

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

NOVEMBER 10, 2016

IV). SPECIAL PUBLIC HEARING

Case No. 16-110

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

SEGMENT THREE - CONTINUED

FORM AND DEVELOPMENT CONTROLS (CHAP 29-4.2 M-DT FORM-BASED CONTROLS

MR. STRODTMAN: May we have a staff report -- and this is basically a continuation -- do we even need a staff report? We don't need a staff report. Is there any additional?

MR. ZENNER: We're not adding anything additional --

MR. STRODTMAN: Right.

MR. ZENNER: -- so --

MR. STRODTMAN: So it's really -- we're just going to pick up from our October 27th discussion on the M-DT amendments. A motion was made for approval. It was seconded and approved and we were making amendments to that motion for approval of the M-DT, which is the Section Four -- or Three?

MR. ZENNER: Three.

MR. STRODTMAN: Section Three -- Segment Three of our Public Hearing portion. So would anybody like to start? We can pick up with where we left off and go down the list. Don't be shy.

MR. MACMANN: I have a question for staff, if I may?

MR. STRODTMAN: Yes, Mr. MacMann, ask a question, please.

MR. MACMANN: Manager Zenner, I have been doing some research and I was approached by a property owner -- communicated to by them -- in regards to boundaries of the M-DT. There is a difference in the map from Columbia Imagined to currently as it relates to St. James Avenue, and M-DT has been extended northward to Park, where as in Columbia Imagined, it did not do that. It terminated after, I believe, the second property on St. James, and now it encompasses all of those properties all the way to Park Avenue. Can you please -- I realize this is a -- could you please take your time and tell me how and when that was happened -- or how and when that happened, and, maybe, why?

MR. ZENNER: Actually, I cannot probably respond that -- to that question without having a little bit of additional time to look at what our --

MR. MACMANN: Right. That's what I --

MR. ZENNER: -- mapping shows.

MR. MACMANN: -- I'm saying. Please, please take your time. If you could get back to us --

MR. ZENNER: Yeah.

MR. MACMANN: -- in the meeting, that is great. If not, when you could get back to us, that would be a wonderful thing.

MR. ZENNER: And I believe the only thing I can tell you is, is if, in fact, the right-of-way has been platted, but it was never opened with an improved street, any development along that street would be -- that would be using St. James on an unopened portion of a platted street would need to be installed accordingly with the development plans, that would then be submitted. If access was going to be obtained from St. James, there is -- the home that is on Park just to the north of the second parcel has frontage on Park, as well as then, if I am correct, the site that is immediately on the west that is the Ameren property if I recall correctly.

MR. MACMANN: It is.

MR. ZENNER: And through redevelopment of that site at some point in the future, we may be obtaining access --

MR. MACMANN: And I appreciate that, but I'm just trying to discover why -- and I can understand the corner property -- the -- would be the absolute -- well, it will be the northeast corner of St. James and East Ash. I can understand how that property could certainly be platted M-DT because of its location.

I'm -- the M-DT now extends all the way up to Park.

MR. ZENNER: Park.

MR. MACMANN: And it didn't use to. And I'm trying to discover how, when, and why. So if you could -- I don't want to take up any more meeting time, Mr. Chairman, I just -- Manager Zenner, if you could research that for me, please?

MR. ZENNER: More than happy to.

MR. STRODTMAN: Okay. Commissioners, M-DT -- Ms. Loe, you're next in line.

MS. LOE: I'll start with an easy one, perhaps.

MR. MACMANN: Perhaps.

MS. LOE: It will be a motion, and we're going to open it up to discussion then. Correct?

MR. STRODTMAN: Yes. Unless you had questions --

MS. LOE: Follow the same protocol --

MR. STRODTMAN: -- or that --

MS. LOE: Well, I have some questions, but --

MR. STRODTMAN: But, yes, if it's related to that --

MS. LOE: -- let's just --

MR. STRODTMAN: We're looking for any amendments -- motions for amendments.

MS. LOE: So I'm going to move to delete the Section 29-4.2(4), detached frontage.

MR. STRODTMAN: 29-4.2(4)?

MS. LOE: Correct.

MR. TOOHEY: Can you say what page -- do you know what page that is on?

MS. LOE: Oh, page 212.

MR. STRODTMAN: And you can -- is everybody at 212? Would you repeat your motion? Sorry.

MS. LOE: Delete.

MR. STRODTMAN: Delete.

MS. LOE: Remove. Get rid of.

MR. STRODTMAN: The whole thing?

MS. LOE: The whole thing.

MR. ZENNER: Eviscerate.

MS. LOE: Eviscerate? No. Let's disembowel. If I don't get a second, I can go into why --

MS. BURNS: I would like to know why.

MR. STRODTMAN: So -- okay. I'm still trying to --

MR. TOOHEY: So illustrations and intent? Is that what I'm looking at for detached frontage?

MS. LOE: Okay. Based on earlier discussion --

MS. RUSHING: The whole thing.

MS. LOE: -- detached frontage -- detached frontage is a frontage to be used for properties fronting a yellow-colored street on the regulating plan. We have no yellow-colored streets on the regulating plan, per earlier discussion.

MS. RUSHING: Second.

MS. LOE: So I would like to know if there is any intention of ever adding yellow-colored streets? And if not --

MR. STRODTMAN: Mr. Teddy?

MR. TEDDY: I can't speak to whether there is intention, but this was drafted by Farrell Madden. And initially, they did have in mind the Hubbell Street area, which is single-family homes, but they are zoned to R-3. And our feeling was we didn't want to be so bold to propose a single-family form district on a multi-family zoning district. So what resulted was an agreement to present it to you as a "floating zone", which is zoning jargon for a zoning district that has no mapped expression, but it's rules that could be applied at the request of a property owner if Council approves that mapping. So it -- we have no objection, should you vote to remove it, because as I said, there is nothing mapped in yellow or that particular shade of yellow on the map. We did pull back from rezoning any R-3, and that's the bit of background on the project. We -- the only thing that has been rezoned is either going to be C-2 currently or M-1. And that was the desire of the staff to present to you. So it will live on in a file drawer, should you decide to cut it, and if there is ever interest in a low-intensity form district --

MR. MACMANN: Brought back.

MR. TEDDY: -- that could be used in the neighborhoods. We'll have that as a starting point, so it makes no difference to us.

MR. STRODTMAN: Ms. Loe, any additional questions from -- on that -- I think Mr. MacMann has a question. Does Mr. MacMann -- is your question related to this?

MR. MACMANN: It is related to this.

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

MR. MACMANN: Mr. Teddy, this is a reserve zone, essentially?

MR. TEDDY: Yeah. Yeah.

MR. MACMANN: It's something staff has that it's --

MR. TEDDY: Floating zone, reserve zone, something that you could use in future. Uh-huh.

MR. MACMANN: And, Ms. Loe, you feel it's extraneous and it doesn't have fine enough parameters to be used in that fashion or what's your --

MS. LOE: We're going to have to clean it up if we're going to include it, so, yes.

MR. MACMANN: That's -- that's where I was going. All right. That's exactly -- I mean, right now, it's a big open drawer.

MR. TOOHEY: It's a lot of effort, with a little at stake.

MS. LOE: It's a drawer with some messy stuff in it. Yeah. So it's one way or the other.

MR. STRODTMAN: Any additional questions on this motion of the amendment? We have a motion that has been made and seconded. No additional questions. May we have a roll call, please.

MS. BURNS: Yes.

MS. LOE: I just -- one final comment is I don't know if this has been given it's deserved attention because there are no streets assigned to yellow on the map, so no one has really regarded it. So I'd actually prefer it not be adopted in this --

MR. MACMANN: In this --

MS. LOE: -- state, there's obvious things that I'll move to correct should we agree to leave it in right now, but I also feel like it hasn't been thoroughly vetted.

MR. MACMANN: I agree with you. I agree with Mr. Teddy. It's a nice procedural tool for them to have.

MS. LOE: Uh-huh.

MR. MACMANN: The drawer is pretty messy as we speak.

MS. LOE: Correct.

MR. MACMANN: So, all right. I just wanted some clarification where you were going and why. Thank you.

MR. STRODTMAN: Any additional? I see none. May we have a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Additional motions for amendments, Commissioners?

MR. TOOHEY: Yeah. I've got one.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: With regards to the regulating plan, I'm going to hand -- here, if you would pass those out. I'm going to hand out a regulating plan map.

MR. STRODTMAN: Is this the most current one or --

MR. TOOHEY: Yes. And then on the back is a -- a parcel map of a property. So on the regulating map right now, on Hitt Street, it's showing an alley there. But that alley is actually private property when you go and you look at the parcel viewer. So I make a motion that we remove that alley right there off of Hitt Street.

MS. RUSHING: Second.

MR. STRODTMAN: A motion has been made and seconded to remove the alley off of Hitt Street. Commissioners, do we have any questions or comments regarding this motion? Ms. Burns?

MS. BURNS: Well, this was brought forth at our previous discussion -- mentioning this alley; is that correct or am I confusing it with something else?

MR. TOOHEY: No, I think it was.

MS. BURNS: Okay.

MR. TOOHEY: But we never made a motion -- we never had a motion address --

MR. MACMANN: Never acted on it.

MR. TOOHEY: -- it.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: This -- just to be clear, this is the alley that extends from Hitt Street east and terminates in a concrete wall?

MR. TOOHEY: Yes.

MR. MACMANN: All right.

MS. RUSHING: Between Broadway and Cherry?

MR. TOOHEY: Yes.

MS. RUSHING: Okay.

MR. TOOHEY: I mean, is there -- I don't know if staff can tell us, is there a better way to document which alley this is?

MR. ZENNER: You're referring to the alley that is behind --

MR. TOOHEY: Central Dairy.

MR. ZENNER: Central --

MR. TOOHEY: The Central Dairy building.

MR. ZENNER: Yeah. Behind the Central Dairy building. It's not the one that leads into its

parking area off of Broadway though. Correct?

MR. TOOHEY: Right. Because that is not shown as a --

MR. ZENNER: That's a driveway that's leading --

MR. TOOHEY: Right.

MR. ZENNER: -- into a parking area.

MR. TOOHEY: Right.

MR. ZENNER: The -- yeah. The alley -- and this is one that we have recently did a plat on, if you recall, that we did a lot line adjustment with the property to the south as well as the property to the north -- the corner lot. So it is the -- what is the building there -- the outdoor building? The Alpine Shop. This is the alley behind the Alpine Shop.

MR. TOOHEY: Correct.

MR. ZENNER: So I think that that is how -- that is how the minutes may want to have it referred to as -- you are requesting that the alley segment that is east of Hitt behind the Alpine Shop be deleted from the regulating plan.

MR. STRODTMAN: As an alley.

MR. ZENNER: As an alley.

MR. STRODTMAN: Is that what your motion was, Mr. Toohey?

MR. TOOHEY: Yes, it is.

MR. STRODTMAN: Same --

MS. RUSHING: Second.

MR. STRODTMAN: We have a motion that has been seconded to take that alley away from the -- off of this map. Is there any additional questions or comments, Commissioners?

MR. MACMANN: I have one quick question of staff, hopefully.

MR. STRODTMAN: Yes, Mr. MacMann?

MR. MACMANN: Just a question. The repercussions of taking something that doesn't exist off of the map are zero; is that correct?

MR. ZENNER: The alley regulation, if you leave it on the regulating plan and you identify it as an alley, there are regulations within the regulating plan that would apply to it. It does not reduce its functionality as it relates to the platted environment and how that alley could be used generally. It will remove any additional M-DT conditions that's its designation on the regulating plan creates.

MR. MACMANN: M-DT or alley or anything --

MR. ZENNER: Yeah. M-DT -- yeah.

MR. MACMANN: I just want to make sure that we're not putting ourselves in a procedural nightmare.

MR. TOOHEY: Wait a minute.

MR. ZENNER: We're not going to remove the rights of the property owner to be able to use it for the purposes that they're using it right now for or in the future, you're removing any additional burdens

that may be placed on it due to the M-DT.

MR. TOOHEY: We need to change it. This is not behind -- there is another building between this alley drawn on the map and the Alpine Shop.

MS. RUSHING: No. Oh, well, yeah, you're right. It used to be The Diggitt.

MR. TOOHEY: Diggitt Graphics.

MR. MACMANN: Diggitt Graphics and Uprise is the --

MS. RUSHING: So it is -- it is the one that's between Broadway and Cherry that runs east from Hitt.

MR. STRODTMAN: Runs east from Hitt?

MS. RUSHING: Uh-huh.

MR. MACMANN: This is the eastern terminus of Alley A. Correct?

MR. TOOHEY: Right. No. No. Say that again?

MR. MACMANN: The eastern terminus of Alley A, roughly.

MS. RUSHING: The eastern edge of that alley --

MR. MACMANN: Conceptually. I've gotten --

MR. TOOHEY: Right.

MR. MACMANN: I'm confusing the issue. I'll just withdraw my statement. I'm sorry.

MR. STRODTMAN: Additional questions or comments, Commissioners, on this motion?

MR. TOOHEY: So do we need to change it to say the alley east of Hitt Street between Broadway and Cherry Street?

MR. STRODTMAN: That was my understanding that it was a clearer representation of that alley. Correct, Mr. Zenner?

MR. ZENNER: That would be correct. It --

MS. BURNS: Can I read back the motion so it -- as it is currently so we can see if we need to abbreviate it? Okay. Remove alley segment east of Hitt behind the Alpine Shop to be removed as an alley.

MR. TOOHEY: Remove the part about behind the Alpine Shop.

MS. BURNS: Okay.

MR. ZENNER: So it is the alley that is behind 8 Hitt Street, which is the address of the building that that access comes back into what would be apparently the parking area behind the old Central Dairy building.

MS. RUSHING: I don't know if -- I'm thinking our church is 10 Hitt Street, which would make the theater 8.

MR. MACMANN: This is the alley directly north of Uprise. Correct?

MS. RUSHING: That's the only --

MR. TOOHEY: Yes.

MS. RUSHING: -- alley between Broadway and Cherry.

MR. MACMANN: No, it's not. That's something we need to --

MS. RUSHING: It's not?

MR. MACMANN: No.

MS. RUSHING: Oh.

MR. MACMANN: There is an alley --

MR. TOOHEY: It's the only alley east.

MR. STRODTMAN: East of Hitt.

MR. MACMANN: I don't think so. Isn't there an alley that term-- that goes --

MS. RUSHING: Between Broadway and Cherry there is another alley?

MS. BURNS: Between Uprise --

MR. MACMANN: It's south of Cherry, I think the other alley I'm thinking of.

MS. RUSHING: Yeah.

MR. MACMANN: Because Cherry T's into Hitt.

MS. RUSHING: Yeah. Between Broadway and Cherry, I think that's --

MR. MACMANN: The next alley is south --

MS. RUSHING: -- the only --

MR. MACMANN: -- of the intersection. The one that goes directly south or that runs east/west south of the church. I just want to make sure that we don't -- that our language is tight on this, Mr. Chairman.

MR. STRODTMAN: We're making sure we have the right alley, I believe.

MR. MACMANN: It is south of Cherry.

MR. STRODTMAN: Any changes to the motion, Mr. Toohey? Are we still --

MR. TOOHEY: Can we read back what we have now?

MS. BURNS: Request alley segment east of Hitt, address 8 Hitt Street be removed as an alley.

MR. TOOHEY: Yes.

MR. STRODTMAN: Ms. Rushing, your second still holds?

MS. RUSHING: I think it was between 8 and 10 Hitt Street?

MR. TOOHEY: Yeah.

MS. RUSHING: Okay.

MR. STRODTMAN: Second stands?

MS. RUSHING: Oh, second with that.

MR. MACMANN: And that's clear enough. As long as we're not -- there's another alley south of there. I just didn't want to delete that as well.

MR. STRODTMAN: Okay. Any additional questions or comments on this motion, Commissioners? I see none. Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman,

Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Thank you, ma'am. Mr. Toohey?

MR. TOOHEY: I've got another motion I would like to make with regards to the regulating plan again. If we would go ahead and take -- I amend that we take urban storefront and extend it east all the way to Hitt instead of before the block ends.

MR. STRODTMAN: So take urban storefront from -- can you say that again while we look at the map?

MR. TOOHEY: Take it east all the way to Hitt Street.

MS. RUSHING: Across the intersection or before the intersection?

MR. TOOHEY: I'd say right to the intersection.

MS. BURNS: And just for your motion sake, Mr. Toohey, we're extending it east on --

MR. TOOHEY: On Broadway.

MS. BURNS: Thank you.

MS. RUSHING: Second.

MR. STRODTMAN: Thank you, Ms. Rushing, for that second. We have a motion for an amendment to the regulating plan, and we have a second to that motion. Do we have any questions or comments, Commissioners? Yes, Mr. Zenner?

MR. ZENNER: Point of clarification with Mr. Toohey's motion. That is to the west right-of-way line of Hitt Street. Correct? It is not to proceed through the intersection?

MS. RUSHING: Correct.

MR. TOOHEY: Correct.

MR. ZENNER: Thank you.

