appropriate or necessary. That's all I have.

MR. STRODTMAN: Any questions for this speaker? I see none. Thank you, Mr. Trabue. Come on up. We've got the room for the whole night, but you still only get five minutes.

MR. CLARK: My name is John Clark; I live at 403 North Ninth Street. I'm an attorney; I'm a CPA. My first thing was some time ago, you did something on North Ninth Street because Ms. Bukowsky requested something. And so the problem with that, if I understand that change that you made meant that for properties just north of Park, now building height could be built on the south side of Park up to six feet, as -- whereas under the prior right, it was four feet. I don't care how you do it, but I'm certain you can do it, to basically give some relief to the property owners going down the road and keep the -- that transition zone so the building heights that can be sought -- built on the south side of Fourth -- Park Avenue across from the north side of Park are limited to four stories. Secondly, I was quite interested in listening to the discussion about visible landscape. Well, of course, I must admit I have been a lot of places where just horrible, terrible backsides of screening things. I mean, that's -- this really needs to be dealt with. And I understand the idea of adverse possession. I also understand something about the issues about care and maintenance. Suppose if you require, as you're proposing to do, the landscaping, whatever the screening thing is to be cared for. But I think, in fact, you can develop something that will protect -- I mean, you can develop it basically in the City law and in the zoning that will protect the property owner that is having to provide the screening from attacks about adverse possession. I mean, I'm certain that people are doing this. I think you should preserve the right -- the requirement that the visible part be on the other side. You do need to think about how in the world that kind of screening is going to be maintained. I just don't think that that is the most insoluble problem in the world. I could be dead wrong, and Mr. Zenner may say he spent 39 hours already looking for that, but between our legal department and this, I'm certain there's a way. I wouldn't go so far as to suggest things like, you know, requiring the property owner on the -- on the visible side to -- but something -- actually, I can't write this, but you can do something about it. Don't get rid of the requirement, but solve the adverse possession problem. Quick question, so now we had a lot of things about landscaping and parking that all were referring to lot lines and parcels next to. So if -- if basically -- that is literally a lot line, so if there's a street in between, actually it's the streets abutting, it's not the parcel that's abutting. Got that? So I'll answer the next question. Somebody asked once again is there a better Code? Thank you to Ms. Rushing who asked me this question. I didn't give an adequate answer the last time, but I sent you a memo today about this entitled "Prescriptions, Proscriptions, Equal Predictability. Why do we need the new Code?" Now, we need it and we probably need for you all to be still working on it for quite a bit longer, and hopefully the Council will direct it. But we -- because, actually, development community has been yelling for years, just tell us what the rules are up front so we can follow them. That's all we want. Well, actually, there is goal here. Well, I think there should be two goals. One, having good rules, not crap rules, but the other one is having the predictability. Well, actually, the people oppose lots of developments or wanted them changed. They want that predictability. And I can guarantee you the staff wants that predictability because they don't like to spend endless hours negotiating with anybody. So I encourage you to use a lot of prescriptive and proscriptive language. That's the "shall" and the "shall not", makes the rules very clear because that provides high predictability. That is one of the main things that we'll get

from and want to get from this thing. You will see discussion in what I sent you about something called a presumptive thing. You can combine high -- the shall and shall not with rules about, well, you know, if you really don't -- if you really disagree, you can do something about it, but you're going to really show really good reasons. And by the way, you're probably going to have to pay the City some money to have the staff go through and deal with your proposed differences. That's the reason for having the new Code or one of the principal reasons. Thank you.

MR. STRODTMAN: Commissioners, any questions for Mr. Clark? Thank you. Thank you, Mr. Clark. Additional speakers on Segment Five, come on up.

MR. WENDLING: Good evening. My name is Steve Wendling; I have an office at 510 East Green Meadows, Suite 201. And I had a couple of questions for clarification for Mr. Zenner, and a -- and just one comment or two. When you talk about the building that's more than 100 feet long having an articulation and you made reference to a dormer or such, is that -- so are we talking about a structural component that is going to change the line of the building or what's the purpose for that?

MR. ZENNER: It is to break up the mass of that building facade or the roofline itself, so it would be potentially a structural component of the building. If it were a dormer, for example, a dormer may not necessarily need to be an occupiable space underneath the dormer, but it could be -- if you just put a dormer up on the top of your roof, and it is -- doesn't have any connection to what's below the roofline, that would allow for that type of articulation to meet the Code standards. Again, with the way that the wall articulation -- or wall plan articulation is written, and it applies to the public street facing side of the building, either a wall plane projection or recess or other building material treatment with -- and texture that visually will interrupt the wall plane. So you could use, for example, and I've seen this done elsewhere in other Codes that I've worked with, plus, for example, say you have a downspout -- an exterior-mounted downspout, you could use that downspout potentially to break wall plane at that point, or you could use a texture, a different wall texture, color possibly, as well, to do that without having to do something structural to the building.

MR. WENDLING: So some --

MR. ZENNER: The idea is to create some type of breakage of long linear frontages of either the building face that faces the street or the roofline in that respect.

MR. WENDLING: So something as simple as a gutter or a column on the front of the building --

MR. ZENNER: Column on the front of the building --

MR. WENDLING: -- it doesn't necessarily have to mean it can't be a straight line across the top, but you --

MR. ZENNER: Correct.

MR. WENDLING: Okay.

MR. ZENNER: And that would be -- that would be for the wall plane articulation and the roof shape section which follows, basically, is something similar. If you have a sloping roof, at least one projecting gable, hip, or other break in the horizontal roofline -- roof ridge line for every 100 feet. So again

coming out with some type of projection out that's perpendicular to that roofline would accept that as well.

MR. WENDLING: Okay. Okay.

MR. ZENNER: And I'm -- I'm visualizing something where if you take a firewall up through -- for example, you take a firewall that's separating spaces in a commercial building that come straight through the roofline, penetrates through the roofline and separates those spaces --

MR. WENDLING: Right.

MR. ZENNER: -- that potentially would be what we would consider acceptable, as well, not necessarily having to put a false dormer or something on that roofline or the roof plane to meet that requirement.

MR. WENDLING: Okay. Thank you. And I -- and I would like to bounce off of what Mr. Clark had just said, too. The simplicity of knowing what is going to be required or what is not going to be required, because I'm here to tell you from experience that no matter what the Code says, when it comes time for construction or it comes time for public hearing, every neighborhood within that 800 feet or whatever it is is going to be there to say that they want more. And many times I've been the subject of the more part, and I just would like to know if, okay, if this is what the requirements are, if we meet the requirements, then we're -- and when we take our plans into the City, that it's not going to be something that has to go back three or four or five times in order to accommodate what everyone else would like to have you do at your expense. Thank you.

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

MR. TEDDY: Do you want me to pass them out for you?

MS. FOWLER: Yeah. And I have one for everybody. Good evening. My name is Pat Fowler; I live at 606 North Sixth Street. You're going to get a handout of both things that I'm presenting tonight, and we have some pictures to show you. I live in North Central, and it is the most mixed-use neighborhood in our City. It's the most economically diverse. We have among our uses -- okay. We have among our uses four schools, one college, five churches, three homeless shelters, at least three social-service agencies serving our youth, several in-home child-care centers, housings for persons with disabilities, a lumberyard, a railroad, a brewery, a haunted house for several months every year, a natural-gas refueling station, a distillery, an urban farm, a bike shop, an art gallery, car repair shops, welders, offices, restaurants, a funeral home at Walnut and Ninth, and not long ago, we had a crematorium on Wilkes. All of these uses are welcome and work because they are in scale. I first want to address Mr. Waters' and Mr. Trabue's comments of a few weeks ago, and Mr. Hinshaw's tonight that my R-1 use will control the value of their property. Our neighborhood is about 90 years old and my R-1 use predated the R-3 zoning, and it wasn't an improvement, it's a legacy. We were there first. I'm a homeowner among a growing group of homeowners who can afford to buy and live in North Central for a house -- our forever house for about \$100,000 a year that's two-bedroom and two-bath. Oftentimes, our bedrooms are in the attic story of our little houses. This is a sketch of my house and if you go down to the



bottom, you'll see that I have a peak of 17 feet. My house is 20 feet wide and it's 28 feet deep. We are a small footprint neighborhood, and the houses on my street are in similar scale. Our investor neighbors paid the same modest price for their properties, invest, I suspect, at the same rate I do in the repair and maintenance of my structure, and in their case, they have a revenue stream from their lease to others. Despite our single-family uses, the City rezoned us to R-3 in 1964, yet in the intervening 52 years, our single-family uses persist. It is the highest and best use of North Central to be the most mixed-use, affordable small footprint neighborhood in our City. We asked Mr. Elliott, the gentleman who designed our Code, to include language that respected the scale and our mixed uses, and would encourage increased density in our scale. Yet, instead, we've been presented with an R-MF that allows heights up to 30 feet at the eave line, lengths two-thirds of a foot -- hold on -- right on that one -- lengths two-thirds of a football field long. Think about that. Two hundred feet of a building next to a single-family house. That would destroy an owner-occupied use for my small footprint house and for my neighbors' houses. We have a living example of what hasn't worked well for us, and I'm not talking about the Liner building on the south side of Walnut. I'm talking about Brookside on College. It has impacted more than a dozen property owners along Hubbell Drive and St. Joseph. Only two owners still reside in their properties. The others have kept them, but moved away because they can't sleep at night along Hubbell. These were the ordinary consequences of 725 unsupervised young people, some of them old enough to drink, living in too intense a scale next to our neighborhood. We're not making up worst-case scenarios, they actually exist. But there's good news in the Code. If you look at page 212, it's called detached frontage. It perfectly describes what North Central already is. We have a variety of different heights, and if you'll go through these slides, you'll watch and you'll see that sometimes it's a separate building like Columbia Housing Authority that's two stories long, but only four doors or four widths long and fits perfectly in scale with us. Our light industrial uses are good neighbors and do not displace us from our current uses. We enjoy a common setback characteristic of a traditional neighborhood, and we need to maintain that. The median setback is what works in a historic neighborhood. Twenty-five feet is great if you're starting from scratch, but we're not starting from scratch in North Central. We've been there a long time. The H3 Charrette Report, on page 23, talks about three to five stories as you approach the neighborhood, and I want to show you a picture of the Wygant's building at the corner of Park and Ninth. It's coming up in just a minute. Now, they put in three -- here we go. There are three stories, there's twelve units in there, and they're within the guidelines of the H3 report, and the reason why they're in scale is because they're not more than two lots wide there. And they don't displace the people across the street from their single-family use. We have another great example as we go through. This is Shelley Ravipudi's buildings. Now, she's longer than 200 feet. She's got 12 doors there, but if you look at the next slide, her buildings are short, and they don't overpower. And so, the single-family house next door can co-exist well and her parking is in the back. These are apartment buildings that the City -- or Columbia College owns. They're only two lots wide, as well, and they have the parking in the middle. They don't displace any of the single-family homes and owner occupieds around it. I want to get to -- this is my favorite example of how to

increase density in a mixed-use neighborhood. This is 300 College; it's owned by Bob and Carol Grove. This Dutch colonial, they took the original facade and then they built two more behind it. It actually is just one more, but it looks like two more because of the roofline. They went from two apartments to six apartments with all kinds of additional people living there -- students. Their parking runs down the side. They've been able to keep some mature trees. They did have the benefit of owning an extra lot in the back for their parking. They admit that. But it fits in perfectly and when you stand on the street and you look at that facade, you're looking at a single-family neighborhood style. And so there are really good ways to increase density in our neighborhood, and I have one more example. I think it's the next slide. Here we go. On Hickman Avenue, right across the street, around the corner from me. This little house was in sad repair. It had a family living there. It now has four college students. It's been restored. It has four bedrooms and a couple extra baths because that's what college students like. They each have their own car, but it fits in scale in our neighborhood. It's now increased the revenue to the property owner. I'm sure the property taxes have gone up. It's a great improvement to our neighborhood. And so my end comment to you is that detached frontage would work well in protecting one of the most affordable neighborhoods in Columbia. And we have to remember that small footprint houses that are owner occupied is a civic good and it does all kinds of benefits for downtown and for our City at large. Thank you so much for your time and I would be happy to answer any questions you have.

MR. STRODTMAN: Commissioners, any questions? Mr. MacMann?

MR. MACMANN: Yes. Thank you, Mr. Chairman. Ms. Fowler --

MS. FOWLER: Yes.

MR. MACMANN: -- you had spoken with me and -- about the impact of historic preservation on neighborhood preservation and transitions. Can you enlighten us just a little bit on that -- just not take too awful long. I just wanted to get to it.

MS. FOWLER: Well, I am a member of the Historic Preservation Commission and when you're talking about traditional and historic neighborhoods, some of the ways that neighborhoods want to protect themselves are either with a urban conservation overlay, and there's a couple of flavors of that. Right now, we have one that two neighborhoods have utilized, and there's a 50 percent threshold for property owner participation. And you've had lots of comments that that's too low. I think you've got it right at the right mark. It's difficult enough to meet 50 percent. And then when you get to historic district, which is another flavor of an urban conservation overlay, the current Code says 60 percent, and that's really difficult to meet. And I wanted to suggest to you as a historic preservationist neighbor that you lower that to be consistent with the 50 percent that urban conservation already carries. You don't get extra protections out of a historic district, but you get a lot of neighborhood pride and civic pride and encouragement to reinvest in the properties that are standing there. Did I answer your question or did I answer a different question?

MR. MACMANN: You did answer my question. We could certainly go on all night, but I wanted to make sure we got that on the record.

MS. FOWLER: Thank you so much. I appreciate that.

MR. MACMANN: All right. Thank you, Ms. Fowler. Thank you, Mr. Chair.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Ms. Fowler, just to clarify. The detached frontages is a provision in the M-DT section?

MS. FOWLER: Uh-huh.

MS. LOE: So are you advocating that the form-based controls be extended beyond the M-DT zone?

MS. FOWLER: Well, our neighborhood association came before Council in November of, I think, 2014, and asked that very thing. And Council at that time did not include us in the parameters of form-based Code. But I think that you have the discretion and Council can back you up that you can lift detached frontage and move it over and protect it and use it as a neighborhood protection standard. I believe that that's the purpose of these hearings, and that's why we're here, to offer you suggestions on doing that.

MS. LOE: Were there any other items within Chapter -- or Segment Five that you wanted to comment on?

MS. FOWLER: You know, I'm -- I'm -- like everyone else, I am having trouble keeping all my ideas together because I know I only have five minutes, so I focused on that. But there are certain things about the neighborhood protection and the neighborhood transition that I think actually have the inverse or the reverse impact. And so we have some other speakers tonight that will talk specifically about that, but I tried to think of another word to call them because they don't feel like neighborhood protections to me and that's what we're trying to -- to bring to your attention tonight.

MS. LOE: Thank you.

MS. FOWLER: Thank you.

MR. STRODTMAN: Additional questions, Commissioners? I see none. Thank you, Ms. Fowler.

MS. FOWLER: Thank you so much for your time.

MR. STRODTMAN: Thank you.

MR. TEDDY: Handout? One for everybody?

MR. STRODTMAN: You're welcome to go ahead and start.

MS. HAMMEN: Hello. I'm Janet Hammen; my address is 1844 Cliff Drive. The East Campus Neighborhood Association is my neighborhood association. I appreciate the Commission holding these public hearings and the many, many hours that you've devoted to this, and I know it's been at the expense of other activities that you might have wanted to attend to. But this will be a betterment for our City when this new Code is adopted. This new zoning will be a big achievement and part of the changes will be Section 29-4.8, neighborhood protection standards, which is a wholly new section in the Code. So I've lived in East Campus neighborhood for almost 40 years. For the entirety of that time, the ECNA and neighbors have fought against the perceived and maybe unjust rezoning of our neighborhood that occurred, as you heard earlier, in the 1963-64, and the deterioration of the historic homes, neighborhood

character, and street scape. The East Campus neighborhood historic district is the largest residential historic district in the City. Section 29-4.8 intent states, and I quote, "This section is intended to preserve the residential neighborhood character of established homes within multi-family districts and adjacent to mixed-use or special zoning districts." Section 29-4.8 offers the potential to provide and protect neighborhood character of the central city neighborhood such as East Campus, Benton-Stephens, and North Central. To realize that potential, however, revisions are necessary to the version contained in the draft UDO. The revised copy that has been passed out contains several changes that will in fact preserve the neighborhood character as the intent of Section 29-4.8 states. These are highlighted in bold in the revised version. So, (b), applicability applies to any lot or dwelling zoned R-1 or R-2 or has R-1 or R-2 use. (b), median -- or (c) -- I'm sorry -- median setback to protect the street scape and neighborhood, new construction should adhere to the median setback of the entire block on the same side of the street. Now that is the manner in which setbacks have been or should have been determined in established neighborhoods and that should continue. To allow anything else disallows preserving street scape and allows frontage creep. And I specifically speak to eliminating or limiting that to only a house on either side or the property on either side of a zoned R-1 or R-2 property. And having staff measure this median setback allows for a public record of the measurements. Then (d), building height, to truly protect neighborhood character and any dwelling or lot zoned in -- or in R-1 or R-2 use, both building height step-back and increased side and/or backyard setbacks need be employed. Then (e), screening and buffering. Screening and buffering protection needs to be applied to R-1 and R-2 dwellings or lots. Then (f), parking, loading, circulation. (1) Single-family or two-family districts need to be included. (2) If this clause -- the second clause -- applies to a proposed direct construction, the director should not have discretion to allow a parking lot next to an R-1 or R-2 dwelling or lot. That would negate the intention of one and not protect the R-1 or R-2 dwelling or lot and the neighborhood character. Then (g), lighting height. A pole on a -- a light on a 20-foot pole can still be disruptive. Therefore, this clause needs additional provisions, such as downward facing or some type of provision to further eliminate glare. Then (h), building mass and lot size. If we are serious about not destroying the existing residential neighborhood character of established homes in affordable and/or historic neighborhoods, then there must be a further limitation on new construction than what is proposed in the draft UDO. So these suggested revisions will help preserve the residential neighbor character of established homes, but will deprive no one of his or her property rights. Thank you.

MR. STRODTMAN: Commissioners, any questions? Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chair. Ms. Hammen, could you flesh out something for me just a little bit? You talked about in -- in your first page, letter (c), median setbacks.

MS. HAMMEN: Uh-huh.

MR. MACMANN: And you had referred to street scape being disrupted because we're measuring median setbacks on either side rather than the whole street?

MS. HAMMEN: Yes.

MR. MACMANN: Is that what you meant there?

MS. HAMMEN: Yes.

MR. MACMANN: All right. I was -- I wasn't clear about that, and I wanted to --

MS. HAMMEN: Yes. I like the -- the entire street on the same side of the block, which is as it should be now, rather than the property on either side.

MR. MACMANN: The flanking properties.

MS. HAMMEN: Yes.

MR. MACMANN: The flanking properties is the current method that is used to determine the median setback.

MS. HAMMEN: The -- in the draft.

MR. MACMANN: And having staff measure that so it's a public record. And on your -- your letter H, building mass and lot size.

MS. HAMMEN: Uh-huh.

MR. MACMANN: If I'm correct in that, and maybe some of the Commissioners can help me here. The current or the proposed limit is 200 feet; is that --

MS. HAMMEN: That's right.

MR. MACMANN: That -- that's what it is, and you would like to limit that to 100 feet?

MS. HAMMEN: Yes. Or -- oh. Or no more than two adjoined or replatted lots -- or --

MR. MACMANN: We -- I want to talk about the practicality of this. We often get requests for replats that are -- well, we've got a couple coming up that are three, four, five, and six replats or lots -- old lots. Some of our lots date to 1830s and they're quite small. Speaking in a practical sense, I'm not sure that lot is necessarily a good unit in there. The 100 feet is more -- certainly provides more clarity and I'm sure we're going to hear others have a different view than you do. And your -- your point here is to keep everything in scale; is that what you're talking about?

MS. HAMMEN: That's correct.

MR. MACMANN: All right. Your neighborhood, and I believe Benton-Stephens, has some -- some things that are already beyond 100 feet; is that correct -- some developments?

MS. HAMMEN: I don't think so. I don't think East Campus does, and I don't -- I don't know about Benton -- I'm not -- I don't believe so, but I'm not sure.

MR. MACMANN: All right. I was trying to get something in my head so I could -- example of that. That's the questions I have for this witness at this time.

MR. STRODTMAN: Thank you, Mr. MacMann. Any additional questions?

MR. MACMANN: Sorry.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Ms. Hammen, in item number (c), the median setback, you have discussed front-yard setback creep.

MS. HAMMEN: Yes.

MS. LOE: Can you discuss or tell me how that would happen?

MS. HAMMEN: Yes. If -- if, as in common in East Campus neighborhood, there are houses that are set back 30 feet, 32 feet, 25 feet, 29 feet, perhaps 25 feet, creep can occur depending on where the new development would be if you only take the two on either side and then it would be an average. And so a house might be where most of the houses would be an average of 35 feet, perhaps, or even 30 feet, perhaps a new construction would be 28 feet. And then you might have a couple of houses forward and then others further back, and then the next new construction could allow creep from that. Does that make sense, what I'm --

MS. LOE: It -- it doesn't fully make sense to me because if you're taking --

MS. HAMMEN: Okay.

MS. LOE: -- if you're going in between that 30 and 32 foot, you would -- either -- either way, if you only take the two houses adjacent --

MS. HAMMEN: Uh-huh.

MS. LOE: -- you're never going to be forward of the house that's closest to the street, so there's going to be no -- no reduction of setback. You can't be because you're taking the average.

MS. HAMMEN: But if it's the --

MS. LOE: If you take the overall street --

MS. HAMMEN: Yes.

MS. LOE: -- you are adding that shortest front yard into the equation of every single new development along that street, instead of just the one that it happens to be next to. So I actually wonder if averaging it doesn't promote decreasing the setback.

MS. HAMMEN: But the median is going to be in line with the entire street scape.

MS. LOE: Right. But that shortest setback only comes into play at the house next to it versus if we're taking the average over the whole street, you're putting it into play with every house along that street.

MS. HAMMEN: Well, you're throwing it out and the longest and getting the -- isn't that how you correct median?

MS. LOE: We're not throwing it out if we're taking every house.

MS. HAMMEN: Isn't that --

MS. LOE: So I'm -- I'm just saying I don't see -- we're never going to get forward.

MS. HAMMEN: But the --

MS. LOE: We're never going to be reducing that setback.

MS. HAMMEN: I -- well, we should --

MS. LOE: If you average it. It's always going to be between the one that's -- the two houses will be between the one that's closer and the next one, which may be closer or further, but it's never going to be forward of the one that's closer to the street.

MS. HAMMEN: But the entire street over time could move forward.

MS. LOE: No.

MS. HAMMEN: I -- it could move forward from where they are now, not forward -- from where they are now --

MS. LOE: Not forward -- but not --

MS. HAMMEN: -- is what the street scape -- so we could work this out.

MS. LOE: I think it may be more so in the averaging than in the taking it next door.

MS. HAMMEN: It's just --

MS. LOE: Yeah. I just wanted to --

MS. HAMMEN: Thank you. I'll -- I will --

MS. LOE: -- ask about it, and I remain unconvinced by that, I have to say.

MS. HAMMEN: Okay. And I will try to put paper to pen and --

MS. LOE: All right. Thank you.

MR. STRODTMAN: Any additional questions for this speaker? Thank you, Ms. Hammen.

