

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

SPECIAL PUBLIC HEARING - OCTOBER 20, 2016

MR. STRODTMAN: With that, we'll go ahead and get -- going into the special public hearing, which probably the majority of you are here for, so we'll get started with that. I just kind of -- in the back of the room on the table as you came in, you would have found or did find a public hearing meeting format. I would suggest that you look at that. How it's going to work is we've broken the UDC into six presentations that we're going go through. Each one will be similar in that staff will give us a presentation at the beginning that will go over that segment only. We'll ask them for -- we'll have a chance to -- the Commissioners will have a chance to talk with staff for clarification or questions that we might have. Then I will open it up for public input. I would ask that each of you are limited to five minutes per segment, so you're welcome to speak six times, but try to keep the comments relevant to that segment, please, so that it's not confusing and/or that it's relevant to that segment. There will also be a chance for you to speak at the very end. So after all six segments are done, you will have a chance to speak, and we ask that you stay on the topic that we're on. If you -- if you notice that the first three people ahead of said the same thing that you're going to say, not that we don't want to hear from you, but we would appreciate that you keep it short and sweet. We're going to trying to get out of here at a decent time. And so, with that, everybody has five minutes. We'll get started on the first segment, which is -- Segment One - General Provisions (Chap. 29-1) and Zone Districts (Chap. 29-2).

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.

MR. STRODTMAN: May we have a staff presentation?

MR. ZENNER: You may, Mr. Chairman. And we'll start with just the project overview before we get into that first segment. Our meeting organization, as we have just discussed, we will do a project overview of the entire Unified Development Code project. We're going to present those six presentations. We're going to have final public comment, and then we'll have a final Commission action which may be a motion to move the entire UDC to City Council, or it may be an alternative motion which will be determined at the end of this meeting.

PROJECT OVERVIEW

MR. ZENNER: The project's goals were to implement Columbia Imagined, our newly adopted or not so new adopted from 2013 comprehensive plan, was to create a Unified Development Code of all things development. This is coming out of not only our "Columbia Imagined" plan, but also coming out of the Imagined Columbia's future visioning process from 2006 through 2008. The other project goals that we had with this was focusing public involvement into the process. This is a very methodical Code rewriting process that we had. We went through module presentations. We've gone through public engagement with stakeholders. We have held multiple meetings with the City's -- with the Planning Commission. We have gone through public comment extensively in order to arrive at where we are today. Another one of overall goals with the Unified Development Code was to reformat and reorganize the entire development Code, both our zoning and our subdivision regulations, as well as incorporating provisions from Chapter 12A, land disturbance and tree preservation, as well as bringing in other portions of the City Code. We have streamlined the administration process. We have made the document more user friendly through a series of tables and graphics that will hopefully allow greater understanding of the Code's concepts and requirements, and we have incorporated targeted form base controls for downtown, which is known as the M-DT zoning classification, which is the graphic that in the lower right-hand corner of this slide that you see. The project time line that we had, we began the project in January of 2014. We are coming on three years almost that we have been engaged in this. Ferrell Madden and Clarion & Associates were the City's consultants. They produced the document that was the integrated draft that came out in October of 2015. As I mentioned earlier, the Code was presented in three modules. Each of those modules was provided -- had context. Back in August, we did a detailed Code outline and the Module 1 was presented. In November of '14, we did a Module 2 presentation that incorporated form and development control standards and other how good it has to be requirements for development. And then in November of 2014 -- or I apologize. In April of 2015, we presented Module 3, which was the enforcement of provisions, as well as violations for the Code. We did -- an integrated draft followed that and that was in November. It was presented in November of 2015. It's dated October of 2015, and that module or that draft included all public comments that had been received in the prior three module presentations through all stakeholder involvement. Following November's presentation of the integrated draft, the staff took public comment through January of 2016, and then beginning in January, February, our staff began working on all of the public comment and review of the integrated draft at a very deep level. By May of 2016, we were prepared to produce a hearing draft, which was a combination of the integrated drafts original provisions, as well as modifications that staff, through its review at a detailed level, had identified. Those revisions were presented between and July of 2016, six public comment and information sessions were held, two hours apiece, generating 208 total public comments. Following July 13 -- beginning on July 13th, the Planning and Zoning Commission began a series of supplemental work sessions to work through all 208 of those questions and issues that were raised completing that task in early September. September 27th, a final public hearing draft that is before you this evening that has been posted on our City's website, is available at the public library, was released, and that public draft is

what we are discussing this evening. Moving forward with the Code, there is this public hearing process, and then there is a Council public hearing process that will follow. This Code is not a nonliving document as most codes and ordinances are. There will likely be the necessity for changes over time, and those changes would be handled through our standard amendments procedure, and there may be need to make changes sooner than we have customarily made changes with codes of this nature just based on the complexity and the scope of the entire document itself. The hearing version that we have out for public review at this point has five chapters, an appendix, and an administrative manual. The graphic that you see here on the slide represent what is the public version that we are discussing this evening. As we were preparing this public version, with the assistance of our legal department, there was an expressed desire to have the subdivisions pulled completely into its own chapter, and we would like to at least alert the public to the fact that the Council version of this document will be a six-chapter Code due to the fact that subdivisions will have its own chapter and there will be an administrative manual. The content within the Code will be the same. It is being restructured, and revisions that may be made as a result of this public hearing would be incorporated into the Council version that they will be reviewing and taking action on. We were not paired, nor did we desire to have the Code converted to the process or into the format for Council due to the fact that we had already done so much work with the public in its current five-chapter format with the appendix. That is the overview of the Code. And what I would like to go ahead and move into is actually the first segment which is, as the Chairman pointed out:

SEGMENT ONE

GENERAL PROVISIONS (CHAP. 29-1) AND ZONE DISTRICTS (CHAP. 29-2)

Staff report by Mr. Pat Zenner and Tim Teddy of the Planning and Development Department. Staff is presenting the Unified Development Code for adoption. Following the Commission's public hearing, it may choose to recommend to City Council any of the following: 1) approval of the Code as presented, 2) approval of the Code with modifications, 3) denial of the entire Code as presented.

Alternatively, if the Commission is not prepared to make a recommendation, it may choose to continue the public hearing to the November 10, 2016 meeting at which time a recommendation can be made.

MR. STRODTMAN: All right. Commissioners, any questions for staff? Ms. Burns?

MS. BURNS: I had one question, Mr. Zenner. September 2nd was indicated as a deadline for Commission's and interested comments to be submitted to the City so that our Commission, as well as other -- there could be other discussion on it; is that correct?

MR. ZENNER: That was correct. And then it was -- that deadline was defined in essence for any revisions to the Code that would have been in the context of the East Campus overlay in order to allow for a public meeting and a hearing after -- we had already, at that point, wrapped up our, you know, public information and comment sessions, and the last public information and comment session was July 21st. We wanted to have the ability before we released the public hearing draft to have one last public hearing for any additional regulatory changes that would be made, and that is where the September 2nd date

came from. That would have placed items on the -- if I recall correctly -- the September 8th Planning and Zoning Commission agenda in order for it to be publicly vetted at least before it came into the integrated - - the public hearing draft. As far as for Boards and Commissions, that type of advisory comment, unless it was textual in nature to change major components of the text, which, at that time, I was unaware of that potential coming from a Board or a Commission, while that would have been appreciated to have had it at that point, Board and Commission comment we never really specified a deadline for them, per se. We were looking at it more as a regulatory addition to the -- to the Code that had not had an opportunity to be daylighted prior to the public hearing draft being released.

MS. BURNS: Thank you.

MR. STRODTMAN: Additional questions of staff, Commissioners? If not, we'll go ahead and open it to the first public input portion. If you have a -- to -- want to speak on this topic, five minutes. Go ahead, and you can form a line. Come on up. Don't hesitate. And we'll go ahead and open it to any input on this particular section, if there is any input. Don't be shy. If you also would state your name and address for the record, we would appreciate that.

PUBLIC HEARING OPENED

MR. LAND: Paul Land, 2501 Bernadette. This is the simplified Code. It doesn't look that way to me. I think it's incredibly complex, and I -- I'm sorry to take a little edge on my tone with that, but it -- I find it almost impossible to follow this. And I would not call this a Unified Development Ordinance, I would call it an unfinished development ordinance. In these first two sections, it -- it refers to an official zoning map. I have not seen one. I think there ought to be an official zoning map. I think someone who has got any property in the city limits of Columbia is going to get a new zoning designation. Everyone should have the opportunity to see a map that shows their property or investment property that they own and what that will go to. Now, there's a table in here that describes that certain uses will fall under certain categories, but I'm convinced there are going to be some areas in this community where there's going to be some interpretation needed. The entrance of a -- of an industrial park or some industrial areas that have retail uses in them, or the properties that are near downtown that have industrial zoning. I think some of these are going to be open for interpretation, and without a map as a guideline to follow that so that you know where your property is going to be zoned in the future, I think it's an unfinished development ordinance. There'll be a term used tonight maybe 100 times, the word "developer". There is no way or contained in these definitions what a developer is. I think there ought to be a definition for what a developer is. There were some comments -- it refers to these first two sections. I'll try to keep these comments to this section, to the HPO -- the Historic Preservation -- HPC -- HP -- Historic Preservation Commission. I have asked for -- there's a comment in that section that stipulates that 60 percent of property owners can form a district, two out of three property owners can form a district. I think there ought to be some guideline on that. There ought to be some minimum threshold for that to occur. I don't think two out of three property owners should have that effect on the third property owner. That will conclude my comments for this section.

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

MR. MEYER: My name is Jim Meyer; I live at 104 Sea Eagle Drive here in Columbia. My first comment relates to Section 29-1.2, the purpose statement. In this statement, it mentions that the -- one of the purposes is to implement the vision and recommendations for the City in the Columbia Imagined Comprehensive Plan. And I think that that plan, when it -- when that process was going on, was not generally understood to be a regulatory process. The people that chose to participate or chose not to participate did not know that the results of that plan would be enacted into statute, and I think that's unfair. I think that the people who did participate in that planning effort were not a representative sample of the community. I think the downtown business owners in particular are affected by the M-DT zoning. Their fee simple property rights are very significantly burdened by this plan, and it would be a little bit analogous to me and ten of my neighbors getting together to draft a new set of restrictive covenants for a neighboring subdivision that we don't own property in and then getting the City to impose it on those property owners. I think it's an unfair process, and I think that it's not correct. And the other item I would like to draw to your attention is I reviewed the spreadsheet that had some 200 comments on it, and I made 26 comments, plus or minus, in July. I saw one comment on the spreadsheet that was loosely related to a comment that I made. And so, I'd like to know if the other 25 comments that I submitted are going to be somehow reflected anywhere in the record or the material relating to this process. Thank you.

MR. STRODTMAN: Commissioners, any questions of this speaker?

MR. MACMANN: I have one question, Mr. Meyer.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Thank you. You feel that your questions were properly recorded and/or addressed; is that correct?

MR. MEYER: I don't know that this body ever saw them.

MR. MACMANN: They were submitted in writing; is that what you said?

MR. MEYER: Submitted them in email to Mr. Zenner and received a confirmation from him, yes - - back in July. Thank you.

MR. STRODTMAN: Thank you, Mr. Meyer.

MS. SMITH: My name is Beatrice Smith; my address is 3100 West Southern Hills Drive in Columbia. I heard about this at 5:15 tonight, and so I have not come with adequately prepared remarks. But I wanted to talk with you about the two words that I scribbled at a stoplight on my way here, and those words were "unintended consequences", because I think I probably represent a lot of people in Columbia who were certainly not among those stakeholders who are referenced when this was discussed. I'm a widow. My husband and I bought some commercial properties over the years. We have several buildings -- or I have several buildings that I try to manage well. At least one of them is involved in what is being proposed tonight. And what I would say to you about that is it's a good-looking building. It was

purpose built for the kind of thing that it does, which is an HVAC supplier north of Interstate. I take really good care of it. It's well landscaped. You would be proud of it. You would look at it and you would say this place hums, and it provides a good service. It is hard work doing what I do, trying to keep these places rented, keep tenants happy, and so forth. And Columbia is kind of a tough place to lure people to. And the thing that haunts me about this is I have a lovely purpose-built building that you now seemingly are telling me I could not rent again to the same kind of tenant. And in the 45 minutes I had to get from home to here, I thought who else would want that kind of a building. And all of a sudden, what has happened to this, quote, retirement investment of ours. And so I ask you -- I look at the time frame where apparently any change in tenancy has to go through three layers, or if I wanted to re-rent it to the HVAC type of tenant, somebody is going to have to approve it. I think what are they going to ask me or what are they going to ask them when it's a beautiful building which serves a useful purpose in Columbia, and three layers to go through that? Why? And what would they ask? And what would be my options if that failed? And, as I understand the time frame, I think it's six months, something like that. Man, it takes a long time to rent a building. It takes a long time to go through processes, particularly when there's a distant owner, as several of mine are. And I think what if I died? I've been through probate once, and the children are going to have a tough time doing all of that and dealing with the renting of a building in six months. So I ask you, please, to take a careful look certainly at that time frame, certainly at what is really right for some zones. My building sits in a complimentary cluster of other businesses. And I would be very grateful for your consideration of those unintended consequences in a plan that sounds lofty and the goals sound good, but it comes down to individual buildings and individual people, and I sort of wonder what's wrong with what I'm doing in my building right now. My answer is nothing. It's exactly what it ought to be. Thank you very much.

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

MR. TOOHEY: I've got a question.

MR. STRODTMAN: Yes, sir.

MR. TOOHEY: Can you tell me what length? If six months is -- is not enough time, do you have a recommendation for what length we could change to?

MS. SMITH: Boy, if I had my druthers, I would have at least a year and a half or two years. It -- I'm involved in this right now with distant tenants, and I have tenants who are fortunately growing and might outgrow my properties, and so we're kind of dithering with -- with that kind of a thing, and it takes a long time. It -- I've been at some of these certainly for about a year worrying about transition of ownership. And if any kind of -- I had one come in a property in Cape Girardeau tonight, and for continued renting, they want a bunch of things done. Well, you know, I'm going to need to get estimates on what it would take to get that done and all that sort of stuff, and I've been through that here in Columbia, too, many times. And six months doesn't do it, and I -- I'd sure ask for at least a year and a half.

MR. TOOHEY: Thank you.

MR. STRODTMAN: Any other questions? I see none. Thank you, Ms. Smith.

MS. SMITH: Thank you very much.

MS. STEVENSON: Carol Stevenson, 3212 Shoreside Drive. I come to object to the entire Unified Development Code. My first objection is confusion, confusion, confusion. There are over 200 standing unanswered questions. A few get answered, but then more come up. Next, no one is entirely sure how this will affect property values. I've heard a prediction that suburbs will be fine, but central city properties will lose value. Where are the new slums going to be? No homeowner or commercial owner wants that result. Also the UDC sets up a difficult scenario. No small local entrepreneur will be able to develop an idea. Only the out-of-town and big boys may apply. If we want to harken back to big -- to big values, what happened to property rights? The UDC is a shocking change of direction for tax-paying owners who purchased their property with expectations and assurances of the current Code. To change the UDC is unfair to them. These owners do not want the insecurity of the Code switch. We reject it. Finally, my husband likes to quote his maintenance friends who say if something is broken, fix it. If it's not broken, leave it alone. For instance, Flat Branch Park is broken. It is daily overrun by rude, homeless people. Yes, the homeless need our support, and a mark of our character is how we treat people less fortunate than ourselves. But the rude character of Flat Branch Park prohibits regular citizens from using it. No one wants to listen to or to confront the rude cat calls and inappropriate public behavior. We run from them and avoid the park, much less take our children there. The private pocket park on Walnut Street was closed for this very reason. In contrast to this broken park, the current zoning system is not broken. The community understands the zoning and there is a fairness to it. Let the current zoning system stand and do not throw a monkey wrench into something that is working just fine.

MR. STRODTMAN: Any questions for this speaker, Commissioners? I see none. Thank you, Ms. Stevenson.

MS. KVAM: Wendy Kvam, 2604 Luan Court. I'm an original member of the 2001 to 2003 East Campus Overlay Committee. My husband and I own three rental houses in the East Campus Overlay, and I manage others. I'd like to talk about comment PRZ 66 of the East Campus Overlay that appeared in this draft of the UDC. I'm very concerned about the addition of the comment as a sidebar note to the amendment section of the overlay. The comment completely disregards the intent of the original committee members to make sure future revisions would be a process that included all stakeholders in the neighborhood. A little history: The committee met for two years every two weeks. It was made up of resident owners and landlords. Bonnie Bourne, the committee chair and a president of the neighborhood association, insisted we use the process of consensus. The committee also included, among others, Janet Hammen, longtime and current president of the neighborhood association, former mayor, Clyde Wilson, Ben Orzeske, an attorney specializing in state law, Cavanaugh Noce, then an attorney in private practice, a landlord who is yet another attorney, a licensed architect, Boone Hospital representatives, a future City administrator, a handful of retired professors, and Chuck Bondra from the Planning Department attended all of our meetings. The meetings were held in a conference room upstairs in the

Planning Department. Everyone at the table agreed to every section, including how future changes would be made. The amendment section was thoughtfully and purposefully included and supported by everyone to prevent one side or the other from future political maneuvers to amend the overlay without the awareness, participation, and consent of the other side. Each side believed the amendment section was in their own group's best interest. The amendment section states that Council can make changes to the overlay only when (a) a petition signed by 50 percent or more parcel owners in the overlay boundaries is submitted; or (b) a committee of owners in the overlay made up of seven representative resident owners and seven representative landlords requests a change. Now comment PRZ 66 tells us the amendment section may not be legal. It, quote, recommends its removal or modification to not limit Council's ability to revise the overlay if necessary and in the public interest, end quote. Why would Council know better about making changes to our overlay? Why shouldn't the people who spent two years creating the overlay know what's best? What's the matter anyway with following the amendment section to make changes? It's just basic principles of fairness and democracy. And remember, we had two neighborhood association presidents on the committee, a former mayor, several attorneys, a future city administrator, and a city planner. Furthermore, we didn't write the amendment section on our own. City Attorney Fred Boeckmann, consulting with us on details, drafted the language of our overlay including the amendment section. The present effort to strike the amendment section from the overlay is a political maneuver. Taking out the amendment section would nullify the current petition signed by over 50 percent of neighborhood parcel owners requesting the overlay be left as is without revisions. Just to be clear, over 50 percent of neighborhood parcel owners have signed a petition to keep the East Campus Overlay as is without revisions. The present situation is exactly what the original overlay committee foresaw and intended to prevent with the amendment section. There is nothing illegal in what we created. Again, the city attorney wrote the amendment section. I ask that you help us maintain the integrity of our overlay by honoring the original ordinance as it stands. Please make it right. Please remove comment PRZ 66 and remove the East Campus Overlay from consideration and recommendation in the UDC at this time. Thank you.

MR. STRODTMAN: Commissioners, is there any questions for this speaker? I see none. Thank you, Ms. Kvam.

MR. CULLAMORE: Hi. I'm Dan Cullamore, 715 Lyon Street. I have just a couple of brief comments regarding this -- these two sections. 29-1.11 under the definitions and rules of construction on page 41 defines redevelopment. I take issue with that definition for redevelopment and here's why. It's inadequate in that it refers to a site only in its existing or pre-redevelopment condition. This is particularly problematic as the definition addresses impervious surfaces. Given the City's longstanding need and ongoing efforts to address water quality in the Hinkson Creek watershed, a more appropriate definition would refer to the impervious surface anticipated by a proposed redevelopment and thus necessitate the creation of stormwater controls appropriate to that redevelopment within each zoning district, or better yet, for each site. As written, the Code would not require addressing the negative stormwater effects of

new impervious surface on a cleared lot. The verb "create" should accompany the word "has" as in development that expands or replaces any development and is on a site that is less than one acre that has or creates any impervious surface. This will ameliorate future problems with storm water and damage to the Hinkson Creek watershed. Secondly -- I'm going to scroll down here a little bit -- the words "affordable housing" occur only once in the entire document, and that is only within Section 29-2.2 on page 65, when defining District R-MH, this is really unfortunate. Apparently, anyone needing affordable housing will have to look for a mobile-home park. Do we even have more than one mobile-home park in the city limits? They're going by the way of affordable college tuition. One might expect that affordable housing would be addressed within District M-N, described as "pedestrian-oriented" on page 69, or even within -- when cottage housing is discussed, but the cottage standards are only applicable within District R-2. Of course, the City's lack of a comprehensive affordable housing policy is clearly at work here, but surely this document can do a better job of anticipating alternative housing that addresses the goals of Columbia Imagined. Thank you.

MR. STRODTMAN: Thank you. Is there questions of this speaker? I see none. Thank you, Dan.

MR. HINSHAW: Good evening. Paul Hinshaw, 1116 Wilkes Boulevard. I'm here to talk about the East Campus Overlay ordinance and that this ordinance should be removed entirely from consideration and recommendation in the UDO [sic]. I was a member of the East Campus Overlay district committee that spent two years crafting the East Campus Overlay ordinance in 2013. This East Campus Overlay ordinance, which was adopted by the City, was drafted by a committee consisting of both resident and nonresident property owners in the East Campus neighborhood. The process of consensus used by the committee was very important to all participants and one that I think we each took pride in as we worked through creating this ordinance. Consensus made the process more difficult as many views, many times vastly different, had to be looked at from all perspectives so that consensus could be reached. The committee discussed and agreed how future changes would be made to this overlay ordinance so that future changes would prevent one side or the other to amend the overlay ordinance. This was done by adding the amendment section. The amendment section states that changes to the East Campus ordinance can only be made as the previous owner -- as the previous speaker mentioned, by seven people from both the resident owners and nonowners on a committee or by a petition of more than 50 percent of the real estate parcel owners within the East Campus Overlay district boundaries that agreed to the amendment. Comment PRZ 66 recommends deleting this amendment section. This change to the ordinance is exactly what the original overlay committee foresaw and intended to prevent. Taking out the amendment section from the East Campus Overlay ordinance would also nullify the current petition signed by over 50 percent of the real estate parcel owners within the East Campus Overlay district boundaries, which requests the ordinance be left as is without revisions. This signed petition was presented to P and Z in June of this year. I ask you to please remove the entire East Campus Overlay ordinance from consideration and recommendation in the UDC, or, at a minimum,

please remove the sidebar comment, PRZ 66, before the UDC is sent to the City Council. Thank you for your consideration.

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

MR. HINSHAW: Thank you.

MR. WAID: Good evening. My name is Tim Waid; I reside at 2104 Bluff Pointe Drive. I'm here to ask for two motions or amendments to the East Campus Overlay. First, Ms. Russell, will you please present a motion to remove comment PRZ 66 from page 96 of this UDO draft? Second, Mr. Toohey, will you please present a motion to remove the entire East Campus Overlay from consideration and recommendation in this UDO draft, roughly pages 93 through 97, the entire Section 29-2.3(a)(3)(ii)? So this is what we end up with, Mr. Stanton. This is a win-win, according to what the City says. You know, I remember when process mattered. That was a win. I remember when cognitive conflict mattered. That was a win. That was when this East Campus Overlay was created. You know, when dialogue between neighbors is allowed to create a city ordinance like this, that's a win. But, you know, when city leaders facilitate dialogue between neighbors, that's a win. When city leaders force change and remove that intellectual debate, that's a no-win. Change then is only temporary. As previous speakers have suggested, Section F on amendments was created to preserve wins over change so that as city leaders change, as city planners change, as Council members change, and as Planning Commissioners change, this law would not change. It would remain set in stone to protect that process, to protect that cognitive conflict, to protect wins. Some people don't believe in that struggle, that process. They say, Whoa, that's hard work. That requires reason and communication. How can I avoid that process? Well, tonight is the time when wins matter. Section F on amendments is here to remind us of that process, that it is the essence of good governance. We must maintain cognitive conflict in order to forge optimal outcomes and produce wins. Again, I ask Ms. Russell to make a motion, I ask Mr. Toohey to make a motion. Mr. Stanton, you can preserve a win when you vote, a win that will endure political wins -- political wins, so that a winning process is preserved. Thank you.

MR. STRODTMAN: Thank you. Any questions of this speaker? Ms. Loe?

MS. LOE: Mr. Waid, do you consider the overlay ordinance to address Planning and Zoning issues?

MR. WAID: It has addressed issues over the last 13 years without fault. So I don't really see why we're talking about it in this meeting right now. As you said two months ago --

MS. LOE: My question was: Do you consider that ordinance to address Planning and Zoning issues, issues of planning and zoning and intent?

MR. WAID: I do.

MS. LOE: Thank you.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: I'm going to need some royalties for using my phrase there.

MR. WAID: So, when can I leave?

MR. STANTON: Thank you.

MR. WAID: Thank you.

MR. STRODTMAN: Thank you, Mr. Waid.

