

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
JANUARY 5, 2017

Case No. 17-23

A voluntary request by owners of property within the Benton-Stephens neighborhood to rezone 35 parcels of land from R-3 (Medium Density Multiple-Family Dwelling District) to R-1 (One-Family Dwelling District) and R-2 (Two-Family Dwelling District.)

MR. STRODTMAN: May we have a staff report, please.

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department.

Staff recommends approval of the proposed rezoning from R-3 to R-2 and R-1.

MR. STRODTMAN: Thank you, Mr. MacIntyre. Commissioners, questions for staff?

MR. TOOHEY: I've got a question.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: So correct me if I'm wrong, but, typically, when there is a request to rezone a property, the City goes and puts a sign up on that property. Were there signs put on all of these properties?

MR. MACINTYRE: No. And that would have been an impossible task. The notification via signs is a courtesy that we do try to extend where feasible and reasonable. However, in this case, we do not physically possess enough signs to do such a notification. Instead, we sent out a detailed advertisement and, of course, notifications via letters to all surrounding property owners and notified neighborhood associations and homeowners associations within 1,000 feet. So virtually the entire neighborhood was noticed at both the public information meeting level and for this public hearing tonight, but no signs were posted.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: I just have a procedure question for Mr. Zenner when he's finished.

Mr. Zenner, when we get ready to do the motion, do we have to list every one of the properties?

MR. ZENNER: You will notice that we -- you will notice that we did not identify them in the reading for Mr. Strodman. I would probably reference as exhibited within the report.

MS. RUSSELL: Okay.

MR. ZENNER: That would probably be the easiest way to do it, so you do not have to list every single individual parcel address. And just to make sure that, Mr. Toohey, you're clear, Mr. MacIntyre explained that correctly. We are statutorily obligated only to notice in the newspaper. We are not statutorily obligated to provide property owner notification nor posting of property on a pending rezoning action. That is done as a courtesy and as part of our -- part of our just general activity. Signage is one of those areas where we are only capable of doing that when it is feasible. Property owner notification,

however, we rarely will ever not send out as a result of an action such as this, and that's just how we operate.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Yes. Thank you, Mr. Chairman. Mr. MacIntyre, you said that there currently exists no conflict between any R-1 -- any proposed R-1 in this situation, or R-2. We do have that one situation -- and R-3 under the new Code. That's a correct -- that is a correct statement?

MR. MACINTYRE: Correct.

MR. MACMANN: Okay. Then the only conflict would come in if a neighboring R-3 were to be redeveloped or be rezoned and then it would have to meet the new Code, if that Code were to be adopted?

MR. MACINTYRE: I'm not sure I'm following you now.

MR. MACMANN: You said there's no conflicts as things exist right now with the new Code. Yes?

MR. MACINTYRE: Maybe that's uncertain as to what you're meaning is.

MR. MACMANN: Well, as in no one is going to -- no one who owns a current R-3 property will have to do anything if the Code is to be adopted as things currently stand to meet the new Code standards?

MR. MACINTYRE: Well, certainly the new Code is not adopted, it's not in place, so there's no --

MR. MACMANN: Yeah. I am making a conditional statement. That's --

MR. MACINTYRE: Okay.

MR. MACMANN: Where I'm going is the only time those protections would be -- would kick in, so to speak, were the Code to be adopted, is if there's a redevelopment or significant change in development in a neighboring R-3 property?

MR. MACINTYRE: Correct.

MR. MACMANN: All right.

MR. MACINTYRE: There is -- there is no impact existing or proposed that basically -- yes. I think I understand what you're getting at now is --

MR. MACMANN: Okay.

MR. MACINTYRE: -- there is no requirement for an existing nonconforming residential structure, multi-family structure to come into compliance --

MR. MACMANN: To do anything.

MR. MACINTYRE: -- based on existing or future proposed Code, yes.

MR. MACMANN: It would be based upon new or redevelopment R-3 vis-a-vis proposed R-1?

MR. MACINTYRE: Correct.

MR. MACMANN: All right. That's --

MR. MACINTYRE: Or the existing structures on these proposed downzoning sites that are already there.

MR. MACMANN: All right. That's where I was going. Thank you very much, Mr. MacIntyre.