MR. MACMANN: Right on the corner.

MR. STRODTMAN: So urban storefront would go a little further east to the west side of Hitt Street?

MS. LOE: We've been asked to expand urban storefront considerably larger area than that. Is there a reason we're just looking at a little bit?

MR. STRODTMAN: Mr. Toohey, would you have any clarification on your motion?

MS. RUSHING: Take it pass the Pasta Factory building?

MR. TOOHEY: No. She's talking about there's a request to actually make urban storefront a much larger --

MS. RUSHING: Oh, okay.

MR. TOOHEY: Encompass a much larger area downtown.

MS. LOE: Right.

MR. STRODTMAN: In the M-DT.

MS. LOE: So just having discussion on that topic, instead of doing pieces by pieces, if that is

where we are heading.

MR. TOOHEY: I wasn't heading anywhere past this one, so if someone else would like to, we could discuss that right now, I suppose?

MR. STRODTMAN: Does anyone else have any interest to expand urban storefront any further east or west on East Broadway?

MR. TOOHEY: My intention was really just to make the map cleaner.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Yes. And I don't know if we are going to need to amend the amendment.

MS. LOE: Let's have discussion.

MS. RUSHING: My preference would be --

MR. MACMANN: I would rather discuss it before we actually --

MS. RUSHING: Could we go ahead and vote on -- on this because it may be independent of the other? I mean --

MS. LOE: I'd vote for having some discussion on it and see where we go with it.

MR. TOOHEY: And we may --

MS. LOE: I mean, if this happens to be the only area we agree we're going to go on it, let's do it, but --

MR. STRODTMAN: Mr. MacMann, what were thoughts on your expansion?

MR. MACMANN: I've -- well, I really wanted to get you all's input because I have been asked everything from extending Broadway to College to Providence to the storefronts to making the entire M-DT urban storefront, and I submit that there is political will both ways. But I really want to get some quality input on what you all think.

MR. STRODTMAN: Ms. Loe?

MS. LOE: I guess one thing I would like to clarify, and maybe we can have some discussion on is what urban storefront does that urban general doesn't do. So what is it we're doing by changing that? I mean, one is urban storefront does not allow residential at the ground floor.

MR. MACMANN: Correct.

MS. LOE: Okay. What are the other key differences?

MR. MACMANN: I'm selling someone else's bill of goods here, but I just -- things that have been asked of me, and some of you guys have seen some of these things also. I guess there is a concern to -- rather than a contractual issue, there is a concern to keep downtown more interactive rather than less interactive. Currently, we have -- just an exemplar, the Brooksidess south of Locust. They have residential on the first floor, and that whole section -- that block is penetrated once by a walkway, which is nice that it has a walkway, but that area will never be interactive. It is strictly transportation east/west with split. You guys generally know what I'm talking about? When straight south on Hitt and we run into the Brooksidess that are down there. That's taken that out as a -- as an interactive part of downtown.

MS. LOE: Because of the single entrance.

MR. MACMANN: Well, because the entrance and there's nothing storefront. And the folks that live there -- I was there the other day. I was doing a walk before this meeting. There are windows. Right? Regular window height, and they are always shuttered. I would personally not like that. While it does allow more flexibility to a builder to have -- to do whatever they want, I think it takes something out of downtown, and it creates a situation where people can't have their windows open or rarely would have their windows open. Because you have -- those apartments have two bedrooms -- or excuse me, two main windows, say, in a bedroom or a living room and a small bathroom window. And if you walk up and down Locust, in this example, where you have residential on the first floor, you have three closed windows. So not only are they not out, you know -- not only is the public not interacting in that space, but they have their windows shut at all times for privacy. I mean, I probably would too, except on a real nice day and I'm feeling social.

MS. LOE: Do you think we could invite Mr. Zenner to read --

MR. MACMANN: I would love to --

MS. LOE: Okay. Mr. Zenner, can you --

MR. MACMANN: Do you want a --

MS. LOE: -- just recap for us the primary differences between urban storefront and urban general and why the regulating map restricted it in its current locations?

MR. ZENNER: Well, as it is defined on page 191 of the plan -- of the Code, the urban storefront follows the exact same urban general building form standards. However, you're going to have your -- the main distinction between the two is that the ground story configuration is that of a shop front, meaning it is going to have more glass. It is going to be limited with its uses to retail food, beverage, personal service, and we added, if you recall correctly, office. So the residential component is out of it. The intention for the urban storefront was to have it in our most intense locations of retailing and other activity in anticipation that there's going to be a lot of pedestrian traffic there. And therefore, I think, as Mr. MacMann is referring to it, it is basically to have that interaction -- the interaction along those frontages. And historically, those frontages have been 9th Street, as is currently designated, and that is what is in the interim C-2 ordinance, and then that general portion of Broadway that has been identified as to being our main retail corridor where we do have that high preponderance of retail shop space today. Obviously, the -- the ground floor configuration becomes an enormous variation due to the fact of how that is set up, and there is very specific shopfront details with that between the two building form standards. The other has to deal with the parking RBL or the parking setback line. In these urban shopfront areas, the parking setback line is 24 feet continuous from ground through roof; whereas, in our urban general locations, the ground floor is that sacrosanct area where the parking is 24 feet behind it -- the face of a building in order to create that module for a different use. But once you get above the first floor, you can't project forward with your parking. So that's going to be the major differences. And, of course, when you get into urban general, the opportunity to have residential at ground, but elevated three feet above -- the finish elevation is three feet above the adjacent sidewalk. So there -- you don't get any residential at grade or three feet

above in the shopfront; whereas, you would in urban general. So you can, as again Mr. MacMann has explained, you may get a Brookside effect on Walnut, where you have that residential that is all the way down to the ground floor if everything is left urban general. The shopfront revision that you all have made does not necessarily -- it is not a negative. I wouldn't say it is a negative. Only that it could be if you expand it, it could be a negative as it relates to any potential residential development in areas that are not generally intended to become a retail corridor, and it may not be suitable for office either or some other use. So that could present some issues associated with redevelopment of those areas if you are anticipating that they would either be retail, office, food or restaurant in areas that may not necessarily be suited for that. And that's a general observation.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: My rejoinder to some of that would be is we could be achieving the effect that we don't wish to. We could be limiting the retail corridor to this crucifix form and -- do you understand what I'm saying there -- or delimiting it in some fashion.

MR. ZENNER: I've -- I've -- not to disagree, but your retailing component is allowed in urban general, it's just not allowed with the same shopfront design requirements. So you still have the ability to have retail anywhere within urban general, you just don't have the shopfront -- the storefront type design.

MR. MACMANN: Well, one of the things that was brought up to me -- and we've been discussing this since the last time Mr. Elliott was here is take another one of the larger developments, there is no interactive nature to that -- zero. I mean, walkway -- District Flats or the Brookside, those are blocks that are taken out of public space currently. Maybe storefront is too harsh, like everything must be. What Mr. Fields is doing with the Rise, he is going to have two retail spaces in the bottom there. It's not going to be everything. So he is bringing people into his building, but he is not having -- and he is not required to do this now, he is just doing it because that is the model he chooses to follow on the Rise, if everyone is following this. He is bringing people in the building. What we have right now, we have entire sections of downtown -- Brookside, The District Flats, even the Methodist Church, which are entire blocks where there is nothing going on, literally. And this -- this is a concern that has been expressed. I know it's been expressed in DLC, I know some of the neighborhood people have talked, and I'm certainly open to listening to this, but if one of our concepts in form based zonings is interaction and bringing people downtown, we may be setting out entire areas that they're not -- no one wants to go to or can go to physically. Ms. Loe, you've done a lot of urban architecture. Do you have any input on this?

MS. LOE: Well, I'm glad we added offices back to storefront if we're considering expanding the area -- or into storefront because I think it does get to be a bit restrictive.

MR. STRODTMAN: Any additional? We have a motion on the table and it has been seconded. Any additional discussion on expanding the urban storefront in the M-DT area? Yes, Ms. Burns?

MS. BURNS: I think as we consider this, that we vote on Mr. Toohey's motion, and then have to -- if we have to come back to it and discuss it, that will allow us to move forward with some of the other things we need to.

MR. STRODTMAN: Anybody else --

MS. RUSHING: Call the question.

MR. STRODTMAN: Everybody good with that? Anybody have additional questions? Can we have a roll call, please on the motion that has been made and seconded.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Seven to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Commissioners, additional amendments -- motions for amendments?

MS. RUSHING: Are we going to have Mr. MacMann make another motion to expand --

MR. STRODTMAN: We can always come back --

MR. MACMANN: Could I respond to that briefly?

MR. STRODTMAN: Yes, Mr. MacMann.

MR. MACMANN: I think with urban storefront and as the -- some of the things we have discussed in the work session, no -- while people have expressed the desire to expand it, no one has given firm dynamics and sizes. The point I'm getting to, or the direction I'm going, is this is something that requires work because it has to be done with a little bit of care rather than just -- in just a few moments -- to avoid that unintended consequence issue. I just wanted to bring it up here in the M-DT and put it on the table because I think it is something that needs to be addressed. And as long as we can amend it at some point in the future, I think we are fine. And I just wanted to get on the record saying that I think we are missing an opportunity here and we obviously don't have enough time to address it all, like the affordable housing issue that came up, you know, 45 minutes ago. We just don't --

MR. STRODTMAN: One thing at a time.

MS. LOE: Let's -- we can bring that up now.

MR. MACMANN: So I'm -- I'm finished with that, Mr. Chairman. Thank you.

MR. STRODTMAN: Any additional motions for amendments is what we are looking for tonight?

MS. LOE: Actually, I think that one falls outside the M-DT.

MR. STRODTMAN: Yes.

MS. LOE: So it will have to wait until next meeting.

MR. STRODTMAN: Yes.

MS. RUSHING: I --

MR. STRODTMAN: Anything related to the M-DT?

MS. RUSHING: Yes. I have a couple.

MR. STRODTMAN: Ms. Rushing? Would you like to start with one?

MS. RUSHING: I'll do the easy ones first. At least to me they're easy. I was concerned about a couple of issues regarding accessibility. The first is section 29-3.3(d)(6) universal design on page 139. I recommend deleting the wording in that section and adding a sentence that says "principal structures

containing residential units shall comply with the applicable requirements of the international building code and its amendments as adopted by the City and the Federal Fair Housing Act.”

MS. LOE: Ms. Rushing, point of order. We’re focusing on the M-DT right now, which is 4.2.

MS. RUSHING: Yes. I mean, the M-DT, isn’t that 29 -- okay.

MS. LOE: So, yeah --

MS. RUSHING: I got it.

MS. LOE: No. Clarification because I think we -- that segment covered a couple --

MR. MACMANN: That was where --

MS. RUSHING: I think you’re correct.

MS. LOE: -- topics --

MS. RUSHING: Yeah.

MS. LOE: -- but -- so because --

MS. RUSHING: So wait?

MS. LOE: What are we covering tonight?

MR. STRODTMAN: M-DT, which --

MS. LOE: M-DT.

MR. STRODTMAN: M-DT.

MS. RUSHING: Okay. I’ll bring it back.

MS. LOE: And I’ll bring up the affordable housing at the same time --

MS. RUSHING: And --

MS. LOE: -- because it is in that Section.

MR. STRODTMAN: Can’t wait.

MS. RUSHING: Okay. The next one that I had with regard to accessibility would amend the definitions, but they are used in the M-DT section, so, I mean, the words are used in the M-DT section, so --

MR. ZENNER: That would be -- I believe that is appropriate. These are very specific definitions to the M-DT itself.

MR. STRODTMAN: But found in the definition section.

MR. ZENNER: But found in the definition sections, so --

MR. STRODTMAN: Okay.

MR. ZENNER: -- I think it is fair game.

MS. RUSHING: Okay.

MR. STRODTMAN: Ms. Rushing, if you would like to go ahead and expand on that.

MS. RUSHING: It should be 29-1.11 on page 26, front porch. I would delete the word “platform” and put in that -- in its place the word “area”. So it would read, “The ground floor area attached to the façade or required building line side of the main building which is delineated by a change in elevation, surface type or surface texture or combination thereof.” That’s the definition of front porch. And I would

make the same change on page 47 for the definition of stoop. And my concern was platform to me indicated that the -- the fronts of the townhouses had to be elevated, which wouldn't allow a wheelchair accessible entrance.

MR. STANTON: Chair?

MR. STRODTMAN: Clarification on that motion?

MS. LOE: I'll second.

MR. STRODTMAN: Second that motion first. Okay. A motion has been made for two items, a -- to change the description of front porch and stoop, page 26 and page 47. That has been seconded. Is there any discussion on that motion?

MR. STANTON: Yes.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: I'm getting -- my concern is what protects somebody from just having like a dirt area covered by -- I can -- I can make a -- I can make an overhang with columns in the dirt, and then the area underneath my porch cover could be dirt. I mean, what -- that's kind of what the definition kind of does for me is it says, okay, platform of some sort. And if you have accessibility issues, then you use ramps --

MS. RUSHING: You would have a ramp going out into the walkway. That was my concern. So, of course, I have a tendency to make assumptions, and my assumption was that it would be concrete or brick or something along those lines. Mr. Zenner, is there anything else that would address the issue of --

MR. MACMANN: Ms. Rushing, if I may?

MR. STRODTMAN: Mr. Zenner, do you have a -- did you want to --

MS. RUSHING: He's thinking.

MR. ZENNER: I mean, if the issue is elevation, which is that correct, Ms. Rushing?

MS. RUSHING: That's correct. I mean, you could qualify -- you could leave "platform" in order to address -- what Mr. Stanton's concern is is that a platform is something that would be above or would be of some type of service. But you could say, possibly, that the ground floor platform, which may be at grade -- I mean, at that point, it's -- you're specifying it doesn't have to be elevated.

MS. RUSHING: Okay.

MR. ZENNER: It could be at grade --

MR. STANTON: Right.

MR. ZENNER: -- on the façade of a building -- attached to the façade or required building line side of the main building -- and that basically, I mean, if you are trying to address the issue of elevation, that's fine. That may be one way. The other way to potentially do it if you want -- if you prefer the text that Ms. Rushing has proposed, you could specify, in order to address Mr. Stanton's concern, that it could be dirt is that it must be of a dust-free surface.

MR. STANTON: Or impervious.

MR. ZENNER: Yeah. An impervious surface.

MR. STANTON: An impervious surface.

MR. ZENNER: You know, a ground floor area consisting of an impervious surface attached to the façade or required line side of the main building, which is delineated by a change in -- change in elevation, surface type or surface texture. That actually may be better because that allows the imagination or a designer to be able to use any type of impervious material to delineate the change in color, texture or anything else. That probably would be a better solution.

MR. STRODTMAN: Mr. MacMann, did you have a --

MR. MACMANN: Ms. Rushing, I had a question. You're main concern here is accessibility -- wheel chair and other mobility limitations; is that correct?

MS. RUSHING: Correct.

MR. MACMANN: A couple things. According to the IBC, your threshold is going to be somewhat elevated anyway regardless of whatever your porch or stoop does. Your threshold is not going to be at the ground line.

MS. LOE: Often is -- often is slab on grade construction

MR. MACMANN: Well, I appreciate that. It's not going to be -- well, I'll concede that for just a moment. I'm concerned that we are eliminating porches here. That's what I'm concerned --

MS. RUSHING: You're concerned why?

MR. MACMANN: We're eliminating something, like --

MS. LOE: I would like to know what -- what is the difference between a porch and a stoop in your definitions.

MS. RUSHING: There was no difference. I mean, it's not my no difference. The no difference was already there.

MS. LOE: Okay.

MR. STRODTMAN: You're just correcting the no difference.

MS. RUSHING: Because I've shown what I took out with strikethrough and what I added is in bold.

MR. STRODTMAN: Ms. Burns?

MS. RUSHING: So you could see what was there originally.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: Would finished area satisfy what you are trying to accomplish and satisfy better than dirt?

MR. TOOHEY: What if you said "dust free"? Well, that's used in other parts of the Code.

MR. STANTON: Or use impervious surface.

MS. RUSHING: Impervious.

MR. STANTON: That's got to be --

MS. LOE: Impervious surface is better.

MR. STANTON: It can't be gravel. It can be pavers, it could be -- but it can't be anything other

than some kind of concrete or future material that is impervious.

MS. RUSHING: I like -- I like his --

MR. STRODTMAN: So --

MS. RUSHING: I can restate my motion to include the wording suggested by Mr. Zenner, and that would make --

MR. STRODTMAN: So you would -- you start with page 26, the front porch. Correct?

MS. RUSHING: The front porch and stoops, since the definitions, as pointed out by Ms. Loe, are the same. And the ground floor area consisting of an impervious surface attached to the façade or required building line side of the main building, which is delineated by a change in elevation, surface type or surface texture or combination thereof.

MR. STRODTMAN: And then also with the stoop?

MS. RUSHING: The same with stoop.

MR. STRODTMAN: Do we have a second -- did you want to -- is that a new motion from your first one?

MS. RUSHING: Yes. I will.

