

MINUTES EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
JUNE 21, 2018

Case No. 18-121

A request by Simon & Struempff Engineering (agent) on behalf of the North American Islamic Trust, Inc. (owner) to rezone the 1.3-acre property east of Flat Branch Park, and currently occupied by the Islamic Center of Central Missouri Mosque, so that a proposed addition to the Mosque (a new school) may be designated as a "Civic Structure" on the M-DT (Mixed Use- Downtown) Regulating Plan. The Mosque is presently designated as a Civil Structure on the Regulating Plan. The subject site is zoned M-DT (Mixed Use-Downtown) and is addressed 205 S. Fifth Street.

MR. STRODTMAN: Thank you. Moving on to our next case. I kind of lost track, Case 18-121. At this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to Case 18-121, 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.

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

Staff report was given by Ms. Rachel Bacon of the Planning and Development Department. Staff recommends approval of the amendment to designate the new school building as a Civil Building in addition to the Central Missouri Islamic Center Mosque on the M-DT Regulating Plan.

MR. STRODTMAN: Thank you, Ms. Bacon. Commissioners, questions of staff? Mr. MacMann?

MR. MACMANN: Just a request of our staff attorney. Attorney Caldera, could you ponder some verbiage to cover what she said by -- when we get to that point?

MR. CALDERA: Yes.

MR. MACMANN: Thank you. We're -- everyone is -- okay.

MR. CALDERA: The one question I was hoping you wouldn't ask me. Okay.

MR. MACMANN: I have no other questions. Thank you.

MR. CALDERA: Yeah. Yeah. Trying to put it up there. How do you get this up there?

MS. LOE: Have the screen match what she said.

MR. MACMANN: We can, but we would have to -- our motion would have to substantially include what she had said. Right. I'm just -- I just want to make sure -- i's and t's.

MS. LOE: What's on the screen, is that -- can we substantially what he said.

MR. MACMANN: What -- define substantially for me.

MR. ZENNER: Well, let's go back and we'll show you what we mean, architecturally.

MS. BACON: So, typically, you know, we, as a City, do not require exact adherence to elevations. We have typically not even required them. So substantial conformance would be, you know, think about what we allow administrative review for now. Right? So it's usually minor site types of corrections, so if someone needed to -- to move the window a little bit here or there, or change out, you know, the color slightly or something like that, it just needs to have the overall harmony and effect. If you were to completely, you know, cut off a third of the building or to -- just substantial changes would be something that is outside the normal realm of -- of what a change order might be, for instance.

MR. MACMANN: For the record, Mr. Chairman, I do believe the applicant and the City staff can work this out. I just want to make sure everyone has as much flexibility in the agreement understanding going forward.

MR. STRODTMAN: Agreed. I think it's appropriate to wait until they have a chance to conference.

MR. MACMANN: Yeah.

MR. ZENNER: If we may, after -- after conferring with legal, the applicant submitted what you see here on the screen in front of you as a supplemental exhibit to the application in order for us to prepare the staff report this evening. The applicant also submitted this table that

is here in the upper portion of the slide. What Ms. Bacon is asking that the Commission's recommendation include is that the full construction plans are in substantial compliance to the exhibit submitted and the analysis provided in this table, both of which can be listed as Exhibit A and Exhibit B of the application received for the requested rezoning.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners -- Mr. MacMann, does that clarify to --

MR. MACMANN: It does. I think I could draft a motion if we ever got to that point or when we do get to that point -- excuse me. I didn't mean to speak --

MR. STRODTMAN: We'll be ready. Ms. Loe?

MS. LOE: Ms. Bacon, in your presentation, you identified that identifying the school as a civic structured, the relief from the M-DT form requirements would affect the new school building onsite only?

MS. BACON: Correct.

MS. LOE: And that there's other requirements that do apply to parking and landscaping?

MS. BACON: Correct.

MS. LOE: If you go back to their chart, one of the questions I had was -- this is going to come up in the next -- or the exhibits in the next cases, on the plan was about the parking. So Item 29-4.(2)(e)(i)(D) identifies that no street walls are being provided. That's a requirement tied to the parking, so I was wondering why that's not being required?

MS. BACON: So that's a really good question. Because it's in this particular section, this can supersede that. It's not going to -- it's not going to change other parking requirements, because other parking requirements aren't covered in 29-4(2). So anything that's in 29-4(2) is -- are the only elements that are subject to relief and that's specifically laid out in the Code.