MR. STRODTMAN: Ms. Loe?

MS. LOE: But to clarify Mr. MacMann's point, this rezoning -- should the new Code move forward, this rezoning, whether or not it goes forward, if an R-3 were redeveloped next to a property be it used as R-1, even if it's zoned R-3, would still need to meet the requirements of neighborhood protection.

MR. MACINTYRE: Correct.

MR. MACMANN: Correct.

MS. LOE: So this rezoning will have no impact if it's an R-3 property being used as an R-1.

MR. MACINTYRE: Correct.

MS. LOE: Right. I had a question for staff. Mr. MacIntyre, I don't think it's been explained to me during this process why the City rezoned -- upzoned all this area in 1957. So before we renege on the -- or roll that back, I would be interested in knowing why that action was taken.

MR. MACINTYRE: Well, I've come very close to discovering that answer.

MS. LOE: Oh.

MS. BURNS: That means he doesn't have it.

MS. LOE: But not quite?

MR. MACINTYRE: The answer may be in microfiche which have not yet been thoroughly examined, at least not to the point of finding any discussion from that 1957 Council meeting, although I have scoured minutes and other means. It does appear that it was a result of the consultants -- I believe Hare and Hare at that time -- updating the entire zoning regulations and the zoning map at that time and a sweeping approval perhaps not with any discussion at all -- perhaps. But I -- I have not yet been able to completely verify that.

MS. LOE: So there is not a history of some strong argument or persuasion of what some intention was in that neighborhood that we're now rethink-- it's something that's been lost to Microfiche?

MR. MACINTYRE: Correct. At this point.

MS. LOE: Okay. All right. Thank you. Disappointing, but thank you.

MR. STRODTMAN: Opportunities for research for you, Ms. Loe.

MS. LOE: Yes. Yes.

MR. STRODTMAN: Any additional questions, Commissioners? I have a small one, Mr. MacIntyre. Have we -- we, as in the City, to your knowledge, have we ever turned down a request for a downzoning in -- you mentioned the 60 -- that would be 60 other downzoning requests. Are you aware of any that we've -- the City has denied?

MR. MACINTYRE: No, not to my knowledge. And in this -- in uncovering the ordinances in the case files for those 60, those records are much more accessible than the 1957 records. No. There -- there was no opposition. Most of those requests, by the way, were to downzone to R-1 with --

MR. STRODTMAN: And I -- and I assume of them are one at a time or --

MR. MACINTYRE: No. There was a large one I think with 24. That was the largest one, somewhere around there. And then a number of smaller -- three, five, seven.

MR. STRODTMAN: Do you, by chance, remember the year the 24 or approximate on the date?

MR. MACINTYRE: I think that was -- that may have been the '90 -- 1996 once. Interestingly, there has been a request in East Campus Neighborhood in past, I want to say, three or four years to upzone and restore a previously downzoned parcel from R-2 to R-3, and that was denied. The rationale and I understand that spot zoning has been raised as a potential concern by opponents to this type of request in the past, but the rationale associated with accommodating and supporting individual parcels such as this is that they do act as functional roadblocks, if you will, to parcel consolidation and larger-scale developments, which would run counter to the intent.

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

MR. MACMANN: Just a clarification. You opened your presentation by saying that this process is part and parcel and flows from a Council resolution that is aimed at revitalizing and stabilizing these single-family areas; is that correct?

MR. MACINTYRE: That is correct. And that is the precise language in that resolution.

MR. MACMANN: That's revitalize and stabilize, so we're flowing directly from the will of the Council -- this procedure seems to go direct -- right down that path; am I correct?

MR. MACINTYRE: Yes.

MR. MACMANN: All right. Thank you.

MR. STRODTMAN: Any additional questions of staff, Commissioners? I see none. This is a public hearing, so we'll go ahead and open the public hearing portion of this case discussion. We just ask that you give us your name and address and three minutes each and come on down.