MR. TRABUE: Good evening. My name is Tom Trabue, McClure Engineering Company with offices at 1901 Pennsylvania. I -- I want to say my appreciation for the level of effort that the staff have put into this. This is a very comprehensive document. It's not been easy. We've been working with the old stuff so long and -- and -- and -- and combining that all back together, you're to be applauded. I appreciate that. I also appreciate that all of the definitions are brought into one place in the document. As an engineer, I'm cursed. I'm detail oriented, and so, I found all typos and -- and graphic references weren't correct. I'll mention just a few of those, but -- and so I'll start on page 20, the definition of "Area Of Special Flood Hazard", "Hazard" is misspelled. That's a small thing. In the R-2, M-N, and M-C districts, we have the cottage designation, the pedestrian designation, and the transit designation, but those can only be used if the applicant goes to the Board of Adjustment. And I missed this when this was going through the earlier process. I thought part of our goal was to make sure that we didn't have to take things back through the Board of Adjustment, to minimize that, and that the Board of Adjustment is generally, and what we've seen it used for in the past, is if there is a decision from the department that we take issue with, then we can take that to the Board of Adjustment. But in this particular case, the provisions for cottage, pedestrian, and transit are spelled out very clearly. That's what the expectation is. And, in fact, in the Board of Adjustment section to deal with these particular variances, it says very specifically that they need to meet all of those requirements. And so I think taking it to the Board of Adjustment, I'm just not sure why that is in there. I -- and so I question that, and I apologize that I did not bring that forward earlier. Another typographical issue is on page 63, and this one you've -- I'm going to mention because you won't catch it. I had to look it up. In the graphic, the minimum lot area is defined as for "CRCC", and I think it's for "CCRC". The graphic on page 65, this is in the Manufactured Home District. It references the minimum areas of each home site, but the -- the three-dimensional graphic identifies the site area as 3,750 square foot, but it's on -- on the larger scale, and I believe that's an error if I'm interpreting that graphic correctly. I apologize. I'm flipping through my notes.

MR. ZENNER: You just need to provide them to me when you're done.

MR. TRABUE: Okay. Well, we'll get together, Pat. It's fine. Page 76, this is under the M-BP, Business Industrial Park District, paragraph 2(e), page 76. There's an indication that a notation shall be written on the approved plan. I don't believe this is a planned district, so I don't think approved plan is the appropriate wording there. Paragraph 4 also references -- the last line of paragraph 4 is "shall be as approved by the Council as part of the development plan," and again, I don't believe that this is a planned district, so that there would not be a development plan, if I'm correct in that -- if I'm understanding that correctly. Page number 82, in the O, Open Space District, again the graphic just needs to be updated to reflect the minimum lot areas for nonagri-- nonagricultural uses. Wow. I'm not going to say that again.

And then lastly in this section, and you've heard some testimony, but I can say from a design professional standpoint, that are using the ordinances, I appreciate greatly that the overlay district ordinances are included in this document. I understand the concerns about the folks not wanting to see those changed in any way, and I have no dog in that fight. But I will say that, as a design professional, I appreciate all of those Planning and Zoning type issues being included in one document. And that's all I have for this section.

MR. STRODTMAN: Commissioners, are there any questions? Ms. Russell?

MS. RUSSELL: Would you be willing to put that in writing and submit an email to Mr. Zenner of all of the typos and changes?

MR. TRABUE: I can do that. I'll have to do that over the weekend.

MS. RUSSELL: In your spare time.

MR. TRABUE: There's just not enough time.

MS. RUSSELL: All right.

MR. TRABUE: But, no. I -- it -- I would be glad to do that and certainly I'll get with Pat, as well.

MS. RUSSELL: Okay. Thank you.

MR. STRODTMAN: Mr. Trabue, would you just go back go back to when -- would you go back to your page 82 comment about the nonagriculture uses? Can you -- I was not clear on what your issue was with that.

MR. TRABUE: Yes. And it's -- and it's really just a graphical thing. The -- in the -- the table that identifies the minimum lot area for nonagricultural uses is not applicable. Yet in the graphic below, it lists the lot areas as a two-and-a-half acre minimum and then a 7,000 square foot minimum for nonag uses. And I think that's just left over, but I believe from the footnotes, the 7,000 square foot was taken out, and it just missed getting taken out in the graphic.

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

MS. CARLSON: Rhonda Carlson, 1110 Willow Creek here in Columbia. And I would like to also thank the Commissioners. I know how much time, because I know a couple of you personally, how much time you all have put in and also staff and also coming to several different organizations and working with them and letting them get up to speed. My comment, since I don't know where this would fit in, Ms. Smith, I think, brought it forth, and I know Mr. Land, about get me a map that I can read. Even though a lot of the zoning changes and classifications are in the same genre, for lack of a better word, many people, probably tons of people -- I couldn't even give you numbers -- have absolutely no clue what you are rezoning their ground to. They do not know, even though there's a transition period, their ground is being rezoned. And I don't consider what we're doing here and what we've done over this period of time, even though it's been in the paper and it's been on the news and there's been hearings going on, and it's been going on for three years, the public has absolutely no idea that their property zoning classification is being changed. Even though it is in the same basic realm of what it was before, the process for that property is being changed, and I don't know where else I would say that. But if you go in and try to

develop a property, there's a notice required of the properties that are surrounding it, and it is in the mail and it's in the paper and it's posted, and we have not done that here. And so I would just state that that's something that needs to be done. Thank you.

MR. STRODTMAN: Is there any -- Commissioners, is there any questions of this speaker?
Thank you, Ms. Carlson.

MS. CARLSON: Thanks.

MS. GARTNER: Good evening. Carrie Gartner, I'm the Executive Director of the Loop; we are at 601 Business Loop 70 West. I'm actually here to talk about something we liked, the definition of artisan industry. It's a new use that's been introduced. We are very excited about the idea of local, small-bore manufacturing. We think it opens up some really good opportunities for our corridor. I do have a suggestion though for the definition. It limits sales on site to products that are produced by the industry, so it's micro-breweries, bakeries, candy factories, and so forth. It does limit it to products that are produced on site. However, I was just at the Chamber trip. We went to Fat Tire Brewery. There were a lot of people buying beer. There were a lot of people buying Fat Tire t-shirts, hats, growlers, mugs, glasses, and so forth. All of that kind of extraneous retail is very helpful particularly for a startup, not just for marketing, but for the bottom line. So I would recommend taking a look at that definition, maybe expanding it a little bit to think about what sort of add-on retail is really kind of appropriate and typical for that type of artisan industry. And that's it. I'm open for questions.

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

MR. MACMANN: Yes. Ms. Gardner, thank you. I'm glad you brought that to our attention. Could you think about how to narrow that definition down and ship that to Mr. Zenner? I mean, you don't have to fill, like, the whole block in right now, but I can see this becoming almost a case-by-case, the management of that becoming a deal. That's --

MS. GARDNER: And the last thing we want to have Council decide -- having to decide, like, what sort of retail you can put in here. I absolutely agree. I do not want it case-by-case. I've thought about ways to narrow it down. I think related retail, related or branded retail might be a good idea. You're doing an artisan bakery, I can see branded aprons, I could see bread baskets to go with the bread, so related or branded products is -- is kind of a starting point for that sort of discovery.

MR. MACMANN: All right. Well, thank you very much.

MS. GARDNER: You are welcome. Thank you.

MR. STRODTMAN: Ms. Loe, did you have a question?

MS. LOE: The same line. I had the same question you did.

MS. GARDNER: Yeah. So, think about that's kind of where I started, so think about that a little.

MS. LOE: Thank you.

MS. GARDNER: All right. Thank you.

MR. STRODTMAN: Thank you, Ms. Gardner.

MR. GAVAN: Jason Gavan, 5314 Highlands Parkway. Mr. Strodtman, may I distribute some

documents to the Commissioners before I begin?

MR. STRODTMAN: Sure. Please. I'm not going to say that we're going react on those, just because we haven't had a moment to review them, but we will take them into consideration.

MR. GAVAN: Of course. I'm not expecting anyone to read the 23 pages that I'm handing out right now. But to summarize it, basically, the Obama Administration has issued some executive directions on how to best address zoning issues that are coming up all over the nation just like they are here in Columbia. As I travel across the nation in my career, this is nothing new. This is nothing surprising here, but the approaches are very different in different areas. The primary consequence -- well, tonight we've heard a couple things that are very pertinent to this discussion; affordable housing and unintended consequences. And the type of zoning that's being proposed here, those are -- there are some severe unintended consequences. The number one will be unaffordable housing. Anytime you start interfering with private property in this manner, it will create unaffordable housing. That's why governments all across the nation have come back and had to create affordable housing programs because government has interfered in the elastic manner of creating housing that existed previously. These documents that you have received here lay out pretty clear ways for local governments to handle this issue and create a fair, equitable, and respectful system of zoning in -- in the communities. Anytime you have this type of discretionary review process that comes to these boards and councils, you also have extreme opportunities for corruption, which have resulted in many problems throughout the nation. I ask that -- I know that all of you have been given an unenviable task. I envy disposition to do what you've been directed to do, but I ask that you revisit it and completely scrap it and start over for a zoning code that will protect private property and not create unaffordable housing. Any questions?

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

MR. MACMANN: With all due respect to the people at the White House who put this together and to you, this is a one size fits all for 320 million people. I have read it. A lot of the assumptions are based upon the standard American town, which we don't have here in that you understand the property inversion issue I'm talking about, about who owns and who drives the market and supply versus demand, which are assumptions the White House makes that don't necessarily apply to us. We're probably one of the few people here who understand what I'm talking about. Also, with respect to the White House, I think they go too far, but I do appreciate -- and that scrapping zoning completely. I do appreciate what the White House has done and I appreciate you bring this to our attention.

MR. GAVAN: May I respond?

MR. MACMANN: Certainly.

MR. GAVAN: Can you answer then how are these problems coming about in other cities and why is there booming homelessness and unaffordable housing created by these restrictive zoning initiatives, and how does this solve that problem?

MR. MACMANN: Hey, I -- I don't want to take a lot of time or to debate, but I think we have some assumption issues about what causes what.

MR. GAVAN: Please read the documents and we can address the assumptions.

MR. MACMANN: I'd be glad to get with you another time. Thank you very much.

MR. STRODTMAN: Is there any additional questions for this speaker? Thank you, Mr. Gavan.

MR. FARNEN: My name is Mark Farnen, 103 East Brandon, Columbia, Missouri. Hi, again. I've been to a lot of these meetings and am glad to be back. Mr. Stanton asked me why did I wear such a bright shirt tonight, and I told him it's homecoming and this time I wanted to make sure you could see me in addition to hear me. The -- I have an idea, just a quick idea, after listening to -- I thought about this earlier. On the artisan definition, there might be a couple of ways to do this, and just say that that is allowed if it's the primary business. Then you don't have to define what else they do. It's the primary thing. It's like a bowling alley. A bowling alley is where we go bowling, but they serve food and they have a game thing, and we don't call it an arcade and we don't call it a restaurant. The main thing they do is you go bowling there. And so, if you allowed it as the primary business, you could do it, or you could regulate it like they used to do the old liquor laws and the Sunday sales, and if you had 50 percent food sales, da, da, da, you could do this on this day, whatever. And so, those are two pretty well known and pretty standard ways where you don't just pick at them and go, well, you said you were going to sell postcards, and now you're selling note cards, and don't do that. That might be one way to do it. The other thing, and this is in the course of the past three days, I have had five people ask me about the designation of the -- of the East Campus district, and two people told me that that is an historic district overlay, and two people -- three people told me it is an urban conservation overlay, and that it has different requirements for rehabilitation of housing based on the definitions in Part 1 under Historic Preservation -- under Historic Preservation and that new grouping that appears there, and I would like to get a clarification on that, if it's a historic district or if it's an urban conservation overlay and what applies particularly in terms of certificates of appropriateness in that.

MR. TEDDY: Neither of our overlay districts are historic preservation overlays. You might be thinking of an East Campus federal register district or set of properties, and that's not regulatory. That's documentation, so there's no certificate of appropriateness that's required to be issued.

MR. FARNEN: So, that's not an overlay? What's there -- the historic thing --

MR. TEDDY: There is a historic preservation overlay in the Code --

MR. FARNEN: Yeah.

MR. TEDDY: -- but -- it -- to date, it has not been applied in either of those areas. So what those districts do is they supplement and, in some cases, they change the base zoning. And the base zoning is, for the most part, R-3, but not exclusively, so --

MR. FARNEN: So there's nothing -- nothing historic in the East Campus?

MR. TEDDY: There --

MR. FARNEN: In other words, there is no historic designation in the East Campus that applies to those homes?

MR. TEDDY: There are properties that are on the federal register, but that's not a regulatory

district. It's not part of City ordinance.

MR. FARNEN: Okay. That's all I have in Part 1, unless, at some point, a lot of people said, Mark, this is going to last all night, and so, that's why I wore my boots and jeans. If -- if someone from the audience needs to move that we limit this debate at some point in time tonight, I would be happy to do that. And so, you know, this -- I don't think we do our best work late at night. And so, if that -- if we're getting there, I'd be happy to make that motion at any point, if that is required. Thank you.

MR. STRODTMAN: Are there any questions of this speaker? Thank you, Mr. Farnen. We always enjoy you coming to our meetings.

MR. FARNEN: Do you like this shirt?

MR. STRODTMAN: We do like that shirt. M-I-Z.

MR. ZENNER: Z-O-U.

MR. STRODTMAN: We just need to win this weekend. Any additional speakers on Sections 1 or 2? I see none, so we'll go ahead and close the public input portion.

PUBLIC HEARING CLOSED

MR. STRODTMAN: And we open it to the Commissioners. So, we're going to try to get this section wrapped up and maybe take a break. Commissioners, thoughts, comments, questions for staff? Yes, Ms. Russell?

MS. RUSSELL: In the -- the official zoning map, the document actually says there is an electronic version; is that correct?

MR. ZENNER: There will be an electronic version posted. I believe it is in a beta format right now, and has not been actually activated as part of the City's online map package. There is also a paper version of the official zoning map in the back in the lobby, which was displayed here this evening as a result of questions and concerns, but the electronic version on City View is that that will have a toggling feature to go from today's zoning districts designation to the future UDC designation. so you will know what your property was previously and what it will be becoming. I am fairly confident that our GIS staff can also automate and have some type of text description within the fields that define what your zoning district is to show what the prior classification was and what the new is if we only go to a single version of the map.

MS. RUSSELL: Do you know when that -- have a date or --

MR. ZENNER: I will have to discuss that matter with our GIS manager. I know it was under development prior to us preparing the September version. I just don't believe that the switch has been thrown.

MS. RUSSELL: I have another question.

MR. STRODTMAN: It's all yours.

MS. RUSSELL: The comments that Mr. Meyer -- Jim Meyer said that he sent and we didn't see?

MR. ZENNER: I will have to review to find out if those questions have been incorporated in other areas or have been addressed within the Code already.

MS. RUSSELL: Okay. Thank you.

MR. STRODTMAN: Ms. Loe?

MS. LOE: To follow up on Ms. Russell's comments, on the map, how -- approximately how many areas would you consider there to be where interpretation might be needed in moving from one zone to a new zone?

MR. ZENNER: I'm not sure what Mr. Land was referring to in interpreting the actual zoning designation, so the entrance to an industrial park. If it is currently zoned M-1, it will convert to I-G. It's direct conversion of what the current zoning classification is to the proposed zoning classification. I also -- I believe it needs to be clarified that while there is a district designation change, the uses -- and I believe the comment was made -- are very much the same, as Ms. Carlson made. It is in the same genre. There have been changes potentially within those zoning districts from a permitted use to a conditional use, but the use mixture and the allowed activity within those retitled zoning districts are almost identical. There are some exceptions to that, obviously, and that is part of what we will discuss in the next segment of our presentation is our zoning districts and the district table itself, and then there are ways of being able to address those particular concerns should the Commission decide to do so. So they are almost identical and just recoded in title only with no potential loss of use. You may have a change from conditional to permitted or permitted to conditional, but the use would still exist.

MS. LOE: So to restate my question maybe in a more yes or no. So you don't -- you have not identified any parcels that would not translate from one zone to another?

MR. ZENNER: We have parcels -- we have a pocket of C-2 development, and historically it has been -- it was coded C-2. We have not been able to really determine why. It may have been an error in the original map coding when we went from the lettered districts and potentially the first numbered zoning districts that we had on Paris Road that is currently zoned C-2. It is disparate from the downtown. That is the only one that we are aware of. There are other areas that are currently in -- would be converted to a use or a designation that is inconsistent generally with that zoning -- their current land use is inconsistent with the designation that it will become, and the majority of that property that we are aware of is more up off of the 763 corridor north towards Vanderveen where we have full retail development, basically, occupying industrially zoned land, which may need to be recoded at a point in the future to an appropriate commercial corridor classification. However, in a re-review of the land use tables -- again, we'll get to this in the next segment, as well -- retail use is actually a principal permitted use in the I-G zoning district, as well as office and personal services. I believe in certain instances, as I have referred -- been -- had questions referred to me, for some odd reason, I was not seeing the P in the category for I-G as it related to those uses. So really there is limited potential inconsistency through the conversion from M-1 to I-G. We would believe it is best practice to zone those particular areas to the mixed commercial zoning classification, because that is how the actual land use exists. It is not an industrial zone, and it is likely that it may not ever convert to one either. But that would be a future action that would need to be vetted with the individual property owners, brought back before the Planning Commission, and ultimately

approved by City Council as a comprehensive rezoning action. We are not rezoning property with the exception of the C-2 zoning district, and the limited areas that are zoned M-1 and R-3 that are in the M-DT. Every property owner has been provided notification, as we did when we held our original public information and comment sessions, like any other rezoning action. And then we have followed the appropriate public advertising procedures as required by State law.

MS. LOE: Just one final question.

MR. STRODTMAN: Sure.

MS. LOE: On the historic preservation overlay zone, the 60 percent owners needed to move that forward, just to confirm. That's language we're just bringing forward from the existing ordinance?

MR. ZENNER: That is correct.

MS. LOE: Thank you.

MR. ZENNER: It is a direct conversion.

MR. STRODTMAN: Yes. Ms. Burns?

MS. BURNS: I'm wondering about the artisan enterprise, about who regulates if they're selling note cards versus postcards?

MR. ZENNER: Mr. Teddy and I, as the -- as the question was coming up, retail is retail is retail. All of our -- all of our artisan industry is actually only allowed within zoning districts that permit retail uses. Therefore, selling aprons, mugs, coasters, playing cards is really irrelevant to us. It's a retail business and they -- really it's the designation of what is being produced onsite and, basically, being able to be sold from the backroom right out the front door. If they bring in product that's produced elsewhere and sell it as a retail component of their artisan industry, we would not be regulating that. It's a retail business and it's a retail use.

MS. BURNS: Okay.

MR. ZENNER: Therefore, no definition change in our mind would be necessary in order to accommodate that type of activity.

MS. BURNS: If we did --

MR. TEDDY: The intent -- you know that the intent was to make certain types of making things compatible in a retail environment, and so it would make sense to allow accessory retail as part of that because it's -- it's falling into a retail district, but artisan industry draws a line between that -- you know, a craft industry and a Division of Labor heavy manufacturing type operation.

MS. BURNS: Okay. I think the related or branded expansion of the definition would be a good way to address, I think, what this concern might be about.

MR. TEDDY: Yeah. There's a last sentence to the definition that we may want to tweak.

MR. STRODTMAN: Commissioners? Yes?

MS. RUSHING: I have a question regarding procedure. One of my concerns, which actually appears much later in the document, can be addressed by amending definitions. And to me, it doesn't make any sense for me to discuss the one -- those amendments here. So how would we handle that as

far as approving this document one section at a time? I'm sorry. It just occurred to me when I started listening to people.

MR. ZENNER: Ms. Rushing, are you indicating that you have issue with a particular definition that is --

MS. RUSHING: Yeah. Let -- let me give you the example. Townhouses are required to have porches or stoops. And to me, that means a raised area at the entrance, which, I believe, we should not be requiring. So the definition of stoop can be amended to alleviate that concern, but the townhouse provisions are much later in this document. And I thought that I saw a definition of porch, but now, of course, I can't find it. But they are both -- they both referred to raised -- well, platforms is the word they use.

MS. LOE: Ms. Rushing, is that in Section -- the first or second chapter?

MS. RUSHING: The townhouses are in 29-4.

MR. ZENNER: And I believe the definition you're referring to, Ms. Rushing, is front porch. It's on page 26 of the Code.

MS. RUSHING: Yeah. And the other one, I think, is on 41.

MR. ZENNER: And front porch, at least in the context of that definition, is referring directly to the M-DT zoning district as refers to front facade or facade or required building line side of the main building. That would be an isolated definition in the restructuring of the Code specific to M-DT regulations. And then if page 41 is your other location --

MS. RUSHING: Forty-seven, as it turns out. Forty-seven.

MR. ZENNER: Forty-seven.

MS. RUSHING: And the townhouse provisions are on page 210.

MR. ZENNER: And again that would be -- yeah. And the stoop definition again would be specific to M-DT development only, not necessary general residential development, which would be where we would apply townhouse. And that was an observation that legal counsel had made, as well, that due to the unique nature of the context in which particular definitions appear, in this instance front porch and stoop are specific to M-DT and facilitating those objectives of the M-DT zoning district as it relates to design, it would be better to be culled out of the general Code so there isn't the confusion as to where -- if it would apply to regular development. That's my response to how you could draw the distinction between eliminating either definition because, obviously, you eliminate the definition, it may have a greater impact to the overall development quality of what we have within the M-DT as it's structured, so it's --

MS. RUSHING: It could be addressed, I believe, by adding language to the townhouse section, so I can just discuss that when we get there.

MR. ZENNER: And the town-- and that is on -- you referred to which page, Ms. Rushing?

MS. RUSHING: I believe it's 210.

MR. ZENNER: 210. Okay.

MS. RUSHING: Sometimes I get very confused.

MR. ZENNER: And that again would be within the very specific M-DT standards, if that is where that location is, for the townhouse, small apartment, so --

MS. RUSHING: It is on 210.

MR. ZENNER: Yeah. Okay. And that is within the M-DT provisions, meaning that the definitions that are in the definition section, as we just discussed, and the stand that you're seeing is specific to just that downtown area. So as we refer to, in order to come to the main question that you have, Ms. Rushing, my suggestion would be is, is we can address the issue of stoop and porch within the discussion and context of M-DT and if a definitional change is necessary, I would suggest at that point that we could come back or at least incorporate within the -- within your motion as it relates to the M-DT segment of our meeting, making amendments to those two definitions specifically if needed.

MS. RUSHING: Thank you.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: With Ms. Smith's comments, would that apply to this section or would this be in a -- in another section?

MR. ZENNER: You're referring to the use discontinuance comments that Ms. Smith made?

MR. TOOHEY: Right. So, it would -- correct me if -- go ahead.

MR. ZENNER: That is -- that is in the nonconforming section of the Code, which is going to be Segment Six, which would be towards the end of this evening's meeting.

MR. TOOHEY: Okay.

MR. STRODTMAN: Yes, ma'am? Go ahead, Ms. Russell.

MS. RUSSELL: I just have a couple of more.

MR. STRODTMAN: Keep going. That's what we're here for.

MS. RUSSELL: Could you elaborate on the East Campus Overlay on why the amendment was removed? What was the -- the PRZ 66? I think that was your initials.

MR. ZENNER: And they're my initials, it's not my comment. I'll be quite blunt and I will be quite frank. I was instructed by our law department to add that comment. I objected to adding the comment, understanding the impact that it would create as it related to the goodwill that had been put forth with the East Campus representatives that have been here this evening.

MS. RUSSELL: Okay.

MR. ZENNER: It is a best practice comment that the law department felt needed to be identified within the Code. It has no regulatory impact. It does, however, have a perception impact, and I will not deny that aspect that has been expressed this evening. It is -- however, it was in our law department's perspective something that they felt that needed to be identified as a potential not best practice between 2003 and 2016. They went back and they researched how that provision was placed into the Code, as well, and they still requested that the comment be added. So, you know, that is how it is there. And I think as Mr. Teddy has explained, the remaining comments in the -- that have been made to the Code are technical in nature. They change nothing as it relates to the regulatory structure or provisions that are

there. All of those regulatory controls that were approved in 2003 stay intact. We have had to make necessary changes to ensure that the overlay is functional under a new adopted Unified Development Code that has different district standards or different district designations, may have different references to sections of where parking, landscaping, violations, all of that needed to be updated in order to ensure that the Code would function. As far as for PRZ 66, that comment again was made at the request of the law department, not myself, over my objection.

MS. RUSSELL: Okay. Thank you. Mr. Land, are you still here?

MR. LAND: Yes.

MR. STRODTMAN: Call him out. Would you just please just state your name and address again, please?

MR. LAND: Paul Land, 2501 Bernadette.

MR. STRODTMAN: Thank you.

MS. RUSSELL: It's a simple question. Would you be willing to submit a definition for developer to Mr. Zenner?

MR. LAND: No. I want staff or you folks to come up with that definition.

MS. RUSSELL: Okay. Thank you very much.

MR. TEDDY: One who does development. I'm not being -- there -- there's a definition of development, so that would be my suggestion.

MS. RUSSELL: And is that in this book?

MR. TEDDY: Pardon?

MS. RUSSELL: In these?

MR. ZENNER: Yes. Definition of development is within the Code.

MS. RUSSELL: Developer.

MR. ZENNER: But one who does development.

MS. RUSSELL: Okay.

MR. ZENNER: We are -- there are many aspects of what one could consider a developer, and therefore, to be asked to define a developer, I think, is define it by what development is. It is somebody who does development.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: So anything related to the overlay districts would be the next section, not this section. Correct?

MR. ZENNER: No. That is this section. It is Chapter 2.

MR. TOOHEY: I thought it was --

MR. ZENNER: The overlay district's provisions are all within Chapter 2, which was the tail-end of Section 12.

MR. TOOHEY: Oh, okay. Okay. I see. Okay. Yeah.

MR. STRODTMAN: Just -- Mr. Zenner, back to the overlay. The recommendation by law was to

remove the entire amendment, that section that's in writing here?

MR. ZENNER: There was no recommendation to remove any provision. It was a comment that was made of legality and best practice.

MR. STRODTMAN: Okay.

MR. ZENNER: Council, and I think, Tim, if you want to go ahead and you can explain how it works.

MR. TEDDY: I just want to explain. It's in no way aimed at the process that was done to create the Code. It's not suggesting that the ordinance, as it exists today, is invalid because of that process. It's saying looking forward at changes to a zoning district, including an overlay district, it's a legislative action. And so I think there's a little concern that Council is delegating some of that legislative authority, if you will, to committees. I believe that's the reason for the concern. It's -- it's looking forward at just the powers of this Council and any future Council to amend any part of its zoning ordinance.