MS. LOE: I would -- my interpretation is that the relief is for the building only. When civic buildings are designated on the Regulating Plan, they are exempt from the building form standards. Additions to civic buildings -- I mean, we debated this quite a while in session to discuss when a gymnasium might be added to a civic building, for example. So when civic -- additions to civic buildings shall require amendments, so we are -- as you said in your

presentation, it's the envelope of the building. This is beyond the envelope of the building. So, to me, this is a discrepancy or inconsistent. I believe there's requirements in the form base that apply beyond the envelope and identifying the building as civic does not relieve the site or landscaping from those requirements. I do agree that our definition of civic building includes green space and characteristic building forms that are governed by civic or religious traditions. And if the parking -- if it could be shown to me that that is what was governing the absence of the parking lot, I would be interested in that.

MS. BACON: I think the -- I think the awkwardness comes from the fact that this particular requirement had been included in the building form standards section.

MS. LOE: I agree it's a little murky, but I think there's a clear distinction. I also think the building section or the parking section is pretty clear that parking standards are still going to apply. What's the parking setback line for this property? Is it 24 feet per the notes?

MR. ZENNER: Yes. The parking setback line is a standard 24 feet --

MS. LOE: Okay. And what was drawn in the plan again is not 24 feet, based on my rough dimensioning. So I'm going to have a problem when we get to that.

MR. ZENNER: I believe -- while you were seeing and what has not been addressed, I think, in Ms. Bacon's report possibly clearly enough, you have designation request for civic structure. You have a request as well for a series of what would be perceived as variances to the other standards of the M-DT code. As part of this application, and part of this has to deal with how we believed to be more appropriate to take care of a series and a bundle of variations to the Code standards conclusively through a rezoning request, instead of requiring -- because Council has to make ultimately this final decision as it relates to the civil structure and its impact to the overall downtown. Typically, variances to other portions of the M-DT standards are covered in an adjustments process that's described in Article VI of the MDT, and that process is actually either administrative depending upon the scale, or it is a required Board of Adjustment action. The Board of Adjustment is a quasi-judicial entity. It does not have the opportunity to have the Planning Commission's recommendation nor Council's involvement in this process. The downtown is an area considered of significance, and it was in staff's opinion and advice to the applicant that all potential modifications as it related to the M-DT standards be taken into consideration as part of this request, and that's obviously what is -- what is represented in this particular table. The applicant is looking all of the factors of the M-DT, be it in the building form

standard section as it's listed here in 29-4-2, and then E which would apply to the urban general standard and the street wall. And it's asking for relief for that as part of the package of getting civic structure designation.

MS. LOE: But just for my clarification, you're saying the items that I'm pointing out aren't items that would be granted under the civic structure exemption, but would be a variance request?

MR. ZENNER: Would be more of a variance request. And to raise the standard for consideration to the bodies that would likely most be interested in addressing those; i.e, the Planning Commission and weighing in, and ultimately the City Council as it relates to the designation of this structure and the amendment of the plan. It was the advice of staff as followed through by the applicant to present these particular requests. It's almost like making a modification to a planned district and requesting that relief be granted to a series of standards concurrently with the revision to a previously approved development. Your –

MS. LOE: My concern with that is that this is the first request that's come forward under the UDC to add a civic structure. And in my mind, this muddles the exemption a bit in that it is confusing what may, as Ms. Bacon has already pointed out, some of the items that do apply are contained in that form based section. And by not delineating clearly which items are being exempt because of the civic structure exemption, and which ones are being granted per a variance request, we could very well get the next civic building come forward and say, well, we don't want to meet all these siting conditions because previous projects have gone through and not had to meet all these siting requirements. I don't like to set precedents like that, I'm afraid.

MR. ZENNER: I completely appreciate that, Ms. Loe, and I will go what Ms. Bacon, I believe, was looking at. The design requirements for the urban general frontage address street walls.

MS. LOE: Uh-huh.