PUBLIC HEARING OPENED

MS. FLEISCHMANN: Hi. My name is Rita Fleischmann; I live at 1602 Hinkson. I am personally downzoning six of my properties. I really appreciate the historical documentation and the questions there that lie in because, at one point in time, this was single-family dwellings, and we are just trying to make them what it once was -- what it was intended to be before somebody came in and waved a wand and took it away maybe with no hearing, maybe with no interaction, but they just zoned it. These participants are willingly and knowledgeably acknowledging -- excuse me -- acknowledging that they are willing to, like, maybe take a loss on their properties, maybe take a gain on their properties, but they are doing it willingly with heartfelt dedication to the community of Benton-Stephens to keep it unique, independent, and a special part of the community of Columbia. And I appreciate all of your efforts and applaud you all and I wish you all a Happy New Year, and I hope you don't have any questions.

MR. STRODTMAN: Commissioners, are there any questions?

MS. FLEISCHMANN: I will answer them.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. Ms. Fleischmann, you had mentioned that some of these homeowners faced a potential loss. And just to clarify something, they would face a potential loss if they wanted to sell their properties to let's call them an R-3 or an R-MF developer. Correct?

MS. FLEISCHMANN: That's a hypothetical question.

MR. MACMANN: That's a hypothetical. Let me go to the other side of that. But if they wanted to sell to someone who wanted to live in a small footprint single-family home, they might be protecting some of their value, wouldn't they -- would they not be?

MS. FLEISCHMANN: Absolutely.

MR. MACMANN: All right. That's where I wanted to go. Thank you, Ms. Fleischmann. Thank you very much.

MS. FLEISCHMANN: You're welcome.

MR. STRODTMAN: Commissioners, any additional questions? I see none. Thank you, Ms. Fleischmann.

MS. FLEISCHMANN: All right. Happy New Year.

MR. STRODTMAN: Happy New Year to you.

MR. NORGARD: Good evening. My name is Peter Norgard; I live at 1602 Hinkson also. I brought handouts, but Rita spoke and she didn't cry. You apparently received Pat Fowler's e-mail in your packets, so I don't have to give them to you. I'll just say you guys all hit on major points already. I don't know what more to say other than we do feel like given the status of the UDC and redevelopment issues within our neighborhood, we, as single-family residents, don't really have a lot of tools and options available to protect us. In fact, I would argue this might be the only tool that we have, so I'm going to do something I've never asked you to do before and vote in favor of this downzoning effort because it does -- it's the only tool that we're going to ever have to protect ourselves just even a little bit from redevelopment pressures and, hopefully, we don't have to have such vicious fights in front of you in the future.

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

MR. NORGARD: Thank you.

MR. PRIVITT: My name is Donald Privitt, and I own a six-plex apartment at 407 North Ann. And I highly recommend that you rezone this down.

MR. STRODTMAN: Thank you. Commissioners, any questions for Mr. Donald [sic]?
Mr. MacMann?

MR. MACMANN: You say you own a six-plex?

MR. PRIVITT: Six-plex at 407 --

MR. MACMANN: So your property is currently zoned R-3, is it not?

MR. PRIVITT: Oh, it's zoned R-3.

MR. MACMANN: All right. And this potential change in value doesn't bother you?

MR. PRIVITT: I don't think it'll be changed in value because it's still going to be a six-plex apartment.

MR. MACMANN: So you don't see any true effect to your personal property?

MR. PRIVITT: I -- I -- I absolutely do not see any down --

MR. MACMANN: Any downsize.

MR. PRIVITT: Losing any money on the property.

MR. MACMANN: Okay. Do you see any upside for you, financially or otherwise?

MR. PRIVITT: I'm sorry?

MR. MACMANN: Do you see any upside for you financially or otherwise with the downzoning?

MR. PRIVITT: No.

MR. MACMANN: Any positive net effect?

MR. PRIVITT: No. In fact, I would prefer that it be residential instead of 34 more apartments built in there. No. I feel like 407 North Ann is just four blocks north of Broadway and Boone Hospital. It's a good location for apartment buildings, and I've owned it since 1973.

MR. MACMANN: You've owned -- if -- help me here a little bit. Your property runs perpendicular to Ann, does it not? It runs in a row. We have six -- they're like brick faced?

MR. PRIVITT: No. No. It -- it faces Ann Street, but it runs back.

MR. MACMANN: We are on the same piece of property. All right. I thought that was you.

MR. PRIVITT: Yes. Yes. Yes. It's a red brick.