MR. STRODTMAN: So, basically --

MR. TEDDY: So it's not -- it's not suggesting that the -- the amendment procedure that was agreed to and put into the ordinance by the Council that approved the overlay originally that that was wrong. It's not -- it's not aimed at that and it's not meant to be critical of that process.

MR. STRODTMAN: So it's just more going forward, the Council does not want the authority taken from them, they're --

MR. TEDDY: Council can initiate rezonings of property and it's not -- it's rarely done, but they -- it's a legislative power. Zoning is legislative action. I think that's where the note derives from. And it's -- again, it's a cautionary note. We're not suggesting that you recommend amending that -- that particular section nor are we suggesting that to Council.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just to follow up on that, Mr. Teddy. Council, with -- they hold the final say on everything anyway. They could -- you know, whatever we write, they can always change it. Correct? So what I'm getting here is they could override anything in the Code if they wished, including this. Even if they temporarily surrendered a level of review to the neighborhood or maintained the current level of review that the neighborhood has. Is that -- do you think that's a fair assessment?

MR. TEDDY: I think so. And I think the Council that approved the original overlay was comfortable that there was a provision that required a very deliberate process for amending the ordinance if it were to be amended in the future, but forever is a long time.

MR. MACMANN: That's -- yeah. Well, forever is a long time, but I think it addresses Mr. Zenner's point about a perception issue. You know, Council could do whatever they wished at any time, but it -- this appears to be withholding when maybe that's unnecessary. I mean, that's I -- I'm still trying to get the base of this, you know. That was -- that's all I have to say. Thank you.

MR. STRODTMAN: Commissioners? It's the first one. Somebody has got to start it.

MS. RUSSELL: Well, wait a minute.

MR. STRODTMAN: Ms. Russell, please? It's almost 8:00, so --

MS. RUSSELL: I'm sorry. I'm concerned about the comments that Mr. Meyer has sent that we haven't seen, and moving forward with -- I don't know even if this section was involved. So I don't know how to -- how to move forward with that. And -- and I don't know how to move forward without the official zoning map being available. So just some concerns I'm having. I don't know how I'm going to deal with that right now.

MR. ZENNER: Ms. Russell, as it relates to the official zoning map, the official zoning map is what is on City View right now. We have not adopted a new Code.

MS. RUSSELL: Okay. This map?

MR. ZENNER: So that is -- the map that is in the lobby is the -- is the future official zoning map in a printed version at this point. And it is not going to be posted online or the official zoning map will not be changed until the Code is adopted. Now, having it available for viewing is an entirely different situation, and it is an anticipated action that we have to take. However, at this point, the conversion table of the zoning districts that exist in our existing zoning ordinance to the proposed, look at the City View map, look at the zoning designation that you have today, and look at the comparable district you will become. That is the simplest solution to look at what is available to the public right now. If you've got multiple parcels, plug in your tax ID number or your address, if you have one, and you can see what you're zoned today on our City View map, and you can use the table here within this chapter and be able to make the conversion.

MS. RUSSELL: Is it -- is it a pdf that is out there and it's just not --

MR. ZENNER: The map that is out -- yes. That is -- it's a much large pdf, obviously, that we've had printed.

MS. RUSSELL: Okay.

MR. ZENNER: But it is a pdf document that we upload to the website as it relates to all of the Code material that's available for the public.

MS. RUSSELL: Okay.

MR. ZENNER: And that's not -- that wouldn't be a problem at all. My concern would be, and it is going to be extremely small. And I think that that's the other concern the folks have expressed. Being able to get the conversion online and available so people can zoom in on a parcel level is a matter of probably just activating a layer within the system and being able to do it. The background work has been done, that I am aware of. It's just it has not been activated.

MS. RUSSELL: Okay. Thank you. And then one more.

MR. STRODTMAN: As many as you need. Mr. Trabue's corrections for verbiage and typo, do we need an amendment for that or can we assume that those are going to happen? I hate to assume things.

MR. ZENNER: I don't believe you need a formal amendment. I can tell you that there will be a lot of amendments that will be being made as it relates to typographical errors, cross-references to

sections, as a result of the introduction of an additional chapter and some additional shifting within the Code. I know we have certain Commissioners that have made editorial identifications already. We will incorporate that. We do request that if the public has gone through the effort of doing it, yes, please provide it to our staff, myself, so before we forward this document to Council, we have been able to edit it out and make sure that the cross-references are proper. I'm not going to excuse the -- the nature of the Code and how it has been produced. It is a 400-page document, however. You get cross-eyed when you start looking at it for eight, ten hours at a time, and that is part of where the scope and the scale has resulted in some of these errors, unfortunately.

MS. RUSSELL: I get that. I know. Thank you.

MR. ZENNER: And my vision is getting worse as I get older.

MR. STRODTMAN: So would that be -- would those corrections be made before Council sees the document?

MR. ZENNER: Yes. There will actually -- as I have pointed out, there will be a -- the amendments that are made through this process will be placed into the Council version of the ordinance that will -- that will be before them when you make your recommendation. So the version that we are working with right now will serve as a -- a reference point for all comments, but the official ordinance that the Council will adopt will be different than this with the added chapter and with some additional subdivisions within it in order to take care of definitional issues and things of that nature, cross-reference changes. All of that is work yet to be completed, but will have to be done before we forward.

MR. STRODTMAN: So will the public have an opportunity, whether it be a venting -- or not a venting process, but a review time. Would they -- similar to what we did with this?

MR. ZENNER: There will be -- there will be a review time at the Council level. Council is likely not going to adopt this document without taking a deliberate process that will afford the public an opportunity to provide input. I -- I do not know what that process will be. I don't know what that time frame will be. It has not been given to us. However, this ordinance is not going to all of a sudden show up on an agenda and be approved without going through the requisite ordinance approval process which is going to be at least two readings and maybe longer and likely a month plus. We will endeavor to return the document back to the website in its corrected format generally a week and a half to almost two weeks prior to it being on a Council agenda for introduction. So the public will have an opportunity to review it, then be able to go to a first hearing at Council for its introduction and, potentially, have opportunity then to review it from introduction through whatever their public hearing process is.

MR. STRODTMAN: I just wanted to mention -- to state that so that the public kind of understood the process and didn't expect that this was going to be the final this evening.

MR. ZENNER: And I -- and again, and I will apologize on behalf of -- of the way that the Code is structured seemingly unfinished. It has come to my attention that as we edited the document between the October 2015 version to the May version, making changes within the Code, some of its tables and other sections, there are footnotes that were referenced by Clarion & Associates and Ferrell Madden from

the October integrated draft that have been overridden by changes that were made between May and July and have potentially since been overridden by additional changes for the September public hearing draft that were not stricken. So there is confusion within the document unintentionally that you look at a footnote that is still referenced and you're wondering why that footnote and the text do not jibe or match. In many instances, the footnote was not stricken properly as we went through out initial editing process, and we did not identify that prior to getting to where we are. What I would like to do at least inform the Commission of is that the written document, as it is currently presented, where there is conflict between a footnote, the written document governs. The footnote may or may not be relevant anymore based on the written document text. So hopefully that resolves maybe some confusion as to what is the correct version to be following. It is the written document, not the footnotes. The footnotes will not show up in the final document and none of the side margin notes will either. We will have a clean document when it does go to Council. However, the footnoted and the side margin version will be available and provided to City Council for the purposes of being able to track the changes that have occurred over time. And when that version does get presented to Council, strikeouts to the footnotes that are no longer relevant will be made. But we will have to come back and sweep to clean the document again. This is -- and, obviously, it's a very complex task that we have gone through to get to where we are. A lot of details associated with it and some of those details, unfortunately, didn't get all squared away before we got to where we are.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just to follow up on that a little bit. Thank you, Mr. Zenner, because I -- I appreciate what -- what you're all going through. You're helping in the process. This is over 100,000 words plus tables, plus numbers, on and on and on. This is going to be a continuing issue over time. Mr. Trabue, given enough time, will give us several hundred changes, I'm sure. The nature of those changes, even say we approve, Council approves, and it goes forward, we'll still be making changes; right?

MR. ZENNER: I --

MR. MACMANN: A number or a letter or a misspelling or a reference.

MR. ZENNER: No question. We'll be making ordinance amendments probably, as well.

MR. MACMANN: Okay. Just -- my point is, we are going to have substantive changes potentially that -- you know, what the meaning of something is or what the zoning is classified, and the classification of typographical, lower-meaning issues going forward, and we'll continue to have those, I would -- I would think for people like Mr. Trabue who -- who do the review. In essence, what I'm getting is we're going -- we have a substantive document as it is, and we're -- we're developing it as we speak. And these typographical errors I don't think are a barrier. I mean, maybe you all have a different view of that. I mean, the one thing he did point out was 2.5 and 7,000 square feet. Those are -- 2.5 acres, which is 100,000 square feet was just equaling 7,000, obviously that needs to be rectified. But most of these things, the misspelling of hazard and things like that, I don't see that as a huge barrier. I mean, do you

guys see that as deal breaker of some way, shape or form?

MR. STRODTMAN: No. I think it would just the -- the point of clarity, accuracy, details, you know.

MR. MACMANN: All right.

MR. STRODTMAN: The -- where we get in trouble is in the details. And so I think the public, as we all are, are just concerned that we want to put forth best document that we can.

MR. MACMANN: Oh, yeah.

MR. STRODTMAN: And I -- and I think it's the staff's intent to do the same, but as we all know sitting up here, it's been a very rough process in how many hours we've spent and how much dialogue we've had. And I -- and I can see there's a couple of things that I'll bring up later on that we missed or we -- it wasn't intentional. It was just, you know, you get cross-eyed. And we've spent almost two hours now on just this one section or these two chapters and we've been doing this now for how many months? And -- and we probably know it better than anybody and we still can't -- you know, you just get so bogged down and you --

MR. MACMANN: Well, is that why those references --

MR. STRODTMAN: I don't think it's intentional and I think it will be fixed and I would hope that if it isn't when it gets to Council, then they slow down, they stop it, and they say, hey, you know, we need to fix the details. But I'm not going to let a misspelling or something of that nature -- and I would suggest that they do send those changes so that we do catch them all because more people that can read this, the more opportunities there are to catch those errors. And I don't think there's any intentional errors.

MR. MACMANN: Well, and -- and I don't either. I'm just -- and while I don't think it's a serious issue, I think even with the minutia of the detail, as long as our process is good, you know, and we are continuing to address these and keeping track of what we -- you know, we have one draft refers to the next or whatever, then I think we think we're good going forward, making sure our process is sound, and though it is, you know, two hours for the first section.

MR. STRODTMAN: Right. Mr. Toohey?

MR. TOOHEY: With regard to the Benton-Stephens changes, did those come from the written comments we received at the very first hearing on the UDO?

MR. ZENNER: The Benton-Stephens changes -- the Benton-Stephens changes were submitted as a supplemental document to the May 19th agenda that was posted. They have been available publicly since that date. They were presented at the May 19th meeting and there were a number of residents of the Benton-Stephens Neighborhood Association that supplied letters in support of the revisions, provided a full historical survey of the area. And there have been no additional comments offered since that meeting as it relates to the actual Benton-Stephens Overlay's revisions that were proposed via their stakeholder group.

MR. TOOHEY: And I guess my question is with this is did the other property owners need to be directly notified to be able to come and testify against these if they had problems with them?

MR. ZENNER: General notification of the content of the May 19th meeting was provided as is required by any ordinance amendment process. We did that for this public hearing as well, posted a public hearing, sent out a press release. We have done everything in the power that we have, short of notifying every individual property owner within the City of Columbia, as it relates to the Code under law that we are required to do. So no, the Benton-Stephens Overlay does not contain the same criteria that the East Campus Overlay does as it relates to amendments. Initiation of the amendment procedure for Benton-Stephens was done at the request of a meeting arranged by Council Member Skala prior to the stakeholder group meeting, and was acknowledged as a process to follow based on the fact that we are doing a comprehensive re-adoption of the zoning code. So no different than any other zoning action. We've advertised accordingly. The property owners were aware through their neighborhood association that they were discussing it.

MR. TOOHEY: But when that was brought up, was that an official hearing or was that just an informational session on the Code?

MR. ZENNER: It was an informational session on the Code from which public comment could have been generated. This is your official hearing on the actual content that has existed in the public record since May 19th.

MR. TOOHEY: Okay.

MR. STRODTMAN: Would anybody like to take a stab at a motion, please? Ms. Loe? I'll give you time to think -- to draft it.

MS. LOE: Yeah.

MR. STRODTMAN: Or anyone else that would like to take a stab at it. You just had that look.

MS. LOE: I'll jump in --

MR. STRODTMAN: Thank you.

MS. LOE: -- and make a motion to approve Segment One, General Provisions, Chapter 29-1 and Zone Districts, Chapter 29-2, of the UDC.

MS. BURNS: Second.

MR. STRODTMAN: Thank you, Ms. Burns, for the second; Ms. Loe for the motion. Commissioners, discussion on that motion? Ms. Rushing?

MS. RUSHING: I would like to propose an amendment.

MR. STRODTMAN: Yes, ma'am. Go ahead. Nice and slow.

MS. BURNS: Yes, please.

MS. RUSHING: And that is to remove the sections dealing with the overlay districts, to perhaps attach them as an appendix to the UDC in their original form with the only changes being the references necessary to the -- to the proposed Code sections. In other words, where there's a Code section referenced in the original document, and that needs to be changed to be now referring to the correct section, that would be the only change.

MR. STRODTMAN: We have a motion, an amendment to make that amendment change. Do we

need --

MR. TOOHEY: I guess I need a clarification how that would before I could offer a second.

MR. STRODTMAN: Ms. Rushing, I think I will take -- your intent with that is that it's an attachment, but not included, and it's referred in a document, but not in the document; is that --

MS. RUSHING: Well, that for informational purposes, overlay districts could be part of an attachment or an appendix to the UDC, but they would still be separate ordinances.

MR. STRODTMAN: Mr. Zenner, how would that work from an applicant's standpoint? Would that --

MS. RUSHING: Or they can just be removed entirely, whichever works the best. But if you want everything and if someone -- you want people to be able to go to the UDC and see the overlay districts, one way to do that would be to include them as an appendix.

MR. STRODTMAN: Yes, ma'am?

MS. BURNS: Ms. Rushing, if we're attaching them as an appendix, why wouldn't we leave them in the document?

MS. RUSHING: I'm saying remove them from the document.

MS. BURNS: So -- and then leave them out completely, no appendix? I'm just trying to form the motion here for the minutes.

MR. ZENNER: Let me --

MR. TOOHEY: She's saying if it's -- if it's an appendix --

MS. RUSHING: Number A --

MR. TOOHEY: -- then nothing can be changed.

MS. RUSHING: Number A, remove them from the body of the UDC. Then, B, --

MR. ZENNER: If I -- point of order.

MS. RUSHING: -- you can either not put them anywhere near the UDC or, if you want them available for informational purposes, include them as an appendix.

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: I would like to clarify that in the codified version of the Code, we will not have an appendix to the UDC.

MS. RUSHING: Okay.

MR. ZENNER: So let me, first of all, qualify my remarks with that in mind.

MS. RUSHING: Then they'll just be removed.

MR. ZENNER: We will, however, have an administrative manual which incorporates all of our administrative procedures, application forms, requirements for establishing historic preservation districts, and the like. The challenge that you have today if you are developer wanting to try to find out what requirements you must comply with in these two overlay areas is they are nowhere to be found in any document generally tied to development-related matters. So you have two options here. As Ms. Rushing has stated, remove the two overlay sections entirely from the ordinance. In essence, a simplification of

the motion, we would remove the UC -- now, you can't remove the entire UC district provisions because the -- the establishment provisions to establish any future urban conservation zoning district need to reside in the Zoning code as they do today. So you would make your motion to remove, as Ms. Rushing has suggested, the two overlays from the UDC in their two sections as they are currently referenced, and you can have them as freestanding ordinances as they are today, and they can be referenced within the administrative manual. We cannot modify an approved ordinance by Council. I want to make that very clear -- unlike all of the other material that is going to be located in the administrative manual, which is material that we can modify without a public process. By putting the overlays, however, into the administrative manual, anyone looking for anything development related will easily be able to find them. So that is if it is the desire of the Commission to remove them entirely from the UDC, that motion would be fine. You would need to make the technical amendments to the existing ordinances and then I would suggest that the motion would need to have them attached as appendices in the administrative manual so they can be easily found by the development community. That would be how I would structure your motion. That would be how I would resolve your issue. I would like to ask for clarification, though. Ms. Rushing, you indicated that you want only the technical changes made. The Benton-Stephens Neighborhood Association through stakeholder involvement recommended the changes that are in the Code. Are you suggesting that you do not want those stakeholder changes moved forward to Council for consideration?

MS. RUSHING: I think that would be an ordinance change and that would be needed to -- you would need to handle that separately.

MR. ZENNER: Okay. And then -- so would you be willing to allow then if the overlay is removed from the UDC and amended as a separate ordinance to have those stakeholder recommended revisions processed as part of that separate ordinance?

MS. RUSHING: I have no problem with that.

MR. ZENNER: Okay. Then what I would suggest your motion needs to be amended to, it's a two-part motion, I believe. One, your first part is you want the overlays out of the UDC.

MS. RUSHING: Correct.

MR. ZENNER: That is the first motion. The second motion then would be to -- well, that will be the first motion. Then the second part of that motion would be basically to make the technical revisions required to the East Campus Overlay only, and then make the stakeholder recommended revisions as part of the ordinance to be presented to Council for compliance with the new Code. That's how those two -- that's how that first motion would need to read. The second motion is more of a -- of a luxury if you're so inclined, and it's to help the development community find these ordinances. And that second motion may be to just have the readopted ordinances for the two overlays placed in the administrative manual that is noncodified, but still referenced as part of the Unified Development Code.

MR. STRODTMAN: So -- so in that case, all future would be handled the same way?

MR. ZENNER: Yes. That they would not be --

MR. STRODTMAN: Including -- including HPC?

MR. ZENNER: No. HPC is -- HPC resides today within the -- in the zoning ordinance and it is a matter of the designation process, the authorizations process for certificates of appropriateness, and all of the other standards associated with that are all part of the Code.

MR. STRODTMAN: Okay. So they would be left alone and --

MR. ZENNER: That would be left alone. I would not -- I would not move -- it is not a freestanding ordinance today. It is part of the Code, I guess, is what I'm driving at. So therefore leaving it in the UDC is the appropriate action. Again, I think the concern that has been expressed here this evening is, is the incorporation of two freestanding ordinances into the comprehensive development code. And if you want to leave them out, what Ms. Rushing has suggested, and how I have proposed your amendment to read will -- would accomplish that.

MR. STRODTMAN: And -- and those are only two that would be applicable for this approach?

MR. ZENNER: For this amendment, that is correct. All of the other ordinances are -- the general provisions to establish all of our other overlays are within the Zoning code today, and then the Scenic Road Overlay designation ordinance exists, but is not actually -- it was never incorporated into the Code either. So we're not -- we're not tinkering with that.

MR. STRODTMAN: At least not yet. Ms. Loe?

MS. LOE: You just said Scenic Road Overlay is separate, but we are incorporating it?

MR. ZENNER: We are not. No, we're not.

MS. LOE: We are not incorporating that.

MR. ZENNER: No. The Scenic Road Overlay will remain outside of the current Code. The designation process for Scenic Road Overlay is within and has been always. Again it's the -- the provisions for establishing the overlays have been part of the zoning ordinance. The actual ordinances to establish our only Scenic Road Overlay, which is Rock Quarry and then the East Campus Overlay and the Benton-Stephens Overlay are freestanding ordinances, and the designation of the properties that are under HPO designation are actually identified in this current Code. There are four single properties. Any additional HPOs that would be created would be added to the current section of the UDC either as a single property or as a district unless there was a different process followed to add those HPO overlay districts in the future, but there is not any HPO that is greater than a single property, and those are the four properties that are identified in the Code right now.

MR. STRODTMAN: Yes, Ms. Loe?

MS. LOE: Just -- we haven't had anyone from the Benton-Stephens Overlay district speak tonight. Do you know if they were satisfied or desired to be included in the UDO?

MR. ZENNER: There was no expressed desire either way. I believe what they were looking at was an opportunity to enhance and address certain issues within the overlay, and utilizing this vehicle was the way that they saw to be able to accomplish that. At the end of the day, if it's in or if it's out does not result in making their proposed revisions any less effective. It again goes to the point that Mr. Teddy

expressed, that incorporation of these overlays within to the UDC was for the purposes of having all things development within one location. We are -- which would be best practice, in our opinion. Right now, the status quo would be maintained. And if status quo was what the Commission would like, status quo is the way we can go.

MR. STRODTMAN: You know, I see value with including it. I think the fear from the citizens that are here that live in those areas that are -- or have -- or stakeholders is that there's changes occurring. But I think, you know, it's been very clearly made that those aren't true the case, and it's from a legal perspective and not from, you know, the Commissioner standpoint.

MS. LOE: Mr. Strodtman, we -- we have an unresolved motion on the floor.

MR. STRODTMAN: We do.

MS. LOE: If we could have that perhaps restated, Ms. Rushing, and seconded.

MS. RUSHING: I think it's been -- been restated by Mr. Zenner, so --

MS. BURNS: Okay. I can read back what I have.

MS. LOE: That would be good.

MS. RUSHING: Thank you.

MS. BURNS: The first part is to remove the two overlay sections pertaining to the overlay districts from the UDC document. The second is to make technical revisions for East Campus only, and mark the Benton-Stephens and I -- Sara, did you --

MS. RUSHING: It's to be handled by a separate ordinance.

MS. BURNS: Pardon me?

MS. RUSHING: Changes to the Benton-Stephens neighborhood are to be handled by a separate ordinance -- the ones that they requested -- the changes that they requested.

MS. RUSSELL: Are these two separate amendments or one?

MS. RUSHING: I think Mr. Zenner recommended they be two separate ordinances.

MR. ZENNER: Amendments -- two amendments.

MS. RUSHING: I mean, amendments.

MR. ZENNER: Two amendments. And I think the first would be to remove as was stated -- as Ms. Burns stated, remove the -- remove the overlays, the UCOs from the UDO. That is the first one that you need to, at this point now, have a second on.

MR. STRODTMAN: So there has been a motion for an amendment to remove the two overlays in question from the UDC. Do we have a second on that amendment motion?

MR. TOOHEY: I'll second it.

MR. STRODTMAN: Mr. Toohey, second. Did --

MR. STANTON: Question?

MR. STRODTMAN: Yes, Mr. Stanton?

MR. STANTON: Is that necessary. Doesn't Ms. Loe just have to accept or not accept that amendment to her motion?

MS. LOE: No. There -- we're --

MR. STANTON: Because it's your motion that's on the table. She's amending it to --

MS. LOE: Correct. But we're going to vote on each amendment as a separate item. So now we would vote on this amendment.

MS. RUSHING: This is part of the procedures that we set up for this meeting.

MR. HARDER: Can we still ask questions?

MR. STRODTMAN: Yes, Mr. Harder?

MR. HARDER: Whether it's in the ordinance or not, does it change how it can be changed in the future, or is it the same either way? I was just curious.

MR. ZENNER: Any ordinance amendment requires Council action of zoning ordinance content. Zoning ordinance content is typically run through the Planning and Zoning Commission by policy, and actually by law, it's required. If it's in the zoning ordinance, it's required to first have recommendation by the Commission before Council can take action. In the instances of an overlay that lies outside of the Code at this point, it is possible that an amendment could be made to that overlay at the Council level and not remanded to the Commission for consideration, given the fact that it is not part of the codified zoning ordinance. Council, as you are aware as Commissioners, generally use the Commission as a sounding board for the public to express their concerns or frustrations associated with particular regulatory changes. I would be surprised if an item like that would not be remanded to you, but lying outside of the zoning code does not assure that the Commission will be able to review future changes. And there is nothing within either overlay that mandates such changes be presented to the Planning Commission prior to their adoption. So that would be the downside not having it in the zoning ordinance along with all the other issues that we have talked about this evening as it relates to being able to be identified and located in the context of other development-related matters.

MR. HARDER: Thank you.

MR. STRODTMAN: Any further discussion on this amendment? Motion, I mean?

MS. LOE: I would like to say that I don't plan on supporting the motion because I see the value of bringing the ordinances into the planning code. As I asked Mr. Waid previously, these are both ordinances that both speak very strongly to zoning criteria, including building height, roof pitch, opening size, use of property. So it appears to me that the proper location for this material is in the zoning code where it can be cross-referenced easily and not overlooked. Section 29-1.6 identifies that overlay provisions govern over the zoning code. So by incorporating the overlays into the zoning code, it appears to me that those ordinances are even better protected by becoming part of that document. So I see no real advantage to letting these live as separate items and I plan on not supporting this motion.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: I concur.

MR. STRODTMAN: A man of few words. Mr. Toohey?

MR. TOOHEY: I will support it. It's obvious that the -- the property owners in East Campus

haven't come in agreement and they're still -- and it seems to be some conversations that need to be made with each other before this would go through. And then with Benton-Stephens, I just don't feel comfortable with how that process went through our Commission.

MR. STRODTMAN: Any -- Mr. MacMann?