MR. ZENNER: The general provisions which are outside of the site specific conditions for the urban frontage also address parking and they address street walls. There is an overlap. It is in our opinion that the Planning Commission and the Council have the ability to consider modifications for the standards that apply to the design requirements that this particular structure would need to make as they relate to the design standards for the urban general street frontage. Should those be granted, the provisions that are in the general that would conflict

would likely be also exempted. All other standards, as Ms. Bacon has pointed out, that are not requested, that do not have a -- do not have a companion component in the form based standards would apply to any development on the site, or would apply to the development onsite, and would apply then likewise to any development that is built in addition to the proposed civic structure as it would to any other non-civic structure. So that -- our -- our basis and our tracking of why we believed what is being proposed is appropriate, it lies in that. The Commission can choose to make whatever recommendation they would like. Council can evaluate that recommendation and take whatever action they would desire. If it would be helpful for the Commission, and if it is desired by the applicant, after potentially hearing public input for staff to come back and revise this particular table to identify where these conflicting or crossover criteria may be, an option would be to postpone a vote on this, allow us to come back and modify the table so you can see that information and you have that in front of you to be able to assess how you would like to do that, otherwise, you can take action this evening as you see fit.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, additional questions of staff? I see none. We'll go ahead and open it up to the public portion.

PUBLIC HEARING OPENED

MR. STRODTMAN: Anyone would like to come forward, just give us your name and address. If there's going to be a lot of speakers, we would just ask to try to keep it to about three minutes each. If there's not, then you're fine to go ahead and go forward.

MR. SIMON: Keenan Simon, Simon & Struempf Engineering, agent for the applicant. My understanding based off the UDC is there's still standards held for landscaping, parking setbacks, that we would have to be granted a variance for in order to move forward to develop the site. The only one that conflicts is specifically street walls that was noted in there is my understanding, just to try and bring a little clarification to that. Try and make this real quick. Rachel touched base on all of the stuff that I kind of wanted to go over with you anyways, but --

MR. ZENNER: Mr. Simon, if you haven't stated your name and your address, if you would please do so.

MR. SIMON: Yeah. Keenan Simon, Simon & Struempf Engineering, 210 Park Avenue, Columbia. So what we've got here is the definition in the UDC. Essentially, the main things I wanted to touch on is the structure to be utilized the needs for assembly, religious worship, or

education also include a perimeter of green space, and then the characteristic building forms that are governed by civic or religious traditions. Basically, with this or with the proposed civic structure addition, we meet almost every one of these categories. The proposed structure is going to be located -- or is going to be the location of the Islamic school, it's going to be identified towards the center of the parcel, which is going to allow for a campus-like setting. We're going to maintain the green perimeter that is already established around the mosque and/or there will also be a playground central for the school that will be also green space. Also the proposed building does identify as an extension of the mosque architecturally and culturally. And then we have the same displays that kind of show and reference these items as well. And here is just another example of a campus setting downtown. It is also -- has an identified civic structure. You'll see the green space that's around it, and then you have a parish office and a small school space for Sunday school, and this is the Sacred Heart Catholic Church. So that is all I have to say. Are there any other questions in regards to the applicant?

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

MR. SIMON: Semi, who is the elected council chairman for the -- the Islamic Center is here to speak as well. He has held eight public meetings with -- at the mosque with different groups to try and better explain what they are doing. This is my third attempt at trying to get the construction documents through. The proposed elevation that you're seeing in the displays was -- is actually the construction documents that were a permitted set in 2015. The intent is to utilize this updated to the current building code and move forward with this school, just to give you a little background information as well.

MR. STRODTMAN: Thank you, sir.

MR. NECIBI: My name is Semi Necibi, 5504 Hodgson Mill Drive, Columbia, Missouri. And thank you for the time. I'm the Shura Council Chairman of the Islamic Center of Central Missouri.

MR. STRODTMAN: You're fine. Take your time.

MS. LOE: That was the right button. Yeah. Right there.

MR. NECIBI: Okay. So this -- okay. Thank you. Okay. So this summary sheet goes back to 1999. This community has been trying -- the Islamic, the Muslim community in Columbia