MR. MACMANN: All right.

MR. PRIVITT: Yeah.

MR. MACMANN: Thank you. I have no further questions for Mr. Privitt.

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

MS. LOE: Mr. Privitt, so your interest in supporting the downzoning is because you appreciate the character of the neighborhood with the mixed single-family and multi-family?

MR. PRIVITT: Yes, ma'am. I -- I appreciate. It is a neighborhood that is very quiet, doesn't have a lot of activity in it, and it makes a good -- for my tenants, they like it because it's not a lot of traffic and a lot of, well, crime. And I -- I see no reason why my apartment would lose money for downzoning.

MS. LOE: Thank you.

MR. STRODTMAN: Any additional questions? Mr. Privitt, I have a question. Just curious. Who is typical renter? Would it be a student or it be a medical occupation with Boone Hospital?

MR. PRIVITT: Most of them are occupation. I do have some disabled veterans in there. And I -- sure, you get a graduate student. As you know, on a one-bedroom -- they all are one bedroom, and the State and Columbia, you can only allow two people in the one bedroom. And that -- that appeals to people. And right now, it's only single -- six single people living in there, and they have various jobs and occupations.

MR. STRODTMAN: Thanks. But no students -- typically, no students?

MR. PRIVITT: Well, I have rented to graduate students. A lot -- in fact, I even have one professor, a university professor in there now, been there for eight years.

MR. STRODTMAN: Love those.

MR. PRIVITT: Yeah. Yeah.

MR. STRODTMAN: I see no additional questions, so thank you, sir. Appreciate your time.

MR. SHANKER: Good evening. I'm Rick Shanker; I live at 1829 Cliff Drive in East Campus. I have a property in Benton. I support this downzoning also, and I wanted to lend my support to these people that have brought this to your attention. Thank you.

MR. STRODTMAN: Commissioners? Mr. MacMann? Mr. Shanker?

MR. MACMANN: Mr. Shanker, just real -- real briefly. Do you see yourself facing any loss of value that concerns you?

MR. SHANKER: Like Mr. Privitt, it's -- it's a great neighborhood, and I think this effort will keep it the way it is and improve it. Single-family dwellings are very important to the neighborhood for renters and I this will be -- do nothing but enhance it.

MR. MACMANN: So you -- just to follow up on this, Mr. Privitt and you have both said that having this type of situation present where we have the mixed use R-1, R-3, R-2 is a selling point for you all?

MR. SHANKER: I think so.

MR. MACMANN: Think so?

MR. SHANKER: Yes.

MR. MACMANN: So it is a value thing. Thank you very much, sir. Thank you, Mr. Chairman.

MR. SHANKER: Thank you.

MR. STRODTMAN: Thank you, Mr. Shanker.

MS. MEIER: Amy Meier, 906 Sandifer. I'm the very top property on the map there. My situation is a little bit more unique. I support the proposal to downzone to R-1 simply because there is a lot of R-3 zoned homes on the corner of Paris and Sandifer there that have a nebulous use of a business and not residence, and they've continued to purchase homes along Paris Road at the R-3 designation and use it as a day care, which causes problems, including parking, lighting, things like that. And I have very good appreciation for Peter for helping us in alleviating some of those problems. But my husband and I have spent the last 12 years and thousands of dollars and hours improving our home that was formerly a rental and we own now. It's our first home and we hope that we can continue to provide, when we do decide to sell, that to residents who want to have a single-family home for a young couple or a young family wanting to start their lives. So having it be R-1 would be, I think, ideal and affordable for people looking for, you know, a nice first home.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just -- just real quick then. From the value perspective, you hope to -- I mean, you're all going to upgrade, so to speak, at some point, and you hope to sell it to someone else who wants a starter home. Right?

MS. MEIER: Sure. And even if it becomes a rental, we only would like residents living there, and not -- not to be part of a business.

MR. MACMANN: So it's -- in your view, it's saleable type of --

MS. MEIER: I'm sorry? Excuse me?

MR. MACMANN: In your view then, this fits with your future sale plans, if you were to sell?

MS. MEIER: Yes.

MR. MACMANN: All right. Thank you very much.

MS. MEIER: Absolutely, and it preserves the character. We love the neighborhood.