MR. CULLIMORE: Hi. I'm Dan Cullimore, 715 Lyon Street. I have a handout, but I want to preface it with a -- with a comment. The first two items on -- on the handout are things which I've mentioned in previous hearings, one of which bears actually, I think, directly on neighborhood protection, but it is not under this section, so I want you to be aware of that. Thank you. So that -- that first item is about a definition, and I spoke with -- with you some meetings ago about the definition for redevelopment and I -- I won't repeat that here, but it is in that, and I think that does bear directly upon neighborhood protection because it addresses storm water. So I would ask that you revisit that as you make amendments. I'm going to skip down to item number 3. You had previously approved an amendment to the M-DT regulating plan that removed the townhouse designation on North Ninth Street to Park, and now, as I understand it, on other streets. This amendment extends the six-story building height into areas that were designed as a buffer between intensive M-DT development and one- and two-story residential neighborhoods. This amendment jeopardizes current single-family uses and the current property owners property values and the right to continue those uses north of downtown and particular in this example. Additionally, the amendment codifies the continued degradation of one of the last affordable housing areas within the immediate vicinity of downtown and one of the last anywhere in Columbia. Such a change violates the civic values expressed in the Columbia Imagined document. If I understand the issue addressed by the amendment correctly, and I may not because it was kind of a confusing evening, a matter of the new Code creating one or more nonconforming uses, however, I don't read the new Code that way. I don't see that. It would seem to -- that a better solution would be to expand the permitted uses such that all current uses could continue within a townhouse area. These uses are valued and enjoyed by the residents north of downtown as well as by employees and visitors to downtown. Current uses are compatible with -- are compatible and in scale with current residential development in the area. A six-story development, whether residential or otherwise, would not. I ask you to revisit your amendment and change it. Finally, the UDC imagines a potential form called detached frontage, which Ms. Fowler

mentioned, within the M-DT that would preserve current single-family uses, but this form remains just that -- imaginary. I encourage you to recommend that it be implemented, and not just within the M-DT. Combined with expansion of the townhouse form, I see it as having potential for allowing compatible in-scale redevelopment within existing residential neighborhoods bordering the M-DT, as well as within R-MF. Within the proposed UDC, redevelopment in these areas can span 200 feet, as has been mentioned before along a street. That's again over half the length of a football field, and rise in height to 35 feet far exceeding the mast scale of existing structures in most neighborhoods. I would recommend instead a compromise, one that combines the best features of the detached frontage and townhouse forms. For instance, in 29-4.8, limit to two or at most three the number of contiguous average width lots that can be replatted for redevelopment or no more than 150 feet of street frontage. That's different than what Ms. Hammen suggested, but that's what I'm recommending. Allowing a townhouse or small apartment type on the replatted lots would not overpower existing residential development. An additional two single lots contiguous to either end could be redeveloped as single-family duplex or small apartment, but on a smaller footprint. Alternatively, multiple smaller multi-family units could be developed within a five-lot contiguous area, but with setbacks between each unit reduced to six feet per lot, so a total of twelve. Such a plan would go some way toward alleviating the distress within East Campus, Benton-Stephens and North Central neighborhoods, but still allow higher density in-scale development within areas adjacent to downtown. That's a lot to get ahold of, but that's what I would recommend. Thank you.

MR. STRODTMAN: Commissioners, is there any questions for this speaker? Mr. MacMann?

MR. MACMANN: Yes. Thank you, Mr. Chairman. Mr. Cullimore, if I recall correctly, the Columbia Imagined document -- and perhaps Mr. Zenner could enlighten us here. In the Columbia Imagined document and perhaps in the earlier forms -- earliest forms of this UDC, the numbered streets that exist to the west of Ninth Street were coded blue for townhouse and apartments -- the northern tabs, if you will, of those streets as they terminated into Park. Could you help -- perhaps you could research and help us to understand why that was changed. That's been a neighborhood protection issue that has been brought to my attention, and it was there, and -- and now they're not. And I just -- my memory is not clear on that. Mr. Cullimore, your no more than 150 feet of street frontage, are you talking about one replatted lot or a building length?

MR. CULLIMORE: I'm talking about a replatted lot.

MR. MACMANN: The entire lot would be no more than 150 feet regardless of -- the entire replat would be no more --

MR. CULLIMORE: Well, yes. And actually what I would prefer to see is that it be some combination of the average width of the lots on -- that are under proposed replat, so -- not -- not generally to exceed 150 feet, so --

MR. MACMANN: Okay. And that's --

MR. CULLIMORE: And with -- with the caveat that there could be a total of -- you know, I -- let me say this. Those -- those average lots and -- and most of the neighborhoods that I'm concerned about



are 45 to 50 linear feet along the frontage. So combining three of those would give you 150 feet, more or less. Replatting three of them would get to that. If a developer had five lots contiguous, a single development could be done on the three interior replatting lots and two separate developments flanking it so that the scale of the development would be reduced, but still the intensity of -- of use would increase.

MR. MACMANN: If I may, one more question. Would breaking the building front like we do on some of the big R-MFs at 150 achieve the same purpose?

MR. CULLIMORE: It --

MR. MACMANN: If I'm right, if it has a pass-through, a physical pass-through, the buildings are not connected.

MR. CULLIMORE: That would -- yeah. And that's -- that's kind of what I recommend -- you know, for the -- some combination of those kinds of techniques, I think, would preserve the scale of an existing neighborhood, so --

MR. STRODTMAN: Any additional? Ms. Loe?

MS. LOE: Mr. Cullimore, your comment about the North Ninth Street, that request for redesignating that street was brought to us by a property owner who felt as if his property value were being reduced by the blue zoning. So I'd just like you to speak to your comment that the amendment jeopardizes current property owners' values.

MR. CULLIMORE: Across the street, by allowing a six-story building to go into the south side of Park, should that happen.

MS. LOE: All right. So it's not property owners that are within the zoned, it's across from the zoned?

MR. CULLIMORE: That's correct.

MS. LOE: Thank you.

MR. CULLIMORE: So it -- and -- and, you know, for residential neighborhoods, that's adjacent property, so thank you.

MR. STRODTMAN: Any additional questions? I see none. Thank you, sir.

MR. CULLIMORE: Thank you.

MR. STEVENSON: Good evening. My name is Mark Stevenson; I live at 3212 Shoreside Drive. I copied all this, printed it off, and have not studied it enough, but am afraid of some of the things already. The neighborhood protection standards we're supposed to speak on tonight, they call them protecting the neighborhood, but it seems like it does not allow for change, that it protects the status quo, it protects the -- some people are talking about going back to the 1800s, the way things used to be. I have a old car. Someday I hope to get rid of it, get a new car. Sometime I would hope to get rid of some of these older buildings and have some new buildings. I always look for the highest and best use of property. In the past 100 years since some of these neighborhoods were first developed, we've had a tremendous amount of growth both in the City and particularly the University. I think sometimes instead of protecting these neighborhoods, we're really stagnating them. We're not allowing for a lot of change. I looked at

Section 29.4-8,(b) applicability, and understand now that not only if you have a lot that's zoned R-3, you have certain rights. You bought it with certain rights, but, now, if it's next to an R-1 zoned lot, those rights are reduced and restricted. In fact, not only -- even if the lot next to you is zoned R-3, the same as yours, but it's used as R-1, your rights can be affected in a negative way. There is something here in the -- that says the front door -- the door has to -- the door has to face the street, and here, entries. This is on the previous page 289. "Each principal building shall have one or more operating entry doors facing and visible from an adjacent public street." So a door facing the street is pretty -- pretty clear, I think. It's got to be, like, perpendicular to the street. And I'm not quite sure why we have to be so detailed in our restrictions. I look at our own building here, our City Hall, which we spent millions dollars building and designing, and I look at the front door out there, and it's pointed not toward either street. It doesn't face either Broadway or Eighth Street. So I don't think that it's really that important that the door face the street. A little angle might be fine, but that's not allowed here. There are buildings in these areas that are already greater than this 24-foot height restriction, so I guess if one of those buildings is damaged in some significant way, say, a tornado or fire, that it can't be rebuilt. And you're talking about some people want to preserve the neighborhood character and the scope or form and the size and all, and you're saying you can't even rebuild what's there. How is that even preservation? You can't put back what you have now. I've owned buildings for a long time and remember back in the '70s when I was learning about roofs. There are some roofs that are steeper and some that are less steep, and the ones that are steep will actually last longer. They shed the water better and quicker. And so, to restrict the height, I don't want flat roofs. I hate flat roofs, and I don't like roofs that have a really low slope because they just -- they wear out faster. They're just not as good. A lot of places, people bought R-3 and we want R-3. They want the highest and best use for these properties. A lot of people are afraid to speak out. Not only are they intimidated by speaking in public, but they're afraid of angering the powers at the City. They're afraid of being on the wrong side of some Tsunami and that later on they will have -- there will be adverse consequences to them and their livelihoods. One last thing, I bought a house in 1972 at 1419 Wilson, right across from Janet Hammen's house. Her house on her side has about a 25 or so foot setback. On my side, they're, like, 75 feet. We did have a fire there about 20, 25 years ago, and it was started by a person. There wasn't anything wrong with the building, but the fire damaged the top floor. And I went to an architect and I said what about rebuilding? I have to make a decision here. Do I repair and rebuild what's there, or go ahead and tear it the rest of the way down and build something new. So we looked at the lot and he looked at the setbacks. And he looked at that median setback and said, okay, Mark. Your -- your setback is 75 feet, three times what it is across the street. And your lot is only this big, so your parking is required to be in the back, and you have to have this much parking, so by the time you take away the back of the lot for parking and the front of the lot for that median setback, you -- your building, your new building can be eight feet wide. Good luck.

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

MR. STEVENSON: Thank you.

MR. FARNEN: Good evening. My name is Mark Farnen, 103 East Brandon, Columbia, Missouri. Thanks for coming out again tonight. We're enjoying this. I -- I want to talk first about neighborhood protection rules and there was -- the thing that is not clear quite to me is what triggers -- what triggers the enforcement of the new proposed rules, because in -- in the text of this, it says that the standards of -- these standards apply to all lots in the R-MF district that contain a principle use other than a single- or two-family, and to all lots where there is -- where there is a house. And it says that these standards apply automatically. And on September 20th of this year, there was a staff report that described what we're doing tonight, but it described it then. And it said the standards of this section would apply to a developing property that is in the R-MF district and next to an improved site with one or two family dwellings or any other non-R-1 or R-2 parcels regardless of its zoning sharing a side or rear property line with R-1 or R-2 property regardless if that property is improved or not. And I didn't know how to read that because it sounds like on the day this passes that if you have a business here and you're not changing it, whether it's improved or not, then that lot next to it could invoke the standard then. I may have that wrong, but I'm -- I want -- I'd want to clarify that. I also know that we have spoken in these sessions about the fact that you can't move to the problem, that if someone unknowingly buys a house that is next to a commercial property, this would not be invoked. That's what we have said here. That's not what's written here. It seems that -- that it -- regardless of when the property was purchased, either side, that that has no bearing on the implications for the property owner who either already owns a C-3 or R-3 or any kind of property that abuts an R-1 or R-2, or just a place where there's a house. It seems like that some of those people came to the problem at some point and that's not recognized. So I think that there should be some -- I also think that if I own some of those lots, it was discussed here about the replatting and that if you happen to own five, that would be cool. And then you could do the three in the middle as a townhouse, and you could do the two on the sides as smaller. That makes some sense, except that those lots where there is a single-family house would invoke the rule against its own self because it's not written to allow that, wouldn't allow that. And even if I owned both lots or my father and I owned the two lots, I would have to impose the restrictions on myself even if I didn't want to or if I had permission or if somebody thought it was a good idea or if somebody said, you know what, instead of putting in that fence and that landscaping, I've got a dog that I'd like to let out in the back. Would you just put a chain-link fence between us so I can run my dog? And if we agree, why would that not be okay, because it protects the enjoyment of the entire land and does what it was intended is to make both people happy. So I would change -- I would make these -- these recommendations. I would strike the idea that defines a single property -- single-family property by its use. That's section (b)(1) on page 291, a very popular place to look, and I would not allow it to be defined by use. I don't -- if you have an R-1 property or an R-2 property, I understand that. If you have an R-3 property and have built a house on it, I think you need to downzone it before you can invoke something against your neighbor, so I would strike that. I would change on page 291, the same page, part (2) of (b) to say "Lots located in any zone district, other than the R-1 and R-2 districts that share a side or rear lot line with a lot in the R-1 or R-2" -- and this is where

the change comes -- "that were not zoned R-3 or any higher level of residential or commercial intensity prior to the adoption of this Code". So you could include things that come in and say, hey, give me some new zoning. I want some new zoning on this land. All right. You're going to live with the new rules. But if I already had an R-3 or a C-3 and it's already next to a residential area that's R-1 or R-2, and I bought that land with R -- that was R-3 or C-3, I did that then and now we're getting some new rules. And so anything that was zoned correctly and appropriately before that is exempt -- is exempt, so I would make that change. Then I would change the -- the rule that says these rules shall not apply to any lots -- this is on page 291, Section (b), and I would add (3), and say this is where you've got to make a deal with your neighbor. These rules shall not apply to any lots that share a side or rear lot line with a lot in the R-1 or R-2 district where the abutting R-1 or R-2 property owner has executed a written agreement allowing the landscaping and screening and neighborhood protection standards articulated in this section and table 4.5-4 to be waived or amended, so I can make a deal. And if I own both of them, I can do both things. I also agree with the ideas -- and I see my light. I agree with the ideas that it would be difficult if you have to put the fence in between. So I have two other ones. I would like to say that if you have to build a wall and -- and install shrubbery or landscaping, and both things seem to be in somewhat of contradiction or one would not be useful, you get to choose one or the other, and that if you choose both or you do both, you can put that landscaping on either side of that fence at the discretion of -- of the applicant. And if there's already something there, like let's say there's already fence, there's already a berm, there's already trees, there's already landscaping, and then I change my building by 25 percent, don't make me go out and rip out a \$10,000 fence just to build a new one that -- that technically meets the new Code. Let me keep that and let's say that's cool, that's good enough, you've made it. Those are things that I would suggest, and I have some of these in writing if you would like to give -- me to give them to you. I don't know that you will act on all of them, but some of them, you might.

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

MR. FARNEN: Who can I give this to? All right.

MR. STRODTMAN: Do you have multiple copies or just one?

MR. FARNEN: I have the -- I have one.

MR. STRODTMAN: We can pass it around. Thank you.

MR. MEYER: Jim Meyer, 104 Sea Eagle Drive. We've heard several times this evening and over the course of these meetings that having a 35-foot multi-family building next to an existing R-1 use creates an obviously out-of-scale situation. I would submit to you that that's only true in some cases. I have a very good friend that lived for many years at 414 North Eighth, the corner of Eighth Street and Rogers across from Columbia College. Most of the houses along Rogers there are two-story houses. They've been there for 90 or 100 years. His house, which I'm guessing is at least 90 years old, was at least 25 feet tall, probably closer to 30 because it had two full stories and a roof that was not flat. So a 35-foot building moving in next to a building that's 27 or 28 feet, I don't think is obviously disproportionate

or out of scale. So if it was moving into next to a single-family, single-story property, perhaps you could make that argument, but that is not the composition of that entire neighborhood. There are a lot of very tall old houses that are already present. Thank you.

MR. STRODTMAN: Any speakers for -- any questions for this speaker, Commissioners? I see none. Thank you, Mr. Meyer.

MR. BALL: Hello. My name is Austin Ball; I'm a real estate appraiser here in town, and I'm down here sort of in response to an e-mail that Mr. Toohey sent out to all the realtors here in town. I'm not as well prepared as some of the other gentlemen, but one of the things that is a concern, which you've just heard a couple of different times is the allowable uses next to properties adjacent to R-1 and R-2. I'm kind of concerned about this in my role as an appraiser. When doing an appraisal, looking at value, I can see myself going out and valuing a property today, and then after these guidelines come in, with your neighbor restricting your uses, the value actually, in my opinion, probably decreasing. I have a property that is zoned R-2. It's a single-family use, but it's next to other properties that are R-3, and I can see how my use could restrict the uses of my neighbors who are R-3, and I just want you guys to maybe reconsider this. Thank you for your time.

MR. STRODTMAN: Any questions? Mr. Stanton?

MR. STANTON: So what's your solution?

MR. BALL: That -- I'm sorry. Again I wasn't as prepared as other gentlemen. At this point, I'm -- I don't have an actual solution. I haven't reviewed the whole UDO. I know it's pretty comprehensive, but that was just one thing that kind of popped out to me. I was just, like, I have two properties that are adjacent also, and I -- I don't want one of my properties restricting the other use of another property of mine, and that's just something that kind of came up, so --

MR. STRODTMAN: Ms. Loe?

MS. LOE: Can you just tell us which section specifically you're looking at?

MR. BALL: It was standard 20 --

MS. LOE: The page number first.

MR. BALL: What's that? I'm sorry?

MS. LOE: Page number first.

MR. BALL: Oh, I'm sorry. I -- yeah. I apologize.

MS. LOE: Oh, no page number. That's okay. Section?

MR. BALL: Yeah. It would have been standard 27 -- or 29-4.8.

MR. STRODTMAN: Any additional questions for this speaker? I see none. Thank you, Mr. Ball.

MR. BALL: Thank you for your time.

MR. STRODTMAN: Anyone else like to come up and speak to us on Segment Five?

MS. SPRY: I'll first apologize. My name is Kathy Spry from Lindsey Rentals, 708 West Sexton Road. I don't speak well. I apologize. I'm real concerned about our business. It's a small business, and it sounds like a lot of changes are coming up. It's an older business. We'd like to remodel some time.

Also, if there was a tornado or something and it was damaged and we would want to go back and fix things up, part of our building is taller than 25 foot. There we go. I couldn't go back and fix it up. Some of our -- and I know the word I'm not supposed to use is equipment to you guys, but we do have equipment there on Sexton Road, but we tried to improve the looks and it's real hard to improve the looks when there are so many restrictions. I'll put it that way. It's just very hard. You're -- the landscaping, our main building does not face the street. I have one door that does, but, I mean, it needs to be simplified. It needs to be -- it needs to be helpful to the small business. Columbia is a wonderful town, but it needs to also be considerate of the small businesses, and I apologize again. I'm a lousy speaker. I get really freaked out. I apologize.

MR. STRODTMAN: You're fine. You're fine.

MS. SPRY: But it just needs to be more considerate of the small businesses, the existing businesses that are trying to improve. There's been lots of changes to a lot of the small businesses. Some of them are going down the tubes because of this. We can't improve, we can't remodel, and I'll -- I don't mean to step on toes, but I know when you have one inspector come out, you get one list of things you need to do. You do that. They come back out and it's a different inspector, then you get something different, and I've heard this -- even the business that I'm in, we hear it all the time. So, therefore, we're afraid to go forward and do different things. And Lindsey's -- as a new owner trying to improve to bring new business to help the community -- and we want to do that, but it's real hard. And I'll end it at that, but I do know that something -- the C-3, we're being changed from C-3 to some M-C, which doesn't even make sense for our business. And Sexton Road is awkward anyway because it is -- you know, it's a small business. We have wonderful neighbors. We have a chain-link fence around most of it. Part of it, some people have come up and I'll throw this out there and I'm probably stirring up crap I shouldn't be -- sorry. I shouldn't say that. But part of it, some of our neighbors have done just what you all have said, and it looks like crap. We have -- we have a chain-link fence space and then they put up a privacy fence. That space in there, trash, weeds, crap. We go in there and clean it out. I don't know if it's supposed to be done, but we do that because we want it to look as good as it possibly can, but it's going to create issues. That's all I have to say. I'm sorry.

MR. STRODTMAN: You're fine. You're fine. Commissioners, any questions? Thank you, Ms. Spry.

MS. STEVENSON: Carol Stevenson, 3212 Shoreside Drive. I'm so sorry to be here tonight. I have other things I would prefer to do -- enjoy my friends, hear a program at the Daniel Boone Library. I'm so sorry to be here, but I am motivated by the people like the previous speaker. In 1952, a deadly fog descended on the City of London. People died. Metaphorically, these hundreds of pages of restriction in this new document are like a deadly fog on the City of Columbia. Not too long ago, a meeting or two ago, many prominent speakers came and spoke to you -- prominent bankers, real estate people, appraisers. One in particular I remember, Teresa Maledy, said that her associates who were familiar with codes all over the United States said this was the most onerous Code they had ever seen. Why are we doing this?

I know everybody has seen the White House development tool kit, September 2016. I just want to quote three lines. Over the past three decades, housing barriers have intensified. The accumulation of such barriers, including zoning, land use regulations, lengthy development of approval processes has reduced the ability of many housing markets to respond to grow and demand. Recently, just in this past week, I spoke to a really very, very nice person who happens to be an expert on this Code. And he said to me it's going to be okay, but you -- sure, it used to take you ten years to pay off the cost of doing something, and now it's going to take you twenty, but it will be all right. That's a very cavalier statement coming from a very kind person. He has no skin in the game. It's not a business thing or a neighborhood thing. Why are we considering this oppressive move? Why are you making good people who have been in business in this town for years, like the lady who just spoke, why are we considering doing things that are so oppressive to her and others like her? I guess when I look at this Code, neighborhood protection seems like a misguided name and it might be better entitled neighborhood tyranny and warfare. I want to be good neighbors. I'm in a town where people smile at each other and don't create enemies. I urge you to throw out this thing, listen to the bankers and the appraisers, the people who have leadership positions in this town who say this is a bad option. Thank you.

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

MR. WAID: Hello. My name is Tim Waid; I reside at 2104 Bluff Pointe Drive. I own property in East Campus at 1513 Buschelle Avenue. My suggestion is to eliminate the entire section 29-4.8 on neighborhood protection standards. I heard some very elegant speeches and presentations tonight on -- on some of the benefits of those standards, but I think the speakers who spoke in favor of those would be -- it would be more appropriate if they were to integrate those standards into their overlay -- their district overlays. If Ms. Hammen would like to approach me and discuss with me the East Campus overlay, I'd be more than willing to have them -- to speak with her on those issues that she talks about with East Campus, but they don't belong in neighborhood protection standards. There are essentially two neighborhoods here tonight, North Central and East Campus. You'll probably hear from Benton-Stephens, as well. So just eliminate the entire section. It's not helpful. It's restrictive. It's very limiting, and it's problematic. The people who spoke in favor of those standards and the amendments that were offered at the last moment further restricting and limiting use of property, one thing the speakers didn't mention is that when they moved into these neighborhoods, they moved into these neighborhoods knowing what the zoning code was. It's not like they moved in and then the zoning codes were changed. So a lot of people own R-1, buy property and live in property fully aware that they're next to commercial and R-3, so now we're trying to turn back the clock of time and change the rules after the game has already started. So a simple solution, Mr. Stanton, would just be to eliminate the entire Section 29-4.8, and remove that from the UDO. Thank you.

MR. STRODTMAN: Commissioners, questions? Ms. Loe?

MS. LOE: But you say remove it and incorporate these into the overlay zones?

MR. WAID: Yeah. Yeah.

MS. LOE: Most of the City is not --

MR. WAID: Each speaker could bring their ideas to their neighborhood associate and integrate those ideas into the overlay as they have been written or create an overlay. They're so restrictive, they don't belong to be citywide standards.

MS. LOE: We do not have a citywide overlay, so I believe this is what this is attempting --

MR. WAID: Well, then create one for your neighborhood.

MS. LOE: This is what we're attempting to do, so --

MR. WAID: Well, each neighborhood should be -- no two neighborhoods are the same. North Central is not East Campus, is not Benton-Stephens. They're very distinct and different. So to apply one standard to all neighborhoods is not appropriate.

MS. LOE: Thank you.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: I hear you. But win-win. I'm in -- I'm in the Douglass Park Neighborhood Association.

MR. WAID: Okay.

MR. STANTON: We don't have an overlay. I feel like my neighborhood is the new -- is the new lady in the dance. Everybody wants in where I'm at, and if there's no way to protect how my neighborhood looks right now, I don't think we can get an overlay fast enough before --

MR. WAID: Well, you're --

MR. STANTON: -- there's so much to protect my neighborhood's complexion and texture and feel right now if we just eliminate this and have nothing in place. If you were in my situation --

MR. WAID: 29-4.8, neighborhood protection standards, it's the same dress for all ladies, and you know how ladies don't like to be seen in the same dress that someone else is wearing. This is not going to work for all the ladies. Each lady needs a new dress, Mr. Stanton.

MR. STANTON: Okay. Until I go to the store, how am I to be protected and to -- so --

MR. WAID: Make your own dress.

MR. STANTON: Okay. I don't have time. Let's say -- I mean, you know, you want -- come and put yourself in my shoes. How do I protect my --

MR. WAID: You have hard work up front. That way, on the back end, it'll work for you. Create an overlay now so on the back end, you don't have to worry about things. What you want right now is an easy fix and you want to put this 29-4.8 into the UDO. You're going to have more problems on the back end. That's the problem. Most people aren't willing to do the hard work up front. That's the reason Ms. Hammen didn't participate in the East Campus Overlay redesign that we created. She wants to change these things now at the last minute because that's easier.

MR. STANTON: Thank you.

MR. WAID: Okay. Thank you.



MR. STRODTMAN: Any additional, Commissioners? Thank you, Mr. Waid.