MR. STRODTMAN: Any questions on that motion, Commissioners? We have a second?

MS. LOE: I'll second.

MR. STRODTMAN: Ms. Loe, second. Thank you. Commissioners, questions or comments on a motion for page -- on the front porch definition and the stoop definition? A motion has been made and seconded. Any questions on that?

MR. STANTON: I'm not clear --

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: I'm not clear if we specified the material. Did we say it had to be --

MR. STRODTMAN: Impervious.

MS. RUSHING: Impervious.

MR. STANTON: Okay. Okay.

MR. STRODTMAN: Would you want to read it back, just -- and it will be the last thing?

MS. BURNS: I've got most of that. It's on page 26, concerning front porches and platforms. Delete the word and replace with "area consisting of an impervious surface which is attached to the building" -- there was more to it, but I didn't get that. I thought that was the -- "the façade or required building line side of the main building, which is" -- okay.

MR. STRODTMAN: Any additional questions, Commissioners? Comments? I see none. Can we have a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Commissioners, just for clarification, we've got about seven minutes before our public session will start at 7:00, so if anyone has a motion or discussion on a smaller shorter item, throw it up there.

MS. LOE: I have some --

MR. STRODTMAN: Ms. Loe?

MS. LOE: I have some figure corrections.

MR. STRODTMAN: Let's correct some figures --

MS. LOE: There's --

MR. STRODTMAN: -- in the M-DT.

MS. LOE: They are all in M-DT. Pages 196, 202, 207, 208 --

MS. BURNS: Ms. Loe, can you start again, please?

MS. LOE: 196, 202, 207, 208, 211, to go through them one-by-one. Figure on 4.2-8 on 196, is currently showing that 15 percent of the contiguous private open area be made open. And I believe we've already changed that to 10 percent, and I believe the open area does not need to be contiguous since it can be on multiple floors and roof and balcony areas. So correction there would be to delete contiguous, change 15 to 10. Figure on page 202, 4.2-11, street wall height needs to be revised to four to eight feet. Figure on 207 is currently requiring the floor be raised three feet above ground floor, and that has been revised to delete that for the townhouse requirements. Page 208, figure correction on 4.2-16, we need to add "public" after "private". I believe, again, that's on the open space. And the arrows for open space should indicate the full extent of buildable area. They seem to be pointing to a reduced area as delineating or what can be made open space. And again -- no, 15 percent is correct on this one. So those two corrections. Page 211, figure 4.2-18, the RBL is shown all the way to the back of the porch, and the porch is only allowed to encroach two feet into it. So RBL needs to be moved forward. That's all I have for right now.

MR. STRODTMAN: A motion has been made. Is there a second?

MR. STANTON: Second.

MR. STRODTMAN: Mr. Stanton seconds that. Thank you. Commissioners, any questions or comments on the motion that has been made and seconded about the figure changes that Ms. Loe referenced? I see no questions. May we have a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Seven to zero, motion carries.

MR. STRODTMAN: Thank you. Commissioners, another quick one?

MS. LOE: Three minutes.

MR. STRODTMAN: Is it three? I was looking at the clock and it says five. If -- the computer does say three. So we will stop at this point and will reconvene at 7:00 or do you just want to keep -- we'll

wait.

MR. ZENNER: We can suspend discussion at this point on the M-DT, and if you would like to take a brief break, you are more than welcome to and come back at 7:00.

MR. STRODTMAN: Commissioners, we will take a brief two- to three-minute break. Anybody in the public, we'll start at 7:00 for the public hearing items that were listed on the agenda.

(Off the record.)

MR. STRODTMAN: We're about ready. We'll go ahead and call the meeting back to order -- the November 10th, 2016 Planning and Zoning Commission meeting back to order. And we will be -- do we need to go over the agenda? No. We don't need to mention that again. Can we just go ahead and jump into the tabling request?

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

NOVEMBER 10, 2016

IV). SPECIAL PUBLIC HEARING

Case No. 16-110

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

SEGMENT THREE - CONTINUED

FORM AND DEVELOPMENT CONTROLS (CHAP 29-4.2 M-DT FORM-BASED CONTROLS

MR. STRODTMAN: May we have a staff report -- and this is basically a continuation -- do we even need a staff report? We don't need a staff report. Is there any additional?

MR. ZENNER: We're not adding anything additional --

MR. STRODTMAN: Right.

MR. ZENNER: -- so --

MR. STRODTMAN: So it's really -- we're just going to pick up from our October 27th discussion on the M-DT amendments. A motion was made for approval. It was seconded and approved and we were making amendments to that motion for approval of the M-DT, which is the Section Four -- or Three?

MR. ZENNER: Three.

MR. STRODTMAN: Section Three -- Segment Three of our Public Hearing portion. So would anybody like to start? We can pick up with where we left off and go down the list. Don't be shy.

MR. MACMANN: I have a question for staff, if I may?

MR. STRODTMAN: Yes, Mr. MacMann, ask a question, please.

MR. MACMANN: Manager Zenner, I have been doing some research and I was approached by a property owner -- communicated to by them -- in regards to boundaries of the M-DT. There is a difference in the map from Columbia Imagined to currently as it relates to St. James Avenue, and M-DT has been extended northward to Park, where as in Columbia Imagined, it did not do that. It terminated after, I believe, the second property on St. James, and now it encompasses all of those properties all the way to Park Avenue. Can you please -- I realize this is a -- could you please take your time and tell me how and when that was happened -- or how and when that happened, and, maybe, why?

MR. ZENNER: Actually, I cannot probably respond that -- to that question without having a little bit of additional time to look at what our --

MR. MACMANN: Right. That's what I --

MR. ZENNER: -- mapping shows.

MR. MACMANN: -- I'm saying. Please, please take your time. If you could get back to us --

MR. ZENNER: Yeah.

MR. MACMANN: -- in the meeting, that is great. If not, when you could get back to us, that would be a wonderful thing.

MR. ZENNER: And I believe the only thing I can tell you is, is if, in fact, the right-of-way has been platted, but it was never opened with an improved street, any development along that street would be -- that would be using St. James on an unopened portion of a platted street would need to be installed accordingly with the development plans, that would then be submitted. If access was going to be obtained from St. James, there is -- the home that is on Park just to the north of the second parcel has frontage on Park, as well as then, if I am correct, the site that is immediately on the west that is the Ameren property if I recall correctly.

MR. MACMANN: It is.

MR. ZENNER: And through redevelopment of that site at some point in the future, we may be obtaining access --

MR. MACMANN: And I appreciate that, but I'm just trying to discover why -- and I can understand the corner property -- the -- would be the absolute -- well, it will be the northeast corner of St. James and East Ash. I can understand how that property could certainly be platted M-DT because of its location.

I'm -- the M-DT now extends all the way up to Park.

MR. ZENNER: Park.

MR. MACMANN: And it didn't use to. And I'm trying to discover how, when, and why. So if you could -- I don't want to take up any more meeting time, Mr. Chairman, I just -- Manager Zenner, if you could research that for me, please?

MR. ZENNER: More than happy to.

MR. STRODTMAN: Okay. Commissioners, M-DT -- Ms. Loe, you're next in line.

MS. LOE: I'll start with an easy one, perhaps.

MR. MACMANN: Perhaps.

MS. LOE: It will be a motion, and we're going to open it up to discussion then. Correct?

MR. STRODTMAN: Yes. Unless you had questions --

MS. LOE: Follow the same protocol --

MR. STRODTMAN: -- or that --

MS. LOE: Well, I have some questions, but --

MR. STRODTMAN: But, yes, if it's related to that --

MS. LOE: -- let's just --

MR. STRODTMAN: We're looking for any amendments -- motions for amendments.

MS. LOE: So I'm going to move to delete the Section 29-4.2(4), detached frontage.

MR. STRODTMAN: 29-4.2(4)?

MS. LOE: Correct.

MR. TOOHEY: Can you say what page -- do you know what page that is on?

MS. LOE: Oh, page 212.

MR. STRODTMAN: And you can -- is everybody at 212? Would you repeat your motion? Sorry.

MS. LOE: Delete.

MR. STRODTMAN: Delete.

MS. LOE: Remove. Get rid of.

MR. STRODTMAN: The whole thing?

MS. LOE: The whole thing.

MR. ZENNER: Eviscerate.

MS. LOE: Eviscerate? No. Let's disembowel. If I don't get a second, I can go into why --

MS. BURNS: I would like to know why.

MR. STRODTMAN: So -- okay. I'm still trying to --

MR. TOOHEY: So illustrations and intent? Is that what I'm looking at for detached frontage?

MS. LOE: Okay. Based on earlier discussion --

MS. RUSHING: The whole thing.

MS. LOE: -- detached frontage -- detached frontage is a frontage to be used for properties fronting a yellow-colored street on the regulating plan. We have no yellow-colored streets on the regulating plan, per earlier discussion.

MS. RUSHING: Second.

MS. LOE: So I would like to know if there is any intention of ever adding yellow-colored streets? And if not --

MR. STRODTMAN: Mr. Teddy?

MR. TEDDY: I can't speak to whether there is intention, but this was drafted by Farrell Madden. And initially, they did have in mind the Hubbell Street area, which is single-family homes, but they are zoned to R-3. And our feeling was we didn't want to be so bold to propose a single-family form district on a multi-family zoning district. So what resulted was an agreement to present it to you as a "floating zone", which is zoning jargon for a zoning district that has no mapped expression, but it's rules that could be applied at the request of a property owner if Council approves that mapping. So it -- we have no objection, should you vote to remove it, because as I said, there is nothing mapped in yellow or that particular shade of yellow on the map. We did pull back from rezoning any R-3, and that's the bit of background on the project. We -- the only thing that has been rezoned is either going to be C-2 currently or M-1. And that was the desire of the staff to present to you. So it will live on in a file drawer, should you decide to cut it, and if there is ever interest in a low-intensity form district --

MR. MACMANN: Brought back.

MR. TEDDY: -- that could be used in the neighborhoods. We'll have that as a starting point, so it makes no difference to us.

MR. STRODTMAN: Ms. Loe, any additional questions from -- on that -- I think Mr. MacMann has a question. Does Mr. MacMann -- is your question related to this?

MR. MACMANN: It is related to this.

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

MR. MACMANN: Mr. Teddy, this is a reserve zone, essentially?

MR. TEDDY: Yeah. Yeah.

MR. MACMANN: It's something staff has that it's --

MR. TEDDY: Floating zone, reserve zone, something that you could use in future. Uh-huh.

MR. MACMANN: And, Ms. Loe, you feel it's extraneous and it doesn't have fine enough parameters to be used in that fashion or what's your --

MS. LOE: We're going to have to clean it up if we're going to include it, so, yes.

MR. MACMANN: That's -- that's where I was going. All right. That's exactly -- I mean, right now, it's a big open drawer.

MR. TOOHEY: It's a lot of effort, with a little at stake.

MS. LOE: It's a drawer with some messy stuff in it. Yeah. So it's one way or the other.

MR. STRODTMAN: Any additional questions on this motion of the amendment? We have a motion that has been made and seconded. No additional questions. May we have a roll call, please.

MS. BURNS: Yes.

MS. LOE: I just -- one final comment is I don't know if this has been given it's deserved attention because there are no streets assigned to yellow on the map, so no one has really regarded it. So I'd actually prefer it not be adopted in this --

MR. MACMANN: In this --

MS. LOE: -- state, there's obvious things that I'll move to correct should we agree to leave it in right now, but I also feel like it hasn't been thoroughly vetted.

MR. MACMANN: I agree with you. I agree with Mr. Teddy. It's a nice procedural tool for them to have.

MS. LOE: Uh-huh.

MR. MACMANN: The drawer is pretty messy as we speak.

MS. LOE: Correct.

MR. MACMANN: So, all right. I just wanted some clarification where you were going and why. Thank you.

MR. STRODTMAN: Any additional? I see none. May we have a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Additional motions for amendments, Commissioners?

MR. TOOHEY: Yeah. I've got one.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: With regards to the regulating plan, I'm going to hand -- here, if you would pass those out. I'm going to hand out a regulating plan map.

MR. STRODTMAN: Is this the most current one or --

MR. TOOHEY: Yes. And then on the back is a -- a parcel map of a property. So on the regulating map right now, on Hitt Street, it's showing an alley there. But that alley is actually private property when you go and you look at the parcel viewer. So I make a motion that we remove that alley right there off of Hitt Street.

MS. RUSHING: Second.

MR. STRODTMAN: A motion has been made and seconded to remove the alley off of Hitt Street. Commissioners, do we have any questions or comments regarding this motion? Ms. Burns?

MS. BURNS: Well, this was brought forth at our previous discussion -- mentioning this alley; is that correct or am I confusing it with something else?

MR. TOOHEY: No, I think it was.

MS. BURNS: Okay.

MR. TOOHEY: But we never made a motion -- we never had a motion address --

MR. MACMANN: Never acted on it.

MR. TOOHEY: -- it.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: This -- just to be clear, this is the alley that extends from Hitt Street east and terminates in a concrete wall?

MR. TOOHEY: Yes.

MR. MACMANN: All right.

MS. RUSHING: Between Broadway and Cherry?

MR. TOOHEY: Yes.

MS. RUSHING: Okay.

MR. TOOHEY: I mean, is there -- I don't know if staff can tell us, is there a better way to document which alley this is?

MR. ZENNER: You're referring to the alley that is behind --

MR. TOOHEY: Central Dairy.

MR. ZENNER: Central --

MR. TOOHEY: The Central Dairy building.

MR. ZENNER: Yeah. Behind the Central Dairy building. It's not the one that leads into its

parking area off of Broadway though. Correct?

MR. TOOHEY: Right. Because that is not shown as a --

MR. ZENNER: That's a driveway that's leading --

MR. TOOHEY: Right.

MR. ZENNER: -- into a parking area.

MR. TOOHEY: Right.

MR. ZENNER: The -- yeah. The alley -- and this is one that we have recently did a plat on, if you recall, that we did a lot line adjustment with the property to the south as well as the property to the north -- the corner lot. So it is the -- what is the building there -- the outdoor building? The Alpine Shop. This is the alley behind the Alpine Shop.

MR. TOOHEY: Correct.

MR. ZENNER: So I think that that is how -- that is how the minutes may want to have it referred to as -- you are requesting that the alley segment that is east of Hitt behind the Alpine Shop be deleted from the regulating plan.

MR. STRODTMAN: As an alley.

MR. ZENNER: As an alley.

MR. STRODTMAN: Is that what your motion was, Mr. Toohey?

MR. TOOHEY: Yes, it is.

MR. STRODTMAN: Same --

MS. RUSHING: Second.

MR. STRODTMAN: We have a motion that has been seconded to take that alley away from the -- off of this map. Is there any additional questions or comments, Commissioners?

MR. MACMANN: I have one quick question of staff, hopefully.

MR. STRODTMAN: Yes, Mr. MacMann?

MR. MACMANN: Just a question. The repercussions of taking something that doesn't exist off of the map are zero; is that correct?

MR. ZENNER: The alley regulation, if you leave it on the regulating plan and you identify it as an alley, there are regulations within the regulating plan that would apply to it. It does not reduce its functionality as it relates to the platted environment and how that alley could be used generally. It will remove any additional M-DT conditions that's its designation on the regulating plan creates.

MR. MACMANN: M-DT or alley or anything --

MR. ZENNER: Yeah. M-DT -- yeah.

MR. MACMANN: I just want to make sure that we're not putting ourselves in a procedural nightmare.

MR. TOOHEY: Wait a minute.

MR. ZENNER: We're not going to remove the rights of the property owner to be able to use it for the purposes that they're using it right now for or in the future, you're removing any additional burdens

that may be placed on it due to the M-DT.

MR. TOOHEY: We need to change it. This is not behind -- there is another building between this alley drawn on the map and the Alpine Shop.

MS. RUSHING: No. Oh, well, yeah, you're right. It used to be The Diggitt.

MR. TOOHEY: Diggitt Graphics.

MR. MACMANN: Diggitt Graphics and Uprise is the --

MS. RUSHING: So it is -- it is the one that's between Broadway and Cherry that runs east from Hitt.

MR. STRODTMAN: Runs east from Hitt?

MS. RUSHING: Uh-huh.

MR. MACMANN: This is the eastern terminus of Alley A. Correct?

MR. TOOHEY: Right. No. No. Say that again?

MR. MACMANN: The eastern terminus of Alley A, roughly.

MS. RUSHING: The eastern edge of that alley --

MR. MACMANN: Conceptually. I've gotten --

MR. TOOHEY: Right.

MR. MACMANN: I'm confusing the issue. I'll just withdraw my statement. I'm sorry.

MR. STRODTMAN: Additional questions or comments, Commissioners, on this motion?

MR. TOOHEY: So do we need to change it to say the alley east of Hitt Street between Broadway and Cherry Street?

MR. STRODTMAN: That was my understanding that it was a clearer representation of that alley. Correct, Mr. Zenner?

MR. ZENNER: That would be correct. It --

MS. BURNS: Can I read back the motion so it -- as it is currently so we can see if we need to abbreviate it? Okay. Remove alley segment east of Hitt behind the Alpine Shop to be removed as an alley.