MR. STRODTMAN: Commissioners, any additional questions for Ms. Meier? I see none. Thank you, ma'am.

MS. HAMMEN: Janet Hammen, 1844 Cliff Drive in East Campus. And I just also am speaking in favor of the downzoning. East Campus neighborhood has downzoned more than 60 properties since this ordinance first came into being. I would guess 68 properties. And we do feel that it helps stabilize neighborhoods. Thank you.

MR. STRODTMAN: Commissioners, any questions for Ms. Hammen? No. Thank you, ma'am.

MR. RAHAMAN: Hello. I'm Lenny Rahaman; I live at 612 Paris Court, one of the properties requesting to be downzoned. I simply want to add to my written request a personal request that you grant this -- approve this downzoning.

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

MR. BEIGER: My name is Peter Beiger; I live at 1411 Pratt Street. And I wasn't intending to get up, but I just wanted to emphasize that this is -- Benton-Stephens is a very, very unique neighborhood in this city. It's historic. It's special. It's a real neighborhood. It's priceless. And we are on the edge of losing it for one reason or another, like the -- the passing of time, the -- the change of the population of the city. Its location is fabulous. I mean, it's incredibly attractive to all people. But I want to recommend that you do what's right because you don't want to lose this neighborhood, you know. The -- just want you to know how much -- I came here with my wife and daughter in 1971 and moved into the Benton-Stephens neighborhood. And I'm an actor by profession and a teacher by trade and worked at Stephens College in their professional theater company. And in those days, it was so beautifully balanced. And I've been in the Benton-Stephens neighborhood for -- off and on, since '71. And I love the Benton-Stephens neighborhood. I love it. I love what it means. I love its potential. You know, the broken mirror theory, you know. And we're getting into the trashed streets theory. More and more rentals. If it were up to me, I'd declare the whole neighborhood an historical neighborhood that cannot be destroyed any further. If you walk through the neighborhood, if you live in the neighborhood, I've had a -- I've had an Adopt-A-Spot for 15 years. And you know, after a while, you're picking up the garbage on Walnut there by Old 63, and it was a garbage dump for years, and I was out there picking things up. And, you know, people would look at me and now they pay mind. They realize that there's a reason why this neighborhood is special and -- and they recognize the effort that goes into that. And I hope you can do -- do the -- do what's right. Do what's right. You won't regret it. You won't regret it. This is an incredible neighborhood and it means so much to so many people, and it really hurts to see the drug raids, the garbage on the streets, and it's -- you know, it's being -- it's being degraded. And something like this will really, really add to its potential and -- and hope for all of us who just love this neighborhood and are dedicated to it.

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

MR. BEIGER: Thank you.

MR. FARNEN: Good evening. My name is Mark Farnen; 103 East Brandon, Columbia, Missouri. I had a few remarks, but I have more questions now that I heard the testimony that was given by staff and -- and the speakers. I think that it would be prudent to -- let's answer a few questions and -- and I don't know the answer to these. The first one is that if there is no change in how this would apply under the new UDO to nearby properties, then what is the purpose of the downzoning? And if it is a tool in the kit, how will it be used as a tool in the kit? What does it do? If it does nothing, then it won't matter if this passes or not. If it does something, what is that something that it invokes? And I don't know the answer to that because I thought differently that the way that it was described by the staff. And I understand exactly what his point is, so now I don't understand it because I thought that the letter that applied for this said that this would take advantage of the neighborhood protection standards and that that's what they were hoping for in the future UDO. And so, if that could be clarified or discussed, I think that would be important. The second thing that I never thought of until tonight was if -- if these homes or structures are currently nonconforming as R-3 and they're rezoned as R-1 and still are nonconforming, can a nonconforming lot or use be used to invoke the future UDO standards? It's nonconforming, so I don't know if it legally then has status or maybe it does, but I never even thought of that until tonight. I do wonder about the spot zoning that has been addressed. I do wonder about that because, as I look at the map that is on the screen, it looks like maybe ten of them or a few more may be that case and maybe those ought to be split out and discussed separately somehow. Some of them are adjacent, some are not. Some are catty-corner, some are not. Some are across the street, some are not. And so just because they're all turned in in one application doesn't make all the properties the same. Then finally, and this might actually be something for discussion during the UDO and would need to be fixed probably before this is done. I think that people are counting on the fact that under the neighborhood protection standards in the new proposed Code, I think we think that if your -- that if an R-1 or R-2 zoned property or R-1 or R-2 use property is next to something that is not that, that these neighborhood protection standards then apply. I think that's what we mean and have meant in all these discussion, but I kept reading it for the last several days and I don't think it says that. This might actually help Benton-Stephens to get this clarified. I think it says that when it's next to a commercial property. If a non-R-1 or R-2 is next to something that is commercial, then it says adjacent to, and gives that clarification, but I don't think there's anything that actually invokes it for residential next to other residential. And it may, but I didn't think that -- I kept reading it over and over and over again and I thought we ought to clarify that one for sure just to make sure that it is what we think we meant. And so that's what I'm trying to do. I think it's in that first -- very first part where it says these shall apply to all properties, but then it never has the invocation of it. It doesn't ever say this is how it's going to be used. It does on the commercial ones, but not on the residential -- I think.