MR. MACMANN: I'm with Ms. Loe on this. I just want to throw something out there then. The thing that stuck me was the property owner's reference to legal's objection. That bothers me also. And as far as the East Campus Overlay goes, accepting it as is doesn't change the status quo if we were to drop that amendment or legal comment that -- the request that Mr. Zenner put in there, we can bring that in, nothing changes. And I agree with Mr. Toohey there. I believe there also still needs to be, whether we adopt it or not, whether we request or ask that it be brought into the Code, those issues in East Campus are not resolved, whether that overlay sits outside of the ordinance or whether that sits inside the ordinance. Bringing the overlay in as is with the -- the technical changes needed to make it look like it belongs in the UDC does not change the status quo. I would be more favorable to doing that and dropping that -- there was a side note there, Mr. Zenner? That should hopefully address some of the concerns that the nonresident property owners have manifested here tonight, and I think it's very valid. As Mr. Zenner said, it's a perception issue. It's a not -- it seems as if we're not listening, but we don't -- if we do that, we have not -- we've addressed Mr. Toohey's concern, we haven't done anything to the East Campus Overlay, and -- and we, going forward, this will still have to be addressed whether it's in or out. So, I'm with Ms. Loe with one -- with the caveat of dropping that out. That's where I'm at on this.

MR. STRODTMAN: Any additional discussion on this question before we call for a roll call? I see none. Can we have roll call for the amendment?

MS. BURNS: The first amendment.

MR. STRODTMAN: The first amendment.

MS. BURNS: And let me again removing overlay sections pertaining to the overlay districts from the UDC document. Okay?

MR. STRODTMAN: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Harder, Ms. Rushing, Mr. Toohey. Voting No: Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Russell, Ms. Burns, Ms. Loe. Motion denied 6-3.

MS. BURNS: Okay. We have five nos and three -- no. Wait. Sorry. Six nos and three yeses. Motion for amendment does not pass.

MR. STRODTMAN: Commissioners, is there additional amendments to discuss? Ms. Russell?

MS. RUSSELL: Okay. So we don't need that second amendment since we didn't pass the first one?

MS. RUSHING: No, you don't.

MR. STRODTMAN: Correct. You're correct on that.

MS. RUSSELL: I'm not sure how to phrase this one, but as regards to the East Campus Overlay,

the amendment or the PRZ 66, I think we should strike that, put that back in there, and let City Council figure that one out.

MR. STRODTMAN: Ms. Russell, for clarification, you would like to strike the RZ 66 [sic] comment and leave everything else as is?

MS. RUSSELL: Correct.

MR. STRODTMAN: That -- do we have a second?

MR. MACMANN: Second.

MR. STRODTMAN: Mr. MacMann, second.

MR. MACMANN: I second that.

MR. STRODTMAN: Commissioners, discussion on that amendment? May we have a roll call, please?

MS. BURNS: I would like just a minute, please.

MR. STRODTMAN: Sorry. We need some discussion to give her time.

MS. BURNS: I just want to read this back, that we -- Ms. Russell moved and it was seconded by --

MR. STRODTMAN: Mr. MacMann.

MS. BURNS: Thank you. -- that we are going to remove PRZ comment 66 as it pertains to this section of the Code?

MS. RUSSELL: Correct.

MS. BURNS: Okay. Give me just a minute.

MR. STRODTMAN: You're fine.

MR. HARDER: So in discussion can we restate that -- what that wording is possibly?

MR. STRODTMAN: Yes. Comment PRZ 66, per law, this provision is potentially illegal and recommends its removal or modification to not limit Council's ability to revise the overall if necessary and in the public interest. So that particular comment would be stricken from the document.

MR. HARDER: Okay.

MR. STRODTMAN: Am I correct in that?

MR. MACMANN: That was your intent, Ms. Russell?

MS. RUSSELL: Yes.

MR. MACMANN: Yes.

MR. STRODTMAN: Any additional discussion on that amendment? Yes, Mr. Stanton?

MR. STANTON: I get real nervous when we -- I see the intent of the City in protecting themselves. So I kind of feel like we're shooting the City in the foot. I mean, the lawyers want it in there for a reason, and I think we -- I don't have a law degree, but there must be some reason why it's there.

MS. RUSSELL: Well, I --

MR. STANTON: So somebody convince me why someone with a law degree would like or not like this in there. Please help me out.

MR. STRODTMAN: I think maybe I'll try to make a stab at it, Mr. Stanton. I think the intent with this comment was that for -- you know, for future specifically that this would not be a best-practice recommendation to allow an overlay such as East Campus to have the amendments as worded now. That's my understanding is that they don't -- the Council would -- does not like that wording in the fact that it will allow the -- you know, the owners of 50 percent or more of the parcels of land within the East Campus or upon the request of a committee the Council considers, so they would just like to, I think, clean that up and not have that language. Yes, Ms. Loe?

MS. LOE: Could maybe a revision to the amendments be that we not strike the comment, but recommend retaining Item F as written in -- in the ordinance, not that the language not be changed, that it remain as is so Council has the benefit of seeing counsel's comment, but Planning and Zoning recommends the language remain.

MS. RUSSELL: I would agree with that.

MR. MACMANN: Could you restate that? Just clarify it just a little for me?

MS. LOE: So instead of striking counsel's comment --

MR. ZENNER: Legal's comment.

MS. RUSSELL: Legal's counsel.

MS. LOE: Legal's comment.

MR. MACMANN: Not counsel.

MS. LOE: Thank you. -- that we recommend the language remain as is with the technical revisions.

MR. MACMANN: Okay.

MS. LOE: And the comment -- the comment can stay in, but we would recommend the language staying in.

MR. STRODTMAN: The original East --

MS. RUSSELL: East Campus language.

MS. LOE: The original language.

MR. STRODTMAN: From the overlay.

MS. RUSHING: It's still there, isn't it? Isn't the original language still there?

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: I believe what Ms. Loe is suggesting is -- is the appropriate action. The comment was put in at the request of the law department as advisory. You have looked at the advisory comment, you have acknowledged the advisory comment, you are making a motion to ignore the advisory comment and move the overlay forward. And that is how the motion -- the way that the motion is being suggested is approve -- approve to retain the overlays as shown in the UDC with the acknowledgment that Section F of the East Campus Overlay shall be retained as written against the advice of legal staff.

MS. RUSHING: Second.

MR. STRODTMAN: So we'll give you guys a chance to get that. Commissioners, additional

discussion or clarification?

MS. RUSHING: The person making the motion should probably say, yeah, that's what I meant.

MR. STRODTMAN: She's -- she's reviewing it now.

MS. LOE: And words -- can you repeat what you said?

MS. RUSSELL: Have her repeat that motion for you.

MS. BURNS: Repeat what you just said slowly.

MR. ZENNER: Can I repeat that motion for you? Make sure I've got this right. The motion on the table at this point is to retain the overlays in the UDC Correct? First, clarify that for me. Okay. So your motion should read retain the East -- retain the overlays within the UDC and retain the existing language in paragraph F of the East Campus Overlay as written. Just stop it at that point. As we devise the staff report at the time that this document must go forward, we will capture what the Commission was thinking when they said they wanted to retain paragraph F. Other than that, it will come out in the minutes, as well, so --

MR. STRODTMAN: Ms. Russell, since you made the amendment motion, once you're comfortable, would you read it out for us, please?

MS. RUSSELL: Okay. I move that we retain the overlays in the UDC and retain the existing language in paragraph F as written --

MS. LOE: In the East --

MS. RUSSELL: -- in the East Campus Overlay.

MR. STANTON: Second.

MR. STRODTMAN: We already had a second on it, so --

MS. BURNS: Mr. MacMann.

MS. RUSHING: No, go ahead.

MR. STRODTMAN: Mr. MacMann, did you want to withdraw --

MR. MACMANN: As restated, I second that motion.

MR. STRODTMAN: Commissioners, discussion on this amendment? Mr. Harder?

MR. HARDER: Can I clarify? So you're saying just --

MR. STANTON: Leave it alone.

MR. HARDER: -- leave it -- basically, we don't do anything with it. Okay. All right. I just wanted to double-check.

MR. STRODTMAN: Any additional discussion? May we have a roll call, please, if you're ready?

MS. BURNS: Yes.

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

MS. BURNS: Nine votes yes. Motion carries -- amendment carries.

MR. STRODTMAN: Thank you, Ms. Secretary. Additional amendments or we move on?

Additional amendments? Ms. Loe?

MS. LOE: Yes. With respect to artisan industry –

MR. STRODTMAN: Yes, ma'am.

MS. LOE: -- I would like to make a motion that includes language that allows accessory retail.

So I think we need to delete --

MS. RUSSELL: The last sentence?

MS. LOE: -- the last sentence of the definition that specifically disallows that, and I would like to include language that does allow accessory retail.

MR. STRODTMAN: So do you have such language or did you want us to craft -- so that your -- your motion right now would be to remove the last sentence, which is the sale of goods produced on the premises to the public is permitted, but the sale of goods produced off site is not permitted? So that sentence would be removed?

MS. LOE: Strike that.

MR. STRODTMAN: Okay.

MS. LOE: Related or branded retail. I don't think we even need to define it that much. According to Mr. Zenner, retail is retail is retail, so --

MR. STRODTMAN: Mr. Teddy?

MR. TEDDY: If I may, deleting that last sentence and then just adding retail sales where it says "accessory uses include". If it's accessory, it's not going to dominate the operation and we're not specifying where the retail goods come from, you know. It would be merchandise and things related to the establishment and the primary purpose of the establishment would be artisan industry -- the making of things.

MR. STRODTMAN: So, Mr. Teddy, your thoughts are the sale of goods produced on the premises to the public is permitted; i.e., the breweries and things can make their goods onsite, as well as accessory retail products related to the business or the primary business?

MR. TEDDY: Yeah. And you can --

MS. LOE: Or just and accessory retail.

MS. RUSSELL: Uh-huh.

MR. ZENNER: I believe what Mr. Teddy is suggesting is the sentence above what you're proposing to delete that begins with "accessory uses including teaching of the skills to others in the course of fabrication, preparation, or production, and outdoor seating areas". And the way -- the way that the retail component could be addressed is accessory uses including making it possessive or plural, including, but not limited to retail, teaching of these skills to others in the course of fabrication, preparation, or production, and outdoor seating areas, and strike the entire last sentence.

MS. LOE: I'll accept that. Do you want me to restate it?

MS. BURNS: Please.

MR. STRODTMAN: Ms. Burns would like for you to restate it.

MS. LOE: I would like to move that the definition of artisan industry be modified such that the last full sentence is stricken, and the word "retail" is inserted in front of --

MR. STRODTMAN: Teaching.

MS. LOE: -- teaching.

MR. STRODTMAN: So it would read accessory uses including retail, teaching of these skills to others in the course of fabrication, preparation, or production, and outdoor seating areas?

MS. LOE: Correct.

MS. RUSSELL: I'll second that.

MR. STRODTMAN: We have an amendment. A motion has been and seconded by Ms. Russell. Commissioners, do we have discussion on this amendment? I see none. If you're ready, Ms. Burns. Oh, she's ready. Let's -- roll call, please.

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

MS. BURNS: Motion carries 9-0.

MR. STRODTMAN: Commissioners, additional amendments to this -- the overall section motion? I just had a real quick question. Mr. Zenner, can we go back to the nonconforming use and the six months that Ms. Smith brought up earlier. Where exactly -- where does it reference the actual six months, so I could quickly just read --

MS. RUSHING: Page 361.

MR. STRODTMAN: So it's much farther -- 361.

MS. RUSHING: Uh-huh.

MR. STRODTMAN: I'll hold my comment to later. Additional comments, amendments? So as I see none, then we would be moving on to Section [sic] Two; is that correct, Mr. Zenner?

MR. ZENNER: We would, and if you would like to, we could take a break.

MR. STRODTMAN: Yes, we would. Yes. We will take a 15-minute break -- so -- ten. We'll do a ten-minute, something like that. So we'll be back in just a few minutes, like about seven minutes till.

(Off the record.)

MR. STRODTMAN: If I could have everybody get back to your seats, we'll get started. If everybody will grab your seats, we are going to get started, please. We'll go ahead and call the meeting back to order, and thank you for the -- your patience. Pat, did I do something with this?

MR. ZENNER: No.

MR. STRODTMAN: No. We'll go ahead and move on to Section [sic] Two, and we'll start with the staff presentation.

SEGMENT TWO

PERMITTED USES (CHAPTER 29-3) AND FORM AND DEVELOPMENT CONTROLS (CHAPTER 29-4.1).

MR. STRODTMAN: Mr. Zenner, please?

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

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

MS. LOE: Mr. Zenner, I had one question. On the median setback, you mentioned that it was the nearest developed sites, and that could be on the other side of the street?

MR. ZENNER: It is on the same side of the street.

MS. LOE: All right. Thank you.

MR. ZENNER: We do not jump the street to get the setback.

MS. LOE: Thank you.

MR. STRODTMAN: Additional questions, Commissioners? Mr. Zenner, could you -- for a higher education institution, the process to include or add additional property that is owned by that institution would come through the Commission and would have an approval process to add or delete buildings that may or may not be under that institution's ownership; is that correct?

MR. ZENNER: That is correct. It applies to all -- all academic institutions other than the University of Missouri.

MR. STRODTMAN: Right. Which is not applicable --

MR. ZENNER: That is correct.

MR. STRODTMAN: -- in this case. Okay. So for other institutions, if there were additions or subtractions, then they could take care of those matters. Okay. Commissioners? With that said, if I see no one, we will open this to the public input portion of Segment Two.

PUBLIC HEARING OPENED

MR. STRODTMAN: So as is before, five minutes. Please give us your name and address and don't be shy, Mr. Land.

MR. LAND: Paul Land, 2501 Bernadette. Ms. Smith got up earlier tonight and spoke specifically about a property she has, but it wasn't unique to her. There are throughout the community places where mechanical and construction contractors are located in C-3 Districts. This will be changed to M-C as a conditional use in the future. All C-3 uses will fall under M-C. But these uses are being transferred from what was originally proposed to be a permitted use to now a conditional use, and that's a problem. We would respectfully ask that these uses that are now permitted in C-3 be allowed to carry on in the new designation M-C. Without that, if there is a changeover and a downtime in that property of longer than six months, those uses could be lost without a conditional use, and that would require three steps: We would have to meet with the director to give us a ruling; we would have to come to the Planning & Zoning to give us a ruling; and we would have to go to the City Council to give us a ruling. That could take two and a half months to get that done. In the meantime, our best prospect may have moved on to another community. So I think this is an opportunity to correct that in this area. Under the definition of mechanical and construction contractors are additional uses -- rental, agencies like U-Haul or Lindsey Rental type of business, so I think that these are appropriate uses to where this ought to be addressed.

On page 167 in this document, I need some clarification. Let me get to that page. This describes trees and landscaping services, When such use is located in the M-C or M-PD District --- MBP District, the following standards shall apply: No outside storage of materials intended for sale, i.e. mulch, dirt or similar products shall be located on the site. Well, this is a use. Retail is retail is retail is what I heard, but we can't allow these people in this retail business to keep their product on the site. I need some clarification on that. That concludes my comments.

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

MR. GRIGGS: Good after-- good evening; I am Dave Griggs. I have a business at 801 Business Loop 70 East, and I reside at 6420 Highway VV. Since I haven't spoken tonight, I want to offer some preliminary comments, so I'll take -- and I will stay in the time frame. First, I want to offer special thanks to the Planning and Zoning Commission for spending countless hours on this process. I know that many of you have just worked your tails off on it, and the community appreciates that and you need to know that. The proposed changes in this ordinance, as I'm understanding it was designed to make the process simpler, which I would absolutely totally support. That said, this proposal seems in so many parts to be more confusing, contradictory, and more difficult to understand. And I'm frankly concerned that this proposal may, in fact, impede commercial development and reinvestment in our community. Investors, no matter how large or how small, want comfort and understanding in the process of developing a piece of property. They want to know what needs to be done today, they want to know who it is going to impact their piece of property tomorrow, and the banker who loans them the money to do whatever they want to do certainly wants those reassurances. There is a provision in this, and Paul just addressed this pertaining to B site, but I'll extrapolate on that that says a building housing a nonconforming use cannot be vacant for a period of longer than six months without potentially using the opportunity to lease or sell that building to someone with a similar use. I think that is a very unreasonable time frame. What happens if an owner dies? How long would it take to take a commercial estate through probate? I promise it is a whole lot longer than six months. In the particular case of the building that I have, it acted as a homeless shelter for about three and a half years before I bought it. It took over a year to rehabilitate the property and make it occupiable. Six months is just not practical. Added into that, a future economic downturn like we have just recovered from and that six months or that three years may become five years to market that piece of property. As I understand it, the ordinance originally stated a 12 month time frame. A request was submitted to extend it to 24 months, and a response to that request is this six month period. Six months, and I'll reiterate, is simply not long enough to clean up, repair, remodel for a new tenant and market a commercial property in today's world. We just need to be realistic. This section alone will discourage commercial property investment if we insist on keeping a time frame of less than 24 months. I would request that there is some specific stated avenue for an owner to go to the Board of Adjustment or someone to get a time frame extension -- request anyway a time frame extension beyond that time frame. I want to bring up another concern with one of my hats on, and that's a concern from my REDI perspective. I understand there is a three-year time limit on maintaining a preliminary plat.

While I think I understand the goal of not allowing large tracts to sit idle indefinitely, I find this to be really, really restrictive. And I'll site an example. I think everyone is familiar with the Sutter tract, the very large industrial tract that is off of Waco Road that the City actually owns that has been a State certified site since 2011 and was zoned commercial long before that. It is still a vacant piece of property. We show that to all kinds of prospects. It is still a vacant piece of property. It is a prime industrial site immediately adjacent to the COLT Railroad, Route B, excellent utilities on site. Obviously, it takes time to do these things. I apologize that I don't know the exact date it first became zoned industrial, but it is obviously well over that three year time frame. I strongly urge consideration of a longer time frame, especially on industrial properties. These sites require substantial investments in cash, in City infrastructure, in planning resources to get utilities to the site. Three years is just not enough time. Larger companies demand assurance so they can commit to a site and proceed. They simply will not commit to locate on a piece of property with knowledge that the property has to be rezoned, that the property has to fight to get infrastructure, and they have to worry about getting utilities. They want -- they want assurance that what they are looking at is real. Three years sounds like a lot of time, but in a commercial industrial development world, it is simply not the case. The current year standard is far more acceptable in that case. And I thank you very much.

MR. STRODTMAN: Is there any questions for this speaker? I see none. Thank you, Mr. Griggs.

MR. GRIGGS: Thank you.

MR. MACMANN: Mr. Strodman?

MR. STRODTMAN: Yes, Mr. MacMann?

MR. MACMANN: Could you instruct the speakers to perhaps get a little closer to the mic? I'm having a little bit of difficulty --

MR. STRODTMAN: Thank you.

MR. MACMANN: -- hearing clearly. Thank you.

MR. STRODTMAN: Come on up.

MS. MALEDY: Hello, my name is Teresa Maledy. I am president of Commerce Bank with our main headquarters at 901 East Broadway. I just wanted to agree with Mr. Zenner's comment earlier and request that language be amended or expanded to allow banks and financial services to be considered a permitted use on the ground level. Banks consider their lobbies as a retail outlet, and it would be better if it was reflected immediately in the ordinance. I also would want to agree and concur with the items brought forward by Mr. Griggs. As a REDI board member I would share the same concerns and also as a bank that lends to commercial property owners, the time frame could very much impact the viability of a building. Thank you.

MR. STRODTMAN: Do you have any questions for this speaker? I have one. How long do you see residential? We've talked a little bit about industrial and commercial, but from a banker's standpoint, how would you speak to the residential side of it for a three year?

MS. MALEDY: We generally do more custom lending as opposed to speculative, and so I would

have to dig into that a little bit more to know if that would affect us on a very regular basis, but I think allowing time for things to develop properly would benefit everybody.

MR. STRODTMAN: Thank you.

MS. MALEDY: Okay.

MR. COLBERT: Good evening. Caleb Colbert, attorney at 601 East Broadway. And I also wanted to echo to the folks that have thanked all of the Commissioners and the staff for their time. This is a major commitment to the community and we appreciate all of your service. I did want to follow up on one -- as I like to do, I like to cross-exam Mr. Zenner, so I'm going to ask a quick question. So I did understand that -- banks, we don't know where they fit on the permitted use table as of today; is that --

MR. ZENNER: They are not listed.

MR. COLBERT: Okay.

MR. ZENNER: So they are in limbo.

MR. COLBERT: To me, that is a major issue. I mean, banks are some of the largest property owners in Columbia, particularly in downtown. And I think that is an issue that absolutely must be resolved before this Commission sends any ordinance forward. So respectfully, I would ask that that would be something that we tackle this evening or in a future meeting, if we need future meetings. Second comment, I believe some commercial uses were deleted out of the M-1 District -- out of the Industrial District. Is that a fair characterization?

MR. ZENNER: I would suggest to you that restaurants, bars and taverns are the two uses that I have been able to directly identify as being gone.

MR. COLBERT: Thanks, Pat. I would suggest that those be added back as permitted uses in the I-G District in the permitted use table. Alternatively, if you're not -- if you would prefer that the Industrial District be a strictly specialized Industrial District, they could be added as conditional uses. A conditional use would allow someone that owns a restaurant today in industrial property to automatically be granted that conditional use. Having a conditional use from a property owner perspective, from an investor perspective, having a conditional use permit is better than being a legal nonconforming use. And so that's -- those are the changes that I would ask this Commission to make in this segment. Thank you.

MR. STRODTMAN: Any questions for this speaker?

MR. HARDER: Yes.

MR. STRODTMAN: Mr. Harder, go ahead.

MR. HARDER: So restaurants would be --

MR. STRODTMAN: Can you speak up?

MR. HARDER: Oh, I apologize. So restaurants would be in industrial zoning? Is that --

MR. COLBERT: Right. So today in M-1 you can have a restaurant and you can have a bar. You can have all the C-3 uses. In the new I-G District, those C-3 uses have been modified.

MR. HARDER: Oh, okay.

MR. COLBERT: And they've pulled restaurants, bars and nightclubs out of the I-G District. And

that's significant because there are properties both along 763 and north of downtown where a reasonably likely use of that property is as a restaurant or a bar or something of that nature.

MR. HARDER: Thank you.

MR. STRODTMAN: Any additional? Mr. MacMann?

MR. MACMANN: Mr. Colbert, you wouldn't have any problem with these banks or restaurants or anything being used in the I-G as being additional?

MR. COLBERT: As far as the restaurants? No. If -- they were shown on the permitted use as being conditional uses, I think that would be appropriate.

MR. MACMANN: So the middle ground would be okay in this?

MR. COLBERT: Yeah. I think that is a reasonable compromise.

MR. MACMANN: All right. Thank you.

MR. COLBERT: Thank you.

MR. STRODTMAN: Thank you, Mr. Colbert.

MR. CULLIMORE: Dan Cullimore, 715 Lyon Street. I don't often find myself agreeing with Paul Land, but I think his request for extensions of the six month period is probably reasonable in the case of many properties. Likewise, with the request for longer than three years for industrial properties, I think that is probably a reasonable request. I have a concern about where a tiny house might fit into the permitted uses and on what sort of property that might be designed. According to the International Building Code Residential Code, a single residence may be as small as 88 square feet. Tiny houses are being used in many communities as a way of addressing homelessness and affordability, and yet as I look at these tables for dimensional standards and permitted uses, I don't see anywhere in Columbia where we could do that. Even the cottage standards are in excess of what would be needed for tiny houses. Tiny houses need not be mobile. And I've heard some suggestions from our community that they will be just considered a mobile home and placed as a temporary structure, and yet, they can be permanently sited on a permanent foundation. And so I would encourage us to consider where that might occur in Columbia and make provision for that. Thank you.

MR. STRODTMAN: Do we have any questions? Ms. Loe?

MS. LOE: Is there a minimum square footage requirement for homes? My understanding was that had been removed.

MR. CULLIMORE: From this Code?

MS. LOE: Correct.

MR. ZENNER: That is correct.

MR. CULLIMORE: But you are still dealing with the site and the minimum requirements for a lot and so I think that is an issue to contend with.

MS. LOE: So it is lot size, not house size?

MR. CULLIMORE: I think in most communities what is the -- what has held up development of those kinds of housing availabilities is exactly the subdivision standards and not the building size

standards.

MS. LOE: Thank you.

MR. TOOHEY: Can I ask you a quick question? So when you talked about -- you mentioned about going from seven to three with three with too short of a time, but you only mentioned industrial property. Do you think it should be for all properties or just industrial for the preliminary plat?

MR. CULLIMORE: I mentioned commercial and industrial.

MR. TOOHEY: But not -- but not residential.

MR. CULLIMORE: I -- I think residential is problematic doing that, so, you know, there may be some -- some instances in which it is reasonable to extend that time frame, but I think for most residential purposes I don't know that that would be necessary.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Thank you, Mr. Cullimore. Just as a point of information and just to get this a little bit on the record, office use is not allowed? We're planning on addressing tiny houses after the UDO is developed, and it is noticeably lacking from previous meetings that I have attended with City staff and others. Many of the code and zoning things are in place, but they are certainly not all together, and no, they're not in this -- they're not -- there is no place near you to go and look and see tiny codes. But we haven't got there yet, and I think it is an oversight, but that is a whole other thing.

MR. CULLIMORE: I understand that the City is going to be hosting some sessions -- public sessions on affordability and homelessness, but I do want to get it on public record that there is no provision within this Code for tiny homes.

MR. MACMANN: I -- thank you. I agree with you 100 percent.

MR. CULLIMORE: All right. Thank you. Any other questions?

MR. STRODTMAN: Looks good. Thank you.

MR. CULLIMORE: Thank you.