MR. TOOHEY: Remove the part about behind the Alpine Shop.

MS. BURNS: Okay.

MR. ZENNER: So it is the alley that is behind 8 Hitt Street, which is the address of the building that that access comes back into what would be apparently the parking area behind the old Central Dairy building.

MS. RUSHING: I don't know if -- I'm thinking our church is 10 Hitt Street, which would make the theater 8.

MR. MACMANN: This is the alley directly north of Uprise. Correct?

MS. RUSHING: That's the only --

MR. TOOHEY: Yes.

MS. RUSHING: -- alley between Broadway and Cherry.

MR. MACMANN: No, it's not. That's something we need to --

MS. RUSHING: It's not?

MR. MACMANN: No.

MS. RUSHING: Oh.

MR. MACMANN: There is an alley --

MR. TOOHEY: It's the only alley east.

MR. STRODTMAN: East of Hitt.

MR. MACMANN: I don't think so. Isn't there an alley that term-- that goes --

MS. RUSHING: Between Broadway and Cherry there is another alley?

MS. BURNS: Between Uprise --

MR. MACMANN: It's south of Cherry, I think the other alley I'm thinking of.

MS. RUSHING: Yeah.

MR. MACMANN: Because Cherry T's into Hitt.

MS. RUSHING: Yeah. Between Broadway and Cherry, I think that's --

MR. MACMANN: The next alley is south --

MS. RUSHING: -- the only --

MR. MACMANN: -- of the intersection. The one that goes directly south or that runs east/west south of the church. I just want to make sure that we don't -- that our language is tight on this, Mr. Chairman.

MR. STRODTMAN: We're making sure we have the right alley, I believe.

MR. MACMANN: It is south of Cherry.

MR. STRODTMAN: Any changes to the motion, Mr. Toohey? Are we still --

MR. TOOHEY: Can we read back what we have now?

MS. BURNS: Request alley segment east of Hitt, address 8 Hitt Street be removed as an alley.

MR. TOOHEY: Yes.

MR. STRODTMAN: Ms. Rushing, your second still holds?

MS. RUSHING: I think it was between 8 and 10 Hitt Street?

MR. TOOHEY: Yeah.

MS. RUSHING: Okay.

MR. STRODTMAN: Second stands?

MS. RUSHING: Oh, second with that.

MR. MACMANN: And that's clear enough. As long as we're not -- there's another alley south of there. I just didn't want to delete that as well.

MR. STRODTMAN: Okay. Any additional questions or comments on this motion, Commissioners? I see none. Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman,

Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Thank you, ma'am. Mr. Toohey?

MR. TOOHEY: I've got another motion I would like to make with regards to the regulating plan again. If we would go ahead and take -- I amend that we take urban storefront and extend it east all the way to Hitt instead of before the block ends.

MR. STRODTMAN: So take urban storefront from -- can you say that again while we look at the map?

MR. TOOHEY: Take it east all the way to Hitt Street.

MS. RUSHING: Across the intersection or before the intersection?

MR. TOOHEY: I'd say right to the intersection.

MS. BURNS: And just for your motion sake, Mr. Toohey, we're extending it east on --

MR. TOOHEY: On Broadway.

MS. BURNS: Thank you.

MS. RUSHING: Second.

MR. STRODTMAN: Thank you, Ms. Rushing, for that second. We have a motion for an amendment to the regulating plan, and we have a second to that motion. Do we have any questions or comments, Commissioners? Yes, Mr. Zenner?

MR. ZENNER: Point of clarification with Mr. Toohey's motion. That is to the west right-of-way line of Hitt Street. Correct? It is not to proceed through the intersection?

MS. RUSHING: Correct.

MR. TOOHEY: Correct.

MR. ZENNER: Thank you.

MR. MACMANN: Right on the corner.

MR. STRODTMAN: So urban storefront would go a little further east to the west side of Hitt Street?

MS. LOE: We've been asked to expand urban storefront considerably larger area than that. Is there a reason we're just looking at a little bit?

MR. STRODTMAN: Mr. Toohey, would you have any clarification on your motion?

MS. RUSHING: Take it pass the Pasta Factory building?

MR. TOOHEY: No. She's talking about there's a request to actually make urban storefront a much larger --

MS. RUSHING: Oh, okay.

MR. TOOHEY: Encompass a much larger area downtown.

MS. LOE: Right.

MR. STRODTMAN: In the M-DT.

MS. LOE: So just having discussion on that topic, instead of doing pieces by pieces, if that is

where we are heading.

MR. TOOHEY: I wasn't heading anywhere past this one, so if someone else would like to, we could discuss that right now, I suppose?

MR. STRODTMAN: Does anyone else have any interest to expand urban storefront any further east or west on East Broadway?

MR. TOOHEY: My intention was really just to make the map cleaner.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Yes. And I don't know if we are going to need to amend the amendment.

MS. LOE: Let's have discussion.

MS. RUSHING: My preference would be --

MR. MACMANN: I would rather discuss it before we actually --

MS. RUSHING: Could we go ahead and vote on -- on this because it may be independent of the other? I mean --

MS. LOE: I'd vote for having some discussion on it and see where we go with it.

MR. TOOHEY: And we may --

MS. LOE: I mean, if this happens to be the only area we agree we're going to go on it, let's do it, but --

MR. STRODTMAN: Mr. MacMann, what were thoughts on your expansion?

MR. MACMANN: I've -- well, I really wanted to get you all's input because I have been asked everything from extending Broadway to College to Providence to the storefronts to making the entire M-DT urban storefront, and I submit that there is political will both ways. But I really want to get some quality input on what you all think.

MR. STRODTMAN: Ms. Loe?

MS. LOE: I guess one thing I would like to clarify, and maybe we can have some discussion on is what urban storefront does that urban general doesn't do. So what is it we're doing by changing that? I mean, one is urban storefront does not allow residential at the ground floor.

MR. MACMANN: Correct.

MS. LOE: Okay. What are the other key differences?

MR. MACMANN: I'm selling someone else's bill of goods here, but I just -- things that have been asked of me, and some of you guys have seen some of these things also. I guess there is a concern to -- rather than a contractual issue, there is a concern to keep downtown more interactive rather than less interactive. Currently, we have -- just an exemplar, the Brooksidess south of Locust. They have residential on the first floor, and that whole section -- that block is penetrated once by a walkway, which is nice that it has a walkway, but that area will never be interactive. It is strictly transportation east/west with split. You guys generally know what I'm talking about? When straight south on Hitt and we run into the Brooksidess that are down there. That's taken that out as a -- as an interactive part of downtown.

MS. LOE: Because of the single entrance.

MR. MACMANN: Well, because the entrance and there's nothing storefront. And the folks that live there -- I was there the other day. I was doing a walk before this meeting. There are windows. Right? Regular window height, and they are always shuttered. I would personally not like that. While it does allow more flexibility to a builder to have -- to do whatever they want, I think it takes something out of downtown, and it creates a situation where people can't have their windows open or rarely would have their windows open. Because you have -- those apartments have two bedrooms -- or excuse me, two main windows, say, in a bedroom or a living room and a small bathroom window. And if you walk up and down Locust, in this example, where you have residential on the first floor, you have three closed windows. So not only are they not out, you know -- not only is the public not interacting in that space, but they have their windows shut at all times for privacy. I mean, I probably would too, except on a real nice day and I'm feeling social.

MS. LOE: Do you think we could invite Mr. Zenner to read --

MR. MACMANN: I would love to --

MS. LOE: Okay. Mr. Zenner, can you --

MR. MACMANN: Do you want a --

MS. LOE: -- just recap for us the primary differences between urban storefront and urban general and why the regulating map restricted it in its current locations?

MR. ZENNER: Well, as it is defined on page 191 of the plan -- of the Code, the urban storefront follows the exact same urban general building form standards. However, you're going to have your -- the main distinction between the two is that the ground story configuration is that of a shop front, meaning it is going to have more glass. It is going to be limited with its uses to retail food, beverage, personal service, and we added, if you recall correctly, office. So the residential component is out of it. The intention for the urban storefront was to have it in our most intense locations of retailing and other activity in anticipation that there's going to be a lot of pedestrian traffic there. And therefore, I think, as Mr. MacMann is referring to it, it is basically to have that interaction -- the interaction along those frontages. And historically, those frontages have been 9th Street, as is currently designated, and that is what is in the interim C-2 ordinance, and then that general portion of Broadway that has been identified as to being our main retail corridor where we do have that high preponderance of retail shop space today. Obviously, the -- the ground floor configuration becomes an enormous variation due to the fact of how that is set up, and there is very specific shopfront details with that between the two building form standards. The other has to deal with the parking RBL or the parking setback line. In these urban shopfront areas, the parking setback line is 24 feet continuous from ground through roof; whereas, in our urban general locations, the ground floor is that sacrosanct area where the parking is 24 feet behind it -- the face of a building in order to create that module for a different use. But once you get above the first floor, you can't project forward with your parking. So that's going to be the major differences. And, of course, when you get into urban general, the opportunity to have residential at ground, but elevated three feet above -- the finish elevation is three feet above the adjacent sidewalk. So there -- you don't get any residential at grade or three feet

above in the shopfront; whereas, you would in urban general. So you can, as again Mr. MacMann has explained, you may get a Brookside effect on Walnut, where you have that residential that is all the way down to the ground floor if everything is left urban general. The shopfront revision that you all have made does not necessarily -- it is not a negative. I wouldn't say it is a negative. Only that it could be if you expand it, it could be a negative as it relates to any potential residential development in areas that are not generally intended to become a retail corridor, and it may not be suitable for office either or some other use. So that could present some issues associated with redevelopment of those areas if you are anticipating that they would either be retail, office, food or restaurant in areas that may not necessarily be suited for that. And that's a general observation.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: My rejoinder to some of that would be is we could be achieving the effect that we don't wish to. We could be limiting the retail corridor to this crucifix form and -- do you understand what I'm saying there -- or delimiting it in some fashion.

MR. ZENNER: I've -- I've -- not to disagree, but your retailing component is allowed in urban general, it's just not allowed with the same shopfront design requirements. So you still have the ability to have retail anywhere within urban general, you just don't have the shopfront -- the storefront type design.

MR. MACMANN: Well, one of the things that was brought up to me -- and we've been discussing this since the last time Mr. Elliott was here is take another one of the larger developments, there is no interactive nature to that -- zero. I mean, walkway -- District Flats or the Brookside, those are blocks that are taken out of public space currently. Maybe storefront is too harsh, like everything must be. What Mr. Fields is doing with the Rise, he is going to have two retail spaces in the bottom there. It's not going to be everything. So he is bringing people into his building, but he is not having -- and he is not required to do this now, he is just doing it because that is the model he chooses to follow on the Rise, if everyone is following this. He is bringing people in the building. What we have right now, we have entire sections of downtown -- Brookside, The District Flats, even the Methodist Church, which are entire blocks where there is nothing going on, literally. And this -- this is a concern that has been expressed. I know it's been expressed in DLC, I know some of the neighborhood people have talked, and I'm certainly open to listening to this, but if one of our concepts in form based zonings is interaction and bringing people downtown, we may be setting out entire areas that they're not -- no one wants to go to or can go to physically. Ms. Loe, you've done a lot of urban architecture. Do you have any input on this?

MS. LOE: Well, I'm glad we added offices back to storefront if we're considering expanding the area -- or into storefront because I think it does get to be a bit restrictive.

MR. STRODTMAN: Any additional? We have a motion on the table and it has been seconded. Any additional discussion on expanding the urban storefront in the M-DT area? Yes, Ms. Burns?

MS. BURNS: I think as we consider this, that we vote on Mr. Toohey's motion, and then have to -- if we have to come back to it and discuss it, that will allow us to move forward with some of the other things we need to.

MR. STRODTMAN: Anybody else --

MS. RUSHING: Call the question.

MR. STRODTMAN: Everybody good with that? Anybody have additional questions? Can we have a roll call, please on the motion that has been made and seconded.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Seven to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Commissioners, additional amendments -- motions for amendments?

MS. RUSHING: Are we going to have Mr. MacMann make another motion to expand --

MR. STRODTMAN: We can always come back --

MR. MACMANN: Could I respond to that briefly?

MR. STRODTMAN: Yes, Mr. MacMann.

MR. MACMANN: I think with urban storefront and as the -- some of the things we have discussed in the work session, no -- while people have expressed the desire to expand it, no one has given firm dynamics and sizes. The point I'm getting to, or the direction I'm going, is this is something that requires work because it has to be done with a little bit of care rather than just -- in just a few moments -- to avoid that unintended consequence issue. I just wanted to bring it up here in the M-DT and put it on the table because I think it is something that needs to be addressed. And as long as we can amend it at some point in the future, I think we are fine. And I just wanted to get on the record saying that I think we are missing an opportunity here and we obviously don't have enough time to address it all, like the affordable housing issue that came up, you know, 45 minutes ago. We just don't --

MR. STRODTMAN: One thing at a time.

MS. LOE: Let's -- we can bring that up now.

MR. MACMANN: So I'm -- I'm finished with that, Mr. Chairman. Thank you.

MR. STRODTMAN: Any additional motions for amendments is what we are looking for tonight?

MS. LOE: Actually, I think that one falls outside the M-DT.

MR. STRODTMAN: Yes.

MS. LOE: So it will have to wait until next meeting.

MR. STRODTMAN: Yes.

MS. RUSHING: I --

MR. STRODTMAN: Anything related to the M-DT?

MS. RUSHING: Yes. I have a couple.

MR. STRODTMAN: Ms. Rushing? Would you like to start with one?

MS. RUSHING: I'll do the easy ones first. At least to me they're easy. I was concerned about a couple of issues regarding accessibility. The first is section 29-3.3(d)(6) universal design on page 139. I recommend deleting the wording in that section and adding a sentence that says "principal structures

containing residential units shall comply with the applicable requirements of the international building code and its amendments as adopted by the City and the Federal Fair Housing Act.”

MS. LOE: Ms. Rushing, point of order. We’re focusing on the M-DT right now, which is 4.2.

MS. RUSHING: Yes. I mean, the M-DT, isn’t that 29 -- okay.

MS. LOE: So, yeah --

MS. RUSHING: I got it.

MS. LOE: No. Clarification because I think we -- that segment covered a couple --

MR. MACMANN: That was where --

MS. RUSHING: I think you’re correct.

MS. LOE: -- topics --

MS. RUSHING: Yeah.

MS. LOE: -- but -- so because --

MS. RUSHING: So wait?

MS. LOE: What are we covering tonight?

MR. STRODTMAN: M-DT, which --

MS. LOE: M-DT.

MR. STRODTMAN: M-DT.

MS. RUSHING: Okay. I’ll bring it back.

MS. LOE: And I’ll bring up the affordable housing at the same time --

MS. RUSHING: And --

MS. LOE: -- because it is in that Section.

MR. STRODTMAN: Can’t wait.

MS. RUSHING: Okay. The next one that I had with regard to accessibility would amend the definitions, but they are used in the M-DT section, so, I mean, the words are used in the M-DT section, so --

MR. ZENNER: That would be -- I believe that is appropriate. These are very specific definitions to the M-DT itself.

MR. STRODTMAN: But found in the definition section.

MR. ZENNER: But found in the definition sections, so --

MR. STRODTMAN: Okay.

MR. ZENNER: -- I think it is fair game.

MS. RUSHING: Okay.

MR. STRODTMAN: Ms. Rushing, if you would like to go ahead and expand on that.

MS. RUSHING: It should be 29-1.11 on page 26, front porch. I would delete the word “platform” and put in that -- in its place the word “area”. So it would read, “The ground floor area attached to the façade or required building line side of the main building which is delineated by a change in elevation, surface type or surface texture or combination thereof.” That’s the definition of front porch. And I would

make the same change on page 47 for the definition of stoop. And my concern was platform to me indicated that the -- the fronts of the townhouses had to be elevated, which wouldn't allow a wheelchair accessible entrance.

MR. STANTON: Chair?

MR. STRODTMAN: Clarification on that motion?

MS. LOE: I'll second.

MR. STRODTMAN: Second that motion first. Okay. A motion has been made for two items, a -- to change the description of front porch and stoop, page 26 and page 47. That has been seconded. Is there any discussion on that motion?

MR. STANTON: Yes.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: I'm getting -- my concern is what protects somebody from just having like a dirt area covered by -- I can -- I can make a -- I can make an overhang with columns in the dirt, and then the area underneath my porch cover could be dirt. I mean, what -- that's kind of what the definition kind of does for me is it says, okay, platform of some sort. And if you have accessibility issues, then you use ramps --

MS. RUSHING: You would have a ramp going out into the walkway. That was my concern. So, of course, I have a tendency to make assumptions, and my assumption was that it would be concrete or brick or something along those lines. Mr. Zenner, is there anything else that would address the issue of --

MR. MACMANN: Ms. Rushing, if I may?

MR. STRODTMAN: Mr. Zenner, do you have a -- did you want to --

MS. RUSHING: He's thinking.