MR. STRODTMAN: Ms. Loe?

MS. LOE: So it says these standards apply, so I'm on page 291.

MR. FARNEN: You're on the right place.

MS. LOE: 29-4.A. I'll take us all back there. Remember three weeks ago? B(1) to all lots in the R-MF district that contain a principal use other than single- or two-family dwellings.

MR. FARNEN: Right.

MS. LOE: So that would be all uses other than one- or two-family in R-MF --

MR. FARNEN: Right.

MS. LOE: -- commercial or otherwise.

MR. FARNEN: Right. So then in the next part, it specifically talks about if an R -- non-R -- if an R-1 or an R-2 use or zone is next to a commercial that is adjacent, you made the -- you made the amendment to make the word instead of along or abut --

MS. LOE: Contiguous.

MR. FARNEN: Contiguous, yes.

MS. LOE: No, I added contiguous, but this is to all lots located in any zoned district other than R-1 and R-2 districts that share a side or rear lot -- contiguous side or rear lot line with one or two.

MR. FARNEN: I thought was in relation to the commercial -- okay. I thought that was in relation to the commercial part only.

MS. LOE: Huh-uh.

MR. FARNEN: Because of its position in the Code. Okay.

MS. LOE: There's never any specific commercial --

MR. FARNEN: No distinction. Okay.

MR. STRODTMAN: Any zoning outside of.

MS. LOE: Yeah.

MR. FARNEN: I got it. I got it. I was challenged on that myself today. I'm saying, oh, that's not what they mean, and I kept reading it and I couldn't figure that one out.

MR. STRODTMAN: I think you're reading it too much.

MR. FARNEN: I am. I am. I have. So those are -- those are the things that I -- that I didn't realize I was going to talk about, but as I thought about -- and would be happy to answer any question about any of those, particularly that weird one about can a nonconforming lot be used legally to prevent something happen on another lot.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I will ask Mr. Zenner that question in just a minute. I think we're going to create some legal nonconformities.

MR. FARNEN: Right.

MR. MACMANN: I think that's what we're going to do. To go back to your original point of why do this, and I think I tried to address that with Mr. MacIntyre and I think these kind folks in Benton-

Stephens have addressed this also, and I'm just going to toss this out here. This is about the future, about redevelopment. As it exists, as Mr. MacIntyre says, what's there now, everybody is good. But as we move forward, then we address these issues with redevelopment or planned rezoning and stuff like that. And then we have some screening standards and some stepdowns, and that's it. And this is to protect the revitalization and support --

MR. FARNEN: But if they don't need the zoning to do it, if they can use a use, then -- then wouldn't -- then this is --

MR. MACMANN: Well, this -- what this does is it adds -- and I believe Mr. Norgard -- this is my understanding and I'm saying this for our discussions later.

MR. FARNEN: Okay.

MR. MACMANN: This adds an additional level of protection. Someone comes in and buys up six or seven lots, they're going to have to apply for a rezone if they want to combine them.

MR. FARNEN: Right. Right.

MR. MACMANN: Yeah. And that's -- that's a protection. That's a neighborhood-wide protection. That's not something that I don't see it as one protection.