have been trying to expand outside the current structure, the Islamic Center. And there were multiple attempts -- if you go to 1999 and up until 2002, that was the first attempt, but we were able to generate at the end construction documents only. We spent about \$71,000. Then there was the second attempt. It took two years and cost \$120,000. We were able to generate construction documents only. And there was ICCM remodeling only. Basically, all the attempts were focusing the Islamic Center some remodeling. And the third attempt took six years, \$88,000, were able to generate construction documents. Next round, we went through remodeling the remediation of the building, and parcel brought back the Islamic school next to the Islamic Center. So what's next? If we were to duplicate or triplicate the existing English language, we're going to have fourth experience with construction documents, spend \$100,000. So what was the reasoning? So let's -- as part of the administration, and if you look the initials, the red column, it has people's names. I've been there since 1999. Those are my initials at the bottom and I'm coming back this term and the ongoing term. I appreciate all the efforts that's been made by my predecessors. We pull out the project that's been approved by Council, but due to special circumstances, we were not able to proceed with moving ahead with the project. So what I'm calling for right now is to enable us as a community to move ahead with having this new addition, this civic property. So besides the Islamic Center, it's a monument. It has been there for years. It stands out. We would like to add another component, so the beauty, the appearance, all of that to come as part of a lot coming. So what we're doing, we're putting our project that's been approved before. We do have some elements of strength at our end if we use them. We are in a position to build costs down and satisfy all the needs of our community. So these are -- that's where I'm heading. It's not my own baby. I do not have any personal input in this project. It's something that has been approved. We'd like to bring it aboard according to the new code. And that's to be considerate to our community, who has struggled for almost 18 years to move ahead with the project. It's an educational process. I myself am an educator, so it's an educational process and the procedure is simple. Go to your stakeholders, interact with them, give each entity the opportunity to express themselves open heartedly, willingly, and after that, proceed. And just the good documentation for this, we held more than eight or nine community hearings with every particular stakeholders and when we decided to move ahead, the entity in charge is the Shura Council. That's the entity who went ahead and decided to move ahead with -- with the project. We went back to the community, despite all these years of drought, we went back to them. We started in March 8th, if I'm not mistaken. I can make corrections, pull out my documents. To this date, we're able to generate more than \$450,000, more than 52 percent of the document. And you're familiar with Ramadan, fasting,

challenge was \$100,000, and we were able to reach the target before the end of Ramadan. And we -- just to set up the record, we went ahead and we told the community between this aid and upcoming aid, another challenge \$100,000. In two days, we got \$10,000. So all these indicators that the momentum is set up for this community to put an end to all these years of drought to be in a position to add a new civic property next to the beauty of the Islamic Center and I witnessed the birth of the Islamic school in 1992. I was single at that time. Now I have my kids, 25, and they attended the school. And so many community members were in opposition to have their children grown up and they themselves, they have their own children. So my appeal to you is to enable this community, despite all -- some of technical difficulty that we might encounter, but it is an opportunity to make a dream come true. We've been waiting for it for more than 25 years. So this community, the Islamic Center, has been established in 1983. To this day, there is not a single addition that took place. So we are witnessing history in the making. We'll be able to make that a reality. Otherwise, the easy way is to postpone it and, at that time, maybe all these youth, a lot of them, they're connected to a place that would shape their minds and they'll be doing something else. Thank you very much.

MR. STRODTMAN: Thank you, sir. Commissioners, questions of this speaker? Yes, ma'am?

MS. RUSHING: I have several short questions. Do you currently have educational activities at the mosque?

MR. NECIBI: That's correct.

MS. RUSHING: Okay. And so this would be basically expanding on those activities by building a school. Correct?

MR. NECIBI: That's correct.

MS. RUSHING: And you saw the two exhibits that staff put up that you -- your organization submitted as to what the school was going to look like and -- and any necessary changes that they needed to -- to build it the way that you need?

MR. NECIBI: Yes. Correct

MS. RUSHING: And it's your intent to follow the -- both the table and the general artistic representation of the school?

MR. NECIBI: Correct. Yes.

MS. RUSHING: And do you really see that you're going to need any substantial changes from that information that you provided?

MR. NECIBI: I don't foresee it's going to require so many changes. We've been in a position, we do have talented people who are working on many City projects. They are in a position to -- to assist us with this. The architect who had given up with the 2014 project, I called up him, and he's willing to update the documents to be in line in accordance to the 2018 code.

MS. RUSHING: So what -- excuse -- I'm sorry to interrupt you.

MR. NECIBI: Yes. Yes.

MS. RUSHING: Okay. So what I'm hearing is that absent someone bringing up a concern that you need to make a change to address, you don't anticipate any major changes?

MR. NECIBI: We won't anticipate any major changes.

MS. RUSHING: Okay.

MR. NECIBI: Thank you.

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

MR. NECIBI: Thank you very much.