MR. ZENNER: I mean, if the issue is elevation, which is that correct, Ms. Rushing?

MS. RUSHING: That's correct. I mean, you could qualify -- you could leave "platform" in order to address -- what Mr. Stanton's concern is is that a platform is something that would be above or would be of some type of service. But you could say, possibly, that the ground floor platform, which may be at grade -- I mean, at that point, it's -- you're specifying it doesn't have to be elevated.

MS. RUSHING: Okay.

MR. ZENNER: It could be at grade --

MR. STANTON: Right.

MR. ZENNER: -- on the façade of a building -- attached to the façade or required building line side of the main building -- and that basically, I mean, if you are trying to address the issue of elevation, that's fine. That may be one way. The other way to potentially do it if you want -- if you prefer the text that Ms. Rushing has proposed, you could specify, in order to address Mr. Stanton's concern, that it could be dirt is that it must be of a dust-free surface.

MR. STANTON: Or impervious.

MR. ZENNER: Yeah. An impervious surface.

MR. STANTON: An impervious surface.

MR. ZENNER: You know, a ground floor area consisting of an impervious surface attached to the façade or required line side of the main building, which is delineated by a change in -- change in elevation, surface type or surface texture. That actually may be better because that allows the imagination or a designer to be able to use any type of impervious material to delineate the change in color, texture or anything else. That probably would be a better solution.

MR. STRODTMAN: Mr. MacMann, did you have a --

MR. MACMANN: Ms. Rushing, I had a question. You're main concern here is accessibility -- wheel chair and other mobility limitations; is that correct?

MS. RUSHING: Correct.

MR. MACMANN: A couple things. According to the IBC, your threshold is going to be somewhat elevated anyway regardless of whatever your porch or stoop does. Your threshold is not going to be at the ground line.

MS. LOE: Often is -- often is slab on grade construction

MR. MACMANN: Well, I appreciate that. It's not going to be -- well, I'll concede that for just a moment. I'm concerned that we are eliminating porches here. That's what I'm concerned --

MS. RUSHING: You're concerned why?

MR. MACMANN: We're eliminating something, like --

MS. LOE: I would like to know what -- what is the difference between a porch and a stoop in your definitions.

MS. RUSHING: There was no difference. I mean, it's not my no difference. The no difference was already there.

MS. LOE: Okay.

MR. STRODTMAN: You're just correcting the no difference.

MS. RUSHING: Because I've shown what I took out with strikethrough and what I added is in bold.

MR. STRODTMAN: Ms. Burns?

MS. RUSHING: So you could see what was there originally.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: Would finished area satisfy what you are trying to accomplish and satisfy better than dirt?

MR. TOOHEY: What if you said "dust free"? Well, that's used in other parts of the Code.

MR. STANTON: Or use impervious surface.

MS. RUSHING: Impervious.

MR. STANTON: That's got to be --

MS. LOE: Impervious surface is better.

MR. STANTON: It can't be gravel. It can be pavers, it could be -- but it can't be anything other

than some kind of concrete or future material that is impervious.

MS. RUSHING: I like -- I like his --

MR. STRODTMAN: So --

MS. RUSHING: I can restate my motion to include the wording suggested by Mr. Zenner, and that would make --

MR. STRODTMAN: So you would -- you start with page 26, the front porch. Correct?

MS. RUSHING: The front porch and stoops, since the definitions, as pointed out by Ms. Loe, are the same. And the ground floor area consisting of an impervious surface attached to the façade or required building line side of the main building, which is delineated by a change in elevation, surface type or surface texture or combination thereof.

MR. STRODTMAN: And then also with the stoop?

MS. RUSHING: The same with stoop.

MR. STRODTMAN: Do we have a second -- did you want to -- is that a new motion from your first one?

MS. RUSHING: Yes. I will.

MR. STRODTMAN: Any questions on that motion, Commissioners? We have a second?

MS. LOE: I'll second.

MR. STRODTMAN: Ms. Loe, second. Thank you. Commissioners, questions or comments on a motion for page -- on the front porch definition and the stoop definition? A motion has been made and seconded. Any questions on that?

MR. STANTON: I'm not clear --

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: I'm not clear if we specified the material. Did we say it had to be --

MR. STRODTMAN: Impervious.

MS. RUSHING: Impervious.

MR. STANTON: Okay. Okay.

MR. STRODTMAN: Would you want to read it back, just -- and it will be the last thing?

MS. BURNS: I've got most of that. It's on page 26, concerning front porches and platforms. Delete the word and replace with "area consisting of an impervious surface which is attached to the building" -- there was more to it, but I didn't get that. I thought that was the -- "the façade or required building line side of the main building, which is" -- okay.

MR. STRODTMAN: Any additional questions, Commissioners? Comments? I see none. Can we have a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Commissioners, just for clarification, we've got about seven minutes before our public session will start at 7:00, so if anyone has a motion or discussion on a smaller shorter item, throw it up there.

MS. LOE: I have some --

MR. STRODTMAN: Ms. Loe?

MS. LOE: I have some figure corrections.

MR. STRODTMAN: Let's correct some figures --

MS. LOE: There's --

MR. STRODTMAN: -- in the M-DT.

MS. LOE: They are all in M-DT. Pages 196, 202, 207, 208 --

MS. BURNS: Ms. Loe, can you start again, please?

MS. LOE: 196, 202, 207, 208, 211, to go through them one-by-one. Figure on 4.2-8 on 196, is currently showing that 15 percent of the contiguous private open area be made open. And I believe we've already changed that to 10 percent, and I believe the open area does not need to be contiguous since it can be on multiple floors and roof and balcony areas. So correction there would be to delete contiguous, change 15 to 10. Figure on page 202, 4.2-11, street wall height needs to be revised to four to eight feet. Figure on 207 is currently requiring the floor be raised three feet above ground floor, and that has been revised to delete that for the townhouse requirements. Page 208, figure correction on 4.2-16, we need to add "public" after "private". I believe, again, that's on the open space. And the arrows for open space should indicate the full extent of buildable area. They seem to be pointing to a reduced area as delineating or what can be made open space. And again -- no, 15 percent is correct on this one. So those two corrections. Page 211, figure 4.2-18, the RBL is shown all the way to the back of the porch, and the porch is only allowed to encroach two feet into it. So RBL needs to be moved forward. That's all I have for right now.

MR. STRODTMAN: A motion has been made. Is there a second?

MR. STANTON: Second.

MR. STRODTMAN: Mr. Stanton seconds that. Thank you. Commissioners, any questions or comments on the motion that has been made and seconded about the figure changes that Ms. Loe referenced? I see no questions. May we have a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Seven to zero, motion carries.

MR. STRODTMAN: Thank you. Commissioners, another quick one?

MS. LOE: Three minutes.

MR. STRODTMAN: Is it three? I was looking at the clock and it says five. If -- the computer does say three. So we will stop at this point and will reconvene at 7:00 or do you just want to keep -- we'll

wait.

MR. ZENNER: We can suspend discussion at this point on the M-DT, and if you would like to take a brief break, you are more than welcome to and come back at 7:00.

MR. STRODTMAN: Commissioners, we will take a brief two- to three-minute break. Anybody in the public, we'll start at 7:00 for the public hearing items that were listed on the agenda.

(Off the record.)

MR. STRODTMAN: We're about ready. We'll go ahead and call the meeting back to order -- the November 10th, 2016 Planning and Zoning Commission meeting back to order. And we will be -- do we need to go over the agenda? No. We don't need to mention that again. Can we just go ahead and jump into the tabling request?

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

NOVEMBER 10, 2016

IX). COMMENTS OF THE COMMISSION

MR. STRODTMAN: Commissioners, is there any comments related to just those -- that item, and not the UDC and M-DTs or any -- no.

SEGMENT THREE - CONTINUED

FORM AND DEVELOPMENT CONTROLS (CHAP 29-4.2 M-DT FORM-BASED CONTROLS

MR. STRODTMAN: One last housekeeping item, Commissioners. We're not in a work session, so please try to remember that we have people trying to keep track of our conversations, and so if we can try not to step on each other, give me a chance to recognize you so that we can properly keep track of that, I would appreciate that. Ms. Loe?

MS. LOE: I missed a figure that required correction.

MR. STRODTMAN: Another figure correction.

MS. LOE: So I'd like to amend -- can I amend my last motion -- or motion number?

MR. STRODTMAN: Easier to just make a new one.

MS. LOE: Just make a new one? Okay. New motion to amend the figure on page 203. It is figure 4.2-12. Some of these are the same corrections that I already mentioned -- the 15 percent needs to be modified to 10 percent; "contiguous" needs to be deleted; "public" needs to be added after "private"; the arrows showing the buildable area needed to be extended to actually show the buildable area. And I also would like to have the lot building limit line shown on this figure, since that is described in the text.

MR. STRODTMAN: So that would be added?

MS. LOE: Added. I haven't seen that in any of the figures, so I would like to make a motion to add it.

MR. STRODTMAN: Any -- a second on that motion?

MR. STANTON: I second.

MR. STRODTMAN: Mr. Stanton, thank you for that second. A motion has been made by Ms. Loe and seconded by Mr. Stanton. Is there any questions or dialogue on that motion, Commissioners? I see none. May we have a roll call, Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Commissioners, any additional amendments -- motions for amendments? Mr. Toohey?

MR. TOOHEY: I've got one. On page 191, with regards to civic buildings. There is a highlighted

section that says, "Additions to civic buildings shall require amendment of the regulating plan. I don't think that's what the intent is from the note to the right. I think that should say, "Additional -- and strike the word 'to' -- civic building shall require amendment of the regulating plan." I think we need to just look at the word "Additions". Anytime there is an addition to a church or something like that, you're now saying that is going to require an amendment to the regulating plan. And I don't think that's the intent from the note on the right.

MS. RUSHING: I think that is --

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: -- what we discussed was say a church adds a gymnasium. That wouldn't be part of a civic structure. Is that my understanding? Is that correct?

MR. TEDDY: At some point we'll have to define what a new building is. I mean, you might have a connected building to a civic structure and you'll want that to go through a process. But if you're talking about just a remodeling-type addition, the intent of making these structures exempt is so that they can incorporate traditional designs, whether it's educational, religious or civic government into their design without the Code requirements being imposed on them. I think what Mr. Toohey is asking for, if I understand correctly, is we -- it should read that additional civic buildings who wanted to come forward and present their building as something they felt should be exempt, that would be a regulatory plan amendment. Correct?

MR. TOOHEY: Correct.

MS. RUSHING: But that mere additions to an existing structure --

MR. TEDDY: I think if it's -- if it is a -- take your gymnasium example. That would probably also require an amendment because you're talking about a substantial new structure, although it may be connected by a closed --

MS. RUSHING: By a doorway.

MR. TEDDY: Yeah. Enclosed hallway or something like that. But, you know, there's going to be some judgment involved, but I think the ordinary intent is that by exempting, there is work that can be done that doesn't require the application of the standards. If there's -- if there is no benefit from exempting it, we wouldn't have an exemption.

MS. RUSHING: But if -- we amend it as suggested, then those additions to the structure would not require an amendment to the zoning map -- I mean, to the regulating plan? Is that -- I mean, if you say that it's an additional --

MR. STRODTMAN: Building.

MS. RUSHING: -- building, to me, that's, you know, another building in the downtown area that wants to be classified as a civic building --

MR. STRODTMAN: Right.

MS. RUSHING: -- as opposed to an existing civic building adding on a section

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Do we need to -- and perhaps Mr. Teddy can answer this question. Do we need to define -- does there need to be a line drawn between most the -- well, here's my thinking: Most of the civic structures or many of the civic structures we have are churches. From the aerial that Mr. Teddy just mentioned, they're connected. When do we hit the threshold that it's a new building; when is it an addition? If we don't -- do we need to do that? Do we need to demarcate that? I mean, obviously, if it's a standalone new structure, that's clear, but I think that many of the churches with gymnasiums, schools, they're all -- it's a tight space downtown -- they're all connected to each other. This still seems loose to me. Mr. Teddy, can you enlighten us on this at all? I mean, when do we hit a threshold? When is it an addition? When is it a new building?

MR. TEDDY: Well, you could exempt remodeling, and then minor additions --

MR. MACMANN: And your definition of remodeling is the footprint at the height of the building is going to change.

MR. TEDDY: Yeah. Remodeling would within the --

MR. MACMANN: Within the current envelope --

MR. TEDDY: -- footprint --

MR. MACMANN: -- of the building?

MR. TEDDY: Yeah. Yeah. But would you not then want the freedom to exempt things like a, you know, foyer addition or, you know, something that would I consider accessory to the main structure; whereas, if it's a gymnasium, that could be considered just an additional building and an additional function, honestly.

MR. MACMANN: All right. I'm just trying to get to the process issue so when we come --

MR. TEDDY: Yeah.

MR. MACMANN: -- you know, we have -- many of these structures have been here a long time, but they have been added on to -- some of them more recently than others, and guidance for staff and guidance for the requisite institution might be helpful. Do you guys see where I'm going here? So they know what an addition is; so they know what a remodel is. If there is some standard we could apply there -- I mean, right now, these things are at your discretion; is that correct?

MR. TEDDY: Yeah. I mean, there's -- what should be clear is anything that is a modification of that existing form that is on the -- on the map should be exempt. But, then again, you wouldn't have issues of the relationship of the building with a required building line, for example. You might have questions about the spacing of the window openings or the number of doors and that kind of thing. And they gain exemption from that. But there probably is a need to allow those civic structures the ability to put certain types of improvements on the building that might enlarge the footprint. But they aren't necessarily building new functional space.

MR. MACMANN: That's what I just --

MR. TEDDY: Yeah.

MR. MACMANN: My concern, as I expressed it, do you all need guidance? Do they need

guidance of this -- am I over concerned on this point? I'm trying to --

MR. TEDDY: Well, I think we'd be able to address it if -- if you agree that your intention is to allow that kind of freedom to do accessory spaces that enlarge the building, but then draw a line at things that are adding new functions or adding what I would consider new principal buildings --

MR. MACMANN: What do you think of that, Mr. Toohey?

MR. TEDDY: -- would require amendments.

MR. TOOHEY: Wouldn't that go in a different section though? I mean, this is basically we're just talking about -- I just think there is a problem with the word "additions" to civic buildings. I don't think what the intent was for that note on the right is what that note says.

MR. STRODTMAN: I do remember, we did discuss about it --

MR. TOOHEY: It says "new civic structure shall have to be added to the regulating plan" in this note. What you have here doesn't say that. It says "additions to civic buildings". So I would interpret that as any additions to a civic building would require an amendment of the regulating plan. But that's not what that note says.

MR. ZENNER: What the note -- and I think the nuance that you are seeing, Mr. Toohey, is exactly that. Because the map -- if you recall Mr. Moehlman's comment, what you're regulating -- what is exempt is what is shown on the map at the time that the map is created. So if you add on a space to a civic structure, that additional space has to be amended -- the map has to be amended to identify that additional civic space as being exempt in the future. But the discussion here dealt everything with the Methodist church's addition of their gymnasium and their other space not having to comply with anything and the fear that any addition of that scale, just because it was a religious or a civic structure being added, would dilute the desirability of the overall code, and therefore, you know -- you get an exemption of what you've got today that is being mapped on the regulating plan. You do not get an exemption for what is proposed in the future without having to come and ask for it. So as you as a church may be proposing to do an addition and you don't want to have to comply with the M-DT standards, you're going to either have to do one of two things: You're either going to have to come to the director and ask for an administrative waiver to waive particular requirements or you're going to have to go to the Board of Adjustment to ask for something that Tim can't grant. And at that point if you want a full exemption because the Board is not willing to give you a full exemption, you would have to go and have the map amended accordingly, which is a legislative action that would come through the Commission first, and then ultimately be approved by Council. And if you become an exempt addition because you are adding on to your already exempt church, you don't have to do anything. That is how I would see this playing out. But to correct the note -- the sidebar note, to refer to it as additions -- new additions or addition to a civic structure, that would clarify and make sense then with what the text is that's highlighted in this particular section. It is definitely meant to refer to additions, not -- any new civic structure that one wants to build and that have a designated -- if you build a brand new church downtown, you're going to want to have it designated after you have built the building.

MS. LOE: And how does that happen?

MR. ZENNER: It happens --

MS. LOE: I believe --

MR. ZENNER: It happens through a rezoning process. You'd have to come back through and we do regular notification of the adjacent properties --

MS. LOE: You rezone it as civic?

MR. ZENNER: No. You would rezone it -- you'd -- you'd classify that building or that construction to expand the civic structure exemption.

MS. LOE: I believe the point Mr. Toohey is raising is the same question that was raised when we added 608 Cherry Street to the map, which is what process do owners have to do to petition their structure be added to the civic structure list.

MR. ZENNER: Go through a rezoning process.

MR. TEDDY: An application to amend the map -- to amend the regulating plan map to place that structure on there.

MS. LOE: Okay. And is that described anywhere in the Code right now?

MR. TEDDY: I think so. I think it is.