MR. WILLIAMS: Hi there. Good evening. Matt Williams representing Landmark Bank, 801 East Broadway. First of all, I want to also echo the comments thanking you for your hard work. I can't imagine the amount of time and hours you have put in, and so thank you for that to both staff and Commission. I was going to talk about this in the subdivision section, but since the residential piece has gotten brought up, we're a pretty significant lender in the construction development industry. I would contend that the current seven year plan allowance is a minimum, and the reason for that is it allows us to be flexible and work with developers when you have a period of changing market conditions. You know, we went through a period from 2008 through 2010 where it was pretty rough in the residential development world, and so I would encourage you to consider that and allow us to have the flexibility to work with developers. The other thing, I understand that part of the reason for the reduction to three years was to limit speculation. And I can tell you there is nothing that strikes fear in a banker's heart more than the word speculation. I mean, we -- we don't deal well with that. But, you know, speculation is what -- what's made this community great and what has made our country great. You know, people have to take risks

and do things. And I would encourage you to allow us to evaluate those things. I think we are in a better position to understand the financial viability and also the market conditions in order to make those decisions. So with that, I'd take any questions you have.

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

MR. WILLIAMS: Thanks.

MR. ZENNER: Mr. Chairman, if I may remind you, the issue of subdivision will be brought up in a subsequent session, so if we can keep the topics --

MR. STRODTMAN: Understood.

MR. ZENNER: -- to the dimensional and the uses.

MR. TOMPKINS: I'm Mike Tompkins, 6000 Highway KK. I'm here representing actually myself as a builder and developer and the homebuilder's association. And he was kind of saying, I was hearing some of this and was kind of going to wait for another section, but absolutely seven years is barely enough time. If you look at our last economic downturn, what, it started in '08 or '09, you had some developments getting started. Many of them are still, you know, -- just, it took way more than three years to get through that and to be able to pick them back up. There is another part of it nobody mentioned, but you have to have one-third done too. Your preliminary plat, you have to have at least a third of the whole development done or it runs out. If you take a bigger development that is planned out for more time, that three years is nothing. I mean, look at Old Hawthorn. When it got going right before the downturn, a third of it wasn't done in three years. They're still now -- you know, they've surpassed that now, but -- so that would be really devastating, so I -- and I'll talk about some of the other stuff, I guess, when we get back to more of the subdivision stuff. That's in --

MR. STRODTMAN: It's in a later segment.

MR. TOMPKINS: -- like, Section Four.

MR. STRODTMAN: Yeah.

MR. ZENNER: Segment Four, that is correct.

MR. TOMPKINS: Okay. Okay. But anyway --

MR. STRODTMAN: We'll take responses --

MR. TOMPKINS: -- on this subject I'm on with that seven years is really not even enough in my opinion, so three is awful.

MR. STRODTMAN: Any questions of this speaker?

MR. STANTON: Yeah. What is your golden number? I mean, we can't make it indefinite, so what would be --

MR. TOMPKINS: Well, I would stick with the seven years we have, unless we can go to ten.

MR. STRODTMAN: Thank --

MR. STANTON: Thank you.

MR. STRODTMAN: Any additional question? Thank you, Mr. Tompkins.

MR. ZENNER: Clarification for the Commission, please. When we get to the appropriate section, there is a misunderstanding of the definition and the provision that has been proposed and what it means, and we will provide the clarification of that at the appropriate time if you will allow us before we get too wrapped up into the three versus seven versus --

MR. STRODTMAN: I understand.

MR. ZENNER: -- something else.

MR. STRODTMAN: So, we'll hold this conversation until a later time, but we do appreciate you coming up and giving us --

MR. TOMPKINS: All right. Thank you.

MR. STRODTMAN: Thank you. Any other additional comments on the Segment Two?

MR. GAVAN: Jason Gavan, 5314 Highlands Parkway. Regarding the usage for the downtown area specifically, correct me -- I'm asking a question, actually. I understood that Clarion and Associates recommended that we go to form-based zoning, but we're talking about uses, so how did we go from form based zoning to use-based zoning and some combination of those? And why was Clarion's recommendation to go with form-based zoning ignored or countered? You can answer that question as I seat myself.

MR. STRODTMAN: I would -- staff, do you want to comment?

MR. TEDDY: Well, we'll get to that as well. The M-DT is a form-based District.

MR. STRODTMAN: Sounds good.

MR. TEDDY: It's what we call a hybrid code. The downtown zoning is form-based; the rest is a conventional code, sometimes called use-based.

MR. STRODTMAN: So stay tuned to the M-DT Section, and we'll spend more time on that topic for you, Mr. Gavan. Was there any questions for that speaker? Thank you.

MS. CARLSON: Rhonda Carlson, 1110 Willow Creek. And my comment is on the conditional use part of this. As you go through and they change the different zoning classifications, do you know how many -- probably more specifically to the staff, how many conditional uses are changing and how many different categories? Mainly because they do go to the Board of Adjustment, and having a long time ago been on the Board of Adjustment, if you are not a singular owner when going to the Board of Adjustment, you do need to hire counsel -- no offense -- to represent you, which is just another layer of expense that is involved in getting a conditional use approved. So I just wondered how many -- how many different layers now we've added on when we've combined these zoning classifications instead of allowing, like, when we would go from R-1 to R-2, it said everything in R-1 is allowed in R-2. And then there might be a conditional use. Now we're saying there's additional conditional uses as we've moved all of these together into one. I just -- that's my question to you, because now we've added layers and expense possibly. Thank you.

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

MR. TRABUE: Tom Trabue, 1901 Pennsylvania. The devil is in the details. I'm not going to go

on over the misspellings or anything. I'll take care of those later, but there are a couple of items in this section that I am concerned about. The first one is on page 157, and it's dealing with self-service storage facilities. And I don't really care about the self-service storage facility, but there is a definition in here that indicates a property shall not be adjacent to or no structure shall be within 100 foot of a lot that is residentially zoned or used. And this shows up a number of times in the ordinance, and I have a lot of difficulty with this idea that we control a use or put a condition based on what the adjoining property is used at rather than zoned. I think that puts a lot of risk on property owners. Zoning is very certain. If the property adjacent to me is zoned residential, I know that. I know that I can't put in this case a self-service storage facility next to it, but if it's zoned office and residential can be in that office zoning, I have no expect-- I don't anticipate that a residential use will occur there, and so that creates a great deal of risk for me. If that owner of that adjacent property decides they want to stop my use, they just have to put a house there. And so I -- and again, I don't have an issue with the self-storage service -- storage facility, it's just an example of where that comes in, and it does show up a couple of other places. This is a zoning code, and I think we should control those uses based on something that is very specific as opposed to a use that can change really at the whim of a property owner. A second item I have is on page 166, and this has to do with outdoor storage in residential districts. I think this is just an error, but it's -- but I think it's a substantive error. Paragraph number (4) it says, "Vehicles with gross weight exceeding one ton" -- and then it goes into boats and trailers and all of that stuff -- "shall not be permitted to be stored outside in any residential district". One ton is a very, very low threshold. I -- Tim, any -- Pat, can you tell me what's going on there? I know I can't park my 12,000 pound boat and store it in my yard, but a one-ton gross vehicle weight vehicle is my X3.

MR. TEDDY: Talking about a commercial vehicle in a residential area?

MR. TRABUE: No, it just says outdoor storage in residential districts.

MR. ZENNER: It's the outdoor storage. Tom, I'd -- we'd have to look back. I would have to see if it is in the existing Code. In the back of my mind I recall -- no, it's not noted as a new definition. It's not noted as anything new.

MR. TRABUE: Right. I know --

MR. ZENNER: And in the back of mind, I recall a concern that was expressed at one point several years ago that this may have been generated out of that as it related to somebody unfortunately parking their tractor trailer truck in the residential neighborhood on the public street.

MR. TRABUE: Right.

MR. ZENNER: And it may have gone -- we have to go back and do a little bit of research on it. A one-ton pickup truck would be prohibited from being able to park on your driveway.

MR. TRABUE: And that was my fear.

MR. ZENNER: So --

MR. TEDDY: This was public comment. This is what --

MR. TRABUE: Right.

MR. ZENNER: So it --- it -- very good point.

MR. TRABUE: Well, and, you know, I'm -- I'm tickled to death that we're doing a complete rewrite. I know I may be in the minority there. I think that is a great way to bring these things together. The unintended consequence is it opens the door for a lot of changes, and in this case, this may be an appropriate one to fix. So that's the only comments I have there.

MR. STRODTMAN: Any questions? Mr. MacMann?

MR. MACMANN: Just really quick. Mr. Trabue, give me a threshold. What do you think?

MR. TRABUE: Oh, for a vehicle weight?

MR. MACMANN: Sure.

MR. TRABUE: Oh, gosh, I don't know.

MR. MACMANN: I'm just wondering if --

MR. TRABUE: I mean, I -- I --

MR. MACMANN: -- we got -- if we were to --

MR. TRABUE: -- think --

MR. MACMANN: -- go back and fix it.

MR. TRABUE: I think the -- I think the intent is, is that we don't have large commercial vehicles being parked and stored in residential areas. And so I would say anything that would be over a three-quarter ton or maybe a one-ton pickup would be appropriate. Somebody else will have to tell me what the gross vehicle weight of a one-ton pickup is.

MR. MACMANN: All right. I just wondered if you had a threshold in mind.

MR. TRABUE: I do not. I -- I apologize for that.

MR. MACMANN: Thank you. No, that's okay.

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

MR. BURCHFIELD: Mr. Chairman, members of the Commission, Jay Burchfield with offices at 302 Campusview Drive. In addition to some of those commercial uses in the I-G District -- I know you specifically talked about restaurant, but I would also request that you would include police and fire, higher ed, community and rec, and temporary sales and leasing offices, whether they are conditional or whatever, but --

MR. ZENNER: Did you say higher education, Mr. Burchfield?

MR. BURCHFIELD: Sure. Yes.

MR. STRODTMAN: So, Mr. Burchfield, it is police, fire, higher education, meeting and rec center, restaurant, temporary sales and leasing offices. To give you a good example, the -- we have property on Lemone Industrial. The entrance to it is C-3, which will now be M --

MR. ZENNER: C.

MR. BURCHFIELD: -- something.

MR. ZENNER: M-C.

MR. BURCHFIELD: M-C. The balance of it is M-C, which will now be I-G. You could have -- we

have a building there that abuts C-3 land today. It -- why wouldn't it be Westminster College's Columbia campus? We're getting a little hung up on industrial. We already preclude heavy industrial with a conditional use in the IG, so that leaves this big, intense, noisy, smelly, dangerous stuff as conditional as it is, we've kind of boiled down I-G to warehousing and distribution and office. Banks are even allowed in I-G.

MR. ZENNER: Again, there is -- there is a level at which land use incompatibility is part of what the decision-making process was as it relates to the districts as they are defined and what their intended purpose is. And therefore, as you come back to make changes, you have to look at what -- as one speaker said earlier this evening is the unintended consequence of locating uses that may then preclude others from being able to easily locate there. As a result, public opposition or occupying land that would otherwise -- should otherwise be reserved for the purposes of the higher order use such as a conditional heavy industrial use that may be precluded because the land has been occupied by a less appropriate use in that context. And that ultimately, you know, you could argue that every zoning district should allow every use so everybody has the maximum ability to use their land the way that they would like and it would create environments where nobody really would be happy because you would have possible conflicts everywhere. Zoning is a mixture of use separation as well as use mixing -- mixed use zoning districts allow for mixing of uses at scale. Our form-based code for downtown focuses more on urban design than it does on the use, but we do regulate use, and we regulate use so you don't create nonconformity and/or non-- incompatible uses. Your comment is valid and I think the Commission can weigh that. The choices that are in the table were made as a result of Clarion's initial belief, and then when staff went back and recalled through the table, our belief isn't related to a land pattern that we wanted to promote and protect in some instances, so we didn't have parcels being occupied by less than DEO uses. If you go to an M-BP and put in a higher education institution which is a business park district or rezone that I-G property to afford for that and then create other mechanisms, the Code does through its broadness in some instances allow for those types of things to occur. I'm not going to tell you it's ideal because --

MR. BURCHFIELD: I just didn't know what the difference between office and bank and --

MR. ZENNER: Office and bank --

MR. BURCHFIELD: -- higher end was.

MR. ZENNER: There may be none. They are defined, however, you know professional office and a bank are consistent, and they should be in the same zoning district.

MR. BURCHFIELD: But they are allowed an I-G?

MR. ZENNER: And I would agree. However, higher education and educational institutions in general, depending on what that educational institution is has a higher possibility of putting the population at risk related to the particular uses that may be occurring in that for truck traffic, for industrial related uses, and hence, you would probably want to prefer to keep high concentrations of population out of those types of areas generally because they do have a higher risk of possibly being injured. So that's,

you know, some of the rationale behind why we segregate uses in some instances, trying to protect the general welfare of the public. That's why we don't allow residential development in industrial zoning districts because it is a wholly inappropriate land use given the impacts that can be imposed upon those residents.

MR. TRABUE: Okay. And then in order of housekeeping, it might be good -- I would love to have this 400 page document in Word so that we can easily search and look and find things. As I scrolled through I skipped over what I was looking for for about two hours because the heading said, Flood Plain Overlay. And I would like to have searched something in a Word document that would be easier to manage.

MR. ZENNER: The search and find or the Ctrl F in a PDF is not sufficient to --

MR. TRABUE: I don't -- I don't know. Maybe that is a way to do it.

MR. ZENNER: That would be the way to do it. We are -- this is a non-editable document. We do not want the public to bring in versions of it. That is why it is not released in a Word version. So if you use Ctrl F in the PDF Adobe Acrobat, type in your key word, you should be able to find anything within the document.

MR. TRABUE: Okay. Thank you. That's it, sir.

MR. STRODTMAN: Any questions for this speaker? Not seeing any. Thank you, Mr. Burchfield.

MR. CROCKETT: Mr. Chairman, members of the Commission, Tim Crockett, Crockett Engineering, 2608 North Stadium. A couple of brief comments. First of all, I would like to strongly concur with Mr. Trabue's assessment with regard to -- with regard to his example of the self-storage unit. When the document refers to within a certain distance of a lot that is residentially zoned or used, he gave a great example of that. I strongly concur with that. The situation is, is if I buy a piece of property that is zoned for many storage units today, you buy a lot next door that is zoned commercial, you can build a house there and you can completely block what I want to do with my piece of property. The intended use was always to be something in the industrial realm; however, simply because you built a home on a commercial zoned piece of property, you are able to stop that from taking place, and I don't think that is really the incidence that should take place. The other small item I would like to talk about is in the dimensional standard and the table for residential districts. It talks about minimum lot width for attached - - attached homes is 30 feet. I would like to see that something more along the lines of 24 feet. We have done several attached single-family developments in the last ten years, and typically 24 -- really 22 to 26 feet is really that sweet spot where everything lines up in that home. Thirty feet is going to create those homes, those attached single-family houses or units to be larger. We talk about trying to be more affordable and tiny homes. Well, these certainly aren't tiny homes, but we want to be very efficient in the land use. We don't want 30 feet wide if the home doesn't need to be 30 feet wide. If that is just going to be additional costs we're going to pass on to a homeowner and we're trying to build affordable units, it kind of defeats the purpose in my mind. So I would like to see that 30 feet to be less -- less than 30. Somewhere around 24 would be -- would be more ideal in my mind. Thank you .

MR. STRODTMAN: Any questions for this speaker? Thank you, Mr. Crockett.

MR. FARNEN: My name is Mark Farnen, 103 East Brandon, Columbia, Missouri. I just want to agree and add just a tiny bit to some things that have already been said. I do think that M-1 does not migrate well to I-G and that adding back in those C-3 uses, whether they are conditional or regular, I think that that is important. And part of the reason that I think it is is that I know that part of the motivation to change the zoning classifications is they think that M-1 or I-G is not really compatible with the downtown kind of a use, that that is the old style. And maybe it is, but we are going to have some things that are still here for a long time that are in that M-1 and they ought to be able to go forward. But if you are trying to get it to be something different, then what you should do is make those uses allowed, and then over time they may adopt them and it goes away that -- the M-1 goes away by itself because you have allowed them to become a bar or a restaurant or a nightclub, which more closely fits with what downtown uses might be. So let them do it and they'll change it for you rather than you having to change it artificially now. I won't get into the expiration of the other thing. Tom Trabue is exactly correct. He is in the minority in thinking that he -- we ought to change this whole Code and all parts of it. But I agree with him on the rule that Tim Crockett also talked about, about having a storage facility within 100 feet of something that is used as a single-family home. I want to expand on that as well and think that if there are two lots that are next to each other and you want to build a storage unit on one or multi-family or whatever, and you have another lot next door that is being used as a single-family home but not necessarily zoned that way, why shouldn't it be discretionary if you have permission from the owner of the single-family home? So -- and -- or what if I owned both properties, and on one property I have a single-family home and I want to build storage units next door? I would be precluding my own self from doing what I want to do because there is no exemption for that in there. So why not let it be in addition to allowed discretionary at least? So if I do have permission, that way I'm not protecting anybody because somebody lived next door. My dad could own that lot; I could own this one. I ought to be able to have that and make that be -- the nonconforming uses, the expansion from the two years? I think it should be expanded to two years from the six months that has been mentioned several times. And thank you, thank you, thank you, for changing the language about the funeral homes that was so aptly pointed out in this section. That was the right thing to do and wonderful work in that regard. And if anybody needs to make a motion or suggest that we look at the clock, I'm happy to do that at this time as well. Thank you for your time.

MR. STRODTMAN: Any questions for this speaker?

MR. FARNEN: Oh, yeah.

MR. STRODTMAN: Thank you, Mr. Farnen. Just trying to get you dizzy.

MS. CRAWFORD: Thank all of you. You all work --

MR. STRODTMAN: You might --

MS. CRAWFORD: -- really hard --

MR. STRODTMAN: -- need to pull that microphone down so we can -- the recorder can hear you. And can we have your name and address, please?

MS. CRAWFORD: Yes. My name is Virginia Crawford. I live at 3316 Woodrail Terrace. I would like to thank all of you for the hundreds of hours I know you've spent getting all of these very important issues together. I have heard people touch on this subject, but I haven't heard someone direct -- just speak on it real specifically on the neighborhood protection standards. It seems to me that there might be one minor flaw in the thing where one neighbor is pitted against another neighbor or you could have several neighbors not liking one neighbor on that street and they want to get them downzoned. So they start at one end and just, you know, follow along, and you have neighbors who can really affect your property. If you want to go to sell it or if it burned down and you lost your zoning and had to go along with what the other neighbors had zoned theirs as, I think that is kind of something that ought to be ironed out in some way so that it didn't promote conflict between neighbors. It's just, you know, human beings being what they are, they are not perfect, and I can see some conflict arising in neighborhoods because of that. And that's about all I have to say on that. And by the way, my car weighs 300 pounds, just in case you wanted to know. And I hope I can still park it in my driveway.

MR. STRODTMAN: Are there any questions for this speaker? I see none. Thank you, Ms. Crawford.

MS. CRAWFORD: Thank you.

MR. STRODTMAN: Appreciate it. Yes. Thank you.

MR. GERDING: Good evening. My name is Bob Gerding, and I live in beautiful downtown Columbia at 101 South Fifth Street, and proud to live there and happy to -- happy to be part of this community. One quick thing is the issue that directly impacts me and my son's business is the industrial zoning -- the I-G zoning that's proposed for the Park Avenue. And so in the definition part of the I-G zoning, restaurants, bars and nightclubs will not be allowed, and he owns the Rose Music Hall. So all of a sudden, that becomes a nonconforming use. And so we would ask that at a minimum existing restaurants, bars and nightclubs be allowed as a conditional use and would hope that you would consider that. And then I had a question. I wasn't quite sure I heard right about banks and financial institutions, that they are not listed anywhere and they're not necessarily allowed downtown.

MR. TEDDY: They are part of office. They're part of an office use.

MR. GERDING: Part of an office.

MR. ZENNER: They are part of an office, and I apologize to the folks that are here. They are actually listed within the consolidation of office. They are not listed, however, as a personal service, which is the issue that comes up within the M-DTs urban general storefront requirements as it relates to the downtown. Many of our banks that we have currently are in the urban general storefront criteria, and as they are not considered a personal service, they potentially would not be allowed. However, if we look more broadly at the fact that they are considered a retail business, if that's how we would like to have them looked at, they would be. I would much rather prefer probably to cover it in both instances in order to ensure that there is no future confusion, that they are a personal service as well as they are an office use.

MR. GERDING: Okay.

MR. ZENNER: Office is specifically excluded as a permitted first floor use in the urban general storefront. It must be food, beverage, retail or personal services, and an office use doesn't fall there.

MR. GERDING: Oh, personal use if you got banks included --

MR. ZENNER: Would be okay then. Then we would be fine and they would be allowed downtown where they are today and they would be allowed elsewhere within the community under that same classification.

MR. GERDING: That needs to happen.

MR. STRODTMAN: I imagine that will happen, Mr. Gerding.

MR. GERDING: Thank you.

MR. STRODTMAN: Is there any questions for this speaker? Thank you, Mr. Gerding. We have time, so come up if you have something to say. No? We'll close this portion of the public input for Segment Two.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, questions, comments, discussions? Anything that we need to ask staff to clarify or do we want to jump right into some motions and some amendments? I'm thinking ace. Mr. Farnen talking about the clock. Yes, Ms. Rushing?

MS. RUSHING: Generally, my concerns actually are regarding the effect on some of the provisions in this section on the M-DT area. And so, again, it's kind of the same issue I had with the definitions. Do I wait until we get to M-DT and then go back to the sections in this area?

MR. STRODTMAN: Is it based on the use or something related to M-DT?

MS. RUSHING: It's -- one of them is the cap on four-bedroom apartments, just on page 136 and 139, and the M-DT area is exempt from that cap. And the other is on universal design, I guess that's not necessarily M-DT, so I'll go ahead and discuss it. Not requiring universal design for developments of 100 or fewer units, and I would propose a much lower maximum than that. I lived in an area that was a condominium development, and we had eight units in a building, and of those eight units, two units would have universal design. And it seems to me that any development over ten units should start providing some units with universal design. And that is consistent with Columbia Imagined, which is talking about accessible housing. Universal design is usually not all that expensive to provide.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: For staff, Mr. Zenner and Mr. Teddy, as far as the bank issue when we talk about personal service and retail service, do we need to talk about any additional language or do you feel like that is covered or do we need to add something to clarify it?

MR. ZENNER: I think when you -- the motion that would need to be made in my opinion would be to add banks and financial institutions into the personal services definition. Do something similar to what we did with the retail for the artisan industry. The other option is that we potentially could create a separate definition entirely for commercial services and incorporate just a single banks and financial

institutions into that land use of commercial services and then basically just a single use in the definition. My preference would be because it is in the office zoning district already, it's rolled in as part of the broader office consolidation, while not called out in the definition, it is called out in the footnote. It should be added to the definition as it is in the footnote and it should probably be added in my opinion to personal services for the purposes of clarity once and for all. I would prefer not to create an additional land use that only has one use within it per definition. It just doesn't seem to make practical sense. If we can incorporate it into something that is broader and have it as an allied use to the broader definition.

MS. BURNS: And I understand this is part of the amendment, but I'm willing to frame a motion so that we can start the amendment process.

MR. STRODTMAN: Sure. Go ahead.

MR. ZENNER: And if I may, just so before we move on, folks, Ms. Rushing, you had made a comment that with your concern as it related to the maximum number of bedrooms within multi-family, the use specific requirements of Chapter 3 for multi-family dwellings were excluded from M-DT. Did I hear that correctly?

MS. RUSHING: That was my understanding. Let me look at --

MR. ZENNER: Because I would like the reference if you would have it, please, because I do not have --

MS. RUSHING: Page 136.

MR. ZENNER: Okay.

MS. RUSHING: And it is Section 29-3.3(a). And then page 139, Section 29-3.3(d-8). And I do love this numbering system.

MR. ZENNER: Okay. So you were looking at 29-3.3(b), which is in the case of a conflict between these use specific standards and the requirements of Chapter 29-4, these use specific standards shall apply, except in the M-DT district, where the standards of the M-DT district shall apply. Is that where you are concluding that multi-family --

MS. RUSHING: Correct. Uh-huh.

MR. ZENNER: Okay. I would like to point your attention then to what is listed on page 179 of the M-DT standards.

MS. RUSHING: Uh-huh.

MR. ZENNER: Item number 4 -- B-4 -- you sunk my battleship. And it basically reads, Additional regulations applicable to all properties in the M-DT district are located in Sections 29-4.2(d), the general building form standards, and Section (f), urban space standards. And below that it reads, Land uses, parking requirements and signage standards that apply to the M-DT district are found in chapter 3. Chapter 3 inclusive, which means it is the entire land use table. It would be inclusive of the entire use specific standards as well. So multi-family development that may be in a mixed use building in the M-DT zoning district would be subject to the use specific standards of multi-family development that are found within Section 3. -- 3-3.3.

MS. RUSHING: Then doesn't that exemption need to be taken out?

MR. ZENNER: No, because there may be an exemption somewhere else as it relates to another component listed within the building form standards within the M-DT district.

MS. RUSHING: It appears to me though that a significant conflict.

MR. ZENNER: If the conflict is one that we believe needs to be removed, I think as a part of approval of Segment 2, you could request that the initial language that talks about exempting M-DT be stricken, and allow the language that is in the M-DT Section that I just read to apply in its stead, which at that point then may clarify, I believe, the confusion that you believe exists --

MS. RUSHING: Okay.

MR. ZENNER: -- Ms. Rushing.

MS. RUSHING: That would --

MR. ZENNER: And then if there are any additional uses that you believe should be in the M-DT column in the use specific table, those are appropriate for discussion at this point.

MR. STRODTMAN: Anyone want to frame a motion? Are we -- further discussion needed?

MR. TOOHEY: I guess so -- are we -- we are only talking about her motion?

MR. STRODTMAN: No. I think the motion that we would be looking for would be for the Segment Two, and then we would amendments --

MS. RUSHING: Oh, yeah. For approval.