MR. STRODTMAN: Thank you. Anyone else like to come forward this evening?

MR. EL DEIB: Mr. Commissioner, members of the Planning and Zoning Commission, audience attending tonight's meeting which I don't see much at the end, I greet you all with peace, including myself. I'm sorry. I forgot to mention. My name is Muhammad El Deib, and I live 2307 Cherry Ridge Lane. And I happen to be one of the former chairmen of the Islamic Center of Central Missouri. I do appreciate very much the opportunity given to us tonight to speak with you and we are so grateful to the City staff and members for their continuous support and listening and answering questions and -- (inaudible) -- especially during the last project that Mr. Simon and engineers that worked on it for some time. I do also appreciate the availability of Ms. Rachel Bacon to answer questions, though we still have more to requiring answers. I would like to mention that we are grateful that we had our Chairman, Dr. Semi Necibi, who just

superseded me and has took for his third year of his term of four years, was full of energy and determination to finish a project before his term is over. However, this has left members like us and others lacking information to satisfy their interest, their -- regarding this -- our project. To be more specific, we got a note today -- just today that the proposed structure is going to be a steel building that does not -- I'm saying that does not meet the City requirement as original pointed regarding the outside -- the bricks of the facade. It is a steel building, which again to us -- many of us thought it is going to be a steel structure. And this is completely a different identity that we still lacking the information and we are seeking this information to set aside many of the community members, especially those who has been here in Columbia for 30 years or more. The second item here which I would -- I would have shared very much, the applicant and the Center as well to be settled on -- there are two terms interchanging in this application, a new school, and being a former chairman, the Center has a very humble school next to the Center at 408 Locust. And as any private school, religious school, they -- they go through fiscal trouble, and we're trying to unroll this as -- as we go. There is another term being used as an alternative to the new school which is community center. I myself favor the term community center rather than to have a new school since there is already a new school exist on the premises at 408 Locust. At the end, I would like to request from you humbly to give us a little bit of time until the next meeting to gather more information to set aside many of us who still lacking information, the building, what is the steel building is going to be, whether it is going to meet the requirement of the City. We don't want to rush. I know Dr. Semi is very energetic and he works from 4:00 in the morning, and we are behind him, but again, I would appreciate very much you giving us some time to the next meeting to gather this information and know what options we have regarding either the steel building that may fail down the road and get rejected because it does not meet the civil structure, or just to go for another option which is a steel structure as a frame for this building and then take responsibility for the difference in cost. Thank you very much.

MR. STRODTMAN: Thank you, sir. Commissioners, any questions of this speaker? Thank you, sir. Anyone else like to come forward that has not spoken to us this evening?

MR. SIMON: Keenan Simon, SSE, 210 Park Avenue. I just wanted to clarify. We recently just had up on the screen costs of developing construction documents. It's about \$120,000 a go. These documents went through permitting and were approved in 2015. We are not changing those. The cost to start over would be astronomical.

MR. STRODTMAN: Thank you, sir.

MR. SIMON: About another \$120,000, \$150,000.

MR. STRODTMAN: Thank you.

MR. SIMON: We're -- yeah. We're maintaining the existing documents. Yeah. It's a steel frame structure for the gymnasium to get the clear span, but we're going to be providing the same finishes that are similar to the mosque.

MR. STRODTMAN: Thank you, sir.

MR. SIMON: Yeah.

MR. STRODTMAN: Is there anybody in the audience that would like to come forward that's not come forward yet this evening? I see no one. We'll stay open just a little bit longer.

MR. MURAYWID: Good evening to everybody.

MR. STRODTMAN: Greetings.

MR. MURAYWID: My name is Ahmad Muraywid and appreciate you looking at our case, and I very much appreciate the effort of our chairman.

MR. STRODTMAN: Can we just get your home address, sir?

MR. MURAYWID: 1822 Tremont Court.

MR. STRODTMAN: Thank you.

MR. MURAYWID: Thank you. And our chairman, Dr. Semi Necibi, and his sincerity and I feel the community have not been able to do things for all these many years. But I see probably because of that, things going a little bit faster in the community than we have chance within the community to know what is this zoning changing had not been really addressed very well in the community. We didn't know what it's going to mean to the future needs. Of course, the community's needs are much more than this proposed today things and what this structure going to affect the future of our needs, and this really was not studied very well within the community, was not presented to and things are moving a little bit fast. And I understand why, but things have to be done and that -- hasten to not really prevent appropriate studies. Thank you so much to share that.