MR. FARNEN: Oh, okay. I get your point better. Okay.

MR. MACMANN: Do you see what I'm saying?

MR. FARNEN: Yeah. I get it.

MR. MACMANN: It's for future, for the entire neighborhood, not just this property owner vis-a-vis this property owner.

MR. FARNEN: So you would have to go back and up -- re-upzone and that's not something that typically happens.

MR. MACMANN: Oh, it certainly can. We have that procedure basically.

MR. FARNEN: Oh, I know. I know. But that's right, it wouldn't --

MR. MACMANN: And I just -- I didn't -- I don't -- Mark, I don't want go down the road too far.

MR. FARNEN: Yeah. Yeah. No. No. No. That's all right.

MR. MACMANN: I've got it up for us for later on.

MR. FARNEN: That's what I was asking -- that's what I was asking about, and I couldn't figure out what then what's the purpose if the staff said, because I had never thought of it that way. And so I get you.

MR. MACMANN: Long run.

MR. FARNEN: Got you.

MR. MACMANN: All right.

MR. FARNEN: Thank you.

MR. STRODTMAN: Commissioners, any -- Ms. Loe?

MS. LOE: I think you're setting yourself up, Mr. Farnen, because didn't you previously -- I'm checking my notes -- have some objection or comment on neighborhood projections next -- using use versus just zoning?

MR. FARNEN: I did.

MS. LOE: Yes. So what this is doing is, right now, we are, I feel, in a position where we have to include use because of the muddle that's been created in the Benton-Stephens and East Campus areas. And what this downzoning is doing is correcting the misalignment of use and zoning that exists on these properties. And once we get it all straightened out, we can get rid of that use factor and then go straight to zoning.

MR. FARNEN: I understand, and I did bring that up, and I lost.

MS. LOE: Right. Because right now -- because right now we -- it's a muddle.

MR. FARNEN: But I understand.

MS. LOE: And this is correcting that because we have misaligned uses and zoning.

MR. FARNEN: I think this is a good discussion and thank you.

MR. STRODTMAN: Commissioners, any additional questions for Mr. Farnen?

MR. FARNEN: Thank you.

MR. STRODTMAN: Mark, thank you. Anybody like to follow up Mr. Farnen? Last chance for discussion? Anybody like to come forward? I'll consider that no, and we'll close the public hearing portion of 17-23.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, discussion? Ms. Russell?

MS. RUSSELL: I think it's impressive that these residents are so in love with their neighborhood and I fully intend to support this for them.

MS. RUSHING: And I agree.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Good chess move.

MR. STRODTMAN: Would someone like to make a motion? Mr. MacMann?

MR. MACMANN: In the matter of Case 17-23, a voluntary request by owners of properties within the Benton-Stephens neighborhood to rezone 35 parcels of land from R-3 (Medium Density Multiple-Family Dwelling District) to R-1 (One-Family Dwelling District) and R-2 (Two-Family Dwelling District), I move that we accept.

MS. LOE: Would you --

MS. BURNS: Add as exhibited in the staff report.

MR. MACMANN: Thank you very much.

MR. STRODTMAN: As -- as defined in the exhibit to the staff report?

MR. MACMANN: As presented in the published staff report as delivered to us by Mr. Zenner on this day.

MR. STRODTMAN: Do we have a second?

MR. STANTON: Second.

MR. STRODTMAN: Mr. Stanton. We have a motion that has been put on the table -- on the floor by Mr. MacMann and seconded by Mr. Stanton. Commissioners, any discussion on this motion -- questions? I see none. Ms. Burns, when you're ready.

MS. BURNS: Thank you.

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

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Recommendation for approval will be forwarded to City Council for their consideration. With that, I would like to suggest we take a ten-minute recess, so we'll be back at 9:00 p.m. for any of the audience who would like to stick around for the UDC-UDO discussion.

(Off the record.)

MR. STRODTMAN: Good evening. We'll go ahead and reconvene our -- I forget even what day it is -- January 5th, 2017 Planning and Zoning public session. We'll go ahead and get started again. At this time I would like to ask any Commissioner who has had any ex parte communications prior to this meeting related to this case, 16-110, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. I see none.