MR. ZENNER: I -- we will definitely look to find out if it is in the zoning in the procedural requirements for amendments to the M-DT. And I believe the M-DT, at the very beginning of the M-DT section -- amendments to the M-DT would basically be you would have to go through a zoning action as described in Chapter 5. If it is not described specifically for adding a structure, that's very easy. We can just add that language if necessary.

MS. LOE: Well, I think that's the gray area right now. So we need to figure out where that's defined --

MR. ZENNER: Either adding at a structure or adding additions to an existing structure has to follow that process.

MS. LOE: Okay. And that's what we are discussing. So if we can figure out where the language is elsewhere so we can compare it with the language that we're looking at in this Section, that might help us move ahead on this issue.

MR. ZENNER: The language in the Section that you are referring to is unique to civic structures. It has nothing to do with --

MS. LOE: Right. And you're -- and we're saying that the language or the process to add a civic structure to the regulating plan is defined --

MR. ZENNER: It's regulating plan amendments. It's page 182.

MS. LOE: Okay.

MR. ZENNER: Paragraph 3, "Any amendment or change to the regulating plan shall require the adoption of a revised regulating plan through the same procedures used for an amendment to the zoning map as described in Chapter 5. That's all it says. And I would -- I would subscribe to you that adding a

building would be a change to the regulating plan or a portion thereof of a building.

MS. LOE: So where is the amend-- procedures for amendment --

MR. MACMANN: In 5.

MS. LOE: Okay. Chapter 5.

MR. ZENNER: Chapter 5. It's our regular rezoning process.

MS. LOE: Which is coming up next week.

MR. ZENNER: That is correct, but, Ms. Loe, the procedure for rezoning doesn't change at all from what are current procedure is.

MS. LOE: Right. But identifying civic structures is a new item, I believe. So I just want to make sure we're not doing something that is so onerous --

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I think what Commissioner Zenner is saying is because 182 points to the relevant section in 5, we're good. Is that what you are saying, Mr. Zenner?

MR. ZENNER: Yes. And I don't believe it is onerous that if somebody wanted to rezone a parcel today in downtown to a different zoning classification. We have one zoning classification for all of the regulating plan that is called M-DT. So if you want to add something on that regulating plan, you go through the same process you would go through today.

MS. LOE: I'm uncomfortable that we are creating this civic structure list out of the blue as part of this UDO.

MR. STRODTMAN: Mr. Toohey, any clarification on your amendment? Did you want to -- or your motion? Are you still -- we don't -- we do not have a second on that motion, if I remember correctly.

MS. LOE: No. We are still in discussion.

MR. STRODTMAN: So we're still discussing the motion.

MR. TOOHEY: I man, the way I read it, I still think it - you need to add "additional" and strike the word "to". I just don't think it makes sense with that note still.

MR. ZENNER: We will revise the note, I believe, is what I would suggest where it says "new civic structures", it should be "additions to" or "additional civic structures". It should -- the note needs to be revised, not necessarily the point that's highlighted within the text --

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

MR. ZENNER: -- on item 11.

MR. STANTON: Mr. MacMann?

MR. MACMANN: And, Mr. Zenner, that's something you can do with a pen right now?

MR. ZENNER: Yes.

MR. MACMANN: All right.

MR. ZENNER: That would -- that would address, I think, the confusion, but I believe Mr. Toohey's point -- correct me if I'm wrong, Mr. Toohey -- you don't like the idea that if somebody wants to add on to an existing civic structure, that they would have to do anything. You only want it to apply to

additional or brand new buildings that want to be designated --

MR. TOOHEY: Correct.

MR. ZENNER: -- as a civic structure.

MR. TOOHEY: Correct. And I felt like we did talk about that.

MR. STRODTMAN: Ms. Loe, did you have a --

MS. LOE: Well, we were just discussing thresholds, like if there's a threshold for remodeling or making some modifications, then that doesn't -- that's not -- what's considered an addition, maybe?

MR. ZENNER: An addition would be any exterior expansion of a building, and we discussed that with the example of the Neidermeyer being given. If they did an interior renovation to the Neidermeyer, would any of the M-DT standards apply? No. Not unless you added a dwelling unit and you were required to comply with some other provision, such as parking, the only time that a renovation or some type of updating to an M-DT structure would affect anything is if you are going outside of the building.

MR. STRODTMAN: Footprint. Mr. MacMann?

MR. MACMANN: If I understood Mr. Teddy correctly, the things that don't change functionality, but serve as accessory to the existing function -- a new foyer, a new fire escape, that is a remodel. And when you are expanding -- you use the term functionality, adding a gymnasium, a new kitchen, an addition to the -- more classrooms, that's the new. Accessory is a remodel, and the new is a functionality thing; is that direction we are going?

MR. TEDDY: Yeah. Right. Glazing in more entry area because a church feels they need a little more weatherproof space at the entry of the church, I don't --

MR. MACMANN: Which isn't changing functionality. But is an accessory to an existing function of a given building or set of buildings --

MR. TEDDY: Right. It's not a building or a building wing unto itself.

MR. MACMANN: And that's a -- just to finish that thought, that's a ministerial action right now, Mr. Teddy? That would be a ministerial action for you to do?

MR. TEDDY: I think it ought to be. And the reason why is what are the other benefits then of -- (inaudible) -- building, and do we want to push folks to design their projects to their regs necessarily if they're a neoclassical structure, for example, and the path of least resistance is to just follow the regular standards. There is some uniqueness to that, putting ornamental columns in front of a building, for example. That's something that you probably want some special exemption for.

MR. MACMANN: All right. And I just -- I brought that up for clarification. Does that clarify that at all -- accessory to existing vis-à-vis new functionality? Is that -- and that's a ministerial direction threshold that can be given to whomever owns the civic structure, or to the people, or to future P and Z Commission? Does this add clarity to the issue at all?

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: I don't even know what to say at this point.

MR. STRODTMAN: Would you like to keep your motion on the table?

MR. TOOHEY: Yeah. And if there's not a second, it dies. It dies.

MR. STRODTMAN: We have a motion on the table. Would anybody like to second that motion?

MR. STANTON: Second.

MS. LOE: Would you like to reiterate the motion.

MS. RUSHING: Have a second.

MS. LOE: Oh.

MR. STRODTMAN: Mr. Stanton --

MR. TOOHEY: Do we have a second?

MR. STRODTMAN: Mr. Stanton.

MR. STANTON: Yeah.

MR. STRODTMAN: Mr. Toohey, would you want to rephrase your motion, please?

MR. TOOHEY: At this point, I'll just withdraw it. I don't really even know how -- we've gone back and forth so much, we need to go look at other parts of the Code. I almost feel like I need to go back and do more research to amend my motion at this point. So we can either leave it the way it is and have a second and vote on it or --

MS. LOE: We can bring it up next -- we can develop it and bring it up next week.

MR. STRODTMAN: Or later on if you want to --

MR. TOOHEY: That's fine. I will make an asterisk next to my --

MR. STRODTMAN: Thank you. We'll -- that motion has been withdrawn. Commissioners, additional motions, discussion? Ms. Rushing?

MS. RUSHING: In work sessions, I've repeatedly voiced my opinion on balconies. And I have a motion to remove balconies from sub-- well, Section 29.4.2(d) on page 186, subsection 6, siting, part (v). On page 188, subsection 8, balconies, delete all of part (iii), and page 189, subsection 9, delete balconies. I know that we've had some discussions about other projections into the public right-of-way, so I am open to this being delegated to staff to come up with a recommendation for all of the projections into the public right-of-way or beyond the required building line, I guess is a more accurate description.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just to restate what we discussed in -- my understanding of what we discussed in the work session, the benefit that you seek to gain here is one of safety -- public safety? Is that your desire here?

MS. RUSHING: Excuse me?

MR. MACMANN: The desire you -- the direction that you are heading, the benefit that you wish to accrue is a public safety one; is that correct?

MS. RUSHING: That's correct. My concern about things coming off of the balconies into the public right-of-way and congregation on the balconies and there -- I am open to the argument that if you limit the degree of projection, that might alleviate the problem to some extent. And I know that there are - our concerns have been expressed about bay windows and similar areas. And so I am open to

considering all of these projections and seeing if there is some way that we can limit them to achieve what we want without totally eliminating them.

MR. STRODTMAN: Commissioners? Mr. MacMann?

MR. MACMANN: I would feel more comfortable voting for this if we had something demonstrable that it was indeed an issue. Is there a way to secure such said information? I mean, we have, I guess, problems with buildings. It comes in reports -- we have police reports. I am concerned withdrawing an open space option. And I'm not sure we are addressing a problem that actually exists. A lot of these things are addressed in the IBC -- the structural issues.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: Yeah. I'm not in favor of supporting this amendment because I think we are trying to -- reaching into legislating behavior versus a building, and what we're here to do as far as the Code changes, I think if you have an open window, you can fall out or throw a beer bottle out. So I don't know if those safety concerns can be limited to a balcony or a window.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: I kind of follow Ms. Burns' train of thought. From the construction point of view, like a bay window or something like that, it -- I would rather have a balcony that is fully functional than one that just looks like a balcony -- acting like a balcony for aesthetics. I think you are more likely to abuse the space if it's not built --

MS. RUSHING: A balcony.

MR. STANTON: -- that way. Yeah. Do you know what I mean?

MS. RUSHING: I understand. Yes.

MR. STANTON: Plus, you know, the connectivity with the community, all those things I understand your point of view, but I think the benefits outweigh --

MS. RUSHING: Negatives.

MR. STANTON: -- the negatives. Yes.

MR. STRODTMAN: Commissioners, we do have a motion on the table. Would anyone like to second the motion that has been put on the table?

MR. STANTON: I second.

MR. STRODTMAN: Mr. Stanton has seconded the motion to make the changes that Ms. Rushing has suggested. Is there any discussion or further dialog needed? I see none. May we have a roll call, Ms. Burns.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing. Voting No: Mr. Strodtman, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion denied 6-1.

MS. BURNS: Motion fails six to one.

MR. STRODTMAN: Commissioners? Ms. Loe?

MS. LOE: Just a follow up on that conversation. There is currently verbiage in the Code that limits the porch going no more than 24 inches beyond the required building line and that limits the shopfronts going no more than 24 inches beyond the required building line, but I don't believe there is anything that limits the balcony distance beyond the required building line. So that may be something we want to consider.

MR. STRODTMAN: To regulate it to 24 inches?

MS. LOE: Well, it seems to be something that has been established.

MR. STRODTMAN: Yeah.

MS. RUSHING: But that takes us back to Mr. Stanton's comment that he would rather see a fully functional balcony --

MS. LOE: That's covered elsewhere in the Code.

MR. STANTON: Yeah. But I think this --

MS. LOE: Which I'll get to because it's inconsistent.

MR. STANTON: Yeah. That's what I was going to say. That may kind of address where you're at. Well, my interpretation is is that building line go into space? I mean, you know, is it straight up?

MS. LOE: Okay. So if the balcony is going to be counted for open area in urban general or storefront, it has to have a minimum dimension of eight feet wide by five feet deep. And for townhouse and small apartment, it's seven feet wide and five feet deep. And I would like to see that regularized, but I'll make a separate motion to do that. But we have dimensions identified that say if you're going to count that balcony as open space, it has to be at least five feet deep plus five, seven or eight feet wide.

MR. STRODTMAN: And you could still get a nonfunctioning balcony --

MS. LOE: So 20-- we're saying 24 inches of that could go beyond the required --

MS. RUSHING: Required building line.

MS. LOE: -- building line.

MR. STANTON: So are you saying shrink it so that it doesn't, and then makes --

MS. RUSHING: So it would only go out two feet as opposed to five?

MS. LOE: Five or more.

MS. RUSHING: Uh-huh.

MS. LOE: You could make it deeper.

MR. STRODTMAN: It will go back into the building or the building will be pushed --

MS. LOE: The project we just saw at Discovery Park had balconies that were recessed into the façade.

MR. STANTON: Yeah. Into the façade. Yeah.

MS. LOE: That's -- they didn't project at all beyond the front façade. So that's one option that would require zero projection. This would allow two feet of it to go beyond the front of the building.

MS. RUSHING: And how do we -- what amendment do we need to do to accomplish that?

MS. LOE: I think I made a motion to amend -- to allow -- to set a limit for balconies. Right now,

there is no limit.

MR. MACMANN: No.

MR. STRODTMAN: So your limit would be --

MR. STANTON: Two feet out.

MR. STRODTMAN: -- two feet out --

MR. STANTON: -- from the property line.

MR. MACMANN: This would -- procedural issue. This would address bay windows and other things of that function?

MS. LOE: No. We'll get to that later.

MR. MACMANN: Okay. This would be balconies only?

MS. LOE: Balconies only.

MR. MACMANN: Not applied to any other architectural structural feature?

MS. LOE: Correct.

MR. STRODTMAN: Ms. Loe, may we get the actual reference page for our motion?

MS. LOE: I would propose putting it under balconies on page 188.

MR. STRODTMAN: And it would be --

MS. LOE: Maybe under as a separate item -- item (ii) or a new item (iv)?

MR. STANTON: So, Ms. Loe, you don't want to change the -- not to project five feet from the common lot line?

MS. LOE: No. That's a different --

MS. RUSHING: That's a different line.

MS. LOE: -- regulation.

MR. STANTON: Okay. Right. Okay.

MS. LOE: I'm not changing anything because it is not addressed.

MR. MACMANN: Mr. Zenner.

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: We may need to be careful about how you want to do this, and I'll only give you that advice because that balcony that may project has got to have a roof on top of it. That is a requirement of item -- you know, it's a requirement (C).

MS. LOE: Uh-huh.

MR. ZENNER: That says that it has to have a roof, so the projection of an additional -- the projection of a balcony above it, I don't know if it would qualify as a roof.

MS. LOE: It does in that definition.

MS. RUSHING: It does. I thought it -- I thought I saw that somewhere.

MS. LOE: Definition for balcony above.

MR. ZENNER: Okay. As long as it's aligned.

MS. RUSSELL: Yeah. It says by roof or by balconies above.

MR. ZENNER: No, I'm sorry. I'm not reading the rest of the text there. Yeah. So where you're heading with this is if you want to leave the five feet, which is item (i) and you want to add just -- you want to add a new item (ii), I would just suggest that add a new item (ii) and then item (ii) becomes item (iii), and it has subparts (A), (B), and (C) with it. And just add what your maximum projection is beyond the required building line.

MR. STRODTMAN: Under (ii)?

MR. ZENNER: Well, it will be a new (ii). You would be doing a new (ii).

MR. STRODTMAN: Got you.

MR. ZENNER: So if you want it to project five feet beyond the required building line and only applies to balconies, that's basically what it is going to read. It will still be subject to three -- or (iii) if you're projecting over a public right-of-way. And at that point, all three sections are going to apply then. I mean, item (iii) is actually an addition. It's specific to those projections, and that's why the reference to the chapter 6 of the Code exists because that's the procedure for being able to build over the public right-of-way.

MS. RUSHING: So that would read balconies may not project more than 24 inches beyond the required building line?

MR. ZENNER: That would be new item (ii) under (8). And the (ii) -- the existing (ii) goes to (iii), and then (iii) becomes (iv), basically.

MR. STRODTMAN: So a motion has been made to add a new (ii), which would basically -- balconies may not project more than two feet past the building line.

MR. ZENNER: Required building line.

MR. STRODTMAN: Required line. And then everything else just goes down one number.

MS. RUSHING: Second.

MR. STRODTMAN: Ms. Rushing, thank you for the second. Ms. Loe has made a motion; Ms. Rushing has seconded it. Is there any discussion or questions on this motion? We'll need to wait until Mr. MacMann gets here.

MR. ZENNER: And, Ms. Loe, just to clarify, the existing opportunity for projections for bay windows in this storefront and other things you're still wanting or do you want to then by separate motion amend them?

MS. LOE: Separate motion. I haven't forgotten.

MR. STRODTMAN: Any additional -- Mr. MacMann, we made a -- Ms. Loe made a motion to balconies cannot protrude more than two feet past the required building line, and we had a second on that. And we were getting ready to vote on it, but we were waiting for you to get back.

MR. MACMANN: My apologies. I had to step out.

MR. STRODTMAN: Do you have any questions or --

MR. MACMANN: I do not.

MR. STRODTMAN: May we have a roll call, please, Ms. Burns?

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Ms. Loe?

MR. TOOHEY: While we are on this same section, can I go ahead and make an amendment and strike and -- under balconies -- I don't even know what to call this now. So I'm just going to say where it says "other means that block at least" -- well, let me change that. Strike that. Put a period under "means" that block at least 55 percent of viewing through them.

MS. RUSHING: Second.

MR. STRODTMAN: So let's just back up. We were having a hard time -- so on page 188, Section --

MR. TOOHEY: Right now, it is (ii) --

MR. STRODTMAN: (A)?

MR. TOOHEY: -- (A).

MR. STRODTMAN: Okay.

MR. TOOHEY: And so my motion would be to have a period after "means" and then strike "that block at least 55 percent of viewing through them".

MR. STRODTMAN: We have a motion. Is there a second?

MR. MACMANN: Second.