MR. STRODTMAN: Thank you, sir. Anyone have questions? Thank you, sir. Anyone else like to come forward this evening? I see no one. We'll go ahead and close the public hearing portion.

PUBLIC HEARING CLOSED.

MR. STRODTMAN: Commissioners, discussion, additional information needed on Case 18-121?

MS. RUSHING: I'm willing to make a motion.

MR. STRODTMAN: Ms. Rushing, we would take that motion.

MS. RUSHING: I move to approve a request by Simon & Struempf Engineering, agent, on behalf of the North American Islamic Trust, Inc., owner, to rezone the 1.3-acre property east of Flat Branch Park and currently occupied by the Islamic Center of Central Missouri Mosque so that the proposed addition to the mosque and new school may be designated as a civic structure on the M-DT Mixed Use-Downtown Regulating Plan. And I am not making any additions to that motion. I believe this is what is before us today.

MR. STRODTMAN: Ms. Rushing, were you -- were you on Case 18-121?

MS. RUSHING: Oh. Am I on the wrong one?

MR. STRODTMAN: I think there was a -- I think a couple of them thought maybe you were on 18-122.

MS. RUSHING: Right. I'm on 121.

MR. STRODTMAN: Okay. So your motion is to approve Case 18-21 [sic], as presented?

MS. RUSHING: Yeah. 18-121, as presented.

MR. STRODTMAN: Thank you, Ms. Rushing. Do we have a second?

MS. LOE: I'll second.

MR. STRODTMAN: We have received a second by Ms. Loe. Commissioners, Commissioner Rushing has made a motion to approve Case 18-121, and has received a second by Ms. Loe. Is there any questions on this motion? Mr. Stanton?

MR. STANTON: I feel like we're missing something. Ms. Rachel, didn't we need to add to –

MS. BACON: You can make that motion as presented. That was a recommended addition. It is not required. If this motion fails, it could be presented in a different way, but I see a first and a second, and it can go through the motions.

MS. RUSHING: And my reasoning is that the requested amendments and all of that, to me, are new. And so if there are changes that need to be made, then they would have to come back with those changes.

MS. LOE: Well, I'm going to have some discussion on this, so -- when we get to that point.

MS. RUSHING: Okay.

MR. STRODTMAN: Okay. Thanks for that clarification. Commissioners, any discussion on this motion? Ms. Loe?

MS. LOE: I fully support identifying the school building as a civic building, but I do have some questions about the modifications or variances that have been lumped in with this request. And I guess in order for me to support it, that would be detangled a little bit because supporting it, I'm supporting the variances that I fully support the civic building. We really fought for some of that parking and street wall language, and we have a real intent of creating a downtown that is not full of open parking lots such as some of the neighborhood is around your space right now. And I would have a very hard time supporting going forward without trying to do what we really want the City to grow -- to move in a direction we really wanted. So this is nothing to do with the school. I fully support that, but it's about some things that have been attached to that.

MS. RUSHING: Which is consistent with what I was attempting to do with my motion.

MS. LOE: Unfortunately, the case has supporting materials, such as that chart, which identifies some of those variances.

MS. RUSHING: But we're not approving the subject of that chart.

MR. MACMANN: If I may, I believe Commissioner Loe is saying that because of how they were presented, that makes them part and parcel of the civic designation and therein lies your issue. Correct?

MS. RUSHING: And that was -- I think that was the intent of the recommendation that we make the designation subject to their compliance with those two documents, which is not part of my motion. My motion deals solely with designating them as a civic structure, and my understanding is that that designation does not exempt them from the requirements that Ms. Loe is concerned about.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Point of clarification. If those documents were included in the case documents that were provided to us, are they considered -- if we approve the school building as being a civic building only, but don't agree or include the chart and additional documentation --

MS. RUSHING: Then they would need to come forward to a variance --

MR. MACMANN: If -- if they were to address those specific issues.

MS. LOE: Those would not become --

MS. RUSHING: Uh-huh.

MS. LOE: Sorry.

MR. MACMANN: Sorry.

MS. LOE: Those would have to come as separate variance requests.

MR. STRODTMAN: Mr. Zenner? Looking for a clarification.