MR. NORGARD: My name is Peter Norgard; I live at 1602 Hinkson Avenue. I'm coming here to represent a collusion of about 28 people -- 28 landowners in our neighborhood, the Benton-Stephens neighborhood, that is. I think our name was thrown out there. And these -- these people are homeowners and also landlords that own properties that they rent for profit. And I just would like to make you aware of the fact that they are voluntarily downzoning from R-3 to R-1 precisely to take advantage of the neighborhood protection standards that are being offered in the -- in this current Code. Approximately 37 lots will be coming to your desk January 5. And these folks believe that the neighborhood should be a mixture of all sorts of residential and rental developments. None of us are particularly anti-development or pro-development, but we feel that the development community has gotten a less than fair shake in recent years. And so, I would just like to stand here and tell you that on behalf of those 28 people and 37 properties, we support the -- the neighborhood protection standards that are being offered here. And, in particular, I would like to say -- I'll just focus on one because I don't want to take up too much time, but the building height protections are something that we really, really believe in, and particularly I'll point out that there is stepping down and also the increase in side and rear offsets. I would like to propose that we make both of those required instead one or the other because, as it stands, one or the other doesn't really offer as much protection for those who live near developments as currently written. I'll just -- I'll just end there. I would like to counter the point, however, that those who move into a neighborhood know the zoning code and know what it means. That's not true. People don't know what R-3 or R-MF means when they move in. They move into a neighborhood, not because of the zoning codes. They move in because of what the neighborhood looks like now, not what it might look like in ten years. And so, neighborhood protection standards are important because people wake up in the morning with nervous anticipation that the place next door to them might turn into an eight-plex when it's currently just a single-family residence. And so I guess I will just say that I personally support and I believe the people that I'm representing support the idea of -- of not making it either/or, but both -- both step down and side and rear setbacks, so thank you, and I'll take any questions.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: What don't you like about the neighborhood protection standards?

MR. NORGARD: I love the neighborhood protection standards.

MR. STANTON: As they are in the -- other than the things that you just commented -- commented on?

MR. NORGARD: Obviously, the neighborhood protection standards represent a compromise. However, a compromise is all that we've ever asked as -- as landlords or landowners or single-family resident style. So any change for the better, we agree with. And to -- you know, at the last meeting that we met, you said watch every single blade of grass. This is one opportunity where the City can provide us an opportunity to have other blades of grass to watch.

MR. STANTON: Thank you.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: So why isn't your overlay good enough for neighborhood protection?

MR. NORGARD: Well, obviously, like I said at the previous meeting, an overlay represents a compromise between competing factors. We have improved our overlay considerably, however, it's not necessarily strong enough. There are always things that are unanticipated and high density development that -- that I guess we're concerned with the scale of development and these neighborhood protection standards offer an opportunity to limit scale to some extent. And so it's just another mechanism, another lever that we can pull. And I would have to say developers are still going to make money whether these restrictions are in place or not. They may not make -- I don't know. They're still going to make money, so I feel like all the arguments that they're -- this is a fire and brimstone or the fog of London, I mean, that's -- that's hyperbole.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: I just wanted to -- I understood you to say there would be a number of development proposals in your neighborhood in the next year?

MR. NORGARD: No. Actually, downzoning.

MS. RUSHING: Okay.

MR. NORGARD: We have an application for 37 lots to be downzoned, which will be rolling across your desk. However, we do have continued redevelopment pressures within the neighborhood.

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

MS. CARLSON: Rhonda Carlson, 1110 Willow Creek. My comments just basically and probably aren't so much to this, but the people that do purchase in the neighborhoods, at least from a realtor perspective, it is disclosed to them what the zoning is in the neighborhoods that they purchase if they are purchasing through a realtor. And furthermore in the last few years, we, in addition, do disclose to them not only what the zoning is, but what their allowances are to have if they are going to have tenants in the home, so the statement that was just made that people don't know what they're buying when they buy, if they're buying through the realtor, they do, in fact, know what they're purchasing when they purchase in a neighborhood. So I do disagree with that. And then I completely disagree with the comment that developers will make profits no matter what. I just -- maybe the tone of it just struck me wrong. Thank you.

MR. STRODTMAN: Commissioners, any questions for this speaker? Thank you, Ms. Carlson. Anyone else like to come up? Come on up, sir.

MR. CRAWFORD: My name is Mark Crawford, 1306 Old Highway 63 South. I'd like to talk about the neighborhood protection standards related to commercial adjacent to residential. All over town, you have commercial zoned property that is adjacent to residential. The protection standards talk about no drives along the side of it, no drives behind it, no parking behind it. It's going to create a real safety issue. The -- the fire department requires access around commercial buildings, and if you don't have drives, you don't have the access. So I think it's an unintended consequence or maybe an intended consequence.

MR. STRODTMAN: Commissioners, any questions for this speaker? Mr. Stanton?

MR. STANTON: Are you referring to 29-4.9, Section (e)? It really helps us out to know kind of where you're speaking to, so we can make amendments.

MR. CRAWFORD: 29.4.8(f), parking -- parking, loading, and circulation.

MR. ZENNER: That's the section he's referring to, Mr. Stanton.

MR. STANTON: Section -- okay. I see it.

MR. ZENNER: It's 29 -- 29.4.8(e).

MR. STANTON: Got you.

MR. STRODTMAN: Any additional questions, Commissioners? Thank you, Mr. Crawford.

MR. CRAWFORD: Thank you.

MR. STRODTMAN: Yes, ma'am.

MS. FLEISCHMAN: My name is Rita Fleischman; I live at 1602 Hinkson, and I'm going to try not to cry. We live in the Benton-Stephens neighborhood and we try to protect it and we do our very best. And we really appreciate the Columbia Code, and we appreciate the City working with everybody. I don't understand why there's a conundrum why people don't understand that it has been out there because we've known about it. We've articulated, we've worked with the City, and we have submitted our desires. I appreciate everything that everybody has done and I would just like to reiterate that the Benton-Stephens neighborhood is like the second oldest neighborhood in the City of Columbia and we are trying to preserve it and we are trying not to, like, deny development, but to make it a realistic reality to what we have to live with in the future, and that's really what I have to say.

MR. STRODTMAN: Commissioners, do we have questions for this speaker? Thank you, ma'am. Oh, sorry. Mr. Stanton?

MR. STANTON: How do you feel about the neighborhood protection standards?

MS. FLEISCHMAN: I like the neighborhood protection standards. I have no problem with them.

MR. STANTON: Thank you.

MR. STRODTMAN: Any additional speakers? Thank you, ma'am.

MS. CRAWFORD: Elizabeth Crawford, 1306 Old Highway 63 South. Thank you for your service. Talk about nervous anticipation, if I owned a piece of R-3 property that I invested my -- for my future and my retirement, kind of like my 401(k), I'd be sick to my stomach right now to hear that 30 properties have already started the process to downzone to affect what I can do. And it's kind of a -- I mean, it's kind of a big deal. If it were your teacher retirement fund or your medical retirement savings account, it would upset you, too. So anyway -- okay. Ms. Fowler and Ms. Hammen's comments really made me think this entire section needs to be addressed in the individual overlay sections that address specific neighborhoods properly. If we keep it here, please do what Mark Farnen suggested and exempt the currently zoned property. There is a huge difference between North Central and the Walmart, Olive Garden and East Campus, and the Break Time on North Stadium and Lindsey Rental. This section is way too far broad -- way too broad and far reaching. My dad lived in an apartment in East Campus with

his mother and his sister after their dad died when he was about ten. That was 73 years ago. East Campus was multi-family at least 73 years ago. This is not the East Campus overlay. If we want to have a building mass and lot size restriction, we should address that in the overlay. Why would we limit Lindsey Rental to a 100-foot building and not let them expand and purchase a third commercial property - right now, they have two, so what Ms. Hammen has suggested was you can't have three. Why wouldn't we let them purchase the neighboring commercial property and improve their -- their property? The amendments that limit property rights that have not been -- that have been proposed by Ms. Hammen and have not been available for public input should be addressed in the overlay process and should not -- not be addressed here tonight. With respect to the fence -- which is kind of irrelevant at this point, but respect to the fence, if you put fence and then landscaping behind it, the single-family house -- and the single-family house wants to put a fence, there will be a little shrub alley -- little shrub alleys all over the place. It will be, like, fence, shrubs, and then the R-1 guy's fence. In many cases, the neighbor may rather use that fence -- that leg of their fence to keep their dog in and attach another fence to it. Maybe it would be better to donate a bush -- one bush per ten foot of your property to your neighbor and they can put the bush wherever they want. The building height section needs to be 35 feet rather than 25 feet, which is the same height as my R-1 neighbor can build. I'm not sure why I can't build a -- if I have R-3, why I couldn't have a building as tall as my neighbor's house. And finally, the parking and circulation section really needs to be addressed. People can't rely on the exceptions on every project. You have to be able to drive around the building for fire safety. If you -- even if you have a huge lot, like a big complex like Country Club Apartments, and you can't put parking or a drive next to the residential, that is a huge problem for fire circulation. If neighborhoods in particular have a problem with this, then they need to address it in their overlay. The neighboring property is also already protected with a fence, so the drive is -- they aren't going to be able to see the drive because there's going to be a fence. And I agree with you, Mr. Stanton, it is kind of a heck of a process to get an overlay done, but the City does have a lot of great staff that will help you -- will help neighborhood associations get together and -- and figure something out. So anyway, that's that.

MR. STRODTMAN: Commissioners, do we have any speakers -- or questions for this speaker? I see none. Thank you, Ms. Crawford. Anyone else like to come up before we close the public input on Segment Five? We'll go ahead and close the public hearing on Segment Five.

**PUBLIC HEARING CLOSED**

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: I'd like to take a five-, ten-minute recess.

MR. STRODTMAN: I was thinking a ten-minute recess would be appropriate, so yes. We will take a ten-minute recess. We'll be back about 20 minutes -- 22 minutes after 8:00. Thank you all.

(Off the record.)

MR. STRODTMAN: We'll go ahead -- we'll go ahead and get started. If you guys wouldn't mind taking your seats. We better get -- staff, are ready, Mr. Zenner? Okay. We'll go ahead and reconvene

our November 16, 2016, special public hearing. The public input portion was closed before our break, and so now we'll go into discussion with Commissions. Commissioners, questions, comments, clarifications needed? We'll start with whoever would like to go first. And, obviously, we're looking for a motion at some point. Can I ask the audience, the people that are in the back, can we ask you guys -- we're having a little trouble hearing. Thank you. You're, of course, welcome to go outside the doors, too. We're obviously looking for a motion on Segment Five, and then we can discuss the amendments, but we're welcome to ask questions or clarifications if needed of staff. Ms. Loe?

MS. LOE: I'd have a question of staff, for either Mr. Teddy or Mr. Zenner. On the sign -- the sign standard allowing for a maximum of four square feet and the information we've received that identifies that that apparently actually takes care of the standard sign, but once we add the riders, we're exceeding that four square feet. Was this taken into consideration? Are the riders included or considered to be part of the sign? Has this been addressed currently?

MR. TEDDY: Riders; do you mean inserts?

MS. RUSSELL: Riders are on top of the real estate signs.

MR. TOOHEY: No. She's meaning -- right. What's on top.

MR. STRODTMAN: You know, like --

MS. LOE: Or the bottom, identifying the agent --

MR. STRODTMAN: Price -- price reduced.

MS. RUSSELL: Or a day.

MR. STRODTMAN: Open today, open house Sunday.

MR. TEDDY: Oh. Okay. Okay.

MR. STRODTMAN: They do like the QSR code things and there's different things they do on it.

MR. TEDDY: Yeah. Yeah. I think it's just the sign frame generally would be the measurement. I mean, that's -- that's not something we spend a lot of time with from an enforcement perspective, but it's a good question. I mean, if it's part of a permanent sign structure, we -- or the area.

MR. TOOHEY: In most cases, it's going to be physically attached to the sign, so I think you would have --

MR. TEDDY: Yeah.

MR. TOOHEY: -- a difficult time trying to determine one way or the other how it -- how the sign is technically put together.

MS. LOE: Or what's considered signage. What's making up the sign that falls within this parameter?

MR. TOOHEY: Correct.

MS. LOE: The handout we got identifies that the signed riders are typically six inches tall by the width of the signs. You're adding six inches to potentially the top and bottom, so another foot, linear along the width of the sign. I agree if this has been the current practice and it doesn't meet the current standard, it's maybe more of an enforcement issue, but it would be nice if the zoning regulation didn't --

wasn't contradicting what's being in use.

MR. TEDDY: We haven't changed anything that's in –

MR. ZENNER: What's being pointed out here is what standard practice is for the industry at this point, which is inconsistent with what the Code requires. We're being asked to make an amendment without having any opportunity to have evaluated what has been presented this evening. And I believe what Mr. Teddy is trying to state is the sign code, as it exists today, is what's being carried forward. If that activity that's illegal at this point, if we want to use that term, which would be the correct one, is to be projected forward, that activity is going to continue. It is an enforcement issue, Ms. Loe. We're not going to go out and actively pursue enforcement for all of these noncompliant real estate agents that are leaving their signs out or are having signs with riders on them that don't meet -- we do not have enough inspectors to be going out and being the sign police to that extent. We probably need to look at these amendments in greater depth and incorporate them in any more comprehensive amendments to the sign code that we may make after doing additional research.

MS. LOE: Thank you.

MR. STRODTMAN: Any additional questions? Ms. Russell?

MS. RUSSELL: Mr. Zenner, could -- is the -- what's the reasoning behind not allowing the realtors to place the open-house signs at least after dark and not have to race around and do it within the time of their open house?

MR. ZENNER: I couldn't respond.

MS. RUSSELL: Would that --

MR. ZENNER: I don't know, and I would tell you that we have open-house signs and real estate signs that are out well after. They're sitting on rights-of-way after the open houses have closed. So again, it becomes an enforcement issue.

MS. RUSSELL: So we need to look at this more seriously and make the Code match what actually happens?

MR. ZENNER: What practice is, and I think that that's going to require additional conversation.

MS. RUSSELL: Thank you.

MR. STRODTMAN: Mr. MacMann, did you say --

MR. MACMANN: Just a quick question. That's a clarification. Thank you, Mr. Chairman. The sign ordinance is -- the enforcement of the sign ordinance is under the purview of you, Mr. Teddy, as under community department?

MR. TEDDY: Yeah. That's right. And there's a lot of content there. We chose not to make any major revisions to it as part of this effort on the consultant's advice that one thing would lead to another and it would -- you would spend a lot of your time discussing signs and signage.

MR. MACMANN: On nuts and bolts of signage and what a rider is and that kind of thing.

MR. TEDDY: Yeah. And it does need attention, so I'm not --

MR. MACMANN: So to follow up on Ms. Russell's point, this is something that needs our firm

attention at a later date; is that where you were going there?

MS. RUSSELL: I think we need to study it and when we are doing the amendments later, make something valid out of this and make it useful for the real estate community, as well as something that they're not going to violate and it can be enforced or not.

MR. MACMANN: I just -- I wanted to see what you were doing and where you were going. Thank you very much.

MR. STRODTMAN: Commissioners, additional clarification to staff or questions to staff?  
Ms. Loe?

MS. LOE: There were some comments made about circulation required by the fire department around commercial buildings. Can you shed any light on that?

MR. STRODTMAN: Page 292.

MS. LOE: It was insinuated -- yeah -- that circulation was required around the full perimeter, based on my understanding of the comment; is that correct?

MR. ZENNER: All points of a commercial building or all points of any building, if I understand correctly, within the City's fire code, have to be within 150 foot hose length. So if that requires that a driveway be placed along an adjacent property line in order to accommodate that, that may be a mitigating factor as it relates to where that driveway is placed to meet the fire code standards. Again, the provisions that are being proposed here, as they relate to neighborhood protection, are dealing with new development. You're not dealing with an existing development that is maintaining its property. We will get into the nonconforming section here in the next segment and we will speak to that as to when a site may need to become compliant. But if you're designing brand-new from scratch, accommodating access that may not necessarily have to be on the perimeter of one site is something that needs to be investigated, but that's why the provision number (2) within this section on 192 gives the director to grant a waiver. If the site's context will not allow for that type of driveway to be moved somewhere off of that property line, it gets on the property line, and ultimately the building code has to be met. So at a minimum, a 150-foot hose length to any point of a building has to be met, and that generally is from a fire-approved access, which means it needs to be paved, capable of supporting the weight of that apparatus.

MS. LOE: Thank you.

MR. STRODTMAN: Any additional questions, Commissioners? Would anyone like to form a motion for consideration? Mr. MacMann? Don't make eye contact with me.

MR. MACMANN: Thank you for volunteering me. I deeply appreciate that.

MR. STRODTMAN: I'm just trying to keep things moving.

MR. MACMANN: In the Case of 16-110, a request by City of Columbia to adopt a Unified Development Code governing subdivision, land use, throughout the City of Columbia's corporate limits as requested by the City Council and supported by the City's 2013 comprehensive plan entitled "Columbia Imagined," I so move to adopt.

MS. RUSHING: Second.

MR. STRODTMAN: Thank you, Mr. --

MR. MACMANN: Did I miss something, Ms. Loe?

MS. LOE: Wait. Wait. Wait. We're doing amendments to Segment Five.

MR. ZENNER: We're talking -- we're talking Segment Five.

MR. STRODTMAN: Segment Five. Do Segment Five, like we've done the other -- we do each segments, make a motion, then do amendments. No vote until --

MR. MACMANN: You took me -- you took me so by surprise there, Mr. Chairman, that you took me off my feet.

MR. STRODTMAN: You were serious about moving things forward. And Ms. Rushing is right behind you.

MS. RUSHING: Second.

MR. STRODTMAN: But we will take a motion for Segment Five if someone would like to for such a motion. You can make a -- you can change your original motion, Mr. MacMann, if you would like.

MR. MACMANN: Since it disappeared off my screen, I would have to change my motion to -- and it has disappeared off of my screen. Could I look at your screen temporarily? Okay.

MS. LOE: I'll throw one out there.

MR. STRODTMAN: Ms. Loe, go ahead.

MS. LOE: Sure. This is going to be addressing the requirement at 29-4.8 -- sorry. Now, I'm getting -- (d).

MR. STRODTMAN: So are you -- Ms. Loe, just so I understand. Are you making a motion or are you making an amendment?

MS. LOE: Oh.

MS. RUSSELL: Make a motion to --

MS. LOE: Oh, right. I'm leading up to that.

MR. STRODTMAN: Okay. I'm sorry. Just -- sorry to rush you.

MS. RUSSELL: It's not even --

MS. LOE: I'm giving you all where I'm looking before we can get there.

MR. STRODTMAN: Okay.

MS. LOE: So on page 291 --

MR. ZENNER: Ms. Loe?

MS. LOE: Yes.

MR. ZENNER: You need to start on page 288.

MS. LOE: Okay. Someone else can step in while I put this together then.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Well, thank you, Mr. Chairman. In -- I move to adopt Segment Five of the Columbia Unified Development Code, design standards, neighborhood protection, the signage, operation, maintenance, and standards.



MS. BURNS: Second.

MR. STRODTMAN: Thank you, Mr. MacMann for that motion, and Ms. Burns seconded that motion. Commissioners, any questions on this particular motion -- or clarification needed? I see none. May we have a roll call, please?

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing --**

MS. RUSHING: What are voting on? Are we voting --

MR. STANTON: Of the section.

MR. STRODTMAN: We're voting -- a motion was made to approve Segment Five and a second, so we're -- and then we will do amendments like we have done the other sections.

MS. RUSHING: Oh, okay.

MR. STRODTMAN: We do an overall motion and then we amend it.

MS. RUSHING: I'm sorry. I was thinking that previously we did the amendments and then -- okay.

MS. LOE: We did -- we moved -- we just made the motion so we can make the amendments. I was a step ahead.

MR. STRODTMAN: Right. So the motion has been made and the roll call is being -- so if you vote yes, then the motion to accept Segment Five would be -- that's what you're voting yes to. Then once we --

MS. RUSSELL: Approve.

MR. STRODTMAN: -- that that motion is passed, is then we'll make amendments.

MR. MACMANN: A point of order. Mr. Chairman, point of order.

MS. RUSHING: No. No. No. No. See, that's why I'm -- I'm thinking that's --

MR. MACMANN: This is -- I intended this -- my motion to be a continuing motion for adoption at the end as we did with the other segments.

MR. ZENNER: Correct.

MR. STRODTMAN: Right.

MR. MACMANN: So my -- it's my understanding from our previous procedure that that motion would lay on the table, so to speak, unvoted upon until that final section.

MR. STRODTMAN: Okay. You're right.

MR. MACMANN: And I believe that was your confusion?

MS. RUSHING: After the amendments. Right. Thank you.

MR. MACMANN: So we move and the second, and then we do our small amendments; is this -- make sure we're all on the same page?

MR. STRODTMAN: Right. We don't vote on it until after amendments. You're correct.

MR. MACMANN: Okay.

MR. STRODTMAN: I'm at fault, Ms. Rushing. Sorry about that.

MS. BURNS: Ms. Rushing? I'm really confused.

MS. RUSHING: No. We're not voting.

MS. BURNS: Sorry.

MR. STRODTMAN: So the motion has been made and accepted. Are there any amendments to that motion?

MR. MACMANN: Thank you.

MR. STRODTMAN: And then we'll vote. Yes, Ms. Russell?

MS. RUSSELL: Well, I'd like to at least open the discussion on the screening and buffering. I know we've -- we've received six handouts tonight, so there's a lot of information to digest. And I think the screening and buffering, we heard loud and clear that to do a screen and then require the buffering on the opposite side is ineffective at best. So I would like to propose a motion on Section (d), screening and buffering, item 1, that the required landscaping, make it a required landscaping or fence between the lot and the single- or two-family dwelling. And then with number 2, to make that either/or also.

MS. BURNS: Can you tell me what page you're on, please?

MS. RUSSELL: 291.

MS. BURNS: Thank you.

MS. RUSSELL: And I'm really not sure how to word this, but I think it should be either a fence or landscaping.

MS. RUSHING: Or both.

MS. RUSSELL: Or both, but the fence needs to be on the actual lot line so we don't get the encroachment game going on or the garbage in between a fence and another fence.

MS. LOE: I'm going to -- do we have a motion?

MS. RUSSELL: Not really.

MS. LOE: Okay.

MR. STRODTMAN: It's part of discussion.

MS. LOE: It's still discussion. I'm going to say, this is pointing back to 29-4.5(e) which requires both a screening and the landscaping already. This is simply, I believe, indicating what order those need to be placed in. So I don't think we can allow it to be an either/or at this stage when in earlier provisions -- this is not the provision that's requiring that.

MS. RUSSELL: Okay. Okay.

MS. LOE: So I appreciate where you're going, but I think we're -- we'd be in contradiction of an earlier requirement.

MR. STRODTMAN: Staff?

MR. ZENNER: And that is the correct interpretation, as Ms. Loe has just laid it out. 20 -- 29-4(5)(e) is the property edge buffering table which does list the specifications of the level of screening type based on the adjacent uses. This particular section deals with the placement of that landscape, and that is really the difference is the landscape placement. So if what you are wanting for the purposes of

discussion is that the screening device will be placed at the property line and the landscaping shall be placed on the more intense side or you could eliminate, as has been suggested, the entire screening and buffering section because right now the screen and buffering section that is here is already covered in 29-4.5(e). You're already going to be required to do that. Now what I will tell you is that (e) refers to a slightly larger landscape strip, so on page 292, when you go into (e) and you talk about parking lots and circulation aisles and loading areas, that width of the buffer area is slightly larger than what may be in a certain standard scenario where you have a single family against an R-MF property, which has a smaller buffer strip, and that's something that you just need to be aware of. So if, in fact, you strike (d) in its entirety, that gets us back to where we are today, the landscaping goes on the inside of the fence to the side of more intense, which I believe gets to what Ms. Russell is referring to, and then (e) is already going to then -- it -- because it is a more restrictive standard of a width, it's going to require a larger buffer area, but it will still have the same screening device that 29-4.5(e) requires already. So it will be the same height of fence.

MS. RUSSELL: Okay. I have a motion then. I move that in 29.4.8 that we delete (d), screening and buffering section.

MR. TOOHEY: Second.

MR. STRODTMAN: Mr. -- Ms. Russell made an amendment motion and Mr. Stanton seconded.

MR. TOOHEY: Toohey seconded.

MR. STANTON: (Inaudible).

MR. STRODTMAN: We had -- I didn't get --

MR. TOOHEY: Oh, sorry.

