

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**September 22, 2022**

**Case Number 262-2022**

**A request by the City of Columbia to amend Chapter 29, Sections 29-2.1 [Establishment and conversion of districts]; 29-2.2 [Base zoning districts]; 29-3.1 [General]; 29-3.3 [Use-specific standards]; 29-3.4 [C-2 district outside the M-DT regulating plan boundary]; 29-4.3 [Parking and loading]; 29-5.1 [Subdivision standards]; 29-5.2 [Subdivision of land procedures].**

MS. GEUEA JONES: This is a public hearing, but before we take comment, could we have a staff report?

Staff report was given by Mr. Clint Smith of the Planning and Development Department of Amendment 1. Staff recommends approval of the recommended text amendments to the UDC.

MR. SMITH: So with that, that is A-1. That concludes my overview of that. And I'd be happy to stop on this one and go ahead and take questions, because this one is probably the most involved of all of them.

MS. GEUEA JONES: I think that would probably be best. Before we do start peppering you with questions, do any of my fellow Commissioners have any ex parte related to this particular amendment they would like to share? Thank you very much. Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Smith, use specific standards, number six, could we return to that slide, please?

MR. SMITH: That one?

MR. ZENNER: For conditional use, Mr. MacMann?

MR. MACMANN: Conditional use.

MR. SMITH: There is a general requirement six, and there's a -- and a conditional use six.

MR. MACMANN: Conditional use six.

MR. SMITH: Conditional use. Okay.

MR. MACMANN: Where I'm going with this is we -- in our work session, in our research, and we brought this up and then we noticed it whilst we were discussing it, we had several situations whereby the staff coming from the building were kind of put in an awkward position as that they had to cross queuing line, the stacking lane. This number six says all entrance and egress. Will that cover that particular situation? Are you following me at all in my question.

MR. SMITH: This is six for conditional use standards. Right? Or for conditional use standards?

MR. MACMANN: I think this is where it says all ingress and egress. All existing and proposed points of ingress and egress, would that cover the situation where we had a problematic area? There was a -- one service provider that was brought up in the discussion, and we also noticed that Cain's also has this where the staff actually will walk across the stacking lane, and it's -- the visibility is low, and we discussed mirrors and stuff of this nature. Would what I just mentioned be covered by number six, all existing and proposed?

MR. SMITH: Which section are we in? I want to verify. Is it -- where is it?

MR. ZENNER: We're in all existing.

MR. SMITH: All existing proposed points. Okay.

MR. MACMANN: 29-3.3(jj)(vi).

MR. SMITH: Okay. So all existing and proposed points of ingress and egress?

MR. MACMANN: Yeah.

MR. SMITH: That is -- that's the requirement that the site plan is going to show all -- all points of ingress and egress. It's usually generally a little more traffic centric, so where -- where cars are entering and exiting, but I do think --

MR. MACMANN: If my --

MR. SMITH: -- pedestrian facilities, that would fall under that. So any pedestrian facilities, crosswalks, sidewalk entrances, that should be shown on the site plan, as well.

MR. MACMANN: Okay. I just want to make sure that we're covering the staff, also, because we're pretty good about people entering the site. But at a Sonic or something like that where we've got staff exiting, the one, the example in the work session, they're exiting, like, right there at the -- at the stacking lane. I just -- I just want to make sure that's addressed because a lawsuit is the wrong time to address that.

MR. SMITH: Right. So that would be --

MR. MACMANN: And where -- where did that go, I guess, is my --

MR. SMITH: Yeah. More attention on, basically, the staff entrance that may not get the same attention --

MR. MACMANN: Also attention upon those issues.

MR. SMITH: I wouldn't say that's specifically covered in what we've got here.

MR. ZENNER: I -- and I would tend to agree with Mr. Smith. I think what you have here really, the site plan -- the site plan is going to have to cover both internal and external facilities, and I -- I'm looking at this particular provision and trying to figure out where we can expressly cover the issue of what you're -- you're suggesting, Mr. MacMann, and that's an internal -- internal pedestrian facilities, not necessarily how it's being --

MR. MACMANN: Yeah. But you wouldn't see me exiting the door by the service window to bring Commissioner Placier a sandwich.

MR. ZENNER: And I think that that's -- the way that this is probably -- site plan generally being

something that we're looking at the external components of it. Now I think the provision above it in number five, internal circulation and access to an egress from, I mean, again, we're -- the impetus behind a lot of this had to deal with vehicular, not necessarily pedestrian. It's a matter, I think, of us becoming accustomed to what is intended with addressing, and maybe for this --

MR. MACMANN: I'm just trying to make sure that we do address that.