MR. ZENNER: There will be a clarification and maybe I'll untangle this for you and make it simple. The criteria with the exception of the parking -- the street wall requirement that are shown within the table that articulates how the two -- how the project compares with our standards that would otherwise be applied to non-civic structure construction and what is being shown on the development plans to justify civic structure compliance could easily remove the request to waive omission of the street wall. That could be a recommendation. Then you could subject it to the detailed development plan that has been presented, the architectural elevation and the table less the street wall waiver. The provision that exists and the relief that is available

to the applicant at that point is to proceed forward as a major amendment to the downtown -- to the M-DT design standards and proceed through with the Board of Adjustment requesting relief. Conversely to that, you could make a recommendation of denial of this particular waiver that they've included within their table. Council will see that recommendation of the denial or of approval subject to that being removed and they can reverse that decision. If it is the proclivity of the Planning Commission to support the project with the street wall requirement being required per your recommendation, great. We can then make the table and the architectural elevation a part of that if that's your desire. Council can always add back in the waiver of the street wall and avoid going to the Board of Adjustment. I don't know what their action would be, but the Board is the ultimate relief valve should the applicant seek further relief if they do not get it from the Commission and your vote or from the Council to waive the street wall standard. While it is hard fought and I agree that that was a major discussion, I believe that it probably is in the best interest to pursue forward with the request to not include that street wall waiver; i.e., meaning it is required per your recommendation, and go through the defined process for a Board of Adjustment variance to waive it. That would be my -- after reviewing the Code and looking at how the site plan is structured, we do have some existing parking lots that already here. Therefore, existing parking and existing improvements would be legal nonconformities. The unfortunate nature of this is we are looking at building a brand-new structure on the property. Therefore, this is defined as development within the Code. Development within the Code must be fully compliant with all of the regulatory standards unless otherwise waived. Again, as I had pointed out earlier in my original comments, we were looking at simplifying the waiver process. However, if the Commission decides that they want the street wall, pull it out or make it as a -- make it as a condition of your recommendation that street wall shall be required, not waived as presented, and move on. That's the way to basically get through this issue, so we have clarity, the public has clarity as to what's going to be built on this site and what it is going to look like. That is part of the rationale behind conditioning the approval based upon the architectural exhibit that has been presented and the other criteria. We don't want them coming back and saying instead of 11 percent fenestration, we're only going to do 5 percent. At that point, Ms. Rushing, your point is correct. They would have to come back to a different body. They would have to come back and ask for relief of that. That would not be this body, because you would have already approved or made a recommendation of civic structure. We basically would tell them you're not meeting that recommendation; go to the Board. We would much rather prefer that the plan as it's been submitted this evening with maybe this one exception be

what is required of them to submit to avoid going through any additional actions by another Board or Commission with the exception possibly of the street wall requirement.

MS. RUSHING: Well, if Ms. Loe would like to make a motion along those lines, I would be willing to withdraw my motion.

MS. RACHEL: I think you have to vote it down.

MR. MACMANN: Could --

MR. ZENNER: Or you can amend. Could they amend. Could they amend the --

MS. RACHEL: Or amend.

MR. MACMANN: You could withdraw or remove. Yeah.

MS. RUSSELL: You can withdraw the motion.

MS. LOE: Or amend it.

MS. RUSSELL: Or Ms. Loe can make an amendment to the Motion.

MR. ZENNER: That would be correct.

MS. RUSHING: Either way.

MS. RUSSELL: Do you want me to do it?

MR. MACMANN: If I may. Commissioner Rushing, if you would withdraw your amendment, maybe we could start clean.

MS. RUSHING: Yes. I'm willing to withdraw my motion, you withdraw the second.

MS. LOE: I withdraw my second.

MR. STRODTMAN: So there's a clean slate, since we did not vote on anything. So, Commissioners, any discussion, motion?