MR. STRODTMAN: -- we had two. Sorry. He's a little closer.

MR. TOOHEY: I didn't hear you.

MR. STRODTMAN: We'll give you another one. Is there any questions on this motion -- amendment motion?

MR. HARDER: I have -- I have a question?

MR. STRODTMAN: Yes, Mr. --

MR. HARDER: So it would just be removed? It would just --

MR. STRODTMAN: It would remove Section (d), which is on 291, and it would be number -- Section (d), (1) and (2).

MR. HARDER: Uh-huh.

MR. STRODTMAN: Correct? Because you did not remove (e). Correct? Just (d)? Just (d).

MR. HARDER: Okay. Thanks.

MR. ZENNER: If I may, Mr. Chairman?

MR. STRODTMAN: Yes, Mr. Zenner?

MS. ZENNER: And if Ms. Russell is interested in this. I think the cross-reference that is stated, the standards of section -- under screening and buffering, just so there is clarification for a reader, you

may want to strike everything after "apply". All the text and then the subheads that are underneath that (1) and (2), because what that at least allows a reader to understand is the screening and buffering standards of 29-4.5(e) apply when the applicability section that is here applies. I think that would be much better than deleting the entire section and leaving it as a no man's land as to what do you have to do.

MS. RUSSELL: Okay.

MR. ZENNER: I apologize. I should have caught that sooner.

MS. RUSSELL: Yes, you should have, because it's already getting late. Okay. So the motion is under 29-4.8(d) to delete all after the word "apply".

MR. STRODTMAN: And Mr. Stanton, is that change to the motion okay with you?

MR. STANTON: Yes.

MR. STRODTMAN: So Mr. Stanton accepts -- his second stands. Any additional discussion on this motion amendment? Ms. Loe?

MS. LOE: I thought the comments made were good in that -- about creating a potential dead zone and creating a potential area that becomes a quandary for both property owners, including maintenance, so I intend to support this.

MR. STRODTMAN: Yeah. I kind of feel the same. I was kind of -- if being a -- if I was a resident and looking at commercial use, I would much rather look at the landscaping than the fence. But then when one of the speakers talked about that second fence comes into play, it really changed my opinion on how you could manage that program. So I plan on supporting it, so -- any additional? If not, we'll go ahead and ask our secretary for a roll call, please. Now we can do that.

MS. BURNS: Everybody ready? Okay.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns. Ms. Loe, Mr. Harder, Mr. Stanton, Mr. Strodtman. Voting No: Mr. MacMann. Motion carries 8-1.**

MS. BURNS: Eight to one. The motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Additional discussion, Mr. Toohey?

MR. TOOHEY: I've got a question with the section above that with regards to (c) where you're only allowed to go 24 feet then with the step-down provision. Aren't those neighboring properties that are technically R-1, isn't the height limit for those 35 feet? Can staff answer that question for me?

MR. ZENNER: That is correct. The R-1 zoning district does have a 35-foot maximum height, as well as does the R-2 zoning district. However, the typical single-family home that is built is either one or two stories within the City of Columbia unless you're on a grade where you can have a third story on a house. And if we look at this area's -- if we look at the areas where the neighborhood protection standards were meant to have the greatest impact in providing character protection, you're looking at single-story bungalows or you're looking at two-story homes. You're not looking at a third story. So the choice of 24 feet was looking at what the standard two-story home may be to the median or the midpoint

of its pitched roof. So that is why the 24 is there. The provision is to allow the building that may be on the R-MF that may be three stories, it may not be, but may go up the additional height to have to step back to get its maximum district height. If a single-family home already exists and it's not going to be redeveloped because the idea is, is to preserve that neighborhood character, you're going to have that building height already established. Now I wouldn't tell you that if somebody decided they wanted to tear down that single-family home and build a new one, they couldn't build one that was 36 feet tall or 35 feet tall. That's always a possibility, but I think that this looks at preserving the existing character of that neighborhood, not basically eliminating houses to be able to then go back and redevelop it so it's a taller structure.

MR. STRODTMAN: Any additional questions, Mr. Toohey?

MR. TOOHEY: It would just seem to me that you would allow the same for -- for both properties in that section. I understand where you're coming from, but if you're going to allow the -- the R-1 to go 35 feet, why wouldn't you let these go to 35 feet also? So I think I'd like to go ahead and make a motion for --

MR. STRODTMAN: Go ahead.

MR. TOOHEY: -- Section 29-4.8, Section (c), to change 24 feet to 20 -- or to 35 feet.

MS. RUSSELL: Second.

MR. STRODTMAN: We have a motion that has been made to change Section 29-4.8(c) and it is change the reference of 24 feet to 30 --

MR. TOOHEY: Thirty-five.

MR. STRODTMAN: -- 35 feet. Is that -- and it was made by Mr. Toohey and seconded by Ms. Russell. For clarification is that all of the references of 24? Would it be two of them?

MR. ZENNER: Mr. Chairman?

MR. STRODTMAN: Yes, Mr. Zenner?

MR. ZENNER: As the amendment is proposed, there is no reason for the section then. The maximum building height within the zoning districts R-1, R-2, R-MF is 35 feet. So if you're going to allow a 35-foot-tall building to be built with the minimal setback is off of the property line and next to a single-story bungalow, this section means nothing at that point when you make the amendment and is not necessary.

MR. TEDDY: It would only apply to a house that's been maxed out in height, in other words.

MR. ZENNER: Now the other thing that you have to think about within this section, this deals not -- it doesn't -- it deals not only with R-MF development against single- or two-family structures, which is under the applicability section. That's one. It deals with use in one, it deals with zoning designation in two. That is a very significant distinction. When you have an R-MF lot that's undeveloped that's adjacent to single- or two-family, these protection standards apply. So to Mr. Toohey's point that if -- if in a situation of a developed R-1 or R-2 lot, you came in and you wanted to be able to build to the same height that that R-1 or R-2 parcel has, that single- or two-family parcel has available to it, the amendment would allow you basically to max the multi-family or the R-MF parcel to that height. However, when you

go in and you look at -- let's just, for instance, then say in item (2) then in the applicability section is dealing with all lots. It's related to all lots, any zoning district adjacent to R-1 or R-2. So at that point, you may end up with a 45-foot tall -- you could potentially end up with a district that allows 45-foot-tall structures, you're starting right at 35 feet as a maximum building height on an O-P lot or O-1 lot right next to a single-story residential structure at that point just because the single-story residential structure could max out at 35 feet, but it's maybe already developed and doesn't have any intention of redeveloping. That is part of why there is a step-down in here because it applies in the either/or. It's R-MF to used R-1 - or used single- or two-family and then any lot other than R-1 or R-2 zoned property. So there's -- the change here could have a significant ramification, and it's not to say that the change may not be appropriate as it relates to residential to residential, but when you look at it in the context of where these neighborhood protection standards apply outside of that residential context, that's what I would caution you on because that is where you may a greater unintended consequence that something happens right along a fringe of an area that's transitioning maybe from residential to commercial or some other use that's been maybe historically that way. And that may be -- the example could be where you have stuff that's developed off of the Business Loop, for example, bleeding back into a residential neighborhood to where that building -- those buildings potentially, if they're not separated by a public street, may have a building right back at the back property line towering over their residential structure.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: To echo what Mr. Zenner has said and to bring up another point, this amendment would gut the neighborhood protection services -- protection section specifically to these points. In the northeast -- northeast of M-DT, we have I-G. We have -- and it's M-1 right now, It'll become I-G. That maxes at 45. We would have 45-foot-tall buildings directly next to one-story family homes. On the Business Loop, we have an area that's going M-C. If that redevelops, those properties are abutted by little bitty bungalows, 600, 700, 800 square feet. Most of them are one story. Mr. Meyer's not -- example notwithstanding, there certainly are a few homes that are. I believe the home he mentioned at 1414, I think, Mr. Meyer, I think it's about 30 feet -- the old Woods' place. It is a tall structure; it's notable. That's quite the exception. The one-story bungalow is by far the most common and the neighborhood protection segment -- and Ms. Fowler addressed this specifically -- is about scale. Right now, or if this amendment passes, we could have a building that's 200 feet long -- 200, and 35 feet tall and potentially 60, 80 feet deep -- one building.

MR. MEYER: (Inaudible.)

MR. MACMANN: I'll leave that to the chairman.

MR. STRODTMAN: I would only say if Mr. MacMann wants clarification --

MR. MACMANN: I think I'm fine. I'm just using his example. Thank you, Mr. Meyer.

MR. STRODTMAN: Thank you, though, Mr. Meyer. Appreciate it.

MR. MACMANN: And that's a scale issue. We can look at North Central. We can look at Commissioner Stanton's neighborhood, Benton-Stephens, and East Campus, and these are the target

neighborhoods for these. They really are. You're talking -- that's a huge building and one- and two-family buildings. Certainly it's R-3 allowable, we could do it.

MR. TOOHEY: So I guess -- how -- how tall are those -- is that new development across the street from Jeff Middle School? I mean, everyone is talking about how great those buildings are.

MR. MACMANN: The Ravipudi development?

MR. TOOHEY: Yeah. Isn't that closer to 35 feet or above?

MR. MACMANN: If I may --

MR. TEDDY: The measurement is going to be halfway up the roof, so it's not going to be the peak, and that's two-story, I think?

MR. MACMANN: That's a two-story, and the Ravipudi is -- we looked at this, I believe, using City standards, those are 26 or 27, using the current City measurement system, and they are a little bit tall. And that's one of the reasons we discussed those at work session. That would flatten the roofs out a little bit more if they met the current standard. They are just -- they're just a touch tall from what they are currently -- or what the new Code would propose.

MR. STRODTMAN: Real quick, before we continue. Commissioners, don't forget we need to be careful about stepping over each other. This is being recorded, so appreciate your patience. Ms. Loe?

MS. LOE: I'd like to take us back to a work session this summer where we discussed multi-family and all-sided design, which is where we established the 24 -- or a 24-foot height limit. And this was in part because of the screening measures and in part because many of our single-family and R-2 homes are two stories in height, and we had discussed that providing some protection from the first two floors was more -- it was getting -- when we started getting above that that we are concerned. So page 138, we have the all-sided design which kicks in when the building height -- is not applied when the building height is 24 feet or less. And then when it's higher than that, we have additional requirements, and this is for multi-family, so this is when we have multi-family adjacent to R-1 or R-2. So in light of that, I mean, I'm trying to be consistent, I see where we're having other uses coming up next to the R-1 or R-2, having the choice of adding ten feet or stepping down below that 24-foot setback, which we had already discussed as -- vetted as being a reasonable height next to R-1 or R-2. It makes sense to me. If -- if we do change this, I think we need to go back and look at that R-MF again.

MR. TOOHEY: So would I need to basically just change my motion to eliminate (c), according to what Mr. Zenner had mentioned?

MR. ZENNER: If you move to eliminate (c), you will eliminate any protection for lots that are developed with anything other than -- you will remove any protection for lots -- all lots, period. So that would mean it would affect every single commercial, office, or industrial zone parcel that may be against a residentially -- an R-1 or an R-2 lot. So that is what you would be effectively doing.

MR. TOOHEY: So we would have to go back and change another section, though, also? And with regard to that section that you just mentioned, I mean, wasn't there an allowance where those could go above 24 feet, though?

MR. ZENNER: Yes. The second that Ms. Loe is referring to on page 138 of the Code has the landscaping provisions that would have to be met for any building not greater than 24 feet in height would be all that would be required between it and an R-1 or an R-2 zoned or used parcel, single- or two-family R-1 or R-2. Landscaping, anything less than 24, landscaping was all that was required originally. There was a request that we have architectural treatment all the way around the building. The Commission in a work session chose to use the landscaping as a more cost-effective alternative. Once you went over 24 feet from grade through the -- through the roof of the building or through the full facade length, you would have to architecturally treat once you reached over 24 or if it was 24 feet or greater, and you would have to do the landscaping. So that is what all-sided design standard section reads now. So basically if you eliminate the additional neighborhood protection standard that talks about stepping that scale of a building back, I don't know -- I don't believe it's necessary to change the all-sided design because it applies specifically to multi-family development in the R-MF zoning district, period. But what you do eliminate, as I had just stated, is you will eliminate any other protection in any other zoning district that abuts R-1 or R-2 by the elimination of (c). So it goes away entirely. If you don't want any protections for any other zoned parcels, that would be the amendment that you would need to make. If you want protections between other zoned parcels other than R-MF, you would need to leave that particular section in. I will tell you right now that if you look at this entire section as a whole, if you are not wanting to subject an R-MF parcel to any additional protection standards other than what already exists within the use-specific standards, you strike item one out of the applicability. And that at that point basically relieves any of this neighborhood protection standards against an R-MF parcel that's adjacent to single- or two-family development at this point. And at that point, I would suggest that what Mr. MacMann has said is, is you basically gut the entire intent and purpose of what this section was meant to do. But if that is the choice that the Commission wants to make, that would be my advice in the applicability section that you need to eliminate item one and the remaining portions of the section do not need to be amended because they will then only apply to development that is anything other than -- it's on any lot. So it applies to all lots in any zoning district and it applies to lots, it's not use. So any lot that is developed with any principle permitted use that's adjacent to R-1 or R-2 zoned property is going to be required to meet these neighborhood protection standards, which means in R-MF, a multi-family development that may be allowed to be built in an office zoning district is going to have to comply to this. A commercial business built on a commercial lot is going to have to comply against this when abuts R-1 or R-2 zoned property -- not used, zoned. So you may still provide protection if you just eliminate item one for those other lots. R-MF is again specifically covered within the use-specific standards that talk about building -- architectural treatment on all sides based on the height variation.

MR. TOOHEY: I guess I still don't understand how they wouldn't have some protection if it was capped at 35 feet, so can you explain that to me again?

MR. ZENNER: Single-family housing and multi-family housing, you can't build over 35 feet unless you do additional -- in the R-MF zoning district, the option to be able to go up to a maximum of 45



feet only exists when you improve the -- you increase the setbacks one foot on all sides, so you would have to step the building back -- the building physically back already.

MR. TOOHEY: Okay. I see what you're saying now. Okay.

MR. ZENNER: So --

MR. STRODTMAN: Commissioners, any other discussion? Any other item within this, or we can continue to discuss Mr. Toohey's comment. Mr. MacMann?

MR. MACMANN: Just I'd like to make a point. We've heard quite a bit about highest and best use, and most of what we've heard about highest and best use is a perspective issue. I submit that an individual who owns an R-3 lot, they want the highest and best use so they can maximize their situation. I don't begrudge them that at all. I would also posit that an individual in an R-1 situation, they believe that their home, as it exists, is the highest and best use, and they might not wish R-3 next to them. Our efforts here are to seek a compromise, provide transitions and provide protections. We provide constancy for the development and ownership community, and we provide protection for the R-1 and R-2 owners.

MR. STRODTMAN: Thank you, Mr. MacMann.

MR. TOOHEY: So what are then the kind of consequences if you have a development already that is a counter development that has buildings taller than that? If it's destroyed, they can't go back and rebuild it to what they had before.

MS. LOE: I believe Mr. Zenner said we're going to address protections for existing buildings in the next segment, so I think that may fall under something else. That's not considered new construction.

MR. ZENNER: If the building --

MR. TOOHEY: It would be if it's destroyed.

MS. RUSSELL: It would be -- yeah, if it's destroyed.

MR. MACMANN: I would --

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. There have been a lot of questions posited to me by individuals in the development community and elsewhere about this -- what I call the destruction exemption and nonexemption. And I believe we can address that specifically without damaging the harmony or otherwise rolling back neighborhood protection and developers' constancy that they seek. And that -- that is an issue, because I'm not firm on that answer. And when we get to the next segment, we can address that answer and the concerns that Mr. Toohey has and that many of the folks here have expressed, we can address that there rather than removing this transition, which is honestly not that much in my view.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Mr. Zenner identified that we -- he doesn't believe we would have to go back and address the R-MF section if we deleted this section. My stance on that is that we've identified some protections for the R-MF and we consider that to be a more compatible use, I believe, than some of the other uses that might come into R-1 or 2. If we're going to delete this and have the -- I have problems

with allowing a stricter requirement for R-MF over 24 feet to stand because we already consider that a more compatible use. So I agree it could stand as is, but I believe that's uneven.

MR. ZENNER: You're referring, Ms. Loe, to the standards that are in -- the use-specific standards that refer to 24 -- less than 24 feet not having to do full four-sided architecture?

MS. LOE: Correct.

MR. ZENNER: And those that are over 36 feet?

MS. LOE: Correct. If we allow other uses to go over 24 feet without any restriction, that's less of a demand than what we have in place on R-MF if they go over 24 feet.

MR. ZENNER: Okay. And what I would -- and my suggestion to you is is if you eliminate under the applicability section item number one --

MS. LOE: Uh-huh.

MR. ZENNER: -- you do not need to make -- because the applicability section of item one specifically refers to the R-MF zoning district. It's intended to be applied to R-MF, developed with multi-family. The use-specific standards are also designed specifically to apply to R-MF multi-family development. So what this section gets at, there's two pieces in this section that basically -- the screening and the buffering is one of them that you now have amended. We have eliminated that, so that is different. And then I believe the parking and the circulation section are not covered within the use-specific standard. That -- that would have been what would have applied in these instances to where that R-MF parcel was not developed with a single- or a two-family structure. By eliminating any reference to neighborhood protection by taking it out of the applicability section and leaving in paragraph (c), which talks about the step-down, you afford all other property within the City that's regardless of how it's developed. It's any lot being developed against R-1 or R-2 lots, not how it's used, the protection that is here today, the 24-foot maximum. Now if what you're saying is because in an industrial or an office zoning district, you could go higher, but once you get to that, if you want to go above a two-story building, an office building, and you're adjacent to R-1 or R-2, then you would have to step back the increased height away from that because it is a much more incompatible use potentially against that residentially zoned parcel. In the R-MF, however, for multi-family, when you develop multi-family housing, which is really an allowed use in R-3 or R-MF, and that's where the use specific standard applies to, you've already got the neighborhood protection standards built in because of the architectural design requirement of four-sided architecture or all-sided. That's why I'm saying I don't think that you need to amend the use-specific standard, but you would have to only eliminate in this neighborhood protection section applicability item number one, and leave in the step-down. Now I'm not sure that that's what Mr. Toohey would be interested in doing, but that would allow then still you would have protection against any other lot. Any lot would be required to comply with that when it was abutting an R-1 or R-2 zoned parcel. It would have to step the building back to get up to its maximum height allowed within that zoning district. The circulation aisle issue would then have to be addressed, or it would have to be landscaped. So I would have to look back and look to see if the actual parking lot landscaping or the parking standards that

are proposed here for the circulation in item (e) --

MS. LOE: Uh-huh.

MR. ZENNER: -- are actually adequately covered within the use-specific standard, or are they adequately covered already under your -- the parking lot design requirements that we have in the general landscaping and screening section.

MS. LOE: I -- I appreciate the clarification. I was speaking more to the point that I believed I heard an option of eliminating item (c) completely, and I was speaking to that point.

MR. ZENNER: Okay. And, yes, I would agree at that point. If you eliminate all of item (c), you eliminate any protection anywhere.

MS. LOE: Well, and that we have additional protections already in place for R-MF and it feels to me unfair that we put additional protections on the R-MF if we've eliminated these.

MR. ZENNER: We do not -- in the use-specific standards, they do not have a setback or a step-back protection.

MS. LOE: I understand. But we do have the four-sided design and screening.

MR. ZENNER: That would be correct.

MS. LOE: Correct.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: To follow up on Ms. Loe's point, do you feel that the four-sided design and step-back are sufficient protection in the R-1 and R-2 neighborhoods? Is that what you're saying --

MS. LOE: Not at all.

MR. MACMANN: -- or are you just making a point of clarification?

MS. LOE: Not at all. I'm making a point of clarification that I think we have some other items within this Code that have tried to afford this level of protection that we've already gone over. And if we change this, I'm going to reopen those.

MR. MACMANN: You're making the can of worms argument, is that what you're making?

MS. LOE: A bit.

MR. MACMANN: All right. Thank you. That's where I thought you were going.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Ms. Loe is correct. We would have to. We would have to open the can of worms to make everything consistent or have to comb through the Code again and find -- make everything streamlined. And the way I look at this section, I think it's easier to look in one place and kind of work from there than to have to keep jumping back and referring to this if then L statements and all of that. It starts to get sticky. Mr. MacMann had a great point. We -- we have to compromise when both sides are equally disappointed, and this is kind of both sides will be equally disappointed, so let's leave it in place.

MR. STRODTMAN: Did somebody call that a win-win?

MR. STANTON: Yeah.

MR. TOOHEY: Or lose-lose. I'll go ahead and withdraw my motion.

MR. STRODTMAN: Thank you, Mr. Toohey. Commissioners, any additional discussion, amendments? Mr. Harder?

MR. HARDER: I'd like to bring up a discussion. There was somebody in -- in the audience that had mentioned that there were quite a few properties that were going to be rezoned down to R-1, upwards of 20 or so. I kind of feel like that's kind of a -- kind of a casualty of the Code, and I'm kind of wondering if that needs to be discussed a little bit more to see if that's something that you should -- something that should be taken into consideration when the Code is established.

MR. STRODTMAN: Lots of hands over here. I'll start with closest to me. Ms. Burns?

MS. BURNS: I understand your question. I don't think we can interfere with -- with what's somebody is choosing to currently do with their property.

MR. HARDER: Not -- well, yeah. I just meant from -- I mean, you know, anybody can do that, but I'm just saying -- I apologize. From our direction, as far as causing them to want to do that, I'm just kind of wondering if we should discuss that as well too.

MR. STRODTMAN: Okay. We'll continue down the line. Ms. Loe?

MS. LOE: I understood the speaker to say that they appreciated the benefits that the revisions were providing and that they were going to take advantage of the opportunity to rezone. So it's not a casualty, but an opportunity.

MR. HARDER: It still has a possibility of hurting their neighbors' property rights, though, in not being able to do with their property that they would like to because their neighbor has now decided to downzone and take advantage of this.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Mr. Norgard and Ms. Fleischman have left. I have spoken -- I believe they have. I have spoken at length with them on this. Just to your part -- to your point, Mr. Harder. This is -- this had been started some time ago, about the same time we started the -- the whole -- like, three years ago is when they've been working for neighborhood protection -- to seek their own neighborhood protections because they felt that they did not exist at the time. The fact that they are coming to fruition, like, now, it certainly helped. They were afforded the opportunity to redo their overlay and they have not been granted their downzone. I think to Mr. Toohey's point, they could potentially harm a neighboring R-3 or an R-2. At the same time, I believe their actions are self-defense because they feel they're being harmed. And back to my perspective issue, at the highest and best use. They feel R-1 is their highest and best. The neighbor may feel something different. And the transition zones, the neighborhood protections that we spoke about to Mr. Stanton's point, no one is winning here. We've heard folks ask for more protections. We've heard folks ask for them to be eliminated.

MR. HARDER: I had my hand up first.

MR. STRODTMAN: Mr. Harder?

MR. HARDER: One more thing on that. I apologize. They can be downzoned, of course. That's

their -- their choice to try to downzone. I'm just saying if it -- if it affects before the Code, if it's passed, the neighboring property owner, they bought this before the Code has even been, you know, possibly, you know, discussed or even brought up. I just kind of think it seems a little bit -- I just think there's more discussion that needs to be done on it.

MR. STANTON: It's no different than a landowner afford -- taking the opportunity to consolidate lots that we approved a couple of meetings ago. It's a chess game. He made a move; they make a move. You play within the rules of the game. That's they protect themselves. The landowner had a right to do what he did with consolidating his lots. These people have a right to downsize and go R-1. That's the game; that's the rules are being played. That's what on the field. That's what they're doing. I mean --

-

MR. TOOHEY: Then change the height limit to 35 feet.

MR. STRODTMAN: Mr. Zenner, I think you had maybe an insert earlier?

MR. ZENNER: I just want to make sure I understand the discussion here. Is it your point, Mr. Harder, that you're wanting to further discuss the neighborhood protections because of an action of property owners that is currently afforded to them within the current Code to downzone their property; is that what you're concerned about?

MR. HARDER: I'm wondering why there's not possibly some grandfathering in for people who have bought their -- you know, property prior to this Code going in as far as, you know, the R-3. Once the Code goes in, a neighbor can downzone down to R-1 and kind of reduce the -- you know, the value of the property.