MR. ZENNER: Yeah. That may be --

MR. MACMANN: With the two situations that we have, they're problematic and someone is going to get bumped, at least in the --

MR. ZENNER: The purpose statement -- does the purpose statement -- because I think the area -- the area that you may be -- we may see that we can address that could potentially be addressed in the general purpose statement where we're dealing with both external and interior features to the site, and we could cover it in more of a generalized statement. So as an applicant is reading through these use-specific standards, they understand that they cover the broader internal and external --

MR. MACMANN: I just want to make sure, and I understand that the administrative process and regulatory process will take some time to apply. Commissioner Carroll is telling me she thinks it's in five also. I just want to make sure we get it covered. That's all -- that's all I want --

MR. SMITH: Yeah. So that section is the conditional use, so they will only apply when it's a conditional use. I would say three is maybe also kind of coming at it, as well. Three is where we're saying you need to show some sort of pedestrian access from the public sidewalk into the building. There might be a way to kind of punch that up a little bit --

MR. MACMANN: It might be -- a punch up might be good because that says public. And everything and we're doing this -- we're doing it for safety, and we're doing it to make it a livable and an inviting space.

MR. SMITH: Yeah.

MR. MACMANN: I just want to make sure the staff is covered by that, also.

MR. SMITH: We could look at that and -- again, though, that's only going to apply in conditional use cases where it's situated right now, so --

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Mr. Smith, item 29-3.3 (jj)(7)(a), the porte cochere landscaping option, would that allow the Sonic scenario? And --

MR. SMITH: Most likely not.

MS. LOE: Yes. Yeah.

MR. SMITH: And if -- we had talked about, and I think we --

MS. LOE: I missed that work session, so if you can fill me in.

MR. SMITH: If I can recall, I think it was -- I think there was a recognition that that was a bit of a one-off situation for that specific use and that -- you know, there still had the variance process in that situation to address it. It would be hard to kind of, I think, take those circumstances and apply it to a

standard that's going to apply to everywhere. So I think we kind of narrowed it down to just the porte cochere allowance, but we -- you're right. We did talk about the Sonic, but that's -- that was my recollection of where -- where we left it.

MS. LOE: Okay. As long as it's been discussed and addressed by this group. And then the communication that we received that was on the dais asking about the traffic generation study in lieu of the traffic impact analysis. Did you have any comment on that?

MR. SMITH: Yes. Thank you. I appreciate that. I should have stated that at the beginning. We -- we did have one public comment from this, and we -- we had sent this out to kind of a group of our local design professionals for comment, too, so we wanted to hear back from them. And we did receive one comment back from a gentleman, and one of those comments -- he had two comments, one was to this section and one concern was that a traffic -- a transportation impact analysis can sometimes require maybe more than is necessary for just maybe a simple drive-through, you know, review. So I did have the opportunity to talk to our traffic engineer, and he was very confident that the way they do it now is they have a scoping meeting ahead of time, and they will identify what he feels is necessary to be in that traffic study. So I think I understand his concern, but I think it's kind of addressed in -- in our administration of that section now. So -- and there's a second one, and I'll -- I'll bring that up if someone reminds me when we get to the easement section, so, thank you.

MS. LOE: Thank you.

MS. GEUEA JONES: Commissioner Wilson? No? Okay. Any other questions for staff. Legal, I assume you want us to vote -- on each of these separately?

MS. THOMPSON: Yes.

MS. GEUEA JONES: Okay. I, without objection, am going to do the public hearing now since I think we may have some comment on this. Okay.

#### **PUBLIC HEARING OPENED**

MS. GEUEA JONES: With that, is anyone here from the public who has comment on this amendment? Please come forward, state your name and address for the record, and please get as close to the microphone as you feel comfortable so our listeners at home can hear you.

MR. ROSS: Good evening. Is that close enough?

MS. GEUEA JONES: That's good.

MR. ROSS: My name is Benjamin Ross; I live at 205 Paw Paw Way in Ward 2 of City of Columbia. I'm a professional engineer. I'm a board-certified professional transportation operations engineer. I used to work at a fast-foot restaurant, and one of my biggest qualifications to talk to you tonight is I'm an obese American who is an expert at identifying fast-food restaurant drive-throughs and how they operate, so I think that's really important. My colleague, Matt Kriete, is the one who sent in the information to you, and I'll talk about that in just a minute. But I found out about this issue of the proposed changes to the UDC on September 15th when Clint sent out the announcement. I was not -- not aware of the work sessions that you all had, so I was not able to attend those or listen to your discussions, but I did