MS. LOE: I'll second.

MS. RUSHING: Second.

MR. STRODTMAN: Ms. Rushing. I'm sorry, Ms. Loe. Ms. Rushing seconds that. Do we have any questions or discussion on this motion? I see Mr. Zenner. Mr. Zenner?

MR. ZENNER: I don't recall if this was ever discussed within work session, but the logic behind why this standard for a opaqueness exists is to eliminate the appearance of a junked-up and storage area sitting on a balcony viewable from the public right-of-way, hence, the reason for creating something more opaque. Most college students tend to store their bicycles, possibly laundry and a variety of other things maybe out on their balcony which may not necessarily be showing the best side of a downtown. So Clarion and Farrell Madden's desire was to somehow allow for this to be shielded in this particular means utilizing this percentage. So that's the reason why the percentage is there. If you don't believe that that is a problem and you want to eliminate it, that's fine. The baluster spacing is going to be required by the building code anyways. What this would have likely resulted in is more balusters being put in in order to create the lack of -- or the reduction in the opacity through what would normally be there. I believe it is a four-inch orb. It cannot pass between the two balusters. That would have probably reduced it to something like two inches -- or a two-inch orb not being able to -- something along those lines. So that is -- that is the logic behind why this particular standard was here was to create a more clean potentially

looking environment where we see these buildings built in the urban environment.

MR. STRODTMAN: Commissioners? Mr. MacMann?

MR. MACMANN: Currently, I -- I appreciate Mr. Elliot's concern. I would say that that's more of an enforcement issue. I appreciate that we already have -- I don't know how many of you live downtown, but if you have a porch downtown, we have porch furniture police that come down and rewrite tickets if you have inappropriate or junky furniture. These are esteemed employees. I think that can be addressed through enforcement and most of these larger units, I don't think the landlord is going to want that -- whoever that Trenton Bach (ph.) or whoever that may be is going to want that to exist and could enforce that internally. I don't see the need truly for us to mandate design there --

MR. TOOHEY: And I -- I understand there --

MR. MACMANN: -- to the point of Mr. Toohey.

MR. TOOHEY: I understand their intention there too, but at the same time, I don't want there to be unintended consequence of ruining someone's view when they are sitting on their balcony when you have all this obstruction from their view when you have to go -- isn't it correct you have to go 42 inches high?

MR. ZENNER: That would be correct. That is how the Code is written.

MR. TOOHEY: Right. So I just think there is an unintended consequence there of ruining someone's balcony compared to how many people may put their laundry on their balcony.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: I don't intend to support this amendment because I agree -- I think that the 55 percent opacity is trying to correct a problem that definitely exists downtown and in other areas and so I appreciate it just driving past because there is everything out there. There is laundry, there is flags, there is bikes, there is junky furniture. I think if we can protect that view, that's a good thing.

MR. STRODTMAN: Any -- Mr. Stanton?

MR. STANTON: Yeah. I tend to side with Ms. Burns. I've been involved in a number of those projects, and it has its benefits. And it also -- there's a lot of safety issues as well. I mean, bottles, balls -- I mean, this -- I really -- I err more on the side of safety. So, yeah, I like that provision in there.

MR. STRODTMAN: Any additional? Ms. Loe?

MS. LOE: I believe safety is addressed by building code requirements, so I don't think that this is really getting into that. I -- I think I will support it because I do feel it is getting a bit prescriptive, and that we're creating one solution based on one housing typology; whereas, there's going to be other typologies that might prefer a benefit from a much different solution. So I think we should leave it more open.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: To follow up briefly on that, there is a building on Broadway that has the equivalent of a bay window behind a balcony, and the balcony is essentially a safety thing and it is wrought iron. But it really allows one to see from the street a very beautiful set of windows. If it's 55 percent opacity, you don't really get -- you get the hint of there. And as far as safety goes, we have a four

inch by 40 inch. Right? The balusters must be no further -- that space must be no further than four inch -

-

(Multiple people talking simultaneously.)

MR. MACMANN: It's 40 inches tall.

MS. LOE: Forty-two.

MR. ZENNER: Forty-two.

MR. MACMANN: Forty-two, which is a significant barrier as we speak. I plan to support Mr. Toohey's motion because I think the safety issue is addressed and I appreciate Ms. Burns' concept, and I think we have an enforcement problem. And that's -- because of the prescriptive nature and allowing design features to be what they be, I'm going to support Mr. Toohey.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: I want a clarification, Mr. MacMann. Are you -- are you referring to the architectural beauty of the windows or --

MR. MACMANN: In my example, I was -- my point was you can see those windows all the way down those last 42 inches, and under the new standard, you won't be allowed. Well, you just -- you're allowed to do it, but no one would see it.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Just to clarify, I think what Mr. MacMann is referring to is often called a Juliet balcony, which is simply -- it's not necessarily a usable balcony; it's simply offset, but it allows to have full windows or a French door that allows you to open. And this would require that to have 55 opacity.

MR. STRODTMAN: Good example.

MR. MACMANN: Thank you.

MR. STRODTMAN: Commissioners, any additional discussion on this motion that has been made and seconded? I see none. May we have a roll call, please, Ms. Burns.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Mr. Toohey, Ms. Loe, Mr. MacMann. Voting No: Mr. Strodtman, Ms. Burns, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Four votes to three, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Additional motions, Commissioners? Ms. Loe?

MS. LOE: Since we're on a roll with balconies and open spaces -- well, let's do the easier one first. There are two different sizes prescribed for balconies to count them as open areas. I mentioned this earlier. On page 197, the minimum dimensions for balcony is noted only in the figure, and I think we need to have that text added to the actual text --

MR. STRODTMAN: Okay.

MS. LOE: -- that the minimum -- so it's Figure 4.2-9. So an eight-foot by five-foot dimension. And then on page 209, for the townhouse and small apartment, Figure 4.2-17, identifies that the minimum

balcony size to be counted as open space is seven feet by five feet. I think we should make them consistent, and I would go for the eight by five.

MR. STRODTMAN: Eight by five consistency across. The motion has been made --

MR. MACMANN: Second.

MR. STRODTMAN: -- for an eight by five consistency between the two, and we --

MS. LOE: And to add language in the text at the urban storefront -- urban general about the balcony minimum sizes.

MR. STRODTMAN: The eight by five again?

MS. LOE: Yeah.

MR. STRODTMAN: A motion has been made and has been seconded by Mr. MacMann to -- for consistencies of balcony's definition is eight feet by five feet. Commissioners, discussions? I see none. When Ms. Burns -- when you are ready. Take your time.

MS. BURNS: Thank you.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

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

MS. LOE: To the more complicated one. Previously, we modified -- on page 196, we modified the minimum requirement for square footage before the requirement for open area kicked in. We modified that from 10,000 square feet in gross floor area to 10,000 square feet of buildable area. This is applicable, if you go to just below this, multi-family residential as well as nonresidential uses. For projects of 10,000 square feet that are six stories tall, we're talking about 50 -- assuming 1,000 square feet per unit, ten units per floor, we are looking at 60 units before the requirement for open space would kick in on residential potentially, and I think that's excessive. So I would like to propose a lower limit of open space requirements for residential units and I'm open to discussion on this, but just to get the ball rolling, Fair Housing Act kicks in at four or more units, so I would like to propose that the open space requirement for residential units is applicable when there is four or more units.

MR. STRODTMAN: A motion has been made. Is there a second?

MR. MACMANN: I'll second that.

MR. STANTON: Second.

MR. STRODTMAN: Mr. MacMann, I think that was a little quicker than Mr. Stanton, so Mr. MacMann gets the second to that motion. Is there any discussion, clarification needed on this motion, Commissioners? Mr. Zenner?

MR. ZENNER: I'm just a little bit confused as to where we are going with this that the buildable area, when we changed it from gross square footage ---

MS. LOE: Correct.

MR. ZENNER: -- which would have said 10,000 square feet was the threshold, which would have

been all floors combined --

MS. LOE: Yeah.

MR. ZENNER: -- to the buildable area of the lot.

MS. LOE: Correct.

MR. ZENNER: So that is the footprint. That is the footprint of the building. If you do a 10,000 square foot footprint --

MS. LOE: Yeah.

MR. ZENNER: -- and you do six stories of 10,000 square feet, that is 60,000 square feet --

MS. LOE: Right.

MR. ZENNER: GFA. Your requirements for your open space that are below that are based upon the units, not the gross --

MS. LOE: Right.

MR. ZENNER: -- not the buildable area. So I'm -- I'm trying to understand --

MS. LOE: We -- the requirement --

MR. ZENNER: -- what you are trying to accomplish.

MS. LOE: The requirement for open space kicks in when you are building on a lot that has 10,000 square foot open buildable area.

MR. ZENNER: Buildable area.

MS. LOE: So if you have a 9,000-square foot buildable lot, you don't have --

MR. ZENNER: You do 72,000 square feet.

MS. LOE: -- a buildable open area if you are doing multi-family or -- or office. I think doing a multi-family project that potentially has 50 units in it without any open space is detrimental to that residential. So I'm saying that the multi-family requirement is not based on buildable area, but it is based on number of units.

MR. ZENNER: And I guess the way you could potentially make this much simpler then --

MS. LOE: Okay.

MR. ZENNER: -- is to take the one, what is here on page 196 -- and one applies to anything that is not a nonresidential building or does not have a residential component.

MS. LOE: Right.

MR. ZENNER: So any building that is 10,000 -- that has buildable area of 10,000 square feet or more must provide open space. A residential building or any building that has residential within it must provide the open spaces prescribed. Seventy square feet for, you know -- for a dwelling unit that is one or two bedroom or 100 square feet for three or more --

MS. LOE: Right.

MR. ZENNER: -- regardless of what the footprint sizes of the property --

MS. LOE: That is where we are heading.

MR. ZENNER: It is? That didn't sound like it in the motion. That is why I'm a little bit confused

because if what you're wanting -- which we have heard now from multiple people is is they want an exemption for small lots for the open space.

MS. LOE: Right.

MR. ZENNER: And I think it is regardless -- if we agree that an exemption for a lot that does not have any residential associated with it should be given --

MS. LOE: Uh-huh.

MR. ZENNER: -- we need to create the standard specifically for that. And if that's 10,000 square feet and smaller should be exempt, let's just simplify it to that. A lot 10,000 square feet with 10,000 square feet of buildable area or less doesn't have to provide open space.

MR. MACMANN: Your --

MR. ZENNER: However, if you have a residential unit within that building, the residential component of that building, regardless of lot area, has to provide open spaces to find --

MS. LOE: That's what I was proposing, except I was giving it a four-unit minimum.

MR. ZENNER: I -- I --

MS. LOE: I was saying you could build one or two units without doing open space --

MR. ZENNER: If you want to give the exemption for a small -- yeah, for a small residential component, so anything over four units --

MS. LOE: Four or more.

MR. ZENNER: -- four or more units must provide --

MS. LOE: That's when other things --

MR. ZENNER: Okay.

MS. LOE: -- kick in.

MR. MACMANN: And you had -- pardon me, but --

MR. STRODTMAN: Certainly. Go ahead.

MR. MACMANN: Thank you. As I understood the motion that I seconded, you limited that -- your discussion on early on two -- or your motion early on two residential. Correct?

MS. LOE: Correct.

MR. MACMANN: All right.

MS. RUSHING: It --

MR. MACMANN: Just to clarify, Mr. Zenner is still shaking his head. Can I --

MR. STRODTMAN: Yes. I think maybe there should be clarification needed here.

MS. LOE: We -- we --

MR. STRODTMAN: Ms. Loe, go ahead.

MS. LOE: So I think the confusion is coming because of the order of these items within the Code in that this is falling under the statement that we're starting with a 10,000-square-foot building -- buildable area. So I believe Mr. Zenner is proposing that we pull that out as a separate item -- no.

MR. ZENNER: And that you can create, I think, "open space -- residential development --

residential open space -- open space associated with residential units shall apply to any building containing four or more dwelling units and shall provide open space as follows:" That, I think, would be far cleaner, and nobody has a question maybe about it, at least in my mind. Maybe it is getting late, even though it is early. But that -- it seems to me, from an administrator's perspective, to be a lot easier to explain to somebody.

MS. LOE: That's the intent.

MR. ZENNER: Okay.

MS. RUSHING: Right. And my concern is when you give the 10,000-square foot exemption, could you say that that is only for nonresidential? Because one thing that I've encountered several times in this Code is that we say this here, but then over here, we have a limitation. And if I rely on this, I'm going to be surprised by something that happens later. And so, I would -- since we were dealing with the whole thing, if there is some way we can make it clear, you know, instead of making it a 10,000-foot exemption, which I might assume applies to my residential development, only to find out later that it doesn't, if the exemption only applies to nonresidential development, can't we just say that upfront?

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: I think we could, and I think part of where the confusion is is where you may get bit by something later. Again, it's organization. Paragraph 7 on page 188 talks about public and private open space. And instead of having the open space standards and the responsibility or the requirements for pretty much open space one must provide in each building form standard -- you know, I think Mr. Teddy corrected this when we went to the townhouse small apartment where we basically said you're going to use the same open space standards as an urban general, instead of repeating it, I think you need to move the criteria all the way up to the front as a general requirement, so as you are reading through the M-DT standards, when you come to private and public open space, you know what the requirements are, just like balconies, which is below it. This isn't -- this isn't like let's go pick a decision or pick an open space standard you want to follow, which is maybe convenient, this is what it is, and is then you're referenced -- you're cross-referenced back to this paragraph 7 in each of the building form standards to determine what your open space would be. And the diagrams at that point then are still relevant. I mean, you're still going to have a 10 percent open space requirement. Well, your open space at that point can either be met by public or private open space or by balconies. And wouldn't it make much more sense to a reader to be able to see those two components together? So, I mean, again, that - - it all goes to this point of let's try to create a code that is more user friendly.

MS. LOE: Along with that, can we change item (B) from buildable area to open space, since it's really describing open space, not buildable area at this point? On page 196.

MR. ZENNER: Yeah. I'm looking at 196, and I think what you're -- the buildable area really is what the area is that is highlighted in gray. So you have a setback requirement. So where the building line is that the --

MS. LOE: The heading --

MR. ZENNER: No. No. I realize --

MS. LOE: -- of the section.

MR. ZENNER: -- that. But the open -- what's referenced -- so it's referring to buildable area which is composed of not only your building envelope, it's composed of the open space component that is inside that building envelope. So I don't -- it doesn't probably matter to me if you refer to it as building area or as open space. But what the diagram represents is the total area that's underbuildable --

MR. STRODTMAN: Includes --

MR. ZENNER: -- your open space is potentially considered a buildable area, and then you have your other offsets. If you label it just as open space, I think the diagram loses its significance at that point because the diagram depicts not only what your general area where you would have that open space possibly located, it refers to the setback that is off of the rear property line. It shows that your building line -- your required building line and the parking setback line, which is all part of the buildable area because you can't build particular components forward of your required -- your parking setback line. You can't build anything forward of your required building line, so that's part of the buildable area. It's part of that broader category. Again, I -- what I would tell you at that point is is that (B) gets reworded somehow because if we are just referring to open space then, open space should probably become its own category, period. Buildable area is one thing; open space is another. And then you deal with -- yeah -- open space is going to become consolidated, in essence. It's going to be a single line that says see this other section in both urban general and apartment small --

MR. MACMANN: Townhouse.

MR. ZENNER: Yeah. Townhouse and small apartment. Trust us that we can amend it if you -- if you make the motion as to how you want it corrected, we'll take the text and make it work. It's difficult for me just to explain this on the fly. I know what I want, and I think I know what you guys want.

MR. STRODTMAN: Are you --

MS. LOE: I'll take a stab at revising the motion.

MR. STRODTMAN: Revising the current motion?

MS. LOE: Revise the current motion. So I move that we amend the UDO to create a new Section called open space that will identify an open space requirement for residential projects of four or more units. Is that enough?

MR. ZENNER: And do you want the 10,000-square foot buildable area to apply -- anything less than 10,000 square feet of buildable area for anything other than nonresidential -- for anything other than residential to be exempt from the open space standards?

MS. LOE: I have not considered that, but -- no. So, no, not as part of this motion unless it comes up in discussion.

MR. STRODTMAN: Okay. So --

MR. ZENNER: So we will eliminate -- just for clarification purposes so we can clarify this, the current revision that was previously made changed 10,000 square foot of floor area to 10,000 square feet

of buildable area. We will be eliminating 10,000 square feet of buildable area, and we will be applying -- so you want the exception anything less than?

MS. LOE: We're leaving the open space requirement -- I'm thinking we leave the open space requirement as revised already with the exception of residential--

MR. ZENNER: Pull residential out of that?

MS. LOE: -- properties.

MR. ZENNER: Okay.

MS. LOE: Pull residential out and make a new section that says open space requirements for residential when four or more units --

MR. ZENNER: So what in essence -- and I understand that. What in essence then by not stating it, open space standards will kick in on any building -- any --

MS. LOE: Lot.