MS. RUSHING: It's the use, not -- it's the use. Right -- not the zoning?

MR. ZENNER: Well, and that's, I guess -- and that's why I'm asking this question, because currently a parcel that's downzoned to -- from R-3 to R-1 will have some impact today on the ability for that R-3 property to be developed because you are going to have an inconsistency between the two zoning. And currently the Code does not draw the distinction between use generally. It is by district. So that is the protection that exists today. It's based on -- it's based on zoning. So your adjacent R-1 adjacent R-3, R-2 adjacent to C-3, you're going to have a zoning standard, and the zoning -- the buffer requirement is going to be on the more intense or developing parcel. That's where the buffer would be applied. So what this Code proposes is to deal with the issue again from the purposes of neighborhood protection. In certain instances, it deals with use and it deals with zoning. And it's because preservation of the existing residential single-family or two-family structure was deemed important. And, therefore, when you have something more intense developing against that, regardless of what zoning district it's in, that's why use use in some instances, not just zoning district, but sometimes you have to look at it from the aspect of both use and zoning because that adjacent R-1 or R-2 lot may not have a structure on it, and you may have a vacant R-MF parcel next to it and that R-MF parcel develops first, it's in essence, that R-1 or R-2 is restricted without a upzoning to what may be then perceived as being incompatible. Because the more intense property is developing first, it would be required under the new Code to put

that buffer in. Even there wasn't anything, when we refer to it as to adjacent zoning, not necessarily the land use. So that -- that -- you know, the rights of the individuals in Benton-Stephens to downzone today is something that has existed since quite some time and that would impact anyone.

MR. HARDER: Sure. Yes. I understand that.

MR. ZENNER: But grandfathering of property that's zoned as of the date of adoption of the Code because it's been purchased previously, I don't think effectively provides that protection that the Code is, through its readoption, is trying to provide. It creates possibly -- what standard then would apply bufferingwise? How do you apply that standard then and what's the standard that would apply at that juncture when the adjacent property -- you applied instead of an increased buffer, which you have eliminated now by neighborhood protection. So you're still going to have a buffer, you're still going to have a screen between those two incompatible uses, you're just now not going to have the landscaping on the side of the less intense use. So in many respects what we do today is what will exist potentially in the future.

MR. HARDER: Thank you.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just a note to provide a little bit of perspective. Some of you may not know this, but Mr. Norgard and Ms. Fleischman are actually rental property owners. They own six homes. And I bring that up just to point out that there are different perspectives whilst one is owning rental property or developing property, and they are downzoning their rental properties also -- some of them. So I just -- I just thought I'd throw that in the mix.

MR. HARDER: Very -- very clear.

MR. STRODTMAN: Commissioners, any other discussion on any other topic within Segment Five. So then maybe a little smaller hanging fruit we could take advantage of? Ms. Loe?

MS. LOE: I'm not sure there is any more low hanging fruit, and I believe some of the issues that have been brought up tonight that just require some additional contemplation and review, so I'm not in favor of closing out this section. I'd like to move to -- are we tabling these or are we just moving on to the next section?

MR. STRODTMAN: We're not doing anything at the moment unless we have a motion to do something different. We're just looking at still doing amendments to the original motion of approving Segment Five.

MS. LOE: Right. And I'd like to close out amending Segment Five and move on to presenting Segment Six if everyone else is --

MR. STRODTMAN: Commissioners, any discussion?

MR. TOOHEY: So am I understanding you, that you want to come back and make amendments to this at a later date?

MS. LOE: Potentially. We're not closing it. I mean, we haven't closed out any of the sections. That's what our wrap-up section is for, so --

MR. TOOHEY: Okay. I was just trying to clarify if you were trying to be specific like we did with M-DT.

MR. STRODTMAN: Moved it forward. Mr. Stanton?

MR. STANTON: I move we table Section -- Segment Five.

MS. LOE: Second.

MR. STRODTMAN: Commissioners, discussion on the motion that was made by Mr. Stanton on tabling Segment Five, discussion for further -- future dates, seconded by Ms. Loe. I see none. When you are ready, Ms. Secretary.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman. Motion carries 9-0.**

MS. BURNS: Nine to zero, motion carries.

MR. ZENNER: Mr. Chairman?

MR. STRODTMAN: Yes?

MR. ZENNER: As a point of clarification, do we have a particular date at which you wanted to refer this to so that those that are in attendance that were anticipating some type of resolution on this Section is going to be -- so they have a point which they --

MR. STRODTMAN: I understand.

MR. ZENNER: -- when they're going to have it?

MR. STRODTMAN: On the other ones we made a clearer date. Ms. Loe, since it was not your motion, but -- any --

MS. LOE: But I was here during the work session. Mr. Zenner, I believe we were looking at two dates, potentially for our discussion, so I'm not sure how to put this forward. Mr. MacMann?

MR. MACMANN: Our next meeting is the 8th of December. Correct?

MR. STRODTMAN: Correct. Regular scheduled --

MR. MACMANN: At this juncture, it may be beneficial to just put it on that agenda or do we want to -- we might have to move it again if we do that, or move something else. But my concern would be, and we did this with the M-DT, is getting out of order. I don't -- I would -- I'm loathe to get out of order or our memories may not be fresh. Are you -- are you, you know, with me on this?

MR. STRODTMAN: Ms. Russell [sic]?

MS. RUSHING: I guess I have the same question that Mr. Toohey did. Are we saying that we can suggest amendments at a later date?

MR. STRODTMAN: Yes.

MS. RUSHING: Okay.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: We have a wrap-up section at the end of all of this that we can still go back and

make amendments to all sections; is that correct?

MR. STRODTMAN: Prior to final approval vote, yes, we can make changes.

MS. RUSSELL: So we can study -- we've got a lot of information today, so we can study and make amendments at that time. Correct?

MR. STRODTMAN: Correct. But I think staff's concern is there is public parties that are interested in hearing what our solutions are, and they would maybe like for a little clearer date and not just the end of the wrap up. Is that maybe --

MR. ZENNER: That is correct, Mr. Strodtman. What would the pleasure of the Commission be? Would you prefer to do that discussion in a public setting of this nature or would you prefer to do it in a work session? The items that were presented to us this evening have cross-cutting effects in every single segment of the Code that we have already presented and that we have already discussed and that we have made amendments to. It is going to have somewhat of a significant impact if you decide that you want to take pieces of this. This is potentially not the particular type of setting that you would want to have that discussion in. It may be better to do this in a work session. A -- I think that that is one thing that we need to decide. That work session really is to talk about the structure of what's been presented to you this evening, not necessarily maybe the -- you can't talk about the merit of the amendments as well. I don't know necessarily if you would like to make formal recommendations without maybe having an understanding of the impact of what you had presented to you this evening actually creates. And I would much rather -- I believe it would be more appropriate to have something that is less formal a setting for us to have dialogue exchanged between everyone involved. And then once we have had that dialogue, a more public process such as this to make the amendments based upon your review of the material may be appropriate. Yes, there were two dates discussed, and the in-between date between the 8th -- which is your next public hearing is the date that I would probably suggest, to allow then if you should choose to make formal amendments, you could make them during the 8th's wrap-up session. If we are unable to make additional amendments during the 8th's wrap-up session, there may be a need to extend the public hearing to allow you to make your wrap-up amendments to a later date. And at that point when we get to that juncture in our meetings, we can determine what that later date may be. So it's a choice between do you want to do it in a work session or do you want to do it in a public forum like this to have your initial discussion?

MS. LOE: I believe the work session sounds appealing for some of the issues that were brought up. And we could do that on the 1st, which was the other date we had discussed.

MR. ZENNER: It's the in-between date.

MS. LOE: That's the in-between date.

MR. STRODTMAN: I was under the impression maybe the 1st was not the best date. It would be for this discussion, but not for --

MS. LOE: Public meeting.

MR. STRODTMAN: Right.



MR. ZENNER: That is correct.

MR. STRODTMAN: We don't have --

MR. ZENNER: It would definitely be preferred.

MS. LOE: That's okay for work session.

MR. STRODTMAN: It will still give staff time to --

MR. ZENNER: Yeah.

MR. STRODTMAN: Okay. Mr. Stanton?

MR. STANTON: My intent with tabling this section was just that thing -- Mr. Zenner came up with a perfect solution, maybe a work session to -- well, let me back up. Tabling, I think, is the public and those stakeholders that have presented things to us this evening -- hint, hint -- to forward us emails and suggested amendments that we can review the language ourselves or help formulate a language for us -- hint, hint -- so that we can talk about those things in work sessions and formulate a solid amendment to bring to the public -- hint, hint -- the next meeting and present solid amendments and make this go a little quicker.

MR. ZENNER: Yeah. And if I may?

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: I -- I support what Mr. Stanton is saying, but to all of those individuals that want to send proposed changes, they do not need to be sent to you as Commissioners. They need to be routed through the City's Community Development Department -- myself. We do not want to get into the situation of where you may be conducting an online meeting and violating Sunshine Law requests. We need to have the material sent to us. There has been a number of amendments and a number of correspondences that have been sent directly to you as Commissioners, and the planning staff has been copied. We teeter on the verge of potentially violating the Sunshine Law with that happening, so I would strongly request that anybody that is in the audience that would like to provide information to the Commission or that is watching on television to please submit the material to [Patrick.Zenner@CoMo.gov](mailto:Patrick.Zenner@CoMo.gov). The Commissioners will receive it upon my receipt. We blind copy all of our Planning Commissioners to avoid the issuance of potentially having a uncalled for online meeting. And if you will please, again, send it to my attention, I guarantee you the Commissioners will receive your comments and your recommendations for their consideration. And if you are wanting to hold a meeting on December 1st, that meeting then would start at 5:00 p.m., and we will give you a date or a location for that as soon as I have an opportunity. And that meeting will be an extended work session. We won't be working until midnight, but we will hopefully be working until we work through the amendments that have been provided to us this evening.

MR. STRODTMAN: And that meeting, Mr. Zenner, would only be a work session on this topic?

MR. ZENNER: Only on this topic, or if you are still having outstanding amendments with Segment Six, Segment Six would be rolled into that as well, if necessary. And that is to prepare for final amendments to either be made on December 8th at your regularly scheduled meeting, which would be

the Thursday following or, if necessary, to move final amendments to a date to be determined on December 8th.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: My only concern is that if we're making amendments that the public be able to see how we came to those conclusions like we did with the M-DT amendments that we made. So I'm not so sure that a -- a work session really is the answer.

MR. STRODTMAN: Start in middle. Ms. Russell?

MS. RUSSELL: I think if we had a work session to discuss the issues and figure out what impacts things, and then when we make our amendments, we make them in a public forum. At the wrap up would probably work. I agree, I don't want to be making amendments without the public being able to hear that.

MR. STRODTMAN: Right. I think it is strictly a discussion on the 1st. Yes, Ms. Burns?

MS. BURNS: Our work sessions are open to the public, so people could come and listen. It's not like anything will be secret.

MR. ZENNER: I will have to determine -- I do not have clarification that this space is available on that date, and I am not wanting to go ahead and schedule another meeting without clarifying that. So I'm going to step away for a moment, and I will be right back.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just to follow up on Ms. Burns point. They are open -- if we can't get this, maybe we will get 1A. We can get more people in there, and everyone is certainly welcome. Mr. Farnen can let them know that you can watch the entire thing unfold. And to Ms. Russell's point and then Mr. Toohey's point too, everybody can see and we can just talk in a little more casual atmosphere. And then we can, in regular session, vote on these amendments.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Yeah. That was my intent. I didn't want to make -- when I said make amendments, we talk about the language we present of clear, refined amendments to the public instead of sitting here arguing and talking about the language.

MR. STRODTMAN: Mr. Zenner, were you able to find any information out in your departure?

MR. ZENNER: Yes. It's amazing how quickly you can get information when they know that you all are working diligently. It is available on the 1st, so we can meet within this space if you would like. We could start the meeting as early as 5:00 p.m., or if you would like to push it back a half an hour to allow you to leave from your workplaces and arrive unhurried, we could start the meeting at 5:30. The space is yours for the evening.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: So would that work session be televised?

MR. ZENNER: At this point, I will -- I would suggest yes. We can televise that work session --

MR. TOOHEY: I understand that the work sessions are open to the public, but our work sessions

only had one or two people at them. When we have these public sessions, we have many more people at these meetings, so the argument that they are open to public I don't think holds weight when we don't have anyone show up at those work sessions, other than Mark Farnen.

MR. STRODTMAN: I think that the point was is they are open. It doesn't mean anybody is attending. Mr. MacMann?

MR. MACMANN: Just to follow up on Mr. Toohey's point, I would just -- if we could respectfully request to Mr. Zenner that we're on the television so people can see us. And as long as things are working --

MR. ZENNER: It -- That's -- our TV staff can be here to televise. Again, if you are not going to be taking formal motions, a work session is generally -- it is a public hearing or it is a public meeting. It is open to the public. But the work session normally does not have the formality of what you're dealing with here, hence the reason we normally don't meet in this space during work sessions. If you want it televised, it is going to have a higher level of formality. If you're going to want to make final amendments after having very open and sometimes disjointed discussion, which we have sometimes in our work sessions, that's entirely up to you for the public to see how you have had that discussion. So I don't care. We'll -- we can do whatever you'd like. The space is available again at 5:30 -- 5:00, 5:30, and we can go as long as necessary for you to resolve the issues that have been presented tonight.

MS. RUSHING: But it could be a special session where we don't take public comment?

MR. ZENNER: I would tell you at this point that the purpose of this meeting would be not unlike what you did for the completion of the M-DT in formulating your final recommendations on the issues that were presented to you, which is not a session for public comment. It is, I think, a session that is appropriate for you to discuss as a Commission, like you would in a work session, to have that dialogue back and forth. If you're not going to make any motions to adopt any of the changes that you have discussed, but you are laying out how you may desire to craft those amendments, I don't think that that is where we insert the public into that process unless you're asking for clarification of a point that was made, and that was very similar to how we would have handled the M-DT standards as well.

MS. RUSHING: My preference would be to have the discussion and make the amendments at the same meeting the way we did with the M-DT. I just -- you know, we just keep continuing things out, and we can review the information we receive tonight and come prepared to discuss the changes that we want.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I'm going to hold my comment for a moment. Thank you.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: I disagree. Number one, I don't want it to be on TV. I need it to be informal so that we can have a heated debate and discussion so we can get to the meat of the issue that evening. I understand that we're kind of pushing things along, but we're doing it right. I think we're on the right track of the right process. We get our language together in a work session and present clear amendments the

next formal meeting. The next meeting -- the work session needs to be as informal as possible so we can have a true candid discussion. I don't want my hands tied because I'm on TV. I may have something to say.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Ms. Rushing, staff has asked us not to schedule a formal meeting on the 1st because they want time to prepare the amendments. So if you want to have a meeting where we're going to discuss and make amendments, it's going to have to be the 8th, which we've already discussed. What we're trying to do is catch up on some of the discussion so we can actually move through some of these items on the 8th because we are anticipating a heavy load on the 8th.

MS. RUSHING: But we won't be moving through them. That's -- that's my problem. We'll be discussing them, but then we're going to have to come back and propose amendments.

MS. LOE: Correct, having already had the discussion amongst ourselves in a public work session. I agree with Mr. Stanton that I would prefer -- it think it is going to be productive to have a work session like our standard work sessions if we're not required to do this --

MS. RUSHING: But then we're going to have the cleanup session?

MR. STRODTMAN: Yes, still --

MS. LOE: We still -- that's a separate segment that's still on the agenda. Correct.

MR. STRODTMAN: As you mentioned on the 8th, we only have a couple of hours of -- business hours to deal with and that we are trying to eliminate another lengthy discussion after those business items where maybe if we had preplanned amendments, we could have the discussion afterwards and it wouldn't be a lengthy one. Wrap up Segment Five on the 8th and then still have the final wrap up opportunity later. Ms. Russell?

MS. RUSSELL: I agree that we need to have an informal discussion, not on TV, where we can have all of our papers out; we can talk about things with the staff of the implications of different -- so I'm in favor of doing a meeting on the 1st that is open to the public, but not in this room and not on TV.

MR. STRODTMAN: A typical work session.

MS. RUSSELL: Right.

MR. STRODTMAN: Mr. Stanton

MR. STANTON: And another point is the key point Mr. Zenner brought up is we need to also look at the ramifications or whatever we're thinking about across the whole Code, and that is hard to do on the fly. It's hard to do -- you know, Mr. Zenner, he's a -- he's a bad man, but he's, you know, not that bad.

MR. ZENNER: I don't know --

MR. STANTON: We need --

MR. ZENNER: -- to interpret that, Mr. Stanton, but that's okay.

MR. STANTON: That's Ebonics for that's you're really good at what you're doing. So, ebonically speaking, you're a very skilled man, and that's a lot of pressure to put somebody to work on the fly.

MR. ZENNER: Well --

MR. STRODTMAN: The things we talk about at P and Z meetings. So we, I believe, have come to -- is that a consensus that we just want a normal work session? Is that --

MS. LOE: I think it needs to be part of the motion, if Mr. Stanton would like to amend his motion to clarify when and what we're doing.

MR. STANTON: Okay.

MS. LOE: We've already --

MR. STRODTMAN: We've already voted on it.

MS. LOE: -- voted on it.

MR. ZENNER: We've already voted on it.

MS. LOE: Okay.

MR. STANTON: The 1st would be fine for -- in a work session.

MR. ZENNER: 5:30?

MR. STANTON: Yes.

MR. STRODTMAN: Yes.

MR. ZENNER: 1A/1B or would you like to have it here?

MS. RUSSELL: 1A.

MR. ZENNER: Here it won't be on television.

MR. MACMANN: 1A.

MS. BURNS: 1A.

MR. ZENNER: If I can get the space -- if I can get 1A. If we can't get 1A, we'll see what we can do to set up a couple of tables --

MR. STRODTMAN: 1A/1B --

MR. ZENNER: -- forward of the dais.

MR. STRODTMAN: -- are more -- is better for a up close meeting as opposed to the --

MR. ZENNER: Well, let me ask this question because this space is available, we can always bring tables in and we can have -- we can do a regular informal work session, but we have the seating. Yeah. We'll just move the podium out of the way and we can have the formal seating for audience members that may want to come that are interested in listening to that.

MS. RUSSELL: But no TV.

MR. ZENNER: But no televised meeting. This space is reserved. My phone keeps dinging because they keep scheduling stuff for us because they're watching us make decision. So we do have this space on that day, and if we're here at 5:30, we'll go ahead and we'll just meet in here informally in front of the dais and go from there. And you can put me on a spit and do whatever you'd like later. I, you know --

MR. STRODTMAN: Something to hold -- the main reason to have it in this room is to allow these -- more easier seating for guests who come and watch, I think is the purpose. So are we good with that and then --

MR. STANTON: We have IT access. I mean, it would be good if everybody -- if we had the computers set up just like this. We can have the --

MR. ZENNER: We're going to -- I'm sorry --

MR. STANTON: -- internet access.

MR. ZENNER: They came out and told me that 1A/1B is available as well, and we can have it on the big screen then, if you would like, so you can see the Code on the screen, and we'll just set the table up so you guys are looking at the big screen and --

MR. STRODTMAN: And then we can make accommodations for anybody that comes.

MR. ZENNER: And we can make accommodations for the public in 1A and 1B. So 1A/1B, December 1, 5:30 p.m. Be there or be square. And then we'll get through Segment Five's outstanding comments, at least discussion of them. And then if we have anything left in Segment Six after this evening, since we just segued for about 30 minutes, we can also bring in any amendments to Segment Six that we may need to be making that you don't get to this evening, if necessary.

MR. STRODTMAN: So with that may we have -- Mr. MacMann, did you have a last minute question.

MR. MACMANN: Go ahead, please.

## **SEGMENT SIX**

### **PROCEDURES AND ENFORCEMENT (CHAP 29-5) AND APPENDIX A**

MR. STRODTMAN: May we have staff report for Segment Six? Would that be appropriate?

MR. ZENNER: Sure.

Staff report was given by Mr. Pat Zenner and Tim Teddy of the Planning and Development Department.

MR. STRODTMAN: Thank you, Mr. Zenner and Mr. Teddy for driving that car home for us. Commissioners, any questions of staff? I see none. With that, we'll go ahead and -- oh, sorry. Ms. Loe?

MS. LOE: Just one. Mr. Teddy, we were discussing the nonconforming use discontinuance, and I just had a question about the side note on the six month modification. So it was originally 12 months?

MR. TEDDY: Yeah. And I can't tell you when -- from when to when, but, yeah, that -- I just wanted to bring that up by way of suggesting that if you're not satisfied with the six-month window, for whatever reason, there's other options available to you.

MS. LOE: Okay. This side note says that it was considered -- 12 months was considered excessive. I was just -- can you shed any light on the excessive?

MR. TEDDY: I'd --

MR. ZENNER: I'll --

MR. TEDDY: Do you have more background on it because I don't --

MS. LOE: Can you shed any light?

MR. TEDDY: I don't -- I take a somewhat neutral view on that. The situations that come up, you don't often find situations where we dispute how long someone has abandoned or discontinued a use.

So we don't have a real good feel for what the data would show on that. That's about all I can contribute.

MR. ZENNER: The duration -- and I think that would be correct. The duration of a vacancy is not something that staff took into account, it's the principle of a nonconforming use, generally. And this -- Mr. Elliott's interpretation of nonconformities and staff's interpretation -- maybe not shared by Mr. Teddy, but my staff -- that deals with land use felt that 12 months of discontinuation was excessive for a nonconformity that is out of the characteristic generally of the area that it is in. Mr. Elliott's perspective was leave a nonconformity, allow it to expand, allow it to continue to exist. That is atypical to most of the Codes that most of my staff has worked with. A nonconformity is something that you generally want to move out of an area, and a nonconformity, such as Great Hang-ups, for an example, which is now Diggitt Sports and Graphics, is something that if you have a business that can move back into that and it is in a location that is accepting of that type of business activity -- because if it is a location, six months after a vacancy should be adequate time. Now, the Great Hang-Ups site took almost a year, if not longer, to rezone because of that whole activity; however, the ability to have reoccupied that after Great Hang-Ups wanted to move out or cease to operate there, we had a use list of comparable uses that could have moved in under the legal nonconforming status well within a short period of time after they decided that they were going to move from that location. I think the issue that has been brought up is if you're in an area that has higher vacancy rates, the building may be specialized, and it may take forever for that particular specialized use to be able to be reoccupied, maybe with a similar specialized use or something that needs to subdivide, the extent -- the extension of this six months may be appropriate. Again, we have to balance the benefit versus the -- the benefit versus the cancer that that may cause in a particular area. Six months was a choice of my staff when we reviewed the Code, and we reduced it after consulting with our legal staff that they felt that that was an appropriate period of time. Extension of this particular discontinuance provision is possible to be able to be achieved through the Board of Adjustment. And I believe we have talked about that previously that you could go seek Board of Adjustment authorization to allow the use of this continuance provision to be extended. But to write that directly into the Code, as has been suggested at 18 or 24 months, does nothing to help potentially remove nonconforming or noncompatible uses out of areas that are maybe in the path of appropriate redevelopment because that is a blockage. They hold hope that that property will be reused for some nonconforming use because they can leave it that way or it could deteriorate in place and become a public nuisance over that same period of time. Those are the types of things that we looked at as we considered 12 months being too long and reducing it to six. That may not be the opinion shared by you as Commissioners and it definitely is not the opinion that is shared by the general public that has spoken to you up to this point, but that is our rationale behind why we changed it.

MS. LOE: Thank you.

MR. STRODTMAN: Mr. Zenner, I'll just expand a little bit, and you kind of hit upon it, but how does the City know when a business closes?

MR. ZENNER: We may or may not. I mean -- and I think what ends up happening at that point

is, is it may become a nuisance complaint. And then we need to go back and need to figure out, well, when did the business cease to operate there? Business licensing could potentially help us in that respect, so, you know, if a business license wasn't renewed at a particular location and then nine months later somebody comes in to do a business license, it's going to have to go through a zoning check before the business license could be issued, and we may determine at that point, well, that hasn't been occupied for X months. And it may be a noncompatible or a nonconsistent nonconformity that wants to go back into it. If it's compliant use, maybe to that zoning classification, we don't have a problem with that. But again, if you have a nonconforming structure or a nonconforming business on a -- in an area that maybe has undergone rezoning over time, like Great Hang-Ups, it may have been more appropriate to have had that nonconforming use sunset and have the development of that corner be returned to the original zoning of that area or if formal zoning request is petitioned to have it rezoned to the right zoning classification, not continue to leave the nonconforming designation on that property in perpetuity.