review the meeting minutes. And as far as Amendment 1, I'll just read some comments that I have. I think their main goal, and I support this, is we're trying to screen and protect quality of life in residential areas. We don't want a bunch of new drive-throughs or loud speaker noises, you know, impacting people's homes. I think that's very good, but I think when we consider that option versus drive-throughs, like the Culver's has been used as an example a bunch of times, when you've got something that's along a nine-lane-wide highway, you know, what are you screening from? I mean, you made them build this wall, but there's nine lanes of traffic and then the other side of that is another fast-foot restaurant and then the Mall -- Columbia Mall parking lot. So I think that's a bad example and, actually, it's not a good use of resources. I know you talked about security during one of your meetings. That was on your June 23rd meeting. I think it's important for the police to be able to drive by and see what's going on at the window. You know, is there some crime happening? Hopefully not. But I just think the porte cochere at the Culver's is a bad example in a place where it's not necessary. I think the -- the term used -- you talk about R-1 and R-2 zoned property, and I think it should be residential use instead of R zoning. And the example I have there, the bank I go to is the Central Bank on West Broadway, and it's got an ATM machine that faces to the Broadway Christian Church, which is R-1 zoned, but the Broadway Christian Church is not residential. They have a big yard, a big parking lot, and then their church, it's quite a distance away. So I think the use is the important thing, not the zoning. That's one of my comments. You have the somewhat different criteria that would allow a service window to face the street, the porte cochere, the three foot lower and not being able to be seen. I think that a total distance from the public street should be added in. That was talked about, but I think that if your distance is so far away that, you know, you're not even going to see it from the road, I think that should be allowed, too. It doesn't matter if it's facing the street, but if it's so far away, it should be fine. The traffic study, and then I was very surprised that in your July 7th minutes, it seemed like the Planning and Zoning Commission did not want to allow staff to review on a case-by-case basis. And we've got a lot of smart engineers working for the City, and you talked about the Sonic as a one off. We need to let the staff have the authority to use their judgment, their professional judgment to decide what is -- you know, how -- how will they protect the quality of life and, at the same time, help developers and entrepreneurs develop as, you know, efficiently as possible. And we're trying -- we're all trying to protect the quality of life in Columbia, but we also want common sense to prevail as quickly and as inexpensively as possible. You talked about the difference between a transportation impact analysis and a traffic study. This is the book on how to do transportation impact analysis. It's 123 pages long. Here's a flow chart that you have to run through to do this. It is pretty expensive. But Culver's, back to that example, they hired Lochmueller Group out of St. Louis, and they did a 15-page study. And right on the first page, it says, "It is important to note that the following assessment does not represent a traffic impact study." So a study is maybe a little bit less than the transportation impact analysis. So I think it's important that the scoping that we talked about does take place, so we're -- we're doing the proper level of engineering work to meet the needs of the community. We don't need to go overkill. I don't want to have a one size fits all checklist requirement that you have to

follow what's in this book. Okay? We don't want that. We want engineering judgment to be used. In the meeting minutes, you also talked about allowing alternative data. I've been involved in some projects where it's maybe -- it's not a nationwide franchise, but it's, like, they have several stores, and they've got their own data that they developed over decades. I think if an entrepreneur comes in and they can point to their ten stores in the St. Louis and they all need this much parking or this much stacking distance, we need to listen to that. You know, not everything is going to be in the ITE book. We need to listen to the entrepreneurs who have, you know, real world experience. I definitely support the staff's desire for flexibility. That was again in the July 21st work session minutes. Like, the 300 foot, that seems like a pretty arbitrary number to me, and how is that even measured? Is it 300 feet from the service window in the radius out to the next intersection? Is it 300 feet from the parcel of the ground? Or is it the stacking distance allowed? And then I go to Chick-Fil-A, one of my favorite restaurants, and it's on Stadium Boulevard. They have 300 feet of stacking distance, 327 feet of stacking distance from their normal menu board and microphone and the speaker box on their own site before you even get to the internal circulation road that you talked about. That 327 feet was not nearly enough during the pandemic. Traffic -- they had two lanes of traffic and it backed all the way out of their property onto the circulation road on the shopping center, and out onto Stadium Boulevard and blocked traffic on Stadium Boulevard. That was pandemic conditions when the dining room was closed, other restaurants were closed, and there was really -- I think there was pretty few restaurants available then. But that should not be the criteria we look at. You can't judge the pandemic conditions on the problem at that -- at that site. So the 300 feet, I think, needs to be looked at very carefully. There's a huge difference between an ATM out at the very edge of a parking lot which there are very few cars an hour, but it might be within 300 feet of the service road or the public street intersection, versus a drive-through -- a big fast-food drive-through.

MS. GEUEA JONES: If you could wrap up your comments, we would appreciate that.

MR. ROSS: Right. I'm almost done.

MS. GEUEA JONES: Thank you.

MR. ROSS: There's also a difference between a drive-through and curb-side pickup, another phenomenon from the pandemic. Curb-side pickup does not have menu boards or speakers. It should be treated differently. The drive-through stacking distance impacts site parking. You need to have enough parking on site, and I hope the P & Z Board will review the -- the rules regarding additional parking beyond what's allowed by the UDC because the Board of Adjustment process to allow more parking in this community is completely broken. I can talk to you a lot more about that later. But just to wrap up, I want to say thank for the opportunity. We need to have -- we need to allow the City staff engineers to use judgment on a case-by-case basis, and no one size fits all. Let common sense prevail. And there's a big difference between an ATM out at the edge of a parking lot and a big fast-food restaurant next to a neighborhood. So thank you for listening.

MS. GEUEA JONES: Thank you. If you would just wait for a minute. Does anyone have any questions for this speaker?

MR. ROSS: I would be happy to answer questions.

MS. GEUEA JONES: No? Thank you very much. Appreciate you being here.

MR. ROSS: Okay. Thanks.