MS. LOE: Just discussion. I think part of my issue with this is that it's conflating these issues and I would just like to make a decision on whether or not we're designating this new school building as a civic building. So, a motion --

MS. RUSHING: So a motion that –

MS. LOE: Yeah. Okay. So –

MS. RUSHING: Well, you know staff's -- I think staff's concern is -- and correct me if I'm wrong -- that they had reached agreements as to details as to what this building will look like and they may not have the power to do that if we don't make this designation subject to those agreements. Is that –

MR. ZENNER: I would suggest, Ms. Rushing, that is a correct statement and a correct perception. Designation of the civic structure does not assure that what has been provided to us and what our analysis has been based upon, that this is an appropriate civic structure designation, would be actually -- and I hate to be skeptical -- what would be submitted at the time of actual permitting. Right now, we have a detailed layout of the criteria that has been submitted per the design that is what our justification is based on, that we do have consistency, we are in compliance in these different areas. And without that being more clearly articulated, either by inclusion of the comparison table and the architectural element, I would be concerned that that may not necessarily be what we receive at the time of building permitting and we would, in essence, be allowing a building to be constructed that may not meet the intended -- the definition intention of what a civic structure would be at that point.

MS. BACON: We ourselves are asking for standards, what we need to be looking at when we review the building plans coming in. The challenge here too is that civic buildings once designated, it's one thing if they're an existing building. They're going to be held to what they already are. But this will be a brand-new civic building. And the Code specifically says in 29-4(2) that civic buildings are designated from the form -- the building forms. And then 4.2 has all those building forms. Now, is street wall really a building form? I would argue probably that it's not, but it is listed in the building form section that civic structures are provided relief from. And so that is an awkward thing. I definitely think there's a good point that Mr. Zenner had about removing that from your -- your motion, or draw it out specifically, but that is a criteria that we went through because that is the only criteria that we have when those plans come in.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Hearing what I'm hearing, it sounds as if most of Ms. Rushing's motion resubmitted with substantial agreement or comports to the terms minus the street wall is the motion we're looking for. Is that –

MS. RUSHING: Does that meet your concerns?

MR. MACMANN: Does that make legal and staff's concerns? I would like to thank members of the Committee for bearing with us here. We spent a very long time writing these standards and this is the first time we've had to truly apply them, and we want to make sure we get it right for you all, for us, and for everyone in the future.

MS. BACON: So after conferring with legal, your -- your motion may be approval of the amendment to designate the new school building as an addition on the M-DT plan as a civic structure with the inclusion of substantial conformance with Exhibits A and B, so that would be both the architectural elements and the chart with the amendment to the chart to the street wall component.

MS. RUSHING: To exclude the street wall?

MS. BACON: To exclude the street wall so -- and so everyone understands, and in the future, if no -- if the street wall is asked to not be built, it will go to the Board of Adjustment, because under the motion made by this body if approved, that street wall is not going to be exempted out. Hopefully, everybody is on the same page. Does that work?

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Yes. Can you please put up your recommendation -- if you have a recommendation on the screen, please?

MS. LOE: Yeah. We can just be -- can that be the motion?

MR. STANTON: Please put it on the screen.

MR. STRODTMAN: Yes. We've done it in the past where that motion -- we can --

MR. ZENNER: The motion -- let me state the motion for the record then, please, if you would like. We don't have the ability, Mr. Stanton, unfortunately, to type that motion here.

MR. STANTON: No. But you had it up there before.

MR. ZENNER: Oh. Oh --

(Multiple people talking simultaneously).

MS. BACON: Oh. Oh. It's -- I'm looking at it and I'm like well, you can't -- you can't see it. Yeah.

MR. ZENNER: We apologize. There we go.

MR. STRODTMAN: There you go.

MR. STANTON: Thank you.

MR. ZENNER: So if you would like me to restate the motion, and I'll just need conference, and a first and a second. I'll state it, somebody first -- give me a first and a second on it. So, the recommendation to approve Case 18-121, North American Islamic Center Trust, Inc., to designate as a civic structure on the M-DT plan a proposed new school addition to the Central Missouri Mosque property, subject to substantial compliance with the architectural elevation shown in Exhibit A of the application and the comparison table of M-DT standards to the proposed architectural design of the school building as shown in Exhibit B of the application, less the standard of a request for street wall waiver as stated in Exhibit B.

MS. RUSHING: So moved.

MR. MACMANN: Second.

MS. LOE: Second.

MR. STRODTMAN: We have a motion made by Ms. Rushing, seconded by Mr. MacMann. I would repeat it, but I'm not going to -- for Case 18-121. Commissioners, is there any additional discussion needed on the motion on the floor? I see none. Ms. Burns, when you're ready for a roll call, please.

MS. BURNS: Thank you.

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

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Our recommendation for Case 18-121 will be forwarded to City Council for their consideration.