MR. STRODTMAN: Okay. Thank you. I was just looking for that clarification. Commissioners, any additional questions for staff? I see none. I'll go ahead and open up the public hearing portion of Segment Six.

#### **PUBLIC HEARING OPENED**

MR. STRODTMAN: I would just ask, stick with the procedures enforcement and penalties with Appendix A, five minutes each, name and address, and, Mr. Land, come on up.

MR. LAND: Paul Land, 4104 Jocelyn Court. I wonder how long Macy's has been closed.

MR. STRODTMAN: April.

MR. LAND: Okay. Well over -- so past 6 months. The point here is there are some specialized properties -- extremely large properties. I know of an industrial property that was vacant for more than three years. And these are specialized properties that will appeal to a replacement candidate, but they take some time. Previously, I appeared before this panel and asked you to consider expanding M-C districts to allow certain uses as permitted uses -- mechanical contractors, construction contractors, and rental agencies to be in the M-C district, and a motion was made, but was defeated. Given that set of circumstances, I would like to read to you 17 businesses that are zoned C-3, right now, none -- to my knowledge none of them have conditional use permits -- maybe they would be required to and maybe they wouldn't appreciate me announcing their names at here. But in the future I think rather than have a conditional use come before Planning and Zoning and City Council, which may take a two-month process, maybe a little longer, what if they are appearing on a night when there is a very controversial issue and you're putting a new business coming to this community at a pretty big disadvantage to hear a controversial hearing, and they're thinking, wow, I wonder if I'm going to be welcome here. So I would like to have that restored too, conditional uses to be approved by Board of Adjustment. I think it's a less intense hearing. But here are some businesses: GME Supply, Granger, Crescent Parts, Culligan, Butler Supply, U.S. Rents It, U-Haul, Ferguson Supply, Riback Supply, J Lewis Crum, Reed Heating and Air Conditioning, Star Heating and Conditioning, Ford Restaurant Supply, A-1 Rental, Socket, Columbia



Welding and Machine, Lindsey's Rental was a testifier tonight. They would -- they would not fit under the new M-C. And so I would like a couple of things. I would like to lobby for 24 months on a -- on a nonconforming use. I can think of a Pepsi plant on Business Loop which will rezone from C-3 to M-C, 80,000-square foot building in an area where we don't have 80,000-square foot buildings, and to repurpose that building will -- if it became vacant, would take at least that period of time. I think that will probably conclude my comments. I think there is -- there were some statements made about some speculative development. There is a need in this community for some speculative developments, and I don't want us to lose sight of that, and so policies that would restrict that I think could be damaging to the community. Thank you.

MR. STRODTMAN: Commissioners, questions for this speaker? Mr. Land, I have a quick one. On your speculative comment, would that be across the board residential, commercial --

MR. LAND: Well, I only --

MR. STRODTMAN: -- industrial?

MR. LAND: -- deal in the commercial realm, so I can't speak to the residential. I'm not qualified, but --

MR. STRODTMAN: But you were specifically mentioning commercial?

MR. LAND: Yes.

MR. STRODTMAN: That's your reference?

MR. LAND: Yes.

MR. STRODTMAN: Okay. Or industrial. So, Mr. Toohey?

MR. TOOHEY: By speculative, do you mean shovel-ready properties?

MR. LAND: Well, I mean if someone comes in here and asks you, either through a planned development or through a rezoning, I don't think they should be held to a standard that it has to be 50 percent release -- preleased. I think in a community now -- in our downtown, we have a vacancy level of less than 2 percent. In our -- in our suburban community, we have vacancies that are hovering around 5 percent. Other communities have vacancy levels of 15 percent. We're going to miss out on some business opportunities, some employment opportunities for our citizens if we do not allow speculative development or business to have to expand. Think of Veterans United, who has gone from in a course of 12 years probably someone who occupied 1,000-square feet to someone who is occupying almost 250,000-square feet. They could not have done that without spec space being available. That business could have been lost.

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

MR. LAND: Thank you.

MS. LOE: I've got --

MR. STRODTMAN: Yes, Ms. --

MS. LOE: Mr. Land, I'm sorry, just clarification. I realize a comment was made earlier this evening with regards to speculative development, but was there some section in particular --

MR. LAND: No. No.

MS. LOE: -- that you feel is --

MR. LAND: No. No. No. I just heard the comment --

MS. LOE: Okay.

MR. LAND: -- about that, so, no, I --

MS. LOE: Thank you.

MR. LAND: -- don't have one. Thank you.

MR. STRODTMAN: Any additional? Thank you, Mr. Land.

MR. CLARK: John Clark, 403 North Ninth Street. I won't take long because I have faded. I'm going home after this. The first thing is I'm -- I -- actually, I was interested in Mr. Land's comment about prelease standards. Well, I mean, I know lots of banks on different kind of things unless -- is there anything in this Code that has -- is remotely that that would amount to that kind of rule or regulation? That's not the kind of anti-speculation rules that are here, is it?

MR. ZENNER: No. They --

MR. CLARK: We don't have any -- there's nothing like that in that?

MR. ZENNER: The comment -- the reference to speculative development was dealing with speculative planned district development.

MR. CLARK: Oh.

MR. ZENNER: Specific to planned zoning, not building spec space to be occupied in a compliant zoning district. The idea --

MR. CLARK: Going in, and in this case, getting a plan development somewhat years before something might happen?

MR. ZENNER: That's correct. We have zoned property. The -- again, the idea that planned development property is meant to be used on unique tracts of land --

MR. CLARK: Uh-huh.

MR. ZENNER: -- that require special concessions; whereas, if you have zoned M-C or M-BP property, you could develop anything speculatively, and have it occupied as the demand arises.

MR. CLARK: Exactly. And so on the plan -- I know on some things, you cut something from seven years to three years. Are there any kind of time limits that are in the proposal about how long a plan that has been approved in a planned district can last without something happening?

MR. ZENNER: Three years.

MR. CLARK: Three years. Okay.

MR. ZENNER: All of the -- all of the standards are now equal across the board to three years. They match three years. Extensions are allowed through the appropriate bodies that granted those approvals.

MR. CLARK: And I would think with extensions, that makes sense to me because planned district items, I like the general idea. It's less speculation than it is about staleness, for me. I mean,

that's -- for me that's an easier way. So I mentioned that -- the other thing though, I'm going to ask you after I leave to reconsider. I think Mr. Toohey had the exact right idea about December 1st -- work session, no public comment in this room, televised. Mr. Stanton, actually this is the thing -- this is exactly what the public needs to be able to see. Not necessarily just the public that can come here and sit since - - since -- unless the room has now been taken again. I would encourage you after I'm gone to reconsider. I think you had the right argument. This is exactly the issue. I'm sorry. If you cannot speak openly in a principled manner before the public even -- on television, that's a big problem for our government, but the fact is I know you can because I see you do it all the time. So I hope that you might second a motion by Mr. Toohey to change that back to work session, televised, in this room, but not taking up and dealing with actual consideration of amendments on that night -- postponing them not to the far end, but until the 8th. And I did talk to Mr. Farnen, and he said he thinks probably most of the people in the audience would agree with that, we just didn't have a chance to chime in. Thank you.

MR. STRODTMAN: Any --

MR. CLARK: Thank you again for a straight -- hanging in there again late this time.

MR. STRODTMAN: Thank you, Mr. Clark.

MR. ZENNER: Mr. Strodman, if I may?

MR. STRODTMAN: Yes, Mr. Zenner?

MR. ZENNER: To address a point that was raised by Mr. Land as it related to Lindsey Rental and rental agencies, I knew we had made an adjustment. The definition of heavy commercial services is defined within the Code. Back in May, we added equipment rental into the M-C zoning district, so that particular use -- Lindsey Rentals, which would convert to M-C, is going to be a principle permitted use in that zoning district. So we would not be nonconforming potential as grading number. The mechanical equipment contractor's offices are still under conditional use. That was what we have previously discussed. So there are a number of items that Mr. Land referred to that are accurate that would become conditional uses or potentially not permitted in the M-C zoning district, but equipment rental, which is considered a heavy commercial use, would be allowed. That is an M-C use. I just wanted to clarify that for the Commission. Again, the scope of the Code, there is a lot of stuff here, and you've got to sometimes go back and look at the definitions. But I knew we had addressed that issue because of that concern.

MR. STRODTMAN: Thank you, Mr. Zenner.

MS. CARLSON: Nag. Nag. Nag. Nag. Nag. I know that's what you're thinking. Rhonda Carlson, 1110 Willow Creek, and I vote for not on TV, if you ask me, and I know I don't have a vote. So I spent more than 10 years, I'm pretty certain, though my mind is a little winky at this time of night since I get up at 4:00 in the morning. On Board of Adjustment, conditional uses do not have any business in P and Z, and the reason that is, is the only recourse that a property owner has if a conditional use goes to this body and then to Council and at either point gets turned down, they don't get to do anything for a year or a year and a half; is that correct?

MR. TEDDY: Similar or identical applications that are zoning related --

MS. CARLSON: That is --

MR. TEDDY: -- unless it is waived by the Council.

MR. ZENNER: But that's a zoning action though, Ms. Carlson, that I don't know --

MS. CARLSON: Conditional use?

MR. ZENNER: I don't know if that applies to variances and -- continue on your comments, and I'll find the answer.

MS. CARLSON: Well, then the rules have changed, and maybe a counselor here might be able to assist us. Board of Adjustment, if they don't like a decision, they go directly to Circuit Court. So they do have recourse. So there is a taking, unless I'm really wrong here. So it becomes politicized when it comes to this Board and goes to Council. So that's something that I don't think that you all want the responsibility of. A conditional use has certain things that have to happen and have to be performed before Board of Adjustment, and that is something -- I think that puts a lot more burden on you guys and I don't think that -- well, you all wanted some more work, didn't you? You don't do enough as it is? Second thing that I do have, and it is probably more of a question because -- more of a housekeeping item, Mr. Toohey did refer to if there was a use that is in service now, let's say on C-3 ground, and it's a building that's next to R-1, if that building would burn down, how would you treat that? For example, Spencer's Crest, if one of those buildings would burn down, it's on C-3 ground. How do you rebuild that building when it is owner-occupied by eight units?

MR. TEDDY: I'll treat the general example first, just in general. And I apologize to the Commission and to our speaker and our audience. I left this out of the remarks. There is a 75 percent rule, meaning that if property is destroyed by what is commonly referred to as Act of God -- fire, windstorm, you know, other natural disaster wipes it out to the extent that 75 percent of its value is lost or more, rebuilding has to be in compliance. Now, that would -- that owner would have a decision to make --

MS. CARLSON: You're talking eight owners.

MR. TEDDY: Pardon?

MS. CARLSON: Eight owners.

MR. TEDDY: Yeah. I mean -- and I don't know if your Spencer's Crest example is what I would call a nonconformity because if it's commercial zoned, residential is allowed in commercial --

MS. CARLSON: But it now --

MR. TEDDY: But if we --

MS. CARLSON: -- goes to M-C.

MR. TEDDY: If -- pardon?

MS. CARLSON: It goes to M-C now up against R-1.

MR. TEDDY: Yeah. I --

MS. CARLSON: The underlying zoning is C-3 right now.

MR. TEDDY: Right. Right. Well, let's just say for the sake of argument it's no longer -- you're

saying the use would not be allowed.

MS. CARLSON: I'm just throwing that out there. I -- I --

MR. TEDDY: Well, it's not the case, but I think -- the point you want to make is what happens if a nonconforming use in a building is completely lost?

MS. CARLSON: If what -- I mean, it's not likely to happen --

MR. TEDDY: No.

MS. CARLSON: -- but if the building -- if one of those 27 buildings would burn down and there's a high likelihood at least seven of eight are owner-occupied --

MR. TEDDY: You --

MS. CARLSON: And they're 38 --

MR. TEDDY: A building can be --

MS. CARLSON: -- to 40 foot high --

MR. TEDDY: A building can --

MS. CARLSON: -- right now.

MR. TEDDY: -- be rebuilt, reoccupied as long as it conforms.

MS. CARLSON: But they're 38 to 40 foot high. How are you going to build it?

MR. ZENNER: You would seek a height variance from the -- from the Board in order to rebuild.

MS. CARLSON: Uh-huh.

MR. ZENNER: A multi-family development is a permitted use in the M-C zoning district, so the fact that --

MS. CARLSON: But then they wouldn't be contiguous to the other buildings. They wouldn't look like the other buildings if you have to put a fence around it or landscaping.

MR. ZENNER: You're -- if one of the buildings within the development that has eight units, it's a single -- it is attached -- is it what we would refer to as attached single-family today, like a townhouse?

MS. CARLSON: No.

MR. ZENNER: Or is it a multi-family -- a true multi-family apartment building?

MS. CARLSON: There are four -- two sets of four buildings with space in-between.

MS. RUSHING: They're condominiums.

MS. CARLSON: Yeah. They're condominiums.

MS. RUSHING: So they're --

MR. ZENNER: That would -- still at that point, it would still be considered a multi-family building. The height modification would have to be approved by the Board. And you would be allowed to rebuild it, complying with the other site aspects or seek variance to the other site aspects that would not allow for it to comply. That would be consistent with any use that is destroyed more than 75 percent under our current Code.

MS. CARLSON: I'm just trying to -- because I'm going to a board meeting tomorrow night on the board there, and that is something that they need to take into consideration because this is a cost that

might -- they could possibly incur in the future.

MR. ZENNER: And it would -- based on the current Code application of destruction greater than 75 percent, any modifications to the existing Code standards, which sounds like the building may be in excess of what the current C-3 allows --

MS. CARLSON: Uh-huh.

MR. ZENNER: -- unless it had additional setbacks or something else that got you the additional height --

MS. CARLSON: We didn't do -- I mean, no.

MR. ZENNER: Okay. So you may be out of compliance with the current zoning. I don't know. And -- but that would be what the board would be able to determine if they would allow you to permit back to what was previously existing. And if your matching what was there, I mean, that -- that's -- the hardship would need to be presented to the board, and the board would need to make that decision. And at that point if you were aggrieved by that decision, you appeal it to Circuit Court. But it is a -- multi-family is a principle permitted use within the M-C zoning district moving forward.

MS. CARLSON: But I'm then thinking is one building, if it doesn't match the others, then it's the one that has to be screened from the --

MR. ZENNER: I don't --

MS. CARLSON: I'm trying to figure out how --

MR. ZENNER: But, I mean, I think -- I think, Ms. Carlson, what you would end up having to deal with is, is you would have to look at the specific conditions that may apply to that building at the time that this hypothetical situation was created, and at that point, we would probably need to work with our building and site development staff, as well as our zoning staff --

MS. CARLSON: Got you.

MR. ZENNER: -- to advise you --

MS. CARLSON: Hopefully it never happens.

MR. ZENNER: Yeah. Hopefully it doesn't, but we would advise you as to what your variance --

MS. CARLSON: And I think you know what I'm talking about.

MR. ZENNER: -- is mainly going to be. And as far as I can tell, to answer the other question that Ms. Carlson had as it related to the conditional use permit and the time lapse between the two, on page 337 of the Code, which talks about the conditional use process, within the procedural section and then the condition or the criteria for approval, there is no indication that if you are denied a conditional use permit going through the Commission and the Council process, that there is a -- is a delay that would apply. I am not seeing that here, unless we have it in a different section. The zoning is very specific to where it does say that if you are denied or you withdraw your application following the denial of the Planning Commission, you cannot come back for the same or similar zoning within 12 months, so --

MS. CARLSON: So you could turn back around and just come right back?

MR. ZENNER: Potentially, or that would be -- the way I'm reading this right now, I do not see

anything in this section that deals with conditional uses on page 337 that would suggest that there is a separation period between the application.

MS. CARLSON: You mean in the endless loop?

MR. ZENNER: Well --

MR. TEDDY: There may be a general requirement in the City ordinance that a councilmember would have to sponsor a review of the ordinance that had been defeated, so, in other words, if the very same conditional use was brought back in a very short period of time, I think procedurally that might -- might have to happen.

MR. STRODTMAN: Mr. --

MS. CARLSON: Without a direct answer, I would personally say you probably don't want all these conditional uses because you don't want any more work than you already have.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Excuse me. Ms. Carlson, just a point of order, and we can maybe research, there is something in the City's charter about the same or similar language being a delay between A and B, but there's -- I happen to know there is not agreement inside the City legal department on that, and that's a matter that actually is in court right now. But there is such ruling, but how that is determined and whether it applies to your situation, I do not know.

MS. CARLSON: Okay.

MR. MACMANN: So -- and I don't know what supersedes, to be honest with you.

MS. CARLSON: Yeah. Thank you.

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

MS. CARLSON: Thank you.

MR. COLBERT: Caleb Colbert, 601 East Broadway. And I'll just throw gas on the fire here and go back to the topic of if a residential structure is destroyed, my understanding is based on the language that is bottom of page 363, 364, any building that contains strictly residential dwelling units can always be reconstructed in the configuration that it existed prior to the damage. So I think that would address the concern about what happens if, you know, a condominium unit is destroyed. It can always be reconstructed. The issue becomes then does that -- does that language trump other language, and for example, the neighborhood protection standards which talks about the reduced building height, the increased setbacks and the increased landscaping. I think that is an issue that has to be addressed and I'm talking on the fly here, so I don't have a solution for you at the moment, but I think that as far as being able to rebuild the structure as it existed prior to the fire, for residential uses, I think that's dealt with here. I also agree with Ms. Carlson that conditional use permits should stay with the Board of Adjustment. I think that has been indicated. The Board of Adjustment is at least perceived as the less -- a less political institution and it also conducts its hearings in a different manner. They are evidentiary hearings on the record; they swear in witnesses; they accept evidence; they take exhibits. And again, the remedy for a decision that you disagree with is an appeal to the Circuit Court. So I don't know if that process has

changed to the Planning and Zoning Commission and the City Council. Does the nature of the conditional use permit hearing change if it goes through Planning and Zoning and City Council or are we going to swear witnesses at the Planning and Zoning?

MR. TEDDY: I think the answer is going to be treated more like land use approval because if you think of a variance that you're really appealing the ordinance as it applies to your situation, wherein a conditional use, it's not -- it's all about use, but it's not a use variance, it's a request to consider that use for that location.

MR. COLBERT: Well, again, I think that -- my personal preference or my personal recommendation would be that those stick with the Board of Adjustment. Again, you have the opportunity to present an argument that you satisfied the criteria in the conditional use section -- you satisfied the requirements that you're -- that proposed conditional use is consistent with the area, you've dealt with the traffic, and so on and so forth. So I -- again, I would stick with the existing procedure. My final comment would be that, you know, it's getting late, we've lost some speakers, and some people touched on this in previous meetings, but several speakers did talk during the subdivision section about the time period for preliminary plats being reduced, the time period for the approved development plans being reduced, so I would just remind the Commission that several speakers had those concerns before, and I think the Commission should keep that in mind as we discuss amendments tonight. Thank you. I don't have anything further.

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

MR. COLBERT: Thank you.

MS. CRAWFORD: Elizabeth Crawford, 1306 Old Highway 63 South. I guess Ms. Carlson, just to reiterate, but she -- her concern was her property if we adopt the neighborhood protection standards as they are is definitely being downzoned, and so therefore, even though it's a use, she is being downzoned, and so she wouldn't be able to put back what she had because she's being downzoned. But anyway, on that same note, under the specific regulatory procedures, on the section where it say general zoning map and text amendments, where it says Item (o) -- 29-5.4(o)(1)(i), section (b) there says that you cannot -- let's see -- you cannot initiate a downzoning of any property not owned by that person, firm or corporation, and if we adopt the neighborhood protection standards and want to be consistent, we would have to add accept as provided for in the neighborhood standards because clearly, if your neighbor downzones to R-1, does that -- does that actually downzone your property?

MR. TEDDY: No.

MR. ZENNER: No, it does not.

MR. TEDDY: Huh-uh.

MS. CRAWFORD: Does it reduce the amount -- it possibly reduces the amount of units you can put?

MR. ZENNER: Any zoning standard -- any zoning standard that has a requirement that must be



met based upon adjacent zoning has the equal impact --

MS. CRAWFORD: Okay.

MR. ZENNER: -- to reduce the ability of the adjacent property to use that land as was previously existing prior to the rezoning action being approved. That --

MS. CRAWFORD: Downzone it?

MR. ZENNER: No, it would not downzone it, it would restrict the use to necessitate compliance with the other provisions within the Code. The Code -- we're not rezoning the adjacent property, we are activating standards that are in the Code that do impact the --

MS. CRAWFORD: Density.

MR. ZENNER: -- ability -- the ability to use that site based on the incompatibility that it may be being created. And that is a public objective -- that is considered a general public objective to have protections provided between those noncompatible properties.

MS. CRAWFORD: But they -- they weren't -- they are currently noncompatible?

MR. ZENNER: And the authority to rezone a piece of property that may trigger that impact to your tract of land is left to the Council as the legislative authority. So you have every right to come and petition Council at the same time they are considering that rezoning action on your neighbor's property to claim that you are going to be negatively impacted. That is the public process at its finest.

MS. CRAWFORD: Okay.

MR. ZENNER: And Council needs to weigh those decisions as to how they will impact you as the property owner adjacent, and how not doing what the applicant who owns the property that seeks to rezone would like to achieve. That's the public process and that's -- the standards that are created within the Code are created to deal with trying to create, as Mr. Stanton says, often win-win situations or that to lessen the impact of those possible incompatibilities that get created through land use and development actions that happen. But --

MS. CRAWFORD: You don't have to worry about me. I don't have anything, but I -- I think it is definitely a downzoning and it definitely limits your uses and I -- I think it is pitting neighbor against neighbor and is scary and -- and I think this says that they can't do it, but they can. And then the only other thing -- what was I going to say? Oh, mechanical and construction contractors -- Mr. Zenner, on page 36, mechanical and construction contractors, I was glad -- glad to hear about the rental equipment. And none of those impacts me, but it's just important, I think. Under mechanical and construction contractors, the next to the last line there, it says, "Typical uses include building and material stores, tools, and equipment rental, which, to me, would be Lindsey Rental or mechanical and construction contractor offices.

MR. ZENNER: That would be correct. So it is a broader category. Mechanical and construction contractors, which is grouped, that term would include those typical uses.

MS. CRAWFORD: So it sounds to me -- I mean, the way this is written, that needs to be taken out of there so that Lindsey Rental and everybody else who Paul Land read off will not be a

nonconforming use.

MR. ZENNER: Well, mechanical and construction contractors is a separate identified land use within the table. So if we look at the permitted use table that is in Chapter 3, and you look for mechanical and construction contractors offices, they fall in a different set of categories.

MS. CRAWFORD: They are conditional use under M-C.

MR. ZENNER: They are in conditional use; however, right above that in the land use table under commercial services is heavy commercial services, which in the M-C zoning district says that if you fall within that, you are a permitted use.

MS. CRAWFORD: So is that --

MR. ZENNER: It could be stricken.

MS. CRAWFORD: I think it's a -- pretty unclear because it seems like they can or they can't.

MR. ZENNER: Well, given the fact that mechanical contractors offices and heavy commercial services are allowed in both the I-G and the M-C --

MS. CRAWFORD: Isn't it conditional in M-C?

MR. ZENNER: It is conditional in M-C, so if you wanted, we could strike the -- you have a very valid point. If we strike "rental agencies" out of mechanical construction contractors, it means that it is not falling under -- it wouldn't fall under that category of use, it would fall under heavy commercial, which are both permitted uses in M-C, as well as I-G. So on -- you are correct, Ms. Crawford. On page 36 then, last line in the mechanical contractor and construction offices, which -- where reference is made to rental agencies should be stricken. So basically it would read, "Typical uses include building and material stores or mechanical and construction contractors offices. That would be what mechanical contractor -- mechanical and construction contractors would have as the similar land uses. To be quite honest, the last sentence may not even be necessary given the fact that what is described in the first sentence of the definition really covers everything that is a mechanical and construction contractors office. Why this extra line got added in here, I am not sure -- quite sure. It was not by us. But what I can tell you is that would change footnote 155 and really if the footnote were moved up to the period after "work", it would still have the same meaning because the footnote is really referencing more of the differentiation between retail -- typical retail sales versus those types of sales that would be basically to other contractors such as what you have at Ferguson or what you have at Riback.