MS. GEUEA JONES: Anyone else to have public comment on this amendment? Again, name, address, and since I forgot to mention it, we do usually limit people to three minutes if you're an individual and six if you're --

MR. TRABEAU: Not a problem. I'll try to adhere to that.

MS. GEUEA JONES: Thank you.

MR. TRABEAU: Tom Trabeau, 3530 South Old Ridge Road, Columbia. I'm going to go through it almost line by line, not all the lines, I promise that. But I do want to echo what Ben said, is a lot of times when we think about drive-up facilities, we think about restaurant drive-throughs, and we have a lot of other drive-up facilities that don't have near the impact as a restaurant drive-through. In Section 2 in the general requirements, it talks about the -- the property edge buffering being a level three property edge buffering. I know that that's not a change, that's just been restated differently than it was before, but I wanted to say I complained about this when we were doing the UDC amendments before. I think that level of landscaping and buffering, ten-foot landscape buffers and eight-foot-tall screening next to an R-1 zoning is overkill. Item number two, no speaker shall face an R-1 or R-2 zoning district. I would recommend that that be stricken because that's covered by item four, where it talks about noise control ordinance. I'm really not a big fan of these absolutes. The technology is changing, we're seeing a lot of changes in the way we handle drive-through facilities with all of these -- all the different drive-through facilities and restaurants. Item number three, no menu boards shall be visible from an R-1 or R-2. I -- I'm not even sure exactly what that means because it depends on screening, it depends on -- you know, I mean, I can make it not visible pretty visible pretty easily. I can do different types of lighting. So I think that's something that probably should be addressed. I want echo what Ben talked about on the porte cocheres. The ordinance says screened from the ground to the roof, and what they did at Culver's is really a travesty. I expect when I drive up or drive by a drive-through restaurant to see a service window. I expect to see stacking cars. I don't expect to see an architectural storefront. I think those are reasonable expectations, and so I don't know that we need to spend a lot of money and dictate those types of architectural things for our drive-up windows. The landscaping section directly below the porte cochere, the last sentence, "The landscaping installed in this landscaped area shall be in addition to other landscaping requirements." I would request that be stricken. I think just adds a requirement here that is going to get lost in the shuffle because we already have landscaping requirements as percentages that are tied to the site already, so I would like to see that stricken. Item number three, under the conditional use, item number one where it says, "drive-up facility service shall not be located on the building facade that faces a residential zoning district." I understand this is a conditional use and that it can't -- they can ask for relief, but if we're going to allow them to ask for relief, why do we have this absolute in here that you can't do it? And, I mean, that's the first thing I'm going to read as a developer, as a new business

coming into our community. I'm going to read that and say you're not going to let me put that on the -- against the residential zoning district. But if I know the rules here, well, maybe I can, so let's get rid of these absolutes if we can. And I would argue that a service window is probably way less intrusive than menu boards or speakers. And so, again, that's a reason to eliminate that absolute. And then item number four, with regarding the architectural characteristics of the drive-through, the building and the drive-through. And we went through this when we did the downtown architectural standards. I am very much opposed to the City and the Planning and Zoning Commission imposing architectural design standards to a building owner or developer. They're going to make sure that it blends in appropriately. I believe that. I believe that strongly. It will be in their taste, and that's okay. It may not agree with my taste, it may not agree with your taste, but I don't think as a City Planning and Zoning Commission that we should be dictating architectural standards. Thank you for your time.

MS. GEUEA JONES: Thank you. Any questions for this speaker? No? Thank you very much. Anyone else to speak on this amendment? Seeing none.

### **PUBLIC HEARING CLOSED**

MS. GEUEA JONES: Do we have any Commissioner discussion about the amendment?  
Commissioner Stanton?

MR. STANTON: I like some of the ideas that I heard. Do we modify now, or do we just take note of what we heard --

MS. GEUEA JONES: Oh. Can you -- you can't be heard. Sorry.

MR. STANTON: Oh, excuse me. I like some of the things I heard this evening. Do we modify the amendments and vote, or do we just take note of what the public input is and address it at a later time?

MR. SMITH: I think we can make revisions to the Code that's in front of you now.

MS. GEUEA JONES: We already know we have one per staff's recommendation to change the term to transportation --

MR. SMITH: Yes.

MS. GEUEA JONES: -- impact analysis.

MR. SMITH: And so there will be some -- some minor. And I should say that the City Attorney had pointed out a couple of minor things, too, that need to be corrected, so there will be some minor revisions. So if we need to make some substantive revisions, we can do that, as well. We'll try to do it in this venue, but if it gets really complicated, then we may need to -- to come back.

MS. GEUEA JONES: Commissioner MacMann? I'm sorry. Commissioner Stanton, was that -- okay. Commissioner MacMann?