MR. STRODTMAN: -- similar to -- right. And then we would do the amendments that would address --

MR. TOOHEY: Well, I've got one other question. So I wonder if we need to add banks, personal services and professional services, because where would accounting firms and law firms and doctor's offices, where would those -- wouldn't that be similar to a bank usage on the first floor?

MR. ZENNER: We have to look at what the purpose of the M-DT zoning district is in this particular instance, and this is where this gets very messy. The purpose of the M-DT zoning district was to create a walkable downtown environment, not office spaces that didn't create activity, pedestrian, general pedestrian activity in and out. The definition of the urban storefront and its inclusion of retail, which is generally a high-traffic -- can be a high-traffic generator, food and beverage, again, a high-traffic generator at particular times, and then personal services, such as barber shops, cleaners and things of that nature which has pedestrian traffic is a whole lot different than a lawyer's office or an investment broker or something along those lines -- not they are not potentially appropriate uses along the urban frontages or the street frontages of downtown Columbia.

MR. TEDDY: Store front --

MR. ZENNER: Store -- well, there are general -- they exist throughout downtown right now. However, we have a focus on the Ninth Street corridor, as well as a portion of Broadway for a more active street frontage than what we may have elsewhere, and therefore, if you start to lump a bunch of office-related businesses or uses into that urban storefront category, you do create the potential of deadening

and actually reversing what is a desired effect within these very focused development areas. The accommodation of a financial institution within the definition of personal services is essential in order to not create inconsistencies in how our downtown is currently developed with major investments for our financial institutions. And why we have it the way we have it, I can't tell you. I think that there -- the option would be then is you create potentially, as I had suggested, a commercial services land use. You amend the M-DT to say that it would be retail commercial services, food and beverage, and personal services, and that then would accommodate it. But that doesn't get around the issue, Mr. Toohey, that you're asking is, is not an attorney's office and an investment broker the same as a bank. I would tell you, yes, they are in general, but what the M-DT is trying to produce is a much more active street frontage within these highly pedestrian-related areas, and they don't want to deaden it. So to put in a bunch of additional uses, you have a potential to create a negative impact to fulfilling the general objective, and I would suggest not doing that because of it.

MR. TOOHEY: We just already have so many of those uses going on. I mean, real estate offices, banks, lawyers up and down this corridor.

MR. ZENNER: And we could -- again, the zoning code is forward looking. It is trying to achieve a desired end result at some point down the road -- pardon the pun. But nonetheless, we are trying to get -- we are trying to set up how redevelopment may occur, not insulate us for a potential long-term future of what we currently have.

MR. TOOHEY: And I understand that. It's just when you go to other large cities downtown areas, you still see those -- those uses in downtown areas.

MR. ZENNER: I don't disagree.

MR. TOOHEY: Right.

MR. ZENNER: Commission's choice. I mean, we'll do whatever you ask, and if we have to create a definition or we have to create an expansion of a definition or even add office to the urban storefront, which office would then incorporate everything and we would have to do nothing to personal service. That would be the other route.

MR. TEDDY: It already says commercial, and some would say commercial services beyond personal or in-person services includes office functions. So just getting an understanding about that would be important I think. So would commercial include office as well as retail as well as in-person services?

MR. STRODTMAN: Would anybody like to make a motion?

MS. BURNS: I'll make a motion.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: In Case 16-110, Segment Two, a request by the City of Columbia to adopt a Unified -- oh, sorry. I'm getting ahead of myself.

MR. ZENNER: Not the whole Code there, Ms. Burns.

MS. BURNS: It was wishful thinking. Wishful thinking.

MS. LOE: Segment Two.

MS. BURNS: Segment Two, Permitted Uses, Chapter 29-3 and Form and Development Controls. I make a motion that we move this forward.

MS. RUSHING: Second.

MR. STRODTMAN: Ms. Rushing, second. Thank you. We -- any discussion on this motion, Commissioners? Ms. Burns?

MS. BURNS: Given our previous discussion about uses and if this is acceptable to Mr. Zenner -- or to City staff, add office to the urban storefront as an amendment that would allow the uses that have been discussed here tonight.

MS. RUSSELL: Second.

MR. STRODTMAN: Discussion on this amendment?

MR. MACMANN: I'd ask for some clarification on this. So the urban storefront, which exists on the M-DT, would if this motion is accepted have office as an acceptable use?

MR. STRODTMAN: Correct.

MR. MACMANN: All right. This gets back to the point Mr. Zenner was raising about potentially deadening the downtown space. I mean, as these places exist now, and we do have commercial uses -- the office uses on first floors, and that's fine, I'm leaning more towards moving redevelopment towards interactive downtown. I mean, that's where I'm at on this.

MR. TOOHEY: It feels like people though are complaining about how much activity is already downtown, and we have these uses.

MR. STRODTMAN: Any further discussion on this amendment?

MR. HARDER: Well, there -- I mean, there are different sections of the plan as well too. Urban storefront is only a certain small section of the downtown. I mean, there is other areas as well too, but I think they are trying to congest in that area a little bit more.

MR. STRODTMAN: Use the microphone.

MR. HARDER: They are trying to get a little more activity going on in that area, and that is why it is urban storefront, but --

MR. MACMANN: That's - -and it's not very much. We've got two blocks on --

MR. HARDER: Yeah.

MR. MACMANN: -- Broadway and three and a half, four blocks on Ninth. Is that where we are at. Right?

MR. HARDER: Not all of downtown.

MR. MACMANN: No. It's just a crucifix-type form.

MR. STRODTMAN: Any further discussion on the amendment to include office? Ms. Loe?

MS. LOE: I'm just -- point of clarification on that. The motion is to add offices to the definition of urban storefront? Does urban storefront define uses or are we talking personal services?

MR. ZENNER: Well, urban storefront is defined and it is referenced -- shopfront -- page 44 of the

Code, storefront, that portion of the ground-story façade fenestration intended for marketing or merchandising of commerce uses and allowing visibility between the sidewalk and the interior space. That is the definition of shopfront, storefront. If you go then into the M-DT requirements on page 193, it is the distinction between an urban general building form standard and an urban general storefront standard is basically the configuration of the ground story, which must be shopfront with uses limited to retail food beverage or personal service. The amendment would be affecting, basically, the text that is on page 193 by adding office to that list. Not necessarily per se a definition. Office already -- office does not include, in the definitions, bank and financial institutions, which needs to be done as well. So office is inclusive of that. And as soon as you do that, you then add office to urban general storefront, and you correct the issue that I believe is concerning folks at this point.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Mr. Zenner, if we were to simply include banks and financial services, or subsume that underneath personal services, this would address the issue, would it not?

MR. ZENNER: Yes, it would.

MR. STRODTMAN: Or -- for the banks, but it may not address --

MR. ZENNER: Mr. Toohey's concern --

MR. STRODTMAN: Mr. Toohey --

MR. ZENNER: -- of other personal services.

MR. STRODTMAN: But it would for the banks.

MR. ZENNER: Now, I would argue that an accountant or a mortgage broker or somebody else is also considered a personal service -- you know, investment broker rendering -- the definition of personal services, and this is where it does get to be splitting some hairs, but the definition of personal services in general is establishments that provide individual services related to personal needs directly to customers at the site of the business or that receive goods from or return goods to the customer after the goods have been treated and processed. So, I mean, you are -- a financial institution could be again in the broader spectrum delivering services to an individual. Mortgage broker, and investment broker, an accountant, they are giving services to an individual. It could be considered in a broader spectrum than they are there. The issue is, is there is a lack of clarity in the way that that definition is made as to does that constitute a personal service or does it constitute office use? Traditionally, the office uses were listed as bankers, you know, architects, engineers, and it was pretty clear, that list was. And personal services, generally dealt with the barber, the beauty shop, nail salon, and things of that nature because they were personally related, you know, in this relatively ubiquitous environment that we have now where it seems that uses merge. Where do you draw that line? And these definitions basically took what we had in the Code and defined them into these two camps -- personal services and offices. Some could be considered one; some could be considered the other; some could be considered both. That's my point. And I guess it is left up to you to determine what do you want and how would you like it resolved so there is clarity? And I think everybody then can walk away and say I know exactly what I can do in that zone

under that use. It goes to the point of what some of our speakers have said this evening.

MR. STRODTMAN: Yes, Ms. Loe?

MS. LOE: Having worked in an architect's office in a one-story storefront, I would like to think we contributed to the activity along the street. So I would like to say that I think it will be a little bit self-regulating. I don't think every office is going to want to be on display. I think there is going to be some offices that feel more comfortable with it than others. And you can probably get a better price for a ground floor storefront than you do for upper floor offices. So I would actually -- I would support adding offices to personal services and have that include financial services as well as engineers and architects and others because I think it adds to the community.

MR. ZENNER: Add it to the definition or add it to the use of urban storefront in M-DT?

MS. LOE: I would add it to the definition of personal services with the understanding that urban storefront allows personal services.

MR. MACMANN: Is that two amendments?

MR. STANTON: Are we still on --

MR. MACMANN: That would be --

MS. LOE: It's a suggestion to amend the amendment to --

MS. BURNS: Add --

MS. LOE: -- instead of --

MS. BURNS: -- offices --

MS. LOE: -- add offices to -- add offices to service --

MR. ZENNER: To personal service?

MS. LOE: Personal services.

MR. ZENNER: The definition of personal services instead of adding it to the M-DT urban general storefront requirement. That's the alternative motion that you are suggesting.

MS. BURNS: I would retract my first motion and amend it to "add offices to personal services".

MS. RUSHING: Second.

MR. STRODTMAN: Ms. Rushing seconded that amendment to the amendment. Discussion on that? Are we clear on what the amendment is now? Can we read it one more time just so everybody is clear?

MS. BURNS: I have "add offices to personal services in the definition of uses". The question is, is does it take care of banks?

MR. ZENNER: Yes, it would.

MR. STRODTMAN: Yeah.

MR. ZENNER: Banks are considered an office.

MR. STRODTMAN: Any further discussion? I see none. We have a motion and a second on this amendment. May we have a roll call, please?

MS. BURNS: Yes.

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

MS. BURNS: We have eight affirmative, one negative. Motion carries.

MR. STRODTMAN: Additional comments, amendments? Mr. Stanton?

MR. STANTON: I have an amendment for Section 00, Tree or Landscaping Services. I would like to remove item number (1), "No outside storage of materials intended for sale (i.e. mulch, dirt, or similar bulk products) shall be located on the site.

MS. RUSHING: What page is that on?

MR. ZENNER: Page 167.

MR. STRODTMAN: I'll second that. Any discussion on the amendment to eliminate number one on page 167 under 00, Tree or Landscaping Services? Ms. Loe?

MS. LOE: I would just like to say, we have discussed this particular item in work sessions before, and I believe one of the comments was that storage of these items is allowed in other districts.

MR. ZENNER: That is correct. It would be an allowed option within -- and it would be an allowed option in the I-G zoning district. It has to deal with scale of the actual operation. And I believe as we discussed in work session, it has to deal possibly with public health and safety as well -- or safety and welfare, just based on the nature of the equipment. I think there is a -- the definition of a -- again, I hate to go back to the definition section, but a tree or landscaping service does allow for the sale of products such as this of a tree or landscaping service. However, it would generally be considered as part of a nursery or some other type of activity that may have this. This particular tree service -- tree trimming, tree grinding, something along those lines that may then store their ground materials for resale is what I believe we were trying to avoid. If you wanted to come back and bring it to a -- if you were just a tree business and you brought in your debris and you ground -- and that's why we do not have grinding there, you have to send it off-site to grind it. You can bring it back. Westlake Hardware, a question was asked if Westlakes in some of the other locations that are actually retail businesses that also have enclosed mulch areas where they do dirt and things of that nature, it's an accessory function to the actual primary retail operation. This is more of a semi-industrial type use where you are cutting trees down and you're bringing them back and maybe storing your debris on your site. And it becomes along our urban corridors, which is the M-C zoning district as something that is potentially an impediment to beautification or other investment in that area, if you have a non-compatible adjacent neighbor, for example. Parking your trucks there for your commercial tree cutting business may not be a problem, but storing the fruits of your labor, for lack of better terms, could be if you're not operating a retail nursery or some other type of business. Hence, the reason for why that standard is there. Now, the grinding limitation will definitely ensure that you are not creating gross incompatibility in the M-C zoning district. And if you came back and you had a sales office with a dispatch office on the same site where you were selling your mulch that you were having ground off-site and bringing it back, I don't know necessarily if I'd actually have a

significant issue with that. I think it's the debris awaiting maybe grinding or just being stored, that type of debris being stored on that site could be unsightly and hence the reason why we didn't want that type of activity to be allowed just right out of the box.

MS. LOE: So this states though that no outside store materials intended for sale.

MR. ZENNER: Uh-huh.

MS. LOE: So if it was materials not intended for sale --

MR. ZENNER: If not intended for sale, I think, i.e. the mulch, what may come off of your tree parts or things of that nature, that may resolve that problem. I'm not sure if that would be addressing the issue or the concern that has been raised, but I would say that that may be. And it would be more consistent then with what the definition of a tree or a landscaping service does permit because they do permit the retail sale of products as part of that business operation. You may be a -- you may be a tree-clearing -- a tree-clearing contractor and you may sell saplings or you may do something else and you just happen to sell the mulch to go along to mulch in your saplings so they survive. Is that actually that objectionable in an M-C highway commercial district where you have the exposure? Probably not. Probably not. Probably not unacceptable in an M-BP -- the business park district either. The grinding operation and the storage of just regular material, however awaiting processing is probably really the bigger issue. Because our standards as they exist in the Westlake scenario, you are already going to have to corral that type of bulk material as part of another landscape and screening standard, so the ability to just have it on an open lot without it being contained is already addressed in another provision within the Code. So I believe you are correct, Ms. Loe. If you were to take out not -- or if you were to add not intended for sale, that would resolve --

MR. STRODTMAN: Mr. Land, can we ask you to come back up? Mr. Stanton would like to ask you a question.

MR. STANTON: Yeah. I'm out here, so help me out.

MR. STRODTMAN: But you have to give us your name and address too.

MR. LAND: Paul Land, 2501 Bernadette.

MR. STRODTMAN: Thank you. Mr. Stanton?

MR. STANTON: I made this motion. I made this amendment. Am I on the right page?

MR. LAND: Yes.

MR. STANTON: Would it be -- what was your intent?

MR. LAND: I think your amendment is exactly what I was looking for.

MR. STANTON: Okay. Do you have an example? I think I have one in my mind where -- do you understand where the staff is coming from and --

MR. LAND: Yeah.

MR. STANTON: -- is there some way we can have a --

MR. LAND: I think that --

MR. STANTON: -- win-win? Can we make a win-win out of this amendment?

MR. LAND: Well, maybe you could restrict the storage to behind the building or a certain size, but it seems to me if I'm in the tree or landscaping business, I should have some product to sell if I'm in -- if I'm in the retail district, that's why I am in the retail district.

MR. STRODTMAN: I think the concern that staff is bringing up, Mr. Land, is that they don't want to see the big piles of logs waiting to be grinded up.

MR. LAND: Well, then give me some screening restrictions or size or behind the building.

MR. STRODTMAN: Would your example be selling the log as a log or would they be selling it as mulch?

MR. LAND: Well, I didn't see log in here. It says no outside storage of materials intended for sale. Although I'm in a retail district, not intended for sale -- i.e. mulch, dirt or similar bulk products. I don't think I probably would be selling logs there. I think I would be selling mulch or dirt.

MR. STRODTMAN: Mr. Harder?

MR. HARDER: Well, it's -- the logs would be the raw material, and that's not listed in here. For sale would be the front model product, I think.

MR. LAND: Yes. Mulch would maybe be called a finish product. I think the amendment hit -- nails it and these other two or three provisions that are underneath it protects it.

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

MR. STANTON: I tend to agree with Mr. Land. I think that's what it -- that's the way I looked at it is that the other ones kind of protect our concerns. If you could store the material there, retail is retail. I mean --

MR. LAND: It's almost like win-win-win, isn't it?

MR. STANTON: Almost. Almost.

MR. LAND: Thank you.

MR. STRODTMAN: Thank you, Mr. Land. Mr. MacMann?

MR. MACMANN: I guess a question for Mr. Stanton or whomever, and following up on what Mr. Land said, if unsightliness or something of this is a nature, we already have a variety of screening regulations which should be easy to carry over without reinventing the wheel, you know, researching committees, yada, yada, yada. Do you understand where I'm coming from there? And I don't know which one of those screening options, and we have several of them -- we have four of them or whatever, would work, but I think that might address some of the concerns, you know, that we have. Just a thought.

MR. STRODTMAN: Commissioners, any more additional discussion for the amendment that is on the table and has been seconded? I see none. Can we have a roll call on --

MS. BURNS: Can I just read back the amendment?

MR. STRODTMAN: We would love it.

MS. BURNS: To remove item one from page 167, 29-3.3 for no outside storage intended for sale. Okay. Thank you. Was there a second on that motion?

MR. STRODTMAN: Yes. I gave the second. Ms. Loe.

MS. LOE: Just clarification. So we are voting on removing the statement, period?

MS. RUSHING: That's the motion. Right?

MR. STANTON: The motion.

MS. LOE: Not saying no outside storage of materials not intended for sale?

MR. STANTON: Wipe it out.

MS. LOE: Just wipe it out.

MR. STRODTMAN: Any additional discussion? Whenever you are ready, Ms. Burns.

MS. BURNS: Okay.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Ms. Burns. Voting No: Mr. Toohey, Ms. Loe. Motion carries 7-2.

MS. BURNS: We have seven in the affirmative; two negative. Motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Additional comments or questions, Commissioners?

MS. RUSHING: Amendments.

MR. STRODTMAN: Yes, amendments. Yes.

MS. RUSHING: Okay.

MR. STRODTMAN: We're still working on amendments.

MS. RUSHING: On page -- and I'm trying to get back there. Page 136, which is the matter that I previously discussed with Mr. Zenner. Now I went passed it. Thirty-five. Okay. On 29-3.3(b), I would remove the last phrase where it says, Except in the M-DT district, where the standards of the M-DT district will apply, and insert, Except as otherwise specifically provided for in this Code.

MR. STRODTMAN: Would you repeat that again, Ms. Rushing? Ms. Rushing, could you repeat that again so that we can all be clear?

MS. RUSHING: Sure.

MR. STRODTMAN: I'm sorry.

MS. RUSHING: On (b), delete the entire last phrase, which starts with, "Except -- except in the M-DT district, where the standards of the M-DT district will apply", and add a phrase that says, Except as otherwise specifically set out in this Code.

MR. STRODTMAN: Commissioners, we have an amendment that has been proposed. Is there a second?

MS. LOE: Second.

MR. STRODTMAN: Second, Ms. Loe. Commissioners, discussion? I would like to ask staff their interpretation or how that -- it seems confusing to me. Maybe I'm just looking at it wrong.

MS. RUSHING: My intent was to -- rather than just put a period after apply, to allow the Code in the M-DT district to specifically exempt the M-DT district from certain provisions, but not just a blanket exemption because that blanket exemption may not be appropriate. So I am open to suggestions of how that should be worded, but in particular, the cap on four-bedroom units, I'm not in favor of that exemption

in the M-DT district.

MR. ZENNER: So if I understand correctly, Ms. Rushing, you want the four-bedroom cap per dwelling units to exist in M-DT?

MS. RUSHING: Correct.

MR. ZENNER: Okay. That is dealt with under our definition of family to begin with, but that is a different issue, so I'm not -- I don't want to go there.

MS. RUSHING: And this is tied into other comments I have about that section. And so if you think it would be more appropriate to wait until we are on Section --

MR. ZENNER: Three

MS. RUSHING: -- 29-4, then that would be fine with me.

MR. ZENNER: I think to get to your question, Mr. Strodman, as to how would we look at this -- and Mr. Teddy, correct me if I'm wrong here. It is in general meaning the same thing, it is just stated in a different way. Whenever you use as otherwise specifically set out or set forth, that statement or that clause, it is non -- it is indispensible to a particular district or provision. It means generally within the Code as a whole; and therefore, if in the M-DT district or in any other zoning district, there may be a conflict between these use specific standards -- and this is -- you have to look at it from this perspective, that conflicts with these specific standards, it is possible that where there may be a conflict in another district or another provision, that provision would prevail. That is how this statement reads, Unless otherwise specifically set forth in this Code. That means basically the other provision is going to overrule, which to the extent in the M-DT, if there are no exceptions to the use specific standards, leaving it as it was worded has no effect, in essence. It is extra text. Changing it the way that we are proposing to change it without really analyzing where do we potentially have other conflicts outside of the MD-T zoning district could create an unintended consequence. However, the language, a little bit broader, may address the issue of M-DT specifically by removing M-DT as the called out district, but the except for the M-DT district in which the M-DT district standards would apply is very, very focused. It is focused to just the M-DT zoning district and only that exception. So we have to be -- again, it may create an unintended consequence that without knowing where we may have other exceptions, I don't know. What I can tell you is, is the likelihood of an exception being somewhere else in the Code though that would have anything to do with a use specific standard is probably limited because when you are leaving the permitted use table, which directly references where you can have a use, and it references use specific standards to those uses, the only areas that you may have some overlap -- it could possibly be landscape screening and buffering, it could be neighborhood protection. There may be within some of these use specific standards, there could be conflicts that we would create as a result.

MS. RUSHING: My intent with that wording was that in order for the use specific standards not to apply. In the other section, you would have to specifically state this standard will apply instead of or in spite of or however you wanted to put it. You would have to refer back to this, saying that that standard would take precedence over this.

MR. ZENNER: Applicable.

MS. RUSHING: So if there is a better way to word that -- in other words, in the MD-T Section, if there is something -- if you don't want one of these use specific standards to apply, then you would have to say this standard is going to apply instead of the use specific standards set out in Section 29 3-3 -- or 29-3.3. And maybe a better way to do that is just to put a period after apply, and then decide what in the M-DT district you don't -- well, that's not going to solve it either.

MR. TEDDY: Ms. Rushing and Mr. Chair, if I may?

MR. STRODTMAN: Yes, Mr. Teddy.

MR. TEDDY: We would almost go through all of the use specific standards then and see how they apply in M-DT. I think the thought was that M-DT has got a lot of design provisions and things, so they are going to take care of --

MS. RUSHING: So what can we do about the 200 unit cap?

MR. TEDDY: Yeah. That would -- that would be one that you may want to carve out an exception in M-DT and have it apply in both places or in all districts without exception. And that can be done. I think you would just state then that in the M-DT that use specific standard does apply. If there's just a handful of use specific standards that you are concerned about that you want to make sure apply in the M-DT as well as the other districts, I think we could probably do that, but we would have to know which ones.

MR. STRODTMAN: So the thought might be to address it more in the M-DT specifically with your concerns there.

MR. MACMANN: So if I understand this correctly, it's -- what staff is saying is address it on a case-by-case basis --

MR. TEDDY: Well --

MR. MACMANN: -- specifically in the M-DT rather than a blanket statement; is that --

MS. RUSHING: No. I think he is saying that on page 139-7 and then under 7 -- is that where it is?

MR. ZENNER: What page are you on, Ms. Rushing?

MS. RUSHING: 139. Yeah. 7(i). Just -- I think just adding M-DT district there on that list would solve my -- would be a simple way to solve my issue.

MR. ZENNER: I would tend to agree with you. I believe that that would be -- so the additional standards which is part of M-DT. Okay. So here is what you're going to end up with, and Mr. Teddy is -- the design requirements of M-DT -- and it's like Abbott and Costello over here. The design requirements in M-DT are already going to address, in essence, item 1 -- so D-1, which is façade length and articulation. The design requirements of the M-DT are going to address that. Entryway design is going to be addressed by your fenestration requirements, complete and discreet vertical facades. Roof articulation would be dealt with within your dormer story and how we deal with that. That is all part of M-DT in that respect. Four-sided architecture is not an issue because we have design requirements in M-

DT. Parking garages and carports, they are addressed within the M-DT district already, and they are more restrictive. Universal design, to Ms. Rushing's point, is not dealt with within the M-DT. It may need to be qualified also here in this list. Then additional design, additional standards is not specifically dealt with with M-DT, and as Ms. Rushing is suggesting, just add in the RMF, M-DT and M-N districts. So you add M-DT to that list in (i), that would be fine. We don't generally have a secondary primary dwelling unit on the lot in the M-DT district since it is urban. And continuing care retirement -- I'm sorry, that's -- we're out of the design requirements for multi-family. So you need to be -- if you are wanting universal design as well, to be incorporated into downtown M-DT buildings, you probably need to call that out as well because there is not a specific building code requirement that would require you to build universal design -- a percentage of your building units to be universally designed that I am aware of. I'm -- so possibly not modifying the statement that you have -- the pending motion on right now or that you've -- yeah, the pending motion in order to allow the M-DT district to replace standards that are here that are more restrictive or a conflict exists because if you don't, what you are going to end up with is you -- you could potentially create no-man's land between the design requirements of the M-DT zoning district and the design requirements of general multi-family development, even though it is a mixed use building. I think it is best practice to leave the exception as it is written at the beginning at the use specific standards and then add M-DT to universal design standards, which would be item 6 of use specific standard (d), and then probably add to item 7(i), M-DT in that list. And that would take care of, I believe, what Ms. Rushing's concern is, is that universal design is not right now required, nor do we have a cap of the total bedroom mixture. And I would suggest that bedroom mixture is already dealt with through the building code. You can't have more than four unrelated individuals living in a single unit, and thereby if you're going to go ahead and put a fifth bedroom in in the unit, we would catch that at the building permitting stage. You could put a fifth room in, you could have a closet, you could say it's an office, and then lease it, and that's a total different issue. People can find any way to work around our Code's requirements, but generally the way we have handled that fifth bedroom is we've requested them to be removed. Actually, I believe that it was the Rise that had asked if they could have five-bedroom units, and we told them no. So it's an internal issue that we have dealt with. Solutions however I believe again, in summary, amend the 6 to include M-DT as a requirement for universal design. I don't know where we would put it. And then add to M-DT to 7(i) under use specific standard (d).