MS. CRAWFORD: Yeah. Because Ferguson, I would call a building and material store and Riback also. And then you've got the tools and equipment, you've got Lindsey Rental and U.S. Rents It, and --

MR. ZENNER: And they fall under equipment rental in many respects. I -- and that -- we've had that discussion at length I think with the Commission as it related to that clause of retail sales being limited within mechanical construction contractors.

MS. CRAWFORD: I think everybody got hung up on having a bunch of bulldozers out there.

MR. ZENNER: Yeah.

MS. CRAWFORD: -- which is a lot different than what this is saying. This is saying -- this is limiting a lot more people than just who would want bulldozers. Do you know what I mean? You ought to be able to have a construction office without a yard.

MR. ZENNER: Well, your construction office would be classified under the definition of office.

MS. CRAWFORD: Okay.

MR. ZENNER: And if you had equipment storage associated with that office, you would fall under the mechanical contractor's offices because basically you would be storing that equipment. That is why it is a conditional use in M-C because of the potential impact with the other retail business that occupy that same space. So the screening necessary to screen out that construction equipment would be what we would be wanting to review. And then if you moved into the industrial zoning district under that same classification, we wouldn't be as concerned about that. Equipment rental, interestingly enough, under heavy commercial services does not have a use specific standard associated with it. However, we do have other screening requirements about outside storage of bulk material and things of that nature that is covered elsewhere. So what I would tell you is as the general screening requirements for Lindsey Rental, for example, where you may abut a residential development and you have the property edge buffering requirements that are part of landscaping and screening, those would apply. So you may have a landscape strip and fencing or some type of screen that is required between that. So Lindsey today would be somewhat compliant, I believe, because they have their chain link fencing. They may not have any opaque fencing --

MS. CRAWFORD: They have some.

MR. ZENNER: They have some. And that would probably comply them for their storage yard area where they have maybe outside equipment that is too big to store inside or they would -- or you would be required to store everything inside a building if you had that type of use. That's probably the less practical approach. So the screening standards that we currently have within the landscaping ordinance and the landscaping provisions would deal with that. Heavy equipment, however, is a little bit of a different animal, and that would be what the additional review would be. But I would subscribe to the fact that the conditional use that is there right now would, as I've said previously, needs to be converted to a P, with use specific standards that deal with this issue of screening, which is not yet there. And once you apply in certain instances, use specific standards, a lot of the C's go away. And we have to sit down and we have to look at those use specific standards at a greater level of depth, and they would have to be made -- we would have to make amendments through our regular amendment process, which would be a public forum.

MS. CRAWFORD: So that's going to happen like after this whole thing is passed?

MR. ZENNER: That will happen after the Code is done --

MS. CRAWFORD: So we've got to hope --

MR. ZENNER: So initially --

MS. CRAWFORD: We've got a hope that --

MR. ZENNER: Initially what we will end up with is you will end up with the Code that has a series of conditional uses in it --

MS. CRAWFORD: Okay.

MR. ZENNER: -- and hopefully, we don't have any businesses that are immediately wanting to get going once the Code is adopted and are subjected to a conditional use process when, in fact, they don't need to be. The only thing I can tell you and I can tell the public is, is we will make every effort to expedite getting through the conditional use -- use specific standards so we can create P's instead of C's, and then of course we need to deal with the cleanup of some of our noncompliant zoning. Those are the two top priorities that we will take up after the Code is done because they are necessary by products of the Code's adoption.

MS. CRAWFORD: Okay. Well, it sounds like we can -- we can solve the building and material stores and tools and equipment probably fairly easily.

MR. ZENNER: Fairly easily just be striking that last full sentence in construction contractors offices. I think that that will take care of that, and then we have two districts that allow it, one principle -- or two definitions that allow that: One principle and one conditional.

MR. STRODTMAN: Any additional questions for this speaker? Thank you, Ms. Crawford.

MR. TRABUE: Tom Trabue, 1901 Pennsylvania. I'll be very brief. Mr. Colbert already mentioned it, but on page 344, the discussion about the preliminary plats only being valid for three years, as he indicated, there has been a fair amount of testimony in the previous hearings, both from engineers and developers indicating they would like to see that go back to seven years, and preferably, they would like to extend that 10 years. I just thought I would throw that in. On page 354, this has to do with the -- the planned districts and the development plans. And as Mr. Zenner indicated in his remarks, he -- he was indicating, I believe -- and Pat, please correct me if I've misinterpreted, but that you felt like the development plan would be more of a concept plan?

MR. ZENNER: More of conceptual with the exception of having at least that initial development area that is a portion of the development being in greater detail because what we would perceive or desire the new planned district process to function as is you actually have a user in tow that basically necessitates going through the planned district process to maybe set up a broader layout for the entire development -- a program of development on that larger tract of land, but that may occur over time. If you only had a single user and you only needed to rezone a smaller portion of that property or use it for what it was zoned, I -- Clarion's approach was that there was probably enough flexibility in our current zoning districts that would accommodate you to get there. You wouldn't necessarily need to go through the planned district process. However, again, if you're trying to mitigate impacts, I think what we're looking at with the planned -- the development plan requirements is we've got to look at that balancing act of what is real -- realistic expectation -- we don't want you to site plan an entire 100-acre tract of land. We want to be able to identify where development impacts will be on that tract of land at a conceptual level -- at a 10,000-foot level, not at the -- not at the ground level.

MR. TRABUE: Well, no, and I appreciate that -- I appreciate the comments there. And so I think that's an area that needs to be clarified with regard -- with regard to a definition of the development plan or call that a concept or something. And I understand where you are trying to go to, but at this point the way it is, it could be -- what we're used to providing in a development plan is a very detailed plan. And just as you indicated while the adoption of this ordinance is -- the goal is that we'll have less plan development, I think that's going to be a long time coming. It's just -- I think that's the reality, it's just going to be hard to turn this ship. Hopefully, you're right.

MR. ZENNER: And what I would -- what I would add to that though, Mr. Trabue, is that the current requirements that exist, the plan preparation requirements are part of the administrative manual. So what we have today, all of your current plan specifications that you have to have on a development plan are what are going to be required up front. So if we don't change anything of what we do today, what you see with the C-P, an O-P or a PUD plan, that level of detail is what is going to be expected across the entire tract of land. And in some instances, that may be very impractical and very deceiving to the public in general, which is one of the aspects that we want to get rid of. We would prefer to have real development proposed specifically, but in the absence of having those standards developed, we default to what the current requirements are and those are all referenced within our administrative manual, which is the companion document to the Code.

MR. TRABUE: Right.

MR. ZENNER: And it is in an administrative manual, so as we identify how we want to condense or modify the specific plan details, we can do that as may be necessary. Now if there is a desire within the industry that that be more clearly defined and codified, which I would advise against because then we have to -- every time we need to amend it, we have got to go through the process. We can potentially accommodate that. I don't think though that that's probably advantageous for folks in your line of work that we codify what the requirements are for the plan as much as we maybe have a discussion as to what those requirements are and we are able to articulate to Council that this is conceptual with the exception of that first piece that may be more concrete.

MR. TRABUE: And I have an appreciation for what you're saying. I just want to make sure -- we're trying to mitigate costs for our clients, and when they come in to do a rezoning -- and if we can do it as a conventional rezoning, that's going to work best for everybody. But if we get pushed towards a planned zoning district, on top of going through that process, which is an iffy process whether we can get it approved or not, we also have to do a very detailed development plan. That's an -- that can be extremely expensive, and I'm not sure that it's appropriate at that level at the time we're trying to do the rezoning. And that is a deviation from what we're doing now. And so that's my concern, and I really picked up on your comments in your introductory remarks about that really wanting to be a concept development plan. And so I would just like to make sure that we clarify that if that is -- if the Commission agrees. The last item I have is on page 356, and it actually has to do with the development plans as well. The -- this was revised to be that the development plans were only good for three years instead of five

years. And again, I understand that the three years was done just to make it match the three years on the preliminary plats, which we don't think is appropriate. I think three years is really too tight on these development plans. But gosh, three years goes by really, really quick, and so I would ask that that be reconsidered and go back to the original five. If we would like for it to match the preliminary plat standard, then they should both be seven or ten. Did I catch that?

MR. STRODTMAN: Any additional -- Commissioners, any questions for this speaker?  
Mr. Trabue, thank you.

MS. HAMMEN: Janet Hammen, 1844 Cliff Drive. And I have a question on nonconforming use. So the questions concerning R-1 residential property that has been grandfathered in to allow nonconforming use in a two-family dwelling that was converted and not built that way, and would the proposed six months of nonuse time apply and what is the time now?

MR. TEDDY: Yeah. Those are good questions. So it would be R-1 zoning in a two-family structure as well as use of that structure for two families, not one as required by the --

MS. HAMMEN: Yes.

MR. TEDDY: -- ordinance and the assumption is that whatever time that structure was built, it was legal to do so and occupy it. Right?

MS. HAMMEN: No, not necessarily.

MR. TEDDY: Oh, okay.

MS. HAMMEN: It was at some point --

MR. TEDDY: Yeah.

MS. HAMMEN: -- it was converted.

MR. TEDDY: Yeah. Yeah. If -- if there is -- under this proposal, if there is discontinuance of that for six continuous months and we document that, and I think in some of our Q and A with the Commission, we indicated that that is tricky since there is not necessarily a required check in on when properties may be discontinuing their uses. But if we can document that it has been discontinued for six months, the requirement would be that it comply then when reoccupied, so --

MS. HAMMEN: What is the time now?

MR. TEDDY: I think we have a -- do we have 12 months? Yeah. Twelve months is the current window.

MS. HAMMEN: And so I'm hearing a lot of talk about how six months is too short for commercial buildings, but I'm wondering then on the residential if -- if the Commission so decides that six months is too short for commercial, if it could still be applied to residential. Does that make sense?

MR. STRODTMAN: The six months?

MS. HAMMEN: Yes. Thank you.

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

MR. WILLIAMS: Good evening. I'll be very, very brief because these points have been made. I

just wanted to give you a little different spin on them. I would like to second what Mr. Trabue said -- oh, I'm sorry. I forgot my own name.

MR. STRODTMAN: It's late. I understand.

MR. WILLIAMS: Matt Williams, representing Landmark Bank, 801 East Broadway. Thank you. On the -- we would also request that the time frame on subdivisions and development plans be at least left at the current level. It just gives us flexibility to work with -- with our borrowers. I think, you know, we need to remember that all real estate is good right now. I mean, in every sector it is good, but it -- it isn't always that way and it's real important that banks like ours have an opportunity to work with customers in times of economic downturn. The same thing holds true for the nonconforming use. I would agree with what Mr. Land said. We would ask that that be extended to 24 months. Again, six months is -- is very little time, and it's very easy for a property to set vacant for six months. And we would just ask that you consider lengthening that time frame just so that we have flexibility to work with our customers. So that's all I have.

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

MR. WILLIAMS: Thank you.

MR. FARNEN: My name is Mark Farnen, 103 East Brandon, Columbia, Missouri. I -- we did this last time -- dittos. You asked for dittos and I ditto the lengthening the expiration of a preliminary plat from three years to seven years, the nonconforming use from six months to two years or maybe three. As previous speakers have indicated, I do think there needs to be more clarification on the plans and the level of the plan, whether it appears in the administrative manual or in -- and is not necessarily legislated specifically in the Code. I do think that people want to know what it is they're going to be expected to have to prepare when they come in for what is a risky deal asking for a planned development. And this could be one of the most costly things in this entire Code. And I know that evaluating how much this Code cost to implement was beyond the scope of the Code. They weren't supposed to study that, but that's the way that it impacts most people and that's why most people are here tonight is they fear that cost and they fear what they don't know. And I think that that could be clarified and should be clarified before there is a final vote on this. I have one question and I have one thing that no one brought up. On the conditional use going to the Council or the Board of Adjustment, I agree that the Board of Adjustment is a better route for conditional uses to be granted, so I would vote for that. But my question is, if the conditional uses -- in this new Code, conditional uses are not allowed in planned districts. Can that be overridden by the vote? Can that be appealed? Since I didn't see that that was an appealable -- necessarily an appealable thing and I couldn't tell how that works, if the underlying Code says conditional uses are not allowed in planned zoning districts, can they be restored by the Board of Adjustment if it goes there or by the Council if it goes there?

MR. ZENNER: A planned zoning district and the establishment of such, you can choose any use within the Code -- any use within the use list table. So if you're going to -- we do not have a zoning

designation any -- as we do today. We do not -- the planned district is custom, so you basically take any use within Table 3.1, which is our permitted use table--

MR. FARNEN: Right.

MR. ZENNER: And you put that in your statement of intent.

MR. FARNEN: Right.

MR. ZENNER: But there is no such thing as a conditional use in a planned zoning district because you are choosing any use from the table.

MR. FARNEN: I will go back and check this out, but I believe there is a clause in there that says conditional uses are not permitted in planned districts.

MR. ZENNER: And we do not want conditional uses because a planned zoning district is a -- is in essence a contract zoned -- zoning district. You're not going to go through the public hearings process to establish that zoning on one's land through the Council and then go and say, well, I want a conditional use that I'll apply to every other individual that wants to use my land that has to go through the plan -- that has to go through, again, a separate process. We -- we would identify any use restrictions to any use that may be deemed unacceptable --

MR. FARNEN: Right.

MR. ZENNER: -- at the time that you are approving the initial enabling legislation --

MR. FARNEN: Like regular old --

MR. ZENNER: Yeah.

MR. FARNEN: Like we do.

MR. ZENNER: Yeah.

MR. FARNEN: Yeah.

MR. ZENNER: So you would never come back -- an applicant would never be required to come back to get an additional approval once the original specialized zoning is approved on that tract of land because the way that the project should be being set up, it should address all of the potential incapacibilities that could create it --

MR. FARNEN: I will go back and check this. I think that the way that I read this indicates that you can pick anything you want and come in and ask for a planned zoning, except conditional uses.

MR. TEDDY: Are you asking can uses that are --

MR. FARNEN: That's not in the table --

MR. TEDDY: -- designated conditional --

MR. FARNEN: -- of allowable uses --

MR. TEDDY: -- in the table be included?

MR. FARNEN: -- so I don't even get to choose it. Can I build a clubhouse -- can I build a clubhouse for an apartment complex in a planned unit -- in a planned zoning district because clubhouse is not identified as an allowable use.

MR. TEDDY: We'll check it, but I think what Mr. Zenner just indicated is if it's a designated



permitted or conditional in the use table, it's eligible, and then it would be proposed as part of the planned district.

MR. FARNEN: All right.

MR. TEDDY: And then the way the planned district would operate going forward is you wouldn't have individual locations being considered for conditional use -- (inaudible) -- your conditional use into that PUD ordinance. Now if it is something you have overlooked and you wanted to add to it, then that goes back as an amended planned district.

MR. FARNEN: All right. Okay. I'll take that. And I'll go back.

MR. TEDDY: But we'll check it because --

MR. FARNEN: All right.

MR. TEDDY: -- yeah, I'd be surprised if they weren't eligible in the first instance.

MR. FARNEN: All right. And then the last thing is, and this may be easy or may not. I think that the table on page 323, which is Table 5.2-1, it talks about the name of the table is approved -- approval procedures table. And it says who makes a decision and who, you know, does a recommendation and all of that. And I looked at the procedures that are listed, and the one thing that I didn't see that stood out to me is a demolition permit. And so I think that needs to be added to that table -- the demolition permits would be in Section 5.4, and probably create a new one called (b). It should come right after building permits, since that's the way it appears in the administrative manual, so it would be -- become 5.4(c). The department that it would go to is D, DCD, which would be the Department of Community Development and the D stands for they make the decision and it is appealed to the Board of Adjustment. And that would be for demolition permits. And that either is an oversight or it's just something that ought to be added. And so I would ask for that to be an amendment. That's it.

MR. STRODTMAN: Commissioners, questions? Mr. Zenner, did you --

MR. ZENNER: No.

MR. STRODTMAN: No question?

MR. ZENNER: No. No. No. I don't believe it is in the Code because it's a Chapter 6 requirement, and we're not actually compiling any of Chapter 6 into the UDC. That's part of the building code.

MR. TEDDY: Yeah. We do have building permit in the table just to show that in the continuum of approvals, that is handled by City staff.

MR. FARNEN: Right.

MR. TEDDY: Demolition could be either considered -- a category of building permits is really unbuilding permit when you get down to it, but it's a type of construction permit --

MR. FARNEN: Right.

MR. TEDDY: -- that we issue. But if the Commission really agrees with your suggestion, you know, no objection to put it in there. Demolition is getting a lot of attention these days, so --

MR. FARNEN: Right. And it's in the administrative manual --

MR. TEDDY: It goes through --

MR. FARNEN: -- in that same order.

MR. TEDDY: -- a loop with the Historic Preservation Commission, who does serve an advisory review of --

MR. FARNEN: Right. And the -- and the form that is in the administrative manual indicates that, that it is routed through the Historic Preservation Commission and that to the utilities, make sure they've shut off the gas and the water and all of that stuff. And then it comes back and says for office use only, and that's you. So that's why I thought it should be in this table since it is in the companion administrative manual.

MR. TEDDY: We have a special category --

MR. STRODTMAN: Good catch.

MR. FARNEN: Thank you.

MR. STRODTMAN: Any questions? Thank you, Mr. Farnen. Anyone left that would like to speak on Segment Six? I see none, so we'll go ahead and close the public input portion to Segment Six for this evening.

#### **PUBLIC HEARING OPENED**

MR. STRODTMAN: Commissioners? Ms. Russell?

MS. RUSSELL: So I have a question for staff. On the table on page 323, it actually says that the conditional use permits were -- are now Planning and Zoning, but the footnote says that's from a Board decision -- recommendation of City Council. What was their reasoning for -- okay, I'm going to say it -- dumping that on us?

MR. ZENNER: Our law department is -- the law department in its evaluation of other municipal codes, including our own Boone County, has conditional uses handled by the Planning and Zoning Commission, so it is not an uncommon aspect that is associated with Planning and Zoning Commission, then ultimately a City Council decision. Again, I will reiterate that our concern is shared -- our staff concern is somewhat similar to that that has been expressed this evening that you politicize particular issues that do not need to be politicized; hence, the reason that we will go back and create use specific standards. That was not the direction that Clarion was going to do as part of their work. Clarion acquiesced to the law department's requests that those conditional uses become a Planning and Zoning Commission in a Council action because it was the request of our legal department in order to stay more consistent with what standard practice is, generally, and other municipalities. We are an odd duck in that respect according to our law department as it relates to conditional uses. They are generally land use related matters and land use related matters, at least in that for the use of a property, would go through a Planning and Zoning Commission and then move on to the Board of Adjustment. And I will use the absurd example of an airport being a conditional use and going to the Board of Adjustment or a landfill as a conditional use going to the Board of Adjustment and not going through the political process to establish either as any other land uses. That type of activity is the extreme of not having the public and the elected

officials having a say if that is an appropriate land use within our community. And that is how the current Code reads. They are conditional uses. So this action will correct that, but it may overcorrect what exists as a real issue, and that is what we have observed as City staff that we need to correct what is maybe being overcorrected by taking the baby out with the bath water at the same time and moving everything over as a conditional use to the Commission. There is really no reason. We're going along with what our law department has asked us to do. However, we believe that there is a better and more efficient way of being able to handle those uses that are more routine, and that is through the development of the use specific standards that will be vetted through the Planning Commission and then vetted publicly. We're not going to create these in a vacuum. They will be vetted because they are going to be actual formal Code amendments that we will have to make.

MS. RUSSELL: Doesn't Board of Adjustment have hearings?

MR. ZENNER: Board of Adjustment has hearings, but the Board of Adjustment is not -- is not responsible to answer to the residents of the city of Columbia that elects the elected Council representatives. They are not responsible to answer to them. So any item that goes to the Board of Adjustment, you -- there is no -- there is no check and balance there, and that is part of what this is -- this change will result in. There is a check and a balance. If the public is unhappy with the conditional use, the elected officials will hear about it, and they will have something to do about it. Right now the way that that exists, if the Board of Adjustment approves something as a conditional use, yes, the public can go complain to Council, but Council can do nothing because that Board of Adjustment is quasi-judicial and it is final. And then what you end up with is Council would need to go back and potentially do something more drastic on that property that may have had a conditional use to it and actually physically ask for it to be potentially rezoned or apply other development standards to it to allow whatever public opposition may have been to that to be addressed or redressed. That is one reason why conditional uses that do not need to be a land use that should not be politicized needs to be approved through a use specific standard that addresses the principal problem that that use may have that is why it is identified as a conditional use today. That's -- that's part of what our activity has to be as a staff is to analyze these uses and say what is objectionable to them and how do we mitigate that objection. In some instances -- some instances that are conditional today that we may think don't need to be a conditional use, after we do an analysis may be found that, yes, they do because they do have some negative impact with them that should be considered. And maybe it shouldn't be a conditional use, it may need to be a permitted use in a different zoning district, and in order to get that use established, you may have to rezone because the use intensity may be such that it requires being in a different zoning district, not being permitted in a lower order one.

MS. RUSSELL: It's not the answer I wanted.

MR. ZENNER: I'm aware.

MR. STRODTMAN: Yes and no is not an option. Ms. Loe?

MS. LOE: I can understand wanting to be more aligned with how neighboring or other communities are reviewing their land use policies. For our next work session, would it be possible just to

get a list of like how Boone County does do this CPUs and -- so we have a better sense of what we're --

MR. ZENNER: What you're in for?

MS. LOE: What we're in for. Yes. That you're not making this up. No.

MR. ZENNER: Oh, truly I'm not.

MS. LOE: I believe you, Mr. Zenner. But I think it does make -- I would like to see how other communities are doing it, adjacent.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: To piggyback on that, would it also be possible to have someone from the legal department at that meeting?

MR. TEDDY: We can ask.

MR. ZENNER: We will ask.

MR. TOOHEY: I would think it would only make sense.

MR. TEDDY: They're down two attorneys right now, so --

MR. STRODTMAN: We won't take much of their time.

MR. ZENNER: Just, what, maybe four or five hours?

MR. STRODTMAN: We'll keep it short. Ms. Burns?

MS. BURNS: Yes. And just so I'm understanding this correctly since this was such a hot topic as far as conditional use and moving from Board of Adjustment, this will be addressed in a future meeting in the appendix section; is that correct?

MR. ZENNER: The -- in the specific -- in the specific regulatory procedures is where this change is currently -- currently housed. It is in the codified version of the Code. The administrative manual is the noncodified piece. This particular section though is in the codified version of the Code. It will be what will be the law, and any changes to it would need to be processed as a regular text change.

MS. BURNS: I'm just thinking as we move forward with amendments, that this needs more discussion and more clarification.

MR. STRODTMAN: Ms. Loe?

MS. LOE: I would like to move that we adopt Segment Six, if there's no further questions to staff.

MR. STANTON: Second.

MS. LOE: Oh, okay. I was going to expand on that, but --

MR. STRODTMAN: Do you want to expand on that?

MS. LOE: I'm -- move to adopt Segment Six, Procedures and Enforcements, Chapter 29-5 and Appendix A.

MR. STANTON: I accept your amendment.

MR. STRODTMAN: A motion has been made by Ms. Loe and seconded by Mr. Stanton. Is there any discussion on that? Okay. Any need for --

MS. RUSSELL: Amendments.

MR. STRODTMAN: -- amendments? Who would like to start us?

MS. RUSSELL: I'll start.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: Okay. On the nonconforming use of land, I totally agree with the six months not being adequate. The market being what it is, there is just no guarantee that somebody is going to fill that, so I was going to ask for 36 months, but I figured I probably wouldn't get that. So I'm just going to go jump right out there and propose a motion on 29-5.5(a)(1)(c) and change -- move to change six months to 24 months.

MS. RUSHING: Second.

MR. STRODTMAN: An amendment has been made to -- by Ms. Russell to change six months to 24 months and was seconded by Ms. Rushing. Do we have any discussion or questions, clarification needed on this? Ms. Loe?

MS. LOE: We also had a comment asking us to keep it at six months for residential properties. Did you have any thoughts about that?

MS. RUSSELL: I don't think residential takes as much of a risk as commercial with this, so I don't see any need to change that. If someone else wants to make a motion to add another line after this, they could.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I move to amend the amendment to -- really simple -- except in a residential which shall stay at six months. And that would be a clause on the end of your amendment. Is that acceptable?