MR. MACMANN: We can -- the technical corrections, absolutely. I respect these gentlemen very much, and I appreciate what Mr. Stanton is saying. For those of us who were here during the UDC, and for those who have been through both the work sessions on this, for every objection that was just raised, we have received significant testimony going the other way around, and we do have compromised

documents. This is not Sante Fe, it's not downtown Ann Arbor where it's all dictated. Relief is possible, and we had to, and I think these guys know this. We have a broad spectrum of drive-throughs, and to try to capture all of them without having dozens more clauses and amendments would be very difficult. It is broad-based. The premise of all of these restrictions of uses, it flows from this is a conditional use. If one has a large objection, maybe that would be -- because in some -- some communities, they're not conditional use, you can just have one. But we do have everything from the drive-through to a Chick-Fil-A or a McDonald's or something like that, and we do have -- and remember in work session, if I will help your all's memory, we have a lot of retrofitted conditional use or drive-throughs which are really problematic. And we're trying to address those issues and a lot of it is very site specific and a lot of it is up to staff and to communicate that. Changing some of the stacking regulations and the distances to mitigate some of this is beneficial. I think it is. It may be a little bit overly detailed, but I think it's far less than -- I can hear many of the -- I remember during UDC, people wanting to go much, much further than what we did as far as form standards and things of that nature. We've -- we've stated some things and, I think, added clarity, and I appreciate staff's attention to detail and the quality of the work sessions we had on this, because I thought we had some quality work sessions, and it is a compromise as it stands. So I would be opposed to any significant changes in the other direction because I think this is a median document the way it is. Thank you.

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: The comment that I would like to make and, Planner Smith, you can correct me if I'm wrong on this. But I believe that the intent for the addition of the porte cochere and landscaping grade changes, et cetera, on the non-street-facing facade was to allow additional options so that you could have a drive-through on a non-street-facing facade. Those options were not previously available, so it's not that we're trying to regulate you more, we're trying to give you more options so that you could have something that previously you weren't allowed to have. I think that intent, when we're looking at this, is important. We're not trying to impose on you. I do have quite a bit of faith in our City engineers and our engineering professionals.

MR. ZENNER: Ms. -- if I could make one -- if I could follow up on that. I think --

MS. GEUEA JONES: I'm going to go to Commissioner Wilson first, and then we'll hear from staff.

MR. ZENNER: That would be fine.

MS. GEUEA JONES: Go ahead, Commissioner. Go ahead.

MS. WILSON: I apologize. I didn't know you had a follow up. So I will say I feel like, because I'm new, I'm going to throw that card in. I appreciate the conversation, but if we're going to literally start making changes, I'd actually rather have the opportunity to think it through and have more discussion. It just takes me more time to process and understand what we're talking about, why are we saying it, what are the possible consequences and impacts. All of that needs a little bit of further discussion than I think we could have here this evening, so that's just my only ask, is that if we are going to make some changes, that we don't do that right now.

MS. GEUEA JONES: Planner Zenner?]

MR. ZENNER: So to draw off of what Ms. Carroll had pointed out, the option that existed prior to these revisions being prepared was a Board of Adjustment action. And I think many that have gone before the Board of Adjustment understand the limitations that that Board has in being able to grant relief. So this is a clarification of the intent of the Code with an opportunity to allow for alternatives versus sending a project for a further delay to a Board of Adjustment that has very limited ability to be able to modify or manipulate the requirements. So this is -- that is also part of what is the impetus behind this. It was to add the clarity. We have been very fortunate that the projects that came before us to which the options were actually authorized were planned zones. So we have not encountered at this point a project developed in an open zoning classification that would allow a drive-through in an M-C zoning district on an M-C property. We have not had one built yet since this Code has been adopted. And I guarantee you, we would have been being requested to make changes when that project was potentially denied the ability to be able to establish a drive-through in a location that would have otherwise been permissible either by this body or potentially by our Board of Adjustment because the criteria for granting relief to a zoning provision could not have been proven. And that is -- again, these regulations clarify options available. If those options are not significant enough to give the Commission in a condition of where a drive-through is a principally permitted use, which would be really under the general conditions, that may be somewhere where we have to then table discussion on this amendment, go back and take into account the commentary that has been made here this evening to avoid you being in a position of reviewing a development plan to where our response has to be the Board is the one that has to decide that.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: I would like to do a little procedural thing to clarify and move this forward, if that's possible -- respecting --

MS. GEUEA JONES: Are there any other -- Commissioner Stanton?

MR. STANTON: Yeah. This went a little deeper than I thought, but I just had, like, a word change. I don't want to change, like, amendments. I just want a little word change based on the residential R-1 versus residential intent.

MS. LOE: Use.

MR. STANTON: I kind of like that. That's all I wanted. I wasn't trying to, like, rewrite the constitution, but I do understand what Commissioner MacMann is saying, that we -- we have worked on this pretty hard. If we just want to up and down vote it, I'm cool with that. I just wanted a little word change is all I was thinking of.

MR. MACMANN: I would like to --

MS. GEUEA JONES: I'm sure --.

MR. MACMANN: I would like to -- how about this. Lay it on me, Anthony. What you got?

MR. STANTON: If I'm correct, instead of saying R-1 thing, residential use, or in -- I forgot what

this -- I didn't write it down, what the speaker said, but I liked it.