MR. STRODTMAN: So, Mr. Zenner, on the universal design, the -- the larger complexes, there is no consideration for universal design that you are aware of --

MR. ZENNER: Not that I --

MR. STRODTMAN: -- are not required?

MR. ZENNER: Not that I am aware of. I don't believe there is in the building code, unless
Ms. Loe --

MS. LOE: Yes.

MR. ZENNER: -- you are aware that there is under Fair Housing?

MS. LOE: This -- yes. Under the Fair Housing Act, any property with more than four units is required to address Fair Housing -- this requirement is so far below the par that I don't -- it's sort of a non-issue. I'm not sure why the City --

MS. RUSHING: Should it be --

MS. LOE: -- included it.

MS. RUSHING: -- deleted?

MS. LOE: They could without any recourse. I mean, between the new building code, which incorporates a lot of ADA provisions --

MS. RUSHING: Uh-huh.

MS. LOE: -- which includes housing and the Fair Housing Act, this is more than addressed.

MS. RUSHING: So delete -- just maybe delete that provision. That would make me happy.

MR. ZENNER: Six.

MS. LOE: I believe it could be, but I'm a little nervous without my --

MR. STRODTMAN: And, Ms. Rushing, just for clarification --

MS. LOE: -- books to back me up --

MR. STRODTMAN: -- which item --

MS. RUSHING: Well, I will withdraw my original motion.

MR. STRODTMAN: Taken. Okay. We'll accept that. And which item were you thinking about deleting that --

MS. RUSHING: Item 6, universal design because Commissioner Loe is saying that is covered elsewhere. So even having this here could be misleading if there are conflicting --

MS. LOE: Without double-checking the other standards, I believe that this requirement would be met by other requirements already in place. So it would be -- it would become a non-issue. Correct? We -- I think we could leave it in place without hurting ourselves. I would rather do that than delete it, frankly, with -- if we are not going to do due diligence in checking what other measures are in place.

MS. RUSHING: Then I think I would prefer to defer discussion of these two sections to our discussion of 29-4, and that will give me and perhaps staff some additional time to consider exactly how we want to word it.

MS. LOE: Could we -- could we make an amendment that the section (b) be considered should other provisions be in place that already exceed the -- what's being asked for? I don't remember that we discussed this in work session.

MR. ZENNER: No, this was not -- this was not an item discussed in work session, so I -- I would suggest that there is a threshold established here that says, you know, a principle structure containing more than 100 bedrooms. Obviously, bedrooms or dwelling units, it depends on how you want to look at it. I mean each unit within an apartment building that is self-enclosed or in -- has all of the elements to be a dwelling unit is a dwelling unit, so if, in fact, the federal standard is less than this at four units, it should match whatever the federal standard is, in my opinion. And I -- the simplest way to deal with that is, is

you strike the text entirely, you make reference to the fact that universal design shall be provided in all principal structures in accordance to the adopted federal regulations of the Fair Housing Act and leave it at that -- the Fair Housing Act and the local building code.

MS. LOE: Correct.

MR. ZENNER: And at that point, that basically resolves doing any additional due diligence. It defaults to the federal requirements as well as our building code, and then we are out of the woods, so to speak. You still, however, need to deal with the issue of the additional standards as it relates to the maximum number of units in a single building, which is in item 7, which is just by simply adding M-DT to the list of zoning districts that is listed there.

MS. LOE: So an amendment to add M-DT to item 29-3.3 6 --

MS. RUSHING: 7 --

MS. LOE: -- or 7.

MR. ZENNER: It will be (d)(7)

MS. LOE: B [sic] 7 (1) --

MR. ZENNER: (i).

MS. RUSSELL: (i).

MR. ZENNER: 7(i).

MS. LOE: They are Roman numerals. Sorry. Small i.

MS. RUSHING: Small Roman numeral i. Small Roman number one.

MR. ZENNER: That would be --

MS. LOE: Is there a second?

MR. STRODTMAN: Could you say that again, Ms. Loe? We thought you were just -- we didn't realize it was a motion or amendment.

MS. LOE: I move to add M-DT to the list of districts that caps bedrooms at 29-3.3 (d)(7)(i).

MS. RUSSELL: Second.

MR. STRODTMAN: Commissioners, discussion or questions on the amendment that has been put forth to add M-DT as one of the districts that no principle structure may contain more than 200 bedrooms in any one structure? Any discussion on that?

MR. HARDER: So it looks like on here -- the first line of number 7, If it's more than 50 percent of the dwelling units have four or more bedrooms, that is a requirement as well too with that. So if it was kind of a split design with different size units --

MS. RUSHING: Uh-huh.

MR. HARDER: This would not contain -- or pertain --

MS. RUSHING: 3, 2, 1 --

MR. HARDER: Okay. All right.

MR. STRODTMAN: Commissioners, any more questions, comments? We have an amendment that has been made and seconded. Can we have a roll call, please?

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Harder, Mr. MacMann, Mr. Stanton, Ms. Rushing, Ms. Russell, Ms. Burns, Ms. Loe. Voting No: Mr. Strodtman, Mr. Toohey. Motion carries 7-2.

MS. BURNS: Seven to two, motion carries.

MR. STRODTMAN: Okay. Commissioners, we can continue on with any other amendments anyone would like to make. Mr. Toohey?

MR. TOOHEY: Can someone refresh my memory with mechanical and construction contractors, why we changed that from permitted to conditional in M-C?

MR. ZENNER: The Commission -- question or is that a question to staff?

MR. TOOHEY: Really anyone.

MR. ZENNER: Anyone that can give you a lifeline?

MR. TOOHEY: Can I call a friend?

MR. ZENNER: It was converted to a conditional use -- let me back up here. Footnote in the table indicated that it was listed as a principal permitted use -- a P use in the integrated draft in October. As we prepared for the May version -- after staff had reviewed it, it was converted back to a -- it was converted to a C use in the M-C zoning district. Based on the concern construction contractor's offices often have large construction equipment associated with them or other types of large vehicles, again, the concern relating to the impact that it may have a long or commercial corridor and the need to assure that there is additional oversight or review of those types of businesses to ensure that potentially additional screening or landscaping is installed or conditions are applied to that business to where that type of equipment may be located. This is one of those uses that I would -- I would propose as we move forward becomes a C/P use, and the C component of it is based on an intensity of that operation. So if you are bringing in large construction-grade equipment to your contractor's office, it goes through a conditional use process. However, if you are a construction contractor's office, such as Coil Construction that is up here just on the other side on the west side of Providence where you are just a business office and you have your crew chiefs coming in with their pickup trucks, that is a principal permitted use. Unfortunately, the way that this process is operated, when you look at the consolidations of uses, you have to look at them from the totality of the impacts that they create, and we do not have use specific standards made for every conditional use that should have them, and therefore, they don't have to be a conditional use. They become a P use.

MR. TOOHEY: Do we -- has this been a problem though?

MR. ZENNER: Yes. We have -- that is why we have contractor's offices as a conditional use, the heating and cooling contractors, why you have construction contractor's offices are normally always located in an industrial office -- in an industrial zone or they are in a commercial zone as a conditional use today. Ferguson's, for example, which is a heating and cooling contracting office,, was taken through a conditional use, and it's located off of Interstate 70. Air and Water Solutions, which is off of Creasy

Springs or across from the park is also a prime example of a use that is a -- heating and cooling type contractor office, it went through a conditional use, even though there really is no reason for that type of activities in many instances to be so. So, again, it's the missing component that we need to create in order to relieve, as folks have said this evening, all the extra steps to go to boards and commissions that may not be necessary. We can take care of it through other mechanisms. We just don't have those mechanisms at this point developed or we haven't discussed them well enough -- very much like we did when we had to take self-storage facilities back through as a text change. We would have that discussion and we would go through a formal text change process to do it. It was one of those things that has not been seen as -- it wasn't seen at the time when we were going through the Code as an issue. It has arisen as one as we have neared completion of the land use table. And some of that has to deal with -- in Don Elliott and Clarion's belief when they drafted the Code, there wasn't as many added or really needed to differentiate from them. However, based on our knowledge of what happens in some of these facilities, we felt it important to do so.

MR. TOOHEY: Okay. Then I go ahead and make a motion that we take mechanical and construction contractors and make that permitted again. And then if you want to come back with something else to rectify the issue, we can do that later.

MR. STRODTMAN: So would you state your amendment again, please?

MR. TOOHEY: To make mechanical and construction contractors a permitted use in M-C.

MS. RUSSELL: I'll second that.

MR. STRODTMAN: Commissioners, discussion on the amendment that has been put forth and seconded by Ms. Russell?

MR. HARDER: I have a question. So basically, currently it sounded like it was conditional, and now we would be taking it back to permitted in the new zoning code? Is that how it is being said?

MR. ZENNER: It is a conditional use in the C-3 zoning district right now. What we would be creating basically -- the M-C is the comparable to C-3. You would be creating it as a principal permitted use.

MR. HARDER: Okay.

MR. ZENNER: And I would add -- and it is not to be controversial, as soon as you create it as a conditional use and then you try to apply screening standards to existing permitted uses, should they go through expansion or any other type of activity, we will likely possibly never be able to achieve screening standards that would mitigate or impact the process of trying to make an ordinance amendment after you have given broad berth to those types of uses.

MR. HARDER: But could we come back and -- I mean, you had talked about it really needs to be P/C, so could we come back and fix that later.

MR. ZENNER: I think you will have the businesses that are in operation under the P will feel offended by the fact that they may, if they ever want to do an expansion, have to comply with standards, and they will probably resist any amendment in the future. And at this point, those businesses that are

currently existing are going to be given a conditional use permit or they already have one, and they stand nothing to lose at this point. That is my personal opinion. I just -- I am concerned. I would be concerned as a staff member that we would be successful in being able to implement any additional regulations if we provide too much latitude at this juncture. It would require additional consideration, I believe.

MR. STRODTMAN: Commissioners, we have an amendment that has been put forward and seconded. Is there further discussion or clarification of questions? As I see none, when you are ready, Ms. Burns.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Mr. Toohey. Voting No: Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Burns, Ms. Loe. Motion denied 7-2.

MS. BURNS: That is seven no, two yeses. Amendment approval does not carry.

MR. STRODTMAN: Additional amendments, Commissioners?

MS. RUSSELL: I have one.

MR. STRODTMAN: Yes, Ms. Russell.

MS. RUSSELL: I would like to move to add to the conditional use table for I-G. I think you said police, fire, a recreation center, higher education and restaurant.

MR. STRODTMAN: Second.

MS. LOE: Bars and nightclubs?

MR. STRODTMAN: Would you want to restate that so everybody can hear that again, even though I have seconded it? Just for clarification.

MS. RUSSELL: Just for clarification.

MR. STRODTMAN: It's getting late, so we've got to be clear.

MS. RUSSELL: Okay. I proposed to add to the conditional use table for I-G, police, fire, rec center, higher education, restaurants, bars and nightclubs.

MR. STRODTMAN: I still maintain my second. Commissioners, questions, concerns, discussion on this amendment?

MS. RUSHING: Do we even have any authority over police and fire? I mean, aren't those municipal functions? Should they --

MR. STRODTMAN: Currently, it is listed as it's not a use that is acceptable in the I-G.

MS. RUSHING: Okay.

MR. STRODTMAN: So I don't know how much weight we carry with those folks. But --

MR. ZENNER: They'll love you. Just give them some -- give them some firefighters and police to go with them and they will be okay.

MS. RUSHING: Okay.

MR. STRODTMAN: Any additional?

MR. TOOHEY: I'll support it. I mean, it got brought up four different times that people want it, and no one came up here and said they didn't want it.

MR. STRODTMAN: And I think a lot of our areas that they were specifically addressing, that's what you find in that area is restaurants -- and I don't know about the police and fire, but that would be a logical neighbor to have next to a bar or nightclub.

MS. RUSSELL: That would be nice.

MR. STRODTMAN: Yeah. So I plan on supporting it also. Any additional discussion? May we have a roll call when you are ready, Ms. Burns?

MR. ZENNER: Point of order.

MR. STRODTMAN: Yes?

MR. ZENNER: Is this conditional or is it permitted? Are we adding these as conditional or permitted uses?

MS. RUSSELL: Adding it as a conditional use.

MR. ZENNER: Conditional. Thank you.

MS. BURNS: Conditional use of the I-G. Okay.

MR. STRODTMAN: Yeah.

MS. BURNS: Roll call.

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

MS. BURNS: There were nine in the affirmative. The amendment passes.

MR. STRODTMAN: Thank you, Commissioners. We are on a roll here, so let's keep going. Who would like to do any additional amendments or discussion?

MS. RUSSELL: So I have a question how we are going to resolve the vehicle with the gross weight exceeding one ton. Do we --

MR. STRODTMAN: I would like to throw out a couple of ideas because I was doing some quick research while we were just doing those things, and anything from an F-2 -- basically under this current the one ton or the 20 feet, even a Ford F-150 would not be eligible to be parked on your street or in your driveway, and I think that is probably pretty extreme. I would almost like to see the one ton and the 20 feet removed. And the reason I say that is an F-250 is still more than one ton and it is more than 20 feet, which is still a pickup. I think the intent was for a commercial vehicle -- a box van or, you know, something of that nature would be my assumption and not necessarily a pickup. I might be wrong, but I think that we almost need to strike the one ton because, you know, an F-250 is 6,600 pounds, a 2500, which is a Chevy version is 6,500. So those all are going to be in excess of the one ton and the 20 feet. The six wheels, obviously, would apply for the bigger trucks that have the dual wheels -- like a box van and things. Twelve thousand pounds would cover, you know, the semis and things of that nature. Just thoughts.

MS. BURNS: Question. What about a small food truck?

MR. STRODTMAN: Well --

MS. BURNS: I mean, it could be less than 20 feet and it could be less than a ton.

MR. STRODTMAN: Yeah. I think it is going to be hard to specify a use, like HVAC. I mean, that would be a very difficult proposition.

MS. RUSHING: What page are you on?

MS. BURNS: 166.

MS. RUSSELL: 166.

MR. STRODTMAN: 166. We have a note from the audience.

MS. RUSHING: From the man in the Mizzou shirt.

MR. STRODTMAN: Mr. Farnen is buying the first round he says here. That's incentive, guys. Thank you, Mark. Just joking, Mark. Basically, here's the average weight of a SUV is 4,000 pounds. Average weight of a half-ton pickup is 8,500 pounds. One ton pickup is 9,900 pounds. Typical cars, a compact is 2,900 pounds. So even your car -- your compact car would be in excess. Mid-sized cars, 3,400 pounds. Large cars, 4,300 pounds. Compact truck or SUV is 3,400 pounds. I still like the idea about the first round. So I think that one ton is definitely a concern in my opinion. The 20 feet, we will wait for the next note to be slipped on the length. But I -- like I said, I think that the F-250 was over 20 feet, so maybe we extend the 20 feet and make it longer and -- I don't know. Yeah. I think it is a valid concern.

MR. MACMANN: Given the list that Mr. Farnen so kindly passed to us, I think 24, 25 and 10,000?

MR. STRODTMAN: Say that again. Twenty-four feet?

MR. MACMANN: Twenty-four feet should be plenty. And 20 -- and 10,000. If we are actually talking about the weight of the vehicle. That's what that one actually refers to, everything therein that you read where the max was 9,900; is that correct?

MR. STRODTMAN: On this list, yes, it was. And you would leave the six wheels?

MR. MACMANN: What does it currently say? I'm sorry.

MR. STRODTMAN: "Vehicle gross weight exceeding one ton or longer than 20 feet or containing more than six wheels or over 12,000 pounds licensed gross vehicle weight should not be" --

MR. MACMANN: I would leave the rest of it, yes. Thank you.

MR. STRODTMAN: Yes, Mr. Stanton?

MR. STANTON: A Dually has six wheels. I could have a F-150 -- 250 Dually, and I couldn't park it in my -- F-250 Dually, six wheels.

MR. MACMANN: Well, six wheels are permitted under this.

MR. STANTON: No.

MR. STRODTMAN: No.

MR. MACMANN: I read it backwards. Thank you.

MS. RUSHING: Yeah. Six wheels are allowed. It says more than six wheels.

MR. MACMANN: That's the way I read it.

MR. STANTON: Oh, okay.

MR. MACMANN: It's more than six wheels.

MS. RUSHING: So you can have the Dually.

MR. STRODTMAN: The Dually would be fine.

MR. HARDER: Keep the Dually.

MR. STANTON: Okay.

MR. MACMANN: I would -- I would suggest 10,000 pounds. Twenty-four feet is way long. And leave the rest of it as is. Just as a suggestion.

MS. BURNS: Frame a motion.

MR. STRODTMAN: Yeah. Would you like to frame a motion -- an amendment?

MR. MACMANN: It seems to be I am.

MR. STRODTMAN: Thank you.

MS. LOE: An amendment.

MR. MACMANN: An amendment.

MR. STRODTMAN: Amendment, yes.

MR. MACMANN: I -- let me see. I need to take my glasses off to read it. Pardon me, Mr. Chairman. We're just making --

MR. STRODTMAN: I understand.

MR. MACMANN: We're trying to minimize --

MR. STRODTMAN: Confusion.

MR. MACMANN: I make a motion to amend 29-3.3(mm)(iv). The sentence that begins with, "Vehicles with gross weights exceeding". The section that says one ton should be increased to five tons or 10,000 pounds. And the section that says "20 feet should be" -- 20 feet should be stricken and 24 feet should be inserted.

MR. STANTON: Second.

MR. STRODTMAN: Mr. Stanton.

MR. MACMANN: And the rest staying as is.

MR. STRODTMAN: Motion -- amendment to our motion has been made and seconded to make those changes. Is there any discussion, questions or additional information needed? I see none. When you are ready, Ms. Burns.

MS. BURNS: Okay. Thank you.

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

MS. BURNS: Nine votes. Motion -- amendment passes.

MR. STRODTMAN: Thank you, Ms. Burns. Commissioners, additional discussion on any other amendments or items of concern in this section -- segment?

MS. LOE: Yes.

MR. STRODTMAN: Yes, Ms. Loe?

MS. LOE: Several people raised the issue of structure or building being restricted within 100 feet of a lot that is residentially zoned or used, and we did discuss this in work sessions. And it appears that it may benefit from a little bit further discussion.

MR. ZENNER: Page 157 of the Code, if you have not found it.

MR. STRODTMAN: Yes.

MR. ZENNER: It will be items 5 and -- item 5 --

MR. STRODTMAN: (A).

MS. LOE: Mr. Zenner, perhaps you could help us. This was brought up in respect to the self-storage, I believe, but does it show up in reference to other restrictions?

MR. ZENNER: We do -- we do refer throughout the neighborhood protection standards buffering. If I recall correctly, we have similar language where we talk about residentially used or zoned R-1 or R-2. It shows up in multiple locations throughout the Code. I think in the other sections, it obviously has a relationship that already defines screening or buffering requirements that are there. This particular standard, if recollection serves me correctly when it was discussed and presented for adoption was really to gain a buffer area between a commercially zoned lot being used residentially and a future proposed construction on a commercial lot. It didn't preclude the commercial lot that was being proposed to be improved with the storage facility to build those storage buildings, and it just wanted a buffer. The building, itself, can't be closer than 100 feet to a residentially zoned parcel or used parcel. So -- and this was basically to mitigate some impacts. Now, the section we are reading out of, which item A is for buildings that are 14 feet or less, so -- and generally --

MS. LOE: Uh-huh.

MR. ZENNER: Item number 2, which is below, which references back to this particular section is for buildings that are greater than 14 feet. So I think we also discussed as part of that overall discussion, circulation aisles around the back side of a building for a driveway aisle, 20 or 26 feet, it's going to be within that 100 foot separation area. This does not specifically say that it has to be a buffer. You would have to have had a buffer between the adjacent land uses to begin with. That's part of the new buffering table. It -- so, you know, the issue -- the simple solution here is is you basically indicate used. You strike used and it would basically -- I'm sorry.

MR. STRODTMAN: Or used.

MR. TEDDY: Strike used -- "or used" out of (A) and then you would eliminate a residential use being eliminated on a commercial property and having that additional standard and protect, basically, what is residential that would have to go through a process to be basically zoned to some other land use. I will tell you that the way that the buffering table is listed in a latter section, if you so choose to build a residential building in a zoning district that allows you to build one next to an existing commercial use, which is what we commonly refer to as coming to the nuisance, not the nuisance coming to you, you

choose to do that as a homeowner, and we do not require you to put landscaping in. We will not retroactively require the commercial business to put landscaping in because somebody decided to buy that lot next to you because it was mixed use zoning and put a single-family home on it. So leaving it in, or taking it out is entirely a choice of the Planning Commission. It is used elsewhere within the Code in very specific instances in order to provide clarity. I would not recommend it being removed from everywhere. We create a whole series of unintended consequences as a result of that for neighborhood transitions and buffering, which is where it definitely shows up more frequently. So in this particular instance, I have no real loss of love, if it were to go if it resolves the problem at hand.

MR. STRODTMAN: I think it should be removed -- the "or used" because, you know, it's a residential home on a nonresidential zoned property. The value of that property is -- a higher value is the zoning that it is under, which I would submit may be commercial or something else, and I think you shouldn't be able to restrict your neighbor that has a commercial zoned lot and you're on a commercial zoned lot, but you have a home on it, I don't think that is fair to your neighbor on their commercial lot.

MS. RUSHING: But if you have lived there 20 years, they knew when they bought that property that there was a single-family residence next door.

MR. MACMANN: Mr. Chairman, could I ask a question?

MR. STRODTMAN: Yes.

MR. MACMANN: In our scenario here -- thank you -- in our scenario, the existing home is on a piece of property though it is owned commercially. That is a conforming use in some way, shape or form for that home. That is one of several options, apparently, in whatever zoning district we are in that property could be used. So if we reverse the argument, are we penalizing the existing homeowner? I mean, the argument used -- the anti-argument is if a person wants to come in and develop, they should be able to develop. In general, we can all agree with that -- at the same time, Ms. Rushing's argument. Someone built a conforming use home, and now we are putting something else against it. I'm just saying that argument needs to cut both ways.

MR. ZENNER: And the buffering table will address that on the individual building, not the homeowner. So if you were to take that residence that was built on that commercial lot conforming -- they weren't required to put landscaping in or they -- existing home, originally they weren't required to put landscaping in. Under the new Code, we would tell the residential owner you'd have to put -- you would still not have to put any in because if you have a single-family use and your zoning district is commercial, you have chosen to build your single family home there. So -- but if you have a commercial use in the land use table and you are abutting a single-family home, that commercial -- that created commercial use on that compliant commercial lot is required to put in a type three or a level three buffer, which is a ten foot wide landscape strip with an eight foot tall screening device. That is right out of the box. So you're going to end up getting the separation. I think the issue was is if you go with something that is potentially larger, and this was the option that is below in item number 2, the procedure for being able to get more than a single-story storage building, you wanted to increase the landscape separation or the buffer

separation more than just 10 feet. Now --

MR. TEDDY: You could reduce the 100.

MR. ZENNER: You could reduce the 100 instead to something that may be 25 feet -- let's just say a quarter of what exists there if you so desire to keep it. When you have a conforming residential use on a commercially zoned property, in order to protect that individual that is there, I would -- I see Mr. Strodman's point, and I would agree with it. The commercial value of that lot may be far greater than the residential value; however, I would also like to point out that we have a lot of property that may be zoned that can accommodate commercial as well as industrial that has improved with residential development and it may never seek to be rezoned for any purpose because the residential subdivision that is on that improperly zoned land functions just fine. So, you know, you may think that we -- you want to seek conversion, but conversion may never occur. Therefore, we have to take a -- I would suggest a more protective view of that landowner's rights that they established prior to the incompatible use coming next to them, even though they are in a zoning district that we would generally not believe to be appropriate for what that conforming use is, if that makes sense.

MS. LOE: Well, this brings -- this brings up one point, which I believe we did discuss, which was having someone build a home retroactively next to a self-storage facility.

MR. ZENNER: And if that were --

MS. LOE: And then could they then --

MR. ZENNER: No.

MS. LOE: -- force -- correct. So one thing that is not -- that is not clear in this is that it is only currently used and if there is any future use as residential, that --

MR. ZENNER: If the lot were -- if the lot were vacant --

MS. LOE: Uh-huh.

MR. ZENNER: -- and so the way that the buffering -- the property's buffering table reads in the proposed UDC, if that -- two vacant lots next to each other and somebody decides they want to build a self-storage facility on one of those vacant lots --

MS. LOE: And they come forward with a permit --

MR. ZENNER: -- and they come for-- and they -- they --

MS. LOE: -- and start the application --

MR. ZENNER: Yeah. And -- but their --

MS. LOE: -- can they be blocked by someone who puts together an application for a house?

MR. ZENNER: That question was asked.

MS. LOE: It was.

MR. ZENNER: And it's going to all be based upon when the actual application was logged.

MS. LOE: Okay.