MS. RUSSELL: Yes.

MR. STRODTMAN: So an amendment to the amendment has been made to allow residential real estate to stay at six months as a nonconditional --

MS. RUSSELL: Correct.

MR. STRODTMAN: Correct. Ms. Loe, question?

MS. LOE: I had a question for Ms. Russell. So I believe the current window is 12 months?

MS. RUSSELL: Correct.

MS. LOE: So what supports the 24 months -- extending that to 24 months?

MS. RUSSELL: Well, 12 months is only a year. And, yes, the market is pretty good right now, but there are no guarantees. And if we're putting something down in writing now, rather than having to come back and change it when the market gets less robust than it is now, I'm -- I think 24 months really protects our community better.

MS. LOE: One intention though is to -- I mean, I understand and agree that we may look at extending this because some nonconforming uses may be provided or created at specific requests, and we may be creating some nonconforming uses through these code changes, and I feel we should be more amenable to that. But by the same token, I do feel staff has some point in wanting some window to actually deal with nonconforming uses.

MS. RUSSELL: Given that I was going to ask for 36 months --

MS. LOE: Uh-huh.

MS. RUSSELL: And there doesn't seem to be any kind of real enforcement and knowledge to know what they're doing, I think 24 months would be easier to manage for them. I think 24 months is better for the community, and it's certainly better for the economic development that we need in this community.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I have a question of staff which may inform this decision a little bit. Currently it is 12 months. If a property owner wishes an extension to that, what is the process for that?

MR. TEDDY: I don't know that we have one. You mean if they wanted to extend?

MR. MACMANN: Correct. We're at a nonconforming situation and you know they know they go over 12 months, what are we -- do we have a process?

MR. TEDDY: We don't -- I mean, it's not spelled out in the ordinance.

MR. MACMANN: Does any --

MR. TEDDY: However, if you had a situation where someone, for example, was not losing their use or desire not to lose the use and they wanted to come forward and say we need more time to get this tenant reestablished, the 12 months is not enough, what can we do? We would probably take that to the City Council and ask for some documentation of good faith effort to reuse the space with the -- similar or less intense nonconforming tenant or the same tenant. I suppose you could get an unusual situation where you had --

MR. MACMANN: Back off, renegotiate and reoccupy?

MR. TEDDY: Yeah. I don't think it's spelled out how you can extend or discontinue --

MR. MACMANN: All right.

MR. TEDDY: -- this period.

MR. MACMANN: Thank you for that, so --

MR. TEDDY: It could be an appeal.

MR. MACMANN: -- seems right now that we --

MR. TEDDY: It could be an appeal to the Board -- Board of Adjustment.

MR. MACMANN: BOA --

MR. TEDDY: Yeah.

MR. MACMANN: -- on that?

MR. TEDDY: They could say that, you know, we didn't actually discontinue the use, just went dormant or something and --

MR. MACMANN: Just --

MR. TEDDY: -- just give some argument.

MR. STRODTMAN: Mr. Zenner, did you have something to add too?

MR. ZENNER: I think the other thing that we -- the other thing that may inform the decision as

well, regardless of what the length of the time is what you so desire, first, they need to be the same. You're going to create an absolute administrative nightmare for us if you do one commercial and one residential. Secondly, nonuse -- or use continuance is not going to stay commercial property maintenance regulation enforcement or nuisance abatement enforcement. So if that vacancy of that property becomes a nuisance as reported or becomes some other aspect within the City, which is most likely often how we may identify vacant parcels or vacant spaces through the course of our business because we're not notified when somebody vacates a tract of land unless it may have been a large user that impacts the community as a whole, through the enforcement mechanisms of other activities, those vacancies may become avail-- may become known. So that's one aspect of this, that we're not losing -- regardless of what you do for use discontinuance, we're not losing the ability of the City to maintain property through our other means. And again, as I said, if you're going to do anything, we need to keep the two time frames consistent; otherwise, I think we create an inequality that's going to be very difficult for our staff to administer. And when we start creating multiple layers or multiple time frames associated with different land uses, it just is confusing. It creates greater confusion internally for us, and greater opportunity for missing something. And I would tend to agree that it would be an appeal to our denial of a permit based on expiration of the actual period of time based on the fact that it is a zoning provision. It is something that is within the zoning code that an individual would take an appeal that we're making a determination that they don't agree with, and that would go to the Board, not that they're trying to -- if they're trying to establish or continue to establish that land use that was previously there, if the appeal is granted that we're errant in making a decision that they have exceeded the time frame, whatever that may be, that's really a Board decision. And you would prefer to keep it in the Board at that respect I think for some of the reasons that have been addressed here this evening that you do not want it to become really a politicized issue unless they're trying to intensify the land use at some point, at which point maybe then it does need to be a rezoning. It doesn't need to be a continuation of a nonconformity.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: I've got a question about the six months before residential. If it -- is there something a tenant could potentially do that they would create a situation where a property owner wouldn't be able to rent a property because of a violation? Like if someone got kicked out for violating the occupancy ordinance in say the beginning of the school year and you're in an area where it is primarily rented to students, it might take you a year before you would be able to find a new tenant in that situation. And it's not any fault of the property owner, it's the tenant.

MR. STRODTMAN: Yes, ma'am.

MS. RUSHING: And I agree with Mr. Zenner, so I'm not accepting the amendment to the motion. So you will need a new second.

MR. STRODTMAN: Thank you, Ms. Rushing.

MR. STRODTMAN: Yes, sir. Go ahead, Mr. MacMann.

MR. MACMANN: It seems that we don't have a clear process currently, and I view that as

problematic. I thought we had a more clear process and codifying a little bit of something, a little direction for property owners for staff might be good. And that was the one thing I'm taking away from this because I had made the assumption that there was a relatively clear process or direction given. There certainly is a clear behavior, I think that goes along, and that's fantastic. But there's nothing really spelled out, and I just wanted to make that comment.

MR. STRODTMAN: Ms. Rushing -- or Ms. Russell? Sorry.

MS. RUSSELL: Okay. So I'll withdraw that motion. But I would like to re-move that -- not remove, but re-motion that this be put back at 12 months for both residential and commercial.

MS. RUSHING: Second.

MS. RUSSELL: I think it's -- in addition to everything else, I think it is a property rights issue.

MR. STRODTMAN: So the first original motion has been withdrawn, as well as the amendment to that amendment, and Ms. Russell has made a new motion to change both commercial and residential to a 12-month time period, and Ms. Rushing seconded. Mr. Zenner?

MR. ZENNER: And I think in order to address what Mr. MacMann's concern is, a clarification of process for extension of that 12 month -- of the discontinuance, so if you took and added on to (c) a clause basically that would allow an applicant to be able to read (c) as it relates with now the 12 months in it, and an extension -- an extension of such time period may be granted upon application to the Board of Adjustment. I mean, at that point then you have established a process by which an individual that feels that they can't occupy -- can't reoccupy within 12 months, they can come to the Board, and the Board, based upon the unique circumstances of that building -- let's use the Pepsi building again -- 80,000 square feet that may need to be re-tenanted, it may take 24 months and they can come to the Board and show that in documented form by sworn testimony, and the Board can make that decision then to extend, for that specific parcel, that period. Again, I think it goes to what Ms. Russell's point was that we have somewhat of a weak connection at this juncture within the enforcement process as to when we are notified of a vacancy. So really, this is very similar to the real estate sign issue. It goes on as possibly something that is noncompliant right now with our current standard of occupancy or discontinuance for 12 months and nobody notices it unless somebody complains. The same can be said possibly of this provision moving forward. Nobody may notice it until somebody complains, but at least if you extend it to 12 months, somebody can say, okay, well, I'm maybe more in compliance, and then, oh, gee, I'm over 12 months, maybe I need to go to the Board, but nobody has noticed that I've been vacant for that long. That would be the way of solving the process I think of closing the loop on giving the extension, but then giving an option for how you can extend it as well for those users that really legitimately want to be compliant. For those that are, you know, going to operate like we currently operate, and I hate to say this, that may be out of compliance with the Code, we may not know about it. It's a big City and there's a lot of things that go on; and therefore, that's maybe why we don't know about it. But enforcement of our other standards, as I said, property maintenance and nuisance, those are still going to be managed regardless of how long you've got that building vacant for. So we do have other mechanisms. And if a nuisance



claim comes in or some type of property maintenance complaint comes in, it's at that point that we're probably going to do some additional investigation as to how long that building has been vacant, by contacting potentially the real estate agent that's marketing it and correct it in that respect then to try to get a time frame or a record established so we know. And at that point, you avail the options to the applicant and their agent as to how they can resolve that, and then they can come to the Board and ask for relief for the general standard. That would be my suggestion then is change it to 12 months for both residential and commercial, as Ms. Russell has asked for and just add to the end of (c) "such time period may be extended upon application to the Board of Adjustment."

MR. STRODTMAN: Ms. Russell, are you okay with --

MS. RUSSELL: Yes.

MR. STRODTMAN: -- that change? Ms. Rushing, you're okay?

MS. RUSHING: Yes.

MR. STRODTMAN: Okay. Mr. MacMann, did you have a question or comment? No?

MR. MACMANN: I was going to amend the amendment, but we're already there, so --

MR. STRODTMAN: Thank you. Additional discussion on this amendment, Commissioners? I see none, so Ms. Burns, when you're ready?

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman. Motion carries 9-0.**

MS. BURNS: Nine to zero, motion passes.

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

MS. LOE: Definitions that related -- so page 36, mechanical and construction contractors. I move that we delete the last sentence.

MR. TOOHEY: Second.

MR. STRODTMAN: A motion has been made by Ms. Loe to stricken [sic] the last sentence of the mechanical and construction contractors description on page 36 and was seconded by Mr. Toohey. Do we need some further discussion, Commissioners or questions? No? Everybody shakes their head. Ms. Secretary, when you are ready.

MS. BURNS: Okay.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman. Motion carries 9-0.**

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: Thank you. Additional discussion, Commissioners on any amendments to the motion for Segment Six. Mr. Stanton?

MR. STANTON: I have an amendment from page 344, 29-5.4, specific regulatory procedure,

Section (3)(g), Approval of a preliminary plat by the Council shall confer upon the applicant for a period of three (3) years, beginning at the effective date of Council approval. I would like to change that to seven.

MR. TOOHEY: I'll second that.

MR. STRODTMAN: A motion has been made to change the time for an applicant for a preliminary plat from three years to seven years by Mr. Stanton, and it was seconded by Mr. Toohey. Do we need some additional discussion or comments, Commissioners? Ms. Loe?

MS. LOE: Well, I just feel like I need to review this one more before voting on it, so I'll probably vote no --

MR. STANTON: I'm open --

MS. LOE: -- at this time.

MR. STANTON: I'm open for suggestions, I'm just trying -- I just threw it out there --

MS. LOE: I understand. It's something we need to --

MR. STANTON: -- to get the ball rolling.

MS. LOE: -- discuss. I'm not sure I've processed it enough to discuss it.

MR. TOOHEY: I feel like we had numerous people from the public request this, and not a single person come up here and say to leave it at three years, so I would support it. And, in addition, we discussed this so many times during work sessions.

MR. STRODTMAN: Any additional -- Mr. Stanton?

MR. STANTON: Staff, what is your position on this? Is seven years a problem? Why is it three? Is there a reason?

MR. TEDDY: I'll just say seven years is unusually long for a preliminary plat. And again, it's not - and the reason for having a shorter term is that the character of the land around a site could change, and if you have a site that has been untouched for seven years and there's still that preliminary plat effective, it could become obsolete. Now, there's nothing to stop an applicant from coming forward to Council and say, I need more time. I'd like an extension of this preliminary plat. And then we do the evaluation. We say, well, the conditions are much the same in the neighborhood as they were when you got your original preliminary plat. You know, go forth and do good. But you could get in the intervening years, you could get additional platting activity around that location, and then you're dealing with issues of street alignments and maybe even some other issues. But a subdivision is about orderly development, and you're putting together pieces of a City plan when you layout subdivisions. But again, it's -- this is applicable to the preliminary plat. No one is taking away a final plat after it's been approved. I mean, this is strictly the map of intent to subdivide that would be valid for that three years. So that's my two cents on the subject. I think we probably could show some other ordinances and what terms they use, and it's invariably shorter, although I'm not going to rule out you won't find some Missouri communities that probably have five or seven years.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: We've had a number of people discuss this, not the least of which are lenders

saying that this is -- that seven years is a -- well, they were actually requesting 10 to be able to -- to be able to develop this, and I think if we reduce it, we're going to again lose some economic value to our city. Given that the engineers and developers and the lenders all -- they were even asking for 10, I think putting it back to 7, is -- is not at all unreasonable.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: I am with Ms. Loe. I -- I think that three is probably too short, but I think seven is too long, and maybe five might be a good compromise, and maybe giving staff a chance to come back with us to give us more information as to what is standard in other communities might be helpful in making the decision.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: I'm open for an amendment. I've heard staff -- win-win -- seven? Five? I -- I can work with the number. I don't think this needs more -- we've heard from the public. I think it was a little lopsided on who we heard from, but I think a good compromise -- good compromising would work. If you would like to suggest an amendment, I'll be cool. Three is too short; seven is too long.

MR. TOOHEY: I think it is lopsided because that's the group that it affects the most. I mean, it doesn't affect the general public that much. It affects the lenders and the bankers and the engineers.

MR. STANTON: And City urban planners.

MS. LOE: And the planners.

MR. STANTON: Right. So we've heard both sides.

MR. TOOHEY: Who do the planners work for?

MR. ZENNER: The planners work for the public and City Council. And I think the predictability of development on property that is adjacent to existing subdivisions is an essential and core value that needs to be promoted. And the idea of being able to create that predictability by shortening the length of a preliminary plat approval is a necessary step in that direction. We also have other factors that come into play as it relates to development and development regulations that extensive lengths of period where you are froze from having to meet other regulatory standards that are beneficial to the community as a whole, such as environmental protection requirements that may come in the interim period of time after three years and before seven that would never apply to those parcels. It is an excessive period of time in relationship to other codes. I'm sure we can identify that, and this date, again, it corresponds to every other approval date that we have as it relates to our other core related documents that go along with land development. Three years on a performance contract is what exists, and that has -- that has been around, and it is standard. So we've corrected the -- we've corrected the construction plan side of this by requiring that every subsequent final plat that you submit -- but if you chose to do a phased project, has to comply with the specifications. Again, we've also reduced what was originally proposed here that said early on it didn't clarify how to proceed forward with what constituted vesting. We've reduced this to a third of a project, so you do a 100-lot development -- and we could do some analysis if we needed to as to what over the course of the last let's just say five years has come in. The maximum number of lots that

have been created or proposed, a third of a 100-lot development is 33 lots, and that vests your 100-lot development in perpetuity for the preliminary. And if you only chose to do 33 lots and do a construction plan on it, your next phase is for the remaining 67 are going to need to basically have to comply with our standards. But that could be forever. You know, after you've recorded that 33 lots, you might not come back in and you may not plat your next phase of a final for 10 years. But at least development has occurred out there and there is progress shown for those adjacent property owners. It's odd when we see a property that was approved in 2009 today that has had no development on it, all of a sudden show up on our radar in 2016. Can you imagine what that's like to by an adjacent property owner that has bought a parcel in-between that period of time, maybe completely unknowingly next to a major residential subdivision that all of the sudden sees something out there. I mean, that may be frightening to some people, and I would say that the idea here is what we are trying to do is have development more -- happening more equally over time by a -- you would reduce the overall size of phasing possibly or the size of developments to something that is more realistic in being able to be built within that period of time. I think Mr. Tompkins point was at our last meeting was it had to all be completed. No, it does not. So the idea of you being able to start your development and record those final plats, you would have a performance contract that would be in play, but you don't have to record the entire development, and you don't have to go out and you don't have to present construction plans for the entire project either. The whole project doesn't need to be built within three years, it just needs -- and the whole project doesn't need -- and the phases do not need to be built within three years either. You need to record your final plat. So if you record one final plat per year for the first three years and you meet your 33 percent or your third of the lots, you can segment your development construction costs over that same period of time. I think it becomes more realistic for our lending institutions to say, oh, well, we've got a plan that's going to show we're going to bring on this many lots and I think that that's maybe a little bit more -- a little bit less speculative as to I've got a 200-lot or 100-lot development, but I don't know if I'm going to build it in seven years. And I'm not a banker, and I don't lend money, but I'm a planner, and we do answer to the public, we answer to the Council, and this idea of changing it to seven years is contrary to probably making sure that the public is informed and they are -- they understand what the impact is around them. And that impact is incrementally brought online. That's -- that's really the bottom line of why this change is being proposed. It's more of a functional perspective for us to make sure that the community grows at a predictable pace, and the infrastructure systems that are placed out there are used effectively. We're not building a lot of infrastructure then it just sits. So it is more compact in its development style, which is a goal and objective, and then basically you vest. And your preliminary plat allows you to continue to enjoy those rights that you had. We're not going to tell you that you meet, you know, new street standards or you're going to need to meet other environmental requirements that may have been under your 4, 5, and 6. I -- I strongly recommend while we've had a lot of conversation on this, this change -- we've modified this such that we really have watered down what was originally presented by saying just a third of the lots. We added clarification, and I thought we had arrived at an understanding that this particular provision

while not acceptable by many, was workable with what we have here.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: I'll -- I'm open for a suggestion or I'm going to withdraw it and I'm not going to support anything other than what is on the table, if I don't hear any --

MS. RUSHING: And my concern is if I owned property and I either want to develop it or want to sell it and someone is sitting on a piece of property that has a preliminary plat for seven years, then that affects what I can do with my property, I'm not going to be a happy person. So it not only affects the person who had the preliminary plat, it affects that person's -- the developer who might be that person's neighbor and their ability to maybe use their land in the way that's more economical for them because somebody has a preliminary plat that shows the street going here and maybe they want a street going there, and you're going to have a conflict between the two plats.

MR. TOOHEY: You're going to have that regardless though in my opinion because if you're still waiting for this final plat further out, until that is done, you're still -- you're still in the same predicament --

MR. STRODTMAN: Ms. Russell?

MR. TOOHEY: -- not that that doesn't have any bearing.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: I think in some of the comments we heard, to do it this way is more expensive for developers and those expenses are not going to be absorbed by the developer. They are going to be passed down to the homeowners. So the ability to do some kind of affordable housing is going to be pretty much nonexistent when they -- when that cost trickles down.

MR. STRODTMAN: Ms. Loe, is that a question or is it just --

MS. LOE: I'm -- no, it's -- you're doing affordable housing and got the preliminary plat approved and then sat on it for more than three years?

MS. RUSSELL: The testimony we have received has said that this would be a more expensive option, so --

MS. LOE: Yeah. I think I need more on that. I need to see some -- I need to do -- I can't support a change without additional information at this time.

MR. STRODTMAN: We -- Mr. Stanton?

MR. TOOHEY: Would people be agreeable to five years?

MR. STANTON: Okay. I remove my -- my motion.

MR. STRODTMAN: The motion for a seven -- change from three to seven has been pulled. Commissioners, any other motions or amendments to address this matter? Any other amendments or motion -- amendments related to other items? Ms. Rushing?

MS. RUSHING: I have a motion which I can make or we can save. I move that we amend Section 29-5.4(q), tall structures in the M-DT district, subsection (ii) by adding a new (e). And my concern is that there are really no standards that requires a taller building to show anything different than a regular height building, so Section (e) would add the developer demonstrates the additional height is necessary

to meet a need in the applicable zoning area which cannot be met in any less intrusive manner or the developer will provide public open space equal to 25 percent of the occupiable space created by the additional height or the additional height will allow the developer to create a development with unique qualities which will contribute significantly to the livability of the impacted area.

MR. STANTON: What page is this on?

MS. RUSHING: It is --

MR. TOOHEY: He doesn't have a copy of it.

MS. LOE: 360.

MS. RUSHING: It's on page 360. You would go over to page 361 and after (d), add the (e).

MR. TOOHEY: I have a question. Should we be discussing this at this point since this is M-DT?

MS. RUSHING: But this is in that Section.

MS. LOE: This is specific regulatory procedures.

MS. RUSHING: This is in the Section he just covered today.

MR. STRODTMAN: For a tall building.

MR. TOOHEY: So I have another question. I mean, there are additional hurdles that a developer has to go through, such as the shade study -- I can't remember all of the specifics, but there was a shade study and several other elements that they -- and approval by Council. So, I mean, there are additional hurdles. It's not the same as building a 10-story building on Broadway and Ninth. So, I mean --

MS. RUSHING: Well, it also goes to my concern that -- or my interest in having developers contribute more to the community where they are making their development, especially in the M-DT area.

MR. STRODTMAN: Any additional discussion needed on this amendment motion? We do not have a second. That is correct. But is there any additional discussion? Is anyone interested in seconding this amendment?

MR. MACMANN: I would have a -- may I make a comment?

MR. STRODTMAN: Yes, Mr. MacMann.

MR. MACMANN: I find the last two sentences of your amendment to be very amorphous and hard to define. You put out a public good type standard, and I don't know what that means. I mean, to me, it sounded like some of the elements -- and I don't mean to disparage the document because it was directional -- it's full of them -- is like Columbia Imagined. Things will be better. I don't know what that means sometimes, and we could all interpret that differently I would think.

MS. RUSHING: And I read that and so I could have been affected by that.

MR. MACMANN: And I'm not saying that that's bad, but that was a directional document. Well, this is -- we're kind of creating some very specific things, and I don't know -- we haven't given these folks any direction and we haven't given Council any direction. And until -- until I know more -- going back to Ms. Loe's concern about a couple of these other things, until I know more about what you would want and how that would affect things and it would direct things, I - I would be hesitant to second or to vote for it until I knew more. That's my comment. Thank you.

MR. STRODTMAN: Thank you, Mr. MacMann. Ms. Loe?

MS. LOE: I would just like to concur with Mr. MacMann's statements that I can't support it right now just because I do find it too subjective and --

MS. RUSHING: And -- I'm proposing, I think, as much to get that idea out in the open so that in the future, we can discuss contributions to the community, which I don't see being discussed to any great extent when we look at development requirements.

MS. LOE: I think finding a way to quantify some of these in a more -- in a less subjective way would be helpful.

MR. STRODTMAN: I think contributions can be a very broad term, and I think until we define it, it can be hard to tackle that one. Any additional discussion or second? I see none, so that motion has not received a second. Commissioners, any additional -- Ms. Loe?

MS. LOE: I move that we table any remaining discussion to our December 1st workshop session on Segments Five and Six.

MS. RUSSELL: Second.

MR. STRODTMAN: Thank you, Ms. Loe, for the motion to table the remaining conversations on Segment Six to our December 1 special work session, as well as we will discuss matters from Segment Five from earlier this evening. That motion was seconded by Ms. Russell. May we have any discussion on this motion -- amendment to the motion? I see none. Ms. Burns, at your convenience.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman. Motion carries 9-0.**

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns, appreciate that. I'm out of order here a little bit. Sorry.

**EXCERPTS**

**PLANNING AND ZONING COMMISSION MEETING**

**NOVEMBER 16, 2016**

**IV) COMMENTS OF THE PUBLIC**

MR. STRODTMAN: Is there anyone? Mr. Farnen, left your pen up here?

MR. FARNEN: I know, I'm sorry.

MR. STRODTMAN: No? Name and -- name and --

MR. FARNEN: My name is Mark Farnen, 103 East Brandon Road. I want to significantly object to the idea that -- now that we have tabled discussion of the amendments for Parts Five and Six. And in consideration of the remarks that some people on the Commission made that you would prefer to take them up next in order and not lose track of what is done. And that they be done in a public session when the final amendments are made, and that it has been proposed that those might occur on December the 8th. And in consideration of the fact that there are several other items on the agenda for the December 8th meeting already, if Five and Six amendment discussion were added to that and then we start a discussion on the all parts of the Code on that same night, I think it is a disservice -- I think it's a real disservice to the public and I don't think that we do our best thinking as it gets later. And I would significantly object to that last part of that being loaded on that same agenda. I don't have a problem with December 1st and doing a special work session. I will be there as has also been noted, and I will be there on December 8th. But I don't think that's the right way to do it and that needs to go to another day. And I feel like there is some consensus in the audience about that and from many different sides of the aisle. And I thought that needed to be stated. Thank you.

MR. STRODTMAN: Thank you, Mr. Farnen. Additional comments from the public? I see none. I dropped my notes.