MS. GEUEA JONES: I am --

MR. MACMANN: I have a response to that.

MS. GEUEA JONES: Go ahead, Commissioner MacMann.

MR. MACMANN: Mr. Trabeau is absolutely correct. However, flip it around. Are you with me, Commissioner Loe? If you flip that around and apply it, it's just as problematic the other way or more problematic because -- because of where we have businesses, we have old Code, new Code buildings. You flip it around, right now we have a come to the hazard situation. We'd turn that on its head.

MR. STANTON: Okay.

MR. MACMANN: So I think it's --

MR. STANTON: I can see it. I'm done.

MR. MACMANN: All right.

MR. STANTON: I'm laying down.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: And while we've had people come before us in public comment and say that a church is sensibly a commercial use, schools are also allowed in R-1. And frankly, I wouldn't want -- I would want to protect schools from this, as well. So I think I understood the comment, but I'm not sure all R-1 uses would necessarily --

MR. STANTON: I'm convinced. You're right.

MS. LOE: Yeah. Okay.

MS. GEUEA JONES: Any further discussion? Staff, are you satisfied with our discussion?

MR. ZENNER: I -- well, more than satisfied. I mean, if you're willing to move the ordinance as it is, or if you want additional discussion on it in a work session, we can -- we can stay action on this, take under consideration whatever you would like.

MS. GEUEA JONES: I don't think that's necessary. Commissioner MacMann?

MR. MACMANN: I would like to call the question.

MS. GEUEA JONES: Commissioner Wilson, do you have further comment?

MS. WILSON: Yes, I do. Because if -- it's problematic for me, and I'm sure you're about to ask us to do the up or down. Previously, I don't think I understood what a traffic impact study actually was, and so seeing that information this evening, now that makes me rethink what the actual requirement should be. So it would be problematic for me to have to vote this up or down. Obviously, I will if that's what we decide to do, but there are just some things that were mentioned tonight that I feel like need further discussion.

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: Could we get some clarification from staff on that, actually? For example, in the initial scoping meeting with traffic engineering, I suppose, would they be able to determine what elements of that study needed to be performed?

MR. ZENNER: Yes. The purpose for a scoping study is to determine what intersections, what criteria the design professional, the traffic engineer is going to need to be evaluating. That scoping study is not done in the absence of the applicant. So, I mean, they're going to be there and discussing the nature of what the expectation is of the outcome of the numbers. And I think as both our speakers indicated, we have a highly competent engineering staff. We don't proceed forward in requesting a TIA without understanding the implications associated with that. There is an obligation, however, and I think both of our speakers also acknowledged this, that we are -- we're in a position that we need to protect the public. And therefore, you have to allow discretion to the professional staff that is trained to assess what those issues are because they work within that environment on a daily basis. And there -- for the way that the regulation is written, it is inherently written broadly and not by specifying what is contained specifically in that traffic analysis, that transportation analysis, because they have to have that discretion. With every major development that comes before you, the choice of the projections for going backward, going forward, the intersections that we analyze, all of that is site specific, development specific, and that is determined every time we do a traffic study that's triggered. And we would not see this process being any different.

MS. CARROLL: For myself, I'm fine with a straight up-down vote as long as we have, which I believe we do, confidence that they would not require a full TIA in every circumstance, and it doesn't sound like that is the case.

MR. SMITH: If I may, just -- just to point out a couple of things I think might -- might kind of relieve some of those concerns. I think -- and I'm not a traffic engineer, but from my understanding, basically, your standard drive-through restaurant is almost always going to trigger that on our standard requirement, the 100 trips. A lot of new development, too, they'll do a traffic impact analysis for an entire commercial zone, not just one lot, so it's kind of rolled into one. So I think the instances where we're going to get maybe, like, one -- one small in-fill lot that is required to do it maybe, in excess of maybe what's needed, it's going to be a very small percentage of cases, I think, and it may not be any for that matter. So I think that window of where we would want to say this type of use in this specific location and circumstances and size of building may not need it, I think is very small. So --and I can't guarantee that, but I think that is the case.

MS. GEUEA JONES: And I'll just add, I'm looking at the language. It includes the purpose of the traffic impact analysis and doesn't say it has to be a full analysis. So I -- I think that it gives leeway, as well. Anyone else? Commissioner Placier?

MS. PLACIER: Yes. I can't believe I'm saying this, but just a point in favor of the porte cochere. We have a general principle that the front of buildings faces the street. And this was a compromise to make it look like a building front facing -- I know it's an ugly street. I know it's nine lanes wide, but it was supposed to look like the front rather than having the side of a restaurant facing the street. So -- and we have to remember we had -- we heard a lot of bad examples of previous construction that violated all this stuff and has created some ugly situations in parts of Columbia. Maybe I'm being snobby there, but the

-- the issue is, going forward, what can we do without becoming Santa Fe or Scottsdale or someplace like that. We can -- can make this place look decent.

MS. GEUEA JONES: With that, I think we're ready for you.