MR. ZENNER: Who came in first and what would apply. That would be this gentleman's decision to basically facilitate mitigating that issue. However, a commercial -- a commercial adjacent to

commercial will have no screening requirement associated with it, so when -- you have no screening, you have no buffering, so the two lots are zoned commercially. One is developed and one is proposing for development. There is no buffer going to be required on the site plan that would be submitted as part of the building permit application. Next door neighbor decides that they want to go ahead and they want to try to get the home built before they build the self-storage facility, if the two applications came in within close proximity to each other, the commercial application would preempt. The residential property is not obligated to do any type of landscaping and has no recourse because they came to what would be considered the nuisance. Legally, they had the right to do so, so it -- again, it's a procedural standard as it relates to application sequencing. So the buffer requirement or this 100 foot separation between a residentially used or zoned lot would only really apply in the instance in which the adjacent lot was already developed with a residential structure. So it would be a commercially zoned parcel with a residential building on it. In any other instance, it wouldn't apply. If it was an R-1 lot next to the M-C lot, that would be a different story. You would have a ten-foot wide buffer strip. And the question then that we would be -- we should be asking ourselves, is a ten-foot buffer with an eight-foot screening device sufficient to screen out what potentially could be a dominating building adjacent to an inconsistent land use or a non -- a non-traditional land use in that zoning district. As Mr. Teddy suggested, you could reduce the 100 feet, if that would be more appropriate and then still have the buffer standard dictate if, in fact, you had left the -- the residentially used component in.

MR. STRODTMAN: But how would we know what distance to put? I don't -- I mean, it would be case-by-case, and that wouldn't be applicable.

MS. LOE: No. We would say 50 feet --

MR. ZENNER: That would be --

MS. LOE: -- if it is commercially zoned and residentially used. So residential zoned property would have more protection. Residential use would have some protection.

MR. STRODTMAN: I agree with the residential zoned that it should be protected because it is zoned residential, but I'm struggling with someone using -- and maybe there's examples out there of a large group of homes being built on these -- on a different zoning than residential that I'm not --

MS. LOE: Well, think multi-family or, you know, some infill --

MR. STRODTMAN: Uh-huh.

MS. LOE: -- residential that might be going in on zoning that may not be traditional. And this -- I'm doing searches. I'm just finding this in self-storage -- self-service storage, really. And it is for when you go over that 14-foot height limit.

MR. STRODTMAN: Which, this is -- it's under 14.

MS. LOE: This is all we are looking at right now.

MR. STRODTMAN: Well, this under 14 feet too.

MS. LOE: No. No.

MR. ZENNER: It's --

MS. LOE: It's when you are over 14 feet.

MR. STRODTMAN: Well, it says, "Building heights shall be limited to 14 feet" -- oh, okay. I see in excess of 14. Okay.

MS. LOE: Then you have to step back.

MR. STRODTMAN: Then we have to --

MR. ZENNER: Uh-huh. Fourteen feet only meets the buffering standard in the buffering table. You go over 14, you end up increasing it to 100. As Mr. Teddy just suggested, you could do a proportional buffer. The buffer is proportional to the building height, so if you have a maximum height in the M-C zoning district's 45 feet, the maximum buffer that you would ultimately have would be a 45-foot wide buffer, if you went max on height. If you had a 24 two-story storage facility, it's a 24-foot wide buffer. It would still be planted most likely with the required buffer strip between them, but that would be the -- that would -- that would probably resolve the issue of 100 feet because the maximum buffer that you would end up having would be 45.

MR. MACMANN: So would that be a scaler buffer? Is that what you're talking about?

MR. ZENNER: Scaled. Scaled buffer.

MR. TEDDY: The higher you go, the --

MR. ZENNER: Yeah.

MR. TEDDY: -- farther back you would place the building.

MR. ZENNER: Almost like a setback requirement for multi-family.

MR. MACMANN: That's fine. I just wanted to make sure that we're all on the same page. Does that sound equitable?

MS. LOE: I think it does in that the size -- the height of this is limited to 45 feet, which is also the height limit for the multi-family, so these buildings won't be taller than a multi-family property should it be next door.

MR. MACMANN: Well, let's just -- I know it is getting very late, but let's do some due diligence here. We have an R-1 house. We've been there for 20 years.

MS. LOE: Uh-huh.

MR. MACMANN: If someone comes in and puts a 45-foot structure, our buffer is, what, 45 feet? 100 feet? What is our buffer? We decided -- I think we decided the scaler would probably be good, but what is the scale?

MS. LOE: So it is a single-family house on a commercially zoned lot?

MR. MACMANN: But it is a conforming use, somehow.

MS. LOE: I understand.

MR. MACMANN: Somehow. However that has happened.

MS. LOE: I understand.

MR. MACMANN: Now we are down in scenario land here.

MR. STRODTMAN: And it's next to a commercially-zoned lot?

MR. MACMANN: And it would be in this case.

MS. LOE: M-C, next to a --

MR. MACMANN: This is the case that keeps being brought up is that there is a conforming home on an otherwise commercial lot next to a commercial lot that is developed and what is the size of our buffer?

MR. STRODTMAN: It's still a commercial lot in my opinion.

MR. MACMANN: I'm sorry?

MR. STRODTMAN: It's still a commercial lot.

MR. TOOHEY: It's probably going to get sold pretty quickly thereafter.

MS. LOE: For a self-service storage facility.

MR. MACMANN: I just want to know what we think is appropriate, that's all.

MS. LOE: What would you think is an appropriate height?

MR. MACMANN: Twice the building height.

MS. LOE: Twice the building height?

MR. MACMANN: The closest it could be anyway is 25 feet. Right?

MS. LOE: Side yard setback?

MR. TEDDY: You mean the closest --

MR. MACMANN: I just -- I mean, in following this, the closest the two structures could be is 25 feet anyway, and it would go more than that, wouldn't it?

MR. ZENNER: No. Single-family structure is single-family structure on --

MS. LOE: Has a six-foot setback.

MR. ZENNER: -- a commercial -- six-foot -- six-foot side yard setback.

MR. MACMANN: How physically close could they be? I mean, if we're going to set a standard, you know, it's -- and you're talking about proportionality. Correct?

MS. LOE: You are.

MR. MACMANN: No. I've been roped into this.

MS. LOE: Scale.

MR. ZENNER: Okay. We're into the -- as much as we didn't want to do hypothetical examples tonight, as we had discussed in work session, we're going to do one anyways. So we have two commercially zoned lots adjacent to each other. One that has been improved with a single-family structure --

MR. MACMANN: Somehow.

MR. ZENNER: But two commercially zoned lots. So a side yard -- the side yard setback on a commercial lot in the M-C zoning district would be zero.

MS. LOE: Correct.

MR. ZENNER: So they could theoretically build the house right on the property line if they desire to. If you decided that you were going to then put a commercial building on the vacant lot, i.e., the

storage building, you have zero. So you could basically have a 45-foot building on top of a one-story single-family home that somehow got into that commercial zoning district. It would be in the shadow greater than that of Garage Mahal. So what would --

MR. STRODTMAN: Could we -- since we are hypothetical, could the residential downzone?

MR. TOOHEY: Yes, they could.

MR. ZENNER: Yes, they --

MR. TOOHEY: They can.

MR. ZENNER: -- could --

MR. TOOHEY: And it is much easier to.

MR. STRODTMAN: And that would block, and then distances would kick in and your buffering --

MR. MACMANN: Well, Council would have to approve the request. They could certainly apply for it. They don't have to get it.

MR. STRODTMAN: I mean that would protect those homes that were unintentionally or intentionally put on these zones -- you know, on a different type of zoned land that probably shouldn't have been put on that type of zoned land. And so you would protect those existing homes for those homeowners that do want to live there, that have lived there for 20 years. You know, I mean, that would give them some protection other than I still think the value of that land is worth more as a commercial --

MR. ZENNER: Well, and --

MR. STRODTMAN: -- but it's that sentimental.

MR. ZENNER: In the scenario of could the rezone -- so let's for instance say you've got your M-C owned lot, neighbors get wind of a self-storage facility been built next to them right at the property line and they rush in to get us an application before they can get the building permit in and they are successful in getting their property rezoned adjacent to the vacant commercial lot for the storage facility. So in the M-C zoning district, when you have a lot adjacent to an R district -- let's just say they go R-1 because they have this somehow conforming single-family house, which would be nonconforming, mind you, when they went to R-1 because they have no side yard setback.

MR. STRODTMAN: We'll go to --

MS. LOE: Thank you.

MR. ZENNER: We would --

MR. STRODTMAN: We'll go to the Board of Adjustment for that.

MR. ZENNER: Just listen to this. That's just throwing that in just for one little added extra core care. What you would end up with in the general standards for M-C, you would end up with a side yard setback of 20 feet. So the building would have to be set back if the adjacent property were miraculously zoned to a R zoning district before the building permit was actually issued or a permit was submitted, you'd have a 20-foot setback. So you still build your 45 foot building 20 feet from the property line because your required landscape buffer at that point per the property edge buffering standards is only 10 feet. So you get a 10-foot landscape strip and an 8 foot tall fence next to a 45 foot tall building that's set

back 20 feet from your residential structure that is built right on the property line. I can draw this and diagram it for you, if you would like.

MR. MACMANN: No. I'm with you. I'm with you.

MS. LOE: But this does raise the point that the M-C has a standard 20-foot setback from an R --

MR. ZENNER: Yes.

MS. LOE: -- zone. And the height limit -- standard height limit is 45 feet. And I believe one of our concerns with the self-service storage was blank facades. So, I mean, another alternative, we've required articulation or --

MR. ZENNER: That would be under the -- under the building form standards under the design requirements generally applied to commercial buildings within latter portions of the Code building articulation and wall plan articulation in buildings greater than 100 feet have to be articulated either by recesses or extensions. The same goes for roof plain articulation, which must be modified as well. So it would apply to a -- it would apply to a storage facility, which would not be listed as an industrial unless it is listed within the industrial category of land uses, which is exempt from the design requirements. You would have to meet the building articulation standards as it relates to general design requirements that are applicable to commercial, office and other uses. And if you will bear with me here, I will tell you if a self-storage facility is actually in the industrial use group.

MR. TOOHEY: What if it is a tiny house?

MR. ZENNER: That's called a container village. So we will -- we will be dealing with that. Folks, see, this is what -- this is what I deal with when we are in work session with my Planning Commission. Under industrial uses, Industrial Uses does not include self-storage facilities, so a self-storage facility, if I am correct -- let me look under commercial.

MR. MACMANN: That's -- self-storage is under M-C. Right?

MR. ZENNER: That is correct.

MR. STRODTMAN: Uh-huh.

MR. MACMANN: So a standard of twice the building height, whatever it is --

MS. LOE: I guess my other question was other uses in M-C can build to 45 feet with no restrictions or --

MR. ZENNER: If you are adjacent to -- if you are not adjacent to a --

MS. LOE: R.

MR. ZENNER: -- to a residentially used property. So, yes, if you are adjacent to a residentially used parcel, yes, they could build --

MS. LOE: And those buildings may not have -- there is no requirement for fenestration.

MR. ZENNER: Industrial buildings in the M-C -- well, in the M-C -- the M-C zoning district is an industrial classification of itself.

MS. LOE: So are we -- are we being punitive to the self-storage --

MR. ZENNER: I -- I --

MS. LOE: -- self-service storage?

MR. ZENNER: Self-storage -- self-storage is defined as a personal service within the land use table. The industrial uses basically deal with -- industrial uses right now include commercial services, mechanical and construction contractor's office, storage and wholesale distribution facilities. Under industrial, it would be artisan industry, bakery, heavy industry, light industry, machine shop, mine or a quarry would be what you would have in the industrial category. So I don't know if you would be considering it punitive. Commercial uses are, you know, heavy -- the heavy commercial services is allowed in the M-C. Mechanical and construction contractors based on the amendment would be an allowed use in the M-C. And artisan industries are principal permitted use, as well as bakery. And then machine shop would be considered a conditional use. Bus barn and a bus station are considered principal permitted uses in the M-C zoning district, which would not have any use restriction associated to them. For instance -- so you could build immediately adjacent to a property that is zoned similarly, but improved with a residential development with no buffer.

MR. MACMANN: A simple standard. A simple standard. Twice the building's height because as tall as it is going to be is 45 feet, so the furthest it's going to be is 90.

MR. STRODTMAN: From what type -- from a use --

MR. MACMANN: From this -- our theoretical R-1 home --

MR. STRODTMAN: But on a --

MR. MACMANN: -- somehow is conforming on a commercial lot. But we could have your 14 foot building, you know, standard one-story building. You can get them under 14, but that's, you know, kind of -- that's 28 feet.

MS. RUSHING: Do we have a motion?

MS. LOE: No, 14 feet can go --

MR. STRODTMAN: We have a motion, we just don't have an amendment.

MS. RUSHING: I can't call the motion then, can I?

MR. STRODTMAN: We have a motion. No amendment. Well, we have plenty of amendments, but no --

MS. LOE: No amendment.

MR. STRODTMAN: -- new amendment.

MR. MACMANN: Well, I just -- we were just discussing because this was brought up -- several people were up with this hypothetical situation. I don't even know if this occurs in town. I think --

MR. TOOHEY: Right up there --

MS. LOE: We looked.

MR. TOOHEY: We wrote up during our sessions too. I mean, we --

MS. LOE: I think there has been two cases.

MR. MACMANN: I -- there might be a place where it occurs, but the buildings are one-story.

MR. STRODTMAN: It's the unintended consequences that --

MR. MACMANN: You see, and that's -- and we are trying to address some of these issues right now.

MR. STRODTMAN: Trying to be thorough.

MR. MACMANN: But if we go with the one-st-- say a twice the height of the building.

MS. LOE: No, the 14-story [sic] can be built up against --

MR. STRODTMAN: Well, under his scenario, it would be 28 --

MS. LOE: No. It should be different.

MR. MACMANN: What I'm suggesting is our buildings will probably be at least one-story tall. That's about 14 feet. Double that would be 28. And you're saying in the M-C, the tallest our buildings can be is 45. So that would require a 90 foot. So our scaler distance would be between 28 and 90, unless we just want to pick 100 or pick 50. Our guests this evening have suggested that they felt 100 was too punitive, you know, for someone who found themselves in the situation. Twenty-five? You suggested that would be too close. We have a 25 foot, and Mr. Zenner said they could stick it right on the property line. Zero might be too close.

MS. LOE: Well, I think we are discussing keeping the 100 for residentially zoned. Correct?

MS. BURNS: Yes.

MS. LOE: And we are just talking about residential use -- existing use.

MR. STRODTMAN: It is the use, not the zoning.

MS. LOE: So how about 50 feet? Half.

MR. MACMANN: Between commercial and residential?

MS. LOE: Residential use. For self-service storage.

MR. STRODTMAN: For any height?

MS. LOE: For any height. Residential use. 100 feet for residential zone.

MS. BURNS: And that's what we have.

MS. LOE: Correct.

MS. BURNS: So --

MS. LOE: We are adding 50 feet.

MR. STRODTMAN: For a use --

MS. BURNS: A use.

MS. LOE: I'll make an amendment.

MS. RUSHING: That's the opposite of what they wanted.

MS. LOE: No.

MS. RUSHING: Yes.

MS. LOE: They -- the -- my understanding of the question is that when there is a residential use on a commercial zoned property, that that 100 foot setback kicks in, and can that be reduced? And I'm proposing --

MS. RUSHING: Oh, I see. I thought --

MS. LOE: -- we reduce it to 50 feet.

MS. RUSHING: -- you were going the other way. Okay.

MR. STRODTMAN: Because they are saying that the residential use could block the commercial if it was -- you know, within that 100 feet.

MR. MACMANN: So we have two standards up --

MS. LOE: It's a two-step standard.

MR. MACMANN: -- depending upon -- all right. That's fine.

MS. LOE: Depending on zone and use.

MR. STRODTMAN: Would you like to make an amendment, Ms. Loe?

MS. LOE: I would love to, but I've lost the page.

MR. ZENNER: Commissioners?

MR. STRODTMAN: Yes, Mr. Zenner?

MR. ZENNER: Let me -- let me -- let me -- Mr. Kriede came up to me and pointed out what I believe we have been wrestling here is already addressed.

MR. STRODTMAN: Oh, well now he tells us.

MR. ZENNER: Yeah. Exactly. It took somebody in the audience to figure out what we were talking about to tell me. You've got two conditions here in this particular section. You have Roman numeral v -- or vi, which is basically a by-right process that if you can meet the buffer standard, you can go over 14 feet. You can over 14 feet if you can meet the standard by right. If you want to go over 14 feet, you come to the Planning Commission to do it. It's a -- it would be if we wrote this with the understanding, the conditional uses, it would be -- by default it is a conditional use. So over 14 feet because you are arguing with the staff that -- God, this 100-foot buffer is killing me, I can't build my storage facility. We tell you, Well, fine, you can't meet the by-right standard, go ahead and take your application and your site plan and everything else to the Planning Commission and let you all hold a hearing and basically tell us what the setback should be based on that public hearing. That is why the buffer is there. It is there to discourage folks from putting tall structures next to residentially zoned or used parcels.

MS. LOE: I believe we set up A through E under (vi) to minimize the people coming forward to --

MR. ZENNER: Because when we discussed this, it basically dealt with the issue that 100 feet, as we discussed within staff and within the Commission, probably was not excessive when you look at the size maybe and scale of self-storage facility parcels. However, I would tell you that if you can't meet the VIA to get over 14 feet, you are coming to the Planning Commission.

MR. TOOHEY: Do we have a motion?

MR. ZENNER: So that would be -- that would be looking at --

MS. LOE: We never got that far.

MR. TOOHEY: I make a motion we table this.

MR. STRODTMAN: I think we are so close. Let's -- we're close. If this is the last item, which I

think --

MS. RUSHING: No, it's not.

MR. TOOHEY: This isn't -- this is not fair to the people that have other --

MS. RUSHING: We have two --

MR. TOOHEY: -- item agendas tonight.

MR. STRODTMAN: Well, to be honest, we -- they were told. We knew this was going to be a long night. Let's just see if we can hash out this one item, and if there is more that we need to discuss, then we can discuss tabling this and go into another meeting.

MR. ZENNER: And, Ms. Loe, I would point down. If you go down to where the paragraph reads under 2, it says, "The standards included in item 1 above shall be considered as standards for a conditional use as well. However, they may be waived if the applicant shows that they are not required to ensure the visible compatibility of the proposed building with the surrounding properties." So there is an option by which to amend the 100 foot buffer through the application of a more detailed site plan that may have a visual analysis of the surrounding area. Thereby, being if you look at (i) -- or (vi) above that, basically that is your route if you want to not have to go through the Planning Commission and build over 14 feet, you set your facilities 100 feet back

MS. LOE: Uh-huh.

MR. ZENNER: You provide the buffer -- you provide a buffer -- maybe not landscaped because you are not required to do so, but you have a buffer, a separation -- a building separation buffer, in essence. You may have an access to ride behind it; you may have some screening because you're probably going to want to screen your businesses from your adjacent neighbor anyways. But that's really what ends up happening there. So item 1, which is on page 156 is the standard criteria that exists right now, which is a 14 foot maximum height.

MS. LOE: Uh-huh.

MR. ZENNER: That is the by right that we have in the Code or had in the Code. Four is basically -- and that is probably -- 4 is the standard that would allow you to by right go and build a bigger than 14 foot tall storage facility. And then item 2 on that same page is the process by which if you want to dispute any of the conditions under (vi), you come to the Commission and you ask for a conditional use and you produce documentation that says that the buffer and the other requirements are not necessary. So with that, if you still want to amend the distance, that is fine, but that is the logic again behind how this has transpired.

MS. LOE: I think we have covered the bases.

MR. MACMANN: Good.

MS. LOE: Okay. Next?

MR. STRODTMAN: Commissioners, other discussion, other items on the motion that we have for Segment Two?

MS. RUSHING: I thought there was no motion. Oh, the original motion.

MR. STANTON: For the segment.

MS. RUSHING: Yeah.

MR. STRODTMAN: The Segment Two motion. Are there any additional amendments on Segment Two needed.

MR. HARDER: I have a --

MR. STRODTMAN: Yeah.

MR. HARDER: -- discussion, if at all possible. Quite a few people have brought up, I think, it's the expiration on the preliminary plats.

MR. STRODTMAN: We -- we -- we will cover that in the subdivision segment, which I'm not for sure what number that is.

MR. ZENNER: That is Segment Four.

MR. STRODTMAN: Four. So it will be by December. No, I'm just --

MS. RUSHING: January?

MR. STRODTMAN: January.

MS. RUSHING: February?

MR. HARDER: As long as it is this year, I just want to make sure.

MR. STRODTMAN: Yes. That's definitely -- we had quite a bit of discussion about that internally too, so I know it will come up. Are we -- Commissioners, are we good for Segment Two? And we can close it. We thank the public for coming and we will move on to our normal work business now; is that correct?

MS. LOE: Do you want to clarify what the --

MS. RUSSELL: Do you want a motion to --

MS. LOE: -- calendar is for the rest of this?

MR. STRODTMAN: Oh, yeah. Yes. We talked about November 10th, but you were mentioning another date, Mr. Zenner?

MS. RUSSELL: Could I say something first?

MR. STRODTMAN: Yes.

MS. RUSSELL: With apologies to everybody that sat here waiting for M-DT? It is late and we think we need to postpone the rest of this.

MR. ZENNER: That is the segue that I was hoping somebody would make. Obviously, yes, it is late. We are through Segment Two. We have four more segments to complete as it relates to the Code. In order to maintain momentum, we will need to have additional meetings. These are going to be nonscheduled meetings and we will need a motion to continue the public hearing as it relates to Case No. 16-110 when we determine a next meeting date. It will not be readvertised. This is a continuation of an active public hearing. We will place the meeting on our agenda -- on our meeting calendar for the City of Columbia. We will provide planning and development listserv notification associated with it and we will place another ad within the Columbia Tribune to alert those that did not attend this evening of the date

and time of this upcoming meeting. Our next regularly scheduled meeting is November 10th. That is the only scheduled meeting within the month of November due to the Thanksgiving Holiday. And before my staff left me for this evening with Mr. Teddy to mop up the rest of the project, I asked them for dates that were available. If we would like to keep Thursday as open dates, we have Thursday, September [sic] 27th, we have Thursday, November 3rd, and then we would definitely be --

MS. RUSHING: October 27.

MR. ZENNER: October 27. I'm sorry. October -- yeah. I would like to take time -- we'll we're going to take another year. So it would be October 27, November 3rd, and then following our November 3rd -- the November 3rd open date is our November 10 meeting date. We have spent the last six hours going over two segments. M-DT we knew would be our most lengthy segment, and we are going -- then following that into subdivisions, parking, and landscaping, tree preservation. I would tell you that we will probably if we get through Segment Three and Segment Four at our next meeting, it will be another six hour meeting and we will need probably another public hearing -- two more public hearings in order to be able to get through the Code at the pace that we are operating at. The October 27th date, the staff report will not be revised. None of the documentation that is currently on the website will be revised, and I would strongly suggest that we schedule at this point or table -- make a motion to continue the public hearing to the 27th of October at 6:00 p.m. here in the City Council Chambers, and then with a tentative additional scheduled date, so I can place it on the calendar now of November 3rd, which is also a Thursday, at 6:00 p.m. If the Commissioners could check your calendars and let me know if those two dates will work, I will be able to take care of that first thing tomorrow.

MR. STRODTMAN: Commissioners, does anybody have a conflict?

MR. TOOHEY: I have a conflict on the 3rd.

MR. STRODTMAN: October 27th and November 3rd.

MS. RUSHING: November 3rd, I probably will have a conflict.

MR. STRODTMAN: Anyone else? Everybody else good? Kind of? Maybe?

MR. ZENNER: We do have open dates before November 3rd of Tuesday, November 1st, Wednesday, November 2nd. Are those open dates for the Commissioners that will be gone or for other Commissioners?

MR. STRODTMAN: The two that are gone on the 3rd --

MS. RUSHING: If I'm gone, I'll be gone that weekend through --

MR. STRODTMAN: It doesn't matter?

MS. RUSHING: But I don't if I'm gone.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: The 1st and 2nd, I can make those work.

MR. STRODTMAN: The rest of the Commissioners, 1st and 2nd? One or the other?

MR. ZENNER: Ms. Rushing, if I am understanding correctly, your response is you will be gone for that entire week then?

MS. RUSHING: Yes. If I'm gone, I'll be gone for the week.

MS. RUSSELL: November 2nd, I'm open. The 1st, I'm not.

MR. STRODTMAN: You're not available on the 1st?

MS. RUSSELL: The 1st. So the 2nd I am.

MR. STRODTMAN: So the 2nd? Let's look at the 2nd then.

MR. ZENNER: We will then -- if I do have a motion by the Commission, we will make a motion to table -- or to continue the public hearing on Case No. 16-110 to Thursday, October 27th at 6:00 p.m. in the City Council Chambers of City Hall. Is there a motion and a second to that?

MR. STRODTMAN: Commissioner, do we have a motion to continue on November 2nd [sic]?

MS. RUSSELL: I'll make a motion to continue the Public Hearing 16-110 to October 27th at 6:00 p.m. in the City Council.

MR. STANTON: Second.

MR. ZENNER: And then may I also have a tentative -- not a tentative but may I also have a motion for a tentative additional public hearing to be held on Wednesday, November 2nd at 6:00 p.m. in the City Council Chambers of City Hall?

MR. STRODTMAN: Anybody can make that motion?

MS. RUSSELL: I'll make a motion to continue the Public Hearing 16-110 as a tentative date for November 2nd, 2016 at 6:00 p.m. at the City Council.

MR. MACMANN: Second.

MR. ZENNER: Thank you very much. If you would like to take a 10-minute recess, we can reset the agenda, if that is not a problem or would you like to continue to move forward?

MR. STRODTMAN: Do we need to vote on those dates?

MR. ZENNER: No.

MR. STRODTMAN: No. A 10-minute recess and our normal business will continue. Thank you, everyone.

(Off the record.)

MR. STRODTMAN: We will go ahead and move on to our first subdivision item.

Excerpts from October 27, 2016 Special Public Hearing (continued from October 20, 2016)