MS. WILSON: Go. I was just -- I was saying I'm good.

MS. GEUEA JONES: We're ready for you, Commissioner MacMann.

MR. MACMANN: I have -- I want to get something on the record to hopefully in the future allay some of our professional colleagues' concerns. A situation may be problematic, as these gentlemen said, something -- someone coming in from out of town. Usually somebody coming in from out of town, they're pretty well heeled, and they have local contacts and will hire a local agent. Regardless, I would encourage you gentlemen, and this is on -- for the record, to direct them to their full options. The other situation I thought of, as they were speaking, and this is worthwhile. The gentleman who developed the drive-through coffee across from Hickman might not have all the means to hire professional staff up and down the line. If we can help them, too. That said, Ms. Thompson, I'm going to make an amendment case in Amendment A-1, and A-1 only, in the positive and then go from there; is that what you wanted?

MS. THOMPSON: Yes.

MR. MACMANN: Thank you, ma'am. In the matter of Case 262-2022, Amendment A-1 with technical corrections, I move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner MacMann, seconded by Commissioner Stanton. Any further discussion? Seeing none, may we please have a roll call.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Wilson. Motion carries 8-0.**

MS. CARROLL: We have eight votes to approve, the motion carries.

MS. GEUEA JONES: With that, let's do the rest in 30 minutes.

MR. ZENNER: Three or thirty?

MS. GEUEA JONES: Thirty.

MR. ZENNER: Okay.

MS. GEUEA JONES: Planner Smith, would you like to move on to Amendment 2?

Staff report was given by Mr. Clint Smith of the Planning and Development Department of Amendment 2. Staff recommends approval of the recommended text amendments to the UDC. MS.

GEUEA JONES: Before we get there, you wanted us to remind you about the comment.

MR. SMITH: Yes. So we did receive another comment, and we did look at this, and we think this is maybe not ready for right now. We'll kind of keep it in mind. It's addressing an issue that exists now. If a lot had a platted easement, would it be a non-conforming building if it was not built to the required building line. So that exists now, so nothing we're doing is changing that situation, and we haven't had that situation yet. So we're going to keep this kind of on that list, and if this becomes an issue, we might

revisit it.

MS. GEUEA JONES: Very good. Thank you. Any Commissioner questions? Go ahead, Commissioner MacMann.

MR. MACMANN: I just have a quick question. The second part where it can be reviewed and required if needed. This addresses -- there's a handful of commercial structures that I'm aware of existing and several residential like houses on lots that are definitely not at the RBL, and they probably do have City utilities in their yards. And that would allow the utility department to make that assessment on a case-by-case basis; is that correct?

MR. SMITH: Correct. Yeah.

MR. MACMANN: All right. This also will rectify the problem we had on -- you guys can correct me if I'm wrong -- South Sixth, South Fifth, where we were going to try to shoehorn the utilities underneath the building and all that; do you remember that? It was one of the first objections we had to -- I can't put the utilities here if I'm going to put the RV out. This addresses this issue, generally?

MR. ZENNER: Generally, it would. I mean, again, in an instance where the utilities director is requiring that the utility easement be provided, it is going to probably create a situation as to which is more important, maintaining the RBL and the integrity of the downtown, or ensuring that the utilities have sufficient location to be placed within. In the majority of our utilities, I think, as we have identified, are in our rights-of-way to begin with, but that's -- so it's difficult. I think if you think of -- the property I'm thinking of is the sub shop on Ninth or Eight.

MR. MACMANN: South Eighth is where --

MR. ZENNER: South Eight. And, of course, their building is nowhere near the required building line, and it is very possible that there may be utilities on their property.

MR. MACMANN: I can tell you that there are utilities.

MR. ZENNER: So if that building is brought forward -- demolished and brought forward, the requirement would be, basically, you have to build to the RBL. This particular provision would, in essence, and I think to point to the correspondence that's been received, you would, in essence, be stating that that parcel's redevelopment is non-conforming to the MDT standard for our RBL construction. In essence, the philosophy that is often utilized in our office is where you have an easement that exceeds the required setback, the easement line becomes your setback by default, because you can't build within the easement. And at that juncture, you have to accept the reality that if the easement is essential, the RBL is behind the easement at that point, and it is not considered a non-conformity in -- in the general sense of a non-conformity. It is -- the building has been built to the RBL by the application --

MR. MACMANN: Because we moved RBL?

MR. ZENNER: Yes. The RBL is required --

MR. MACMANN: Do you think we'll make Mr. Kriete happy here?

MR. ZENNER: I think that -- I think the situation plays itself out in application already.

MR. MACMANN: Uh-huh.

MR. ZENNER: We don't plat property and create non-conformities, generally. We -- we really -- that's --

MR. MACMANN: I kind of understand his concern. I thought he might have had a specific property in mind. The last question: Would this make Mr. Farnan happy? This was an issue of his over and over.

MR. ZENNER: I mean, building to the RBL, in general, because we want the building faces to share a common front, I imagine it would probably make Mr. Farnan happy that we would allow this relief. I don't know necessarily, though, how impactful it is to the architectural and frontage character, because you're still going to have to design that building meeting the other criteria within the MDT, it's just set slightly further back. Now the question at that point then is if this problem should arise, how would we want to handle any type of landscape treatment in that particular area to try to mitigate that, or would we allow, for example, an outdoor café to occupy that portion of maybe added sidewalk. There are a whole series of other design related issues that we would have to look at specific to that situation.

MR. MACMANN: Do those issues now -- we're looking at a redevelopment of existing properties for this happen. I'm sorry, Madam Chair, to occupy so much of this time, and I think these are valid questions.

MS. GEUEA JONES: You're eating into the 30 minutes.

MR. MACMANN: That's -- all right. I just want to -- and this is an homage to Mr. Farnan. Currently, if that situation were to occur tomorrow, would those situations fall under director's discretion?

MR. SMITH: I don't think they're -- you're saying if they have an easement and --

MR. MACMANN: Somebody tore one down and we found a water line that's actually under the building.

MR. SMITH: So it's a little bit different situation. Right? So an easement follows the utility. Right? So easement just protects on top of it. But even if there's not an easement, I don't think -- I don't want to speak out of turn, but I -- I am quite certain that a permit would not be issued to build over, say, a City water main. We would generally request that they provide us a water main easement at that time so that we do have the ability to maintain it. They have a decision at that point whether they want to relocate the water main to a location --

MR. MACMANN: That is a --

MR. SMITH: That is not a redevelopment. And that -- that certainly can happen.

MR. MACMANN: Okay. I'm just going through, because we've had so many unique situations appear downtown, and we have had a developer -- I think the Rice's developer moved that water line, didn't he? He moved something. Thank you, gentlemen, for your time. This has been a long time, five years in coming. I just want to make sure that we get it right. Thank you. Thank you for your -- your tolerance, Madam Chair.

MS. GEUEA JONES: Any time, Commissioner. Anyone else, questions for the staff? Seeing none.

**PUBLIC HEARING OPENED**

MS. GEUEA JONES: Any public comment on Amendment 2? Seeing none.

**PUBLIC HEARING CLOSED**

MS. GEUEA JONES: Any Commissioner comment? Commissioner MacMann?

MR. MACMANN: If my fellow Commissioners have no other questions or concern on Amendment A-2, I have motion. In the matter of Case 262-2022, Amendment A-2, I move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner MacMann, seconded by Commissioner Stanton. Secretary Carroll, could we have a roll call.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Wilson. Motion carries 8-0.**

MS. CARROLL: We have eight votes to approve; the motion carries.

MS. GEUEA JONES: Thank you. Planner Smith, Amendment 3, when you're ready.

Staff report was given by Mr. Clint Smith of the Planning and Development Department of Amendment 3. Staff recommends approval of the recommended text amendments to the UDC.

MS. GEUEA JONES: Any Commissioner -- any question for the staff? No.

MR. MACMANN: Next question.

**PUBLIC HEARING OPENED**

MS. GEUEA JONES: Any public comment on Amendment 3?  
Seeing none.

**PUBLIC HEARING CLOSED**

MS. GEUEA JONES: Any Commissioner comment? Commissioner MacMann?

MR. MACMANN: If my fellow Commissioners do not have any more comments or concerns, I have a motion. In the matter of Case 262-2022, Amendment A-3, I move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner MacMann, seconded by Commissioner Stanton. Secretary Carroll, may we have a roll call.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Wilson. Motion carries 8-0.**

MS. CARROLL: We have eight votes; the motion carries.

MS. GEUEA JONES: Thank you very much. Planner Smith?

MR. SMITH: Number four, it's the last one.

MS. GEUEA JONES: Number four.

Staff report was given by Mr. Clint Smith of the Planning and Development Department of Amendment 4. Staff recommends approval of the recommended text amendments to the UDC. MS.

GEUEA: Any questions for staff? Seeing none.

**PUBLIC HEARING OPENED**

MS. GEUEA JONES: Any public comment? Seeing none.

**PUBLIC HEARING CLOSED**

MS. GEUEA HONES: Any Commissioner comment? Commissioner MacMann?

MR. MACMANN: I have a question. Ms. Thompson, when I'm done with this, would it be appropriate for us to make a motion to approve the entire thing?

MS. THOMPSON: I don't think that's necessary.

MR. MACMANN: All right. Well, we did -- we had done some of that with the UDC, that's why I asked that question. Thank you, Ms. Thompson. If I may, and my fellow Commissioners have no other comments or concerns, I'm going to make a motion. In the matter of Case 262-2022, Amendment A-4, I move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner MacMann, seconded by Commissioner Stanton. Secretary Carroll, may we have a roll call.

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

**Mr. Stanton, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Wilson.**

**Motion carries 8-0.**

MS. CARROLL: We have eight votes to approve; the motion carries.

MS. GEUEA JONES: Thank you very much. And with that, the recommendation on four amendments will be forwarded to City Council, along with the staff report.