MR. ZENNER: -- buildable area -- lot with buildable area greater than 10,000 square feet. The converse to that is anything less than 10,000 square feet, even though it is not stated, is exempt.

MS. LOE: Correct.

MR. ZENNER: Okay. I just wanted to make sure we're all clear on that.

MS. RUSHING: Nonresidential.

MS. LOE: Nonresidential.

MR. ZENNER: So it would be --

MR. STRODTMAN: Everything --

MR. ZENNER: Yes. Nonresidential because if you had four or more units on a lot less than 10,000 square feet that had buildable area less than 10,000 square feet, you would have to meet the requirements that we will be basically creating. But we will take what we have for the current standards and add the clause of "four or -- containing four or more units".

MS. LOE: Regardless of lot size.

MR. ZENNER: Regardless -- regardless of lot size.

MS. RUSHING: But the lot size exemption only applies to nonresidential. And that was my argument. Why not put nonresidential in that exemption?

MS. LOE: Because nonresidential doesn't have dwelling units, and this is tied to dwelling units.

MS. RUSHING: No. The residential part is tied to dwelling units, but the 10,000 square foot exemption only applies to nonresidential.

MS. LOE: Right.

MS. RUSHING: So why not put nonresidential in that paragraph -- that second --

MS. LOE: I'm not following you.

MS. RUSHING: Okay. You're -- if you say (A), lots with a buildable area of less than 10,000 square feet don't have to provide open space, then you go down and say except if you are residential. And you do a residential one, why not in (A), nonresidential? You know, lots with less than 10,000 square

feet nonresidential buildable area or however -- that's not going to be right, but use the term "nonresidential" in that first sentence.

MS. LOE: The first one is based on lot size.

MS. RUSHING: Right. But it is only nonresidential. The exemption only applies to nonresidential development. Am I wrong? And --

MR. ZENNER: I believe you are correct, Ms. Rushing. Anything less than 10,000 square feet of buildable area, regardless if it's --

MR. STRODTMAN: Regardless of use.

MR. ZENNER: -- residential or nonresidential. If it was a commercial office parcel that was less than 10,000 square feet, it would --

MS. RUSHING: It's exempt.

MR. ZENNER: It's exempt automatically.

MS. RUSHING: But it's not if it has more than four residential units.

MR. ZENNER: But that would -- it -- and that's what the second half of the provision would be then. So any site --

MR. STRODTMAN: Either/or --

MR. ZENNER: Any site greater than -- any site less than 10,000 square feet, with less than 10,000 square feet of buildable area developed with more than four units would trigger the open space -- would trigger the open space requirement based on the residential units.

MS. RUSHING: Yeah. It's just -- it's -- you know, it's just my -- the Lord giveth and the Lord taketh away feeling that here you are saying there is a general exemption, but there is not a general exemption.

MS. LOE: I -- what if we add a line stating see item below for --

MS. RUSHING: -- or even if you put --

MS. LOE: -- residential --

MS. RUSHING: -- comma, except --

MR. MACMANN: Yeah.

MS. RUSHING: -- residential development as provided below.

MR. ZENNER: That's fine. We can do that just to --

MS. RUSHING: That would --

MR. ZENNER: -- just to make sure that that's clarified.

MS. RUSHING: -- that would make me happy.

MR. ZENNER: Okay.

MS. LOE: I understand your point and agree.

MR. MACMANN: Clarity is awesome.

MR. STRODTMAN: Just a reminder, Commissioners, please try not to walk on each other.

Okay?

MR. ZENNER: That will work.

MR. STRODTMAN: We'll get in trouble.

MS. RUSHING: It's so hard to do.

MR. STRODTMAN: I understand.

MS. LOE: She needs a buzzer for your seat.

MR. STRODTMAN: We have a motion that has been changed. Did the second --

MR. MACMANN: The second goes with.

MR. STRODTMAN: The second is okay with the changes. Do we have any additional discussion needed on this motion? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

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

MS. LOE: Just to put this one to bed.

MR. STRODTMAN: You sound so excited.

MS. LOE: I'm sorry to drag you through this, but page 197, item 2, so this is 29-4.2(d)(2), items (i) and (ii) were deleted ostensibly to expand -- to make more flexible the allowance for where open space can occur. But in my reading of it, it seems to limit where the open space to either the roof or balconies, because it's deleted any language stating that it can be located behind the parking lot setback or in -- below the roof level. So now we have no language identifying how it can occur at those other levels. So I wanted to reintroduce that language and if that language is overly restrictive, maybe amend it, but I think we need some language saying it's okay to provide those open spaces in the setbacks and in -- if that's our intent, behind the parking lot setback.

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

MR. MACMANN: I did. I have a question for Ms. Loe. You feel that from a design and building concept, this would make it easier for the architect and the builder to know what they could do?

MS. LOE: I believe my -- my --

MR. MACMANN: Are you protecting open space?

MS. LOE: Coming from the --

MR. MACMANN: I'm trying to understand.

MS. LOE: -- that the --

MR. MACMANN: I'm sorry.

MS. LOE: -- what was done is contradictory to what the comment indicates, that currently as it reads, it says "public open space area may be satisfied through the balconies or individual units or rooftop as follows". Item (i) and (ii) have been stricken, so the only item left is "where located on the building's roof level, the private or public open area may be located anywhere on the roof".

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I just -- she clarified that. It does -- the way it reads, I understand it now. It directs that open space there --

MR. STRODTMAN: It's to those --

MR. MACMANN: -- and you would rather it not be directed only there. You would rather add language that allowed a designer, a builder, whomever, to meet that need anywhere that may be.

MS. LOE: At the ground level.

MR. MACMANN: All right.

MS. LOE: If we -- Mr. Zenner?

MR. ZENNER: I'll let you finish your thought, but, I mean, I think if you look up on -- on page 197, again, and look at item number (iv) that is above (2). Look at item number (iv). So this is what would be partially relocated to that new open-space section that you've just asked for. The text, I believe -- Mr. Teddy and I were just talking. The text that is there in that item number (iv) was intended to apply in item number 2. And is it possible that we take and we could repeat the item (iv) text under paragraph (2), and it would replace, basically, the stricken text that's there, which basically says that the open space could be anywhere, which is what was really intended, and I think the intention was is we maybe were rambunctious with our cross-out delete technique and didn't add it back in. Again, I think what we can do if the intention here is is that for buildings that as defined in paragraph 2, this is a subset basically of the open space standard that we're going to be relocating. We could straighten this out if what you're wanting us to specify clearly is is that these buildings that have -- you know, that have 25 feet or greater lot frontage and are 10,000 square feet of buildable area, so, I mean, it would be and 10,000 square feet of buildable area, so this goes back to the idea that this is greater than 10,000 square feet. We can draw the subset in here because the provision that I'm referring to is paragraph 4 is going to apply to residential development, so if you've got more than four units now in a building, the location of this private or public open space could be on any floor. That's going to go into the new provisions and what we can do is just create -- make this paragraph 4 apply to those that are greater than 10,000 square feet or have more than 25 feet of frontage. It can be merged together so when it reads properly that you could have that open space anywhere on that site, and that if you want to use 33 percent of it in your balconies or you want to use balconies, you can use 33 percent of it. I think there -- I believe I understand what we're trying to get at. You want the flexibility of it to be located anywhere, and it should be able to be located anywhere in either instance, be it either for residential or be it for a commercial building that's over 10,000 square feet, you should have the luxury to put that open space wherever you see fit.

MR. MACMANN: Where you want it.

MS. LOE: And I believe some of the public comment we had gotten was questioning whether -- why it had to be located behind the parking setback line, especially if there isn't parking or -- and I understand the intent that deleting this would open it up, but I think it actually maybe muddies the water. I would prefer to see it left in there instead of deleting it, saying where located at grade, such private or

public open area may be located anywhere in front of -- you know, within the required side or rear setbacks.

MR. ZENNER: Well, and I -- yeah. The required side or rear means that you're putting what your open space may be in a future alley.

MS. LOE: Okay. So anywhere in the buildable area.

MR. ZENNER: Well, it will be anywhere, I think -- anywhere -- may be located -- I think what you would want to do is refine it to just basically allow the front of the building, which is the parking setback line, to allow it within the parking setback when it is at grade, but you do not want to allow it in a side or a rear yard setback. A rear yard setback in the urban general may very well be being defined because it does not have an alley, and an alley may be opened at some point in the future. And as soon as you put that alley through at some point, all that open space has been wiped out. It doesn't function for what it was intended to serve. The other issue I think we would end up with if you do allow it within the parking setback, at least you are creating an opportunity for an active street front. But if you allow it in a rear setback, yes, you create privacy for the potential users if it's a sizable enough area, but it has no other public benefit associated with it. Now, it is -- if -- obviously, it's private open space. It's not meant to maybe provide any public benefit -- general public benefit, that is. So you may want it stuffed back in the back of your building, so, you know, you have a private courtyard for your residents. That would be a choice, but I tell you I wouldn't want it in a setback area just because of the potential loss of it at some point in the future.

MS. LOE: Then it sounds like maybe we do need to define this a little better.

MR. ZENNER: I mean, I -- we can -- understanding what you all want, we're going to have to bring some text back to you as it relates to the section, the creation of it. If the intention is what you would like us to straighten out here is the text, we'll straighten the text out and we can bring that back to you. I think that that would be our -- that would be our recommendation at this point and let us work the problem based on what you would like, and then we can discuss this probably at either -- I would suggest we discuss this probably at the December 8th meeting as text that we provide back to you as part of the final public comment.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I would suggest we follow Mr. Zenner's recommendation because, as I understand Ms. Loe, she says it's clunky without it in (ii), and if I understand Mr. Zenner, it's clunky the other way. It -- it doesn't seem to be clearly workable, which is counter to our purposes. So I -- them providing us language would probably be a good thing.

MR. STRODTMAN: Ms. Loe, do you still have a motion on --

MS. LOE: I'm not sure I ever made a formal motion.

MR. STRODTMAN: Okay.

MS. LOE: So if I did, I withdraw it.

MR. STRODTMAN: We didn't have a second. Commissioners, additional M-DT comments?

Don't be shy. Ms. Loe, just knock them out.

MS. LOE: I still have one. Page 211. This is an easy one, I think.

MR. STRODTMAN: Don't jinx us. Go ahead, Ms. Loe.

MS. LOE: All right. The townhouse, small apartment section allows an accessory dwelling unit. However, this is not indicated on the land use table, so that's one of -- part of this amendment is to show M-DT can have an accessory dwelling unit on page 134. Plus this identifies a maximum area of 650 feet for that ADU, and I have some questions about coming up with a different standard for accessory dwelling units in M-DT than the standards we've already developed for accessory dwelling units. I see no why -- reason why it can't meet the other standards, which, to remind you, is the greater of 800 square feet or 75 percent total square feet of the main occupancy, and not more than 30 percent of the rear yard. So we already have three limitations on ADUs.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: And if I recall on main houses, we've dropped the 650 square foot, so we could technically -- I mean, it almost points to the ADU being bigger than the main house, so there are some -- there is some -- there are some contradictory issues here that need to be cleaned up.

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: I'm trying to find where we have the ADU listed within the table.

MS. LOE: Oh. Page 134 under accessory uses.

MR. ZENNER: Uh-huh. And the footnote with GG.

MR. STRODTMAN: Right in the middle of the page.

MR. ZENNER: Yeah. Well, I see it. I just want to --

MR. MACMANN: If I might ask a question?

MR. STRODTMAN: Yes, Mr. MacMann?

MR. MACMANN: Ms. Loe, what -- do you have standards in mind?

MS. LOE: For the accessory dwelling unit?

MR. MACMANN: Uh-huh.

MS. LOE: I think it should just follow the standards we've already created for an accessory dwelling unit --

MR. MACMANN: And how --

MS. LOE: -- which are located --

MR. ZENNER: On page 162.

MS. LOE: -- on page 162.

MR. MACMANN: So you would suggest striking from the previous table on 131, just striking that section?

MS. LOE: Just deleting six-- no, I would allow accessory dwelling units. I would just delete "with a maximum area of 650 square feet". So it would just read "on townhouse sites, an accessory dwelling unit is permitted in the buildable area at the rear of lot -- site or lot line".

MR. ZENNER: Subject to the provisions of -- subject to the use specific standards --

MR. MACMANN: Right.

MR. ZENNER: -- as defined within whatever section of Chapter 3.

MR. STRODTMAN: Yeah.

MR. ZENNER: And I will tell you that the provisions associated with the accessory dwelling units may or may not create conflict at that point because there are a number of other standards in here that may not work.

MR. STRODTMAN: For M-DT?

MR. ZENNER: For M-DT.

MR. STRODTMAN: Yeah.

MR. ZENNER: Given the urban environment that it's in, so I'd be cautious as to what we would want to do. I think what you -- what you really want to extract, if I understand correctly, out of the use specific standards on page 162 is item number 4?

MS. LOE: Correct.

MR. ZENNER: And I think what we need to do is just lift item number 4 from the use specific standard and put it into this particular paragraph 3 as a sub (i), "subject to the following:" and then add item (4).

MS. LOE: Uh-huh.

MR. ZENNER: That would definitely deal with that issue then. I believe that that would probably address the fact then you take the 650 out of it, which we don't have a minimum building size actually in the code anymore either.

MR. STRODTMAN: Right.

MR. ZENNER: So that 650 probably was a carryover from the maximum square footage of a dwelling unit. So if you have a -- you know, 75 percent of 1,000-square-foot building, a 75 -- a 1,000-square-foot townhouse unit, you would have a 750 square foot ADU -- 75 percent of its area.

MR. STRODTMAN: Yes, Ms. Loe?

MS. LOE: If it's called an accessory dwelling unit, why would it not be expected to meet or allowed to meet all the requirements of the accessory dwelling unit?

MR. ZENNER: I mean, there's fire code related issues here about fire access and everything else, which may be unique to a residential environment where you're doing -- you have a bypass around the existing home. You have something else that's there. I -- I would be cautious --

MS. LOE: And the parking.

MR. ZENNER: Yeah. And parking. I would be very cautious as to making it subject to all of the regular standards. We're either going to create a situation in which I've got to create a series of exceptions to the general rule that applies in all other residential zoning districts specific to the M-DT, or we, in essence, take what we really -- I believe you're looking for and that's a cap on the maximum square footage.

MS. LOE: Right. But my follow-up question is we -- we're calling it an accessory dwelling unit. An accessory dwelling unit is a defined entity within this Code. So I would recommend we don't call it -- I would say that on townhouse sites, a dwelling unit meeting the size restrictions for accessory dwelling units is permitted, something along those lines. If you call it an accessory dwelling unit, I think an argument could be made that it could meet all those requirements.

MR. TEDDY: Our Code doesn't allow single-family use in the M-DT area. We've got to be clear that that is accessory to something. That's omitted from the use table for M-DT, the one use that is not allowed.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: We -- we'll address this again, but on the eastern and northeastern fringes of M-DT, we do have that very thing going on. So we'll get to that. So it's -- I just wanted to make that point now. We'll get to that later.

MR. ZENNER: And I think the easiest way to potentially -- detached dwelling unit. In the townhouse district, in the townhouse, small apartment district, a detached dwelling unit meeting the following standards shall be permitted. And then basically it says it's 75 percent of the size of the primary structure, blah, blah, blah, blah, blah. And you basically just extract paragraph 4 and simply change it to a dwelling unit. At that point, Ms. Loe, it still will not show up in the table because if you list -- if you put a P in the column for accessory use in M-DT, I think we create probably a little bit more confusion.

MS. LOE: Oh, yeah. I -- it was confusing when it was --

MR. ZENNER: So leaving the P out of the table, but making the reference to the same square footage classification component of it, I think, gives an individual an opportunity to do it, but doesn't necessarily call as much attention to it as you may have been desiring. It's still an option, but it's not one that you -- you've got to -- you've got to read the code or open the Cracker Jack box and see what the prize is.

MR. STRODTMAN: So Ms. Loe?

MS. LOE: Would you like a new motion?

MR. STRODTMAN: Would you like to reframe that motion or clarify it or --

MS. LOE: Page 211, Section 29-4.2(e) [sic] (3), revise the statement to read "on townhouse sites, a detached dwelling unit is permitted in the buildable area at the rear of the site or lot line meeting the requirements" and then end of quote, but pointing to the requirements for the accessory dwelling units on page 162.

MR. ZENNER: Just -- just item number (4).

MS. LOE: Item 4. So 29-3.3(gg)(4).

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Point of clarification, and then I think I can second this. You would essentially drop accessory from that and carry over the entire paragraph?

MS. LOE: I'm dropping accessory and 650 square feet.

MR. MACMANN: I will second that motion.

MR. STRODTMAN: Mr. MacMann seconds the motion that's been made by Ms. Loe. Any discussion, Commissioners, on that motion? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Commissioners, next -- Ms. Burns?

MS. BURNS: See if I can multitask here. I had a question, page 187. In looking through my notes of the speakers who came up at our October 27th meeting, one of the main discussions was about street walls. And in reading this, it looks like it would be in a redevelopment situation and that a street wall would be required of four feet, no higher than eight feet. And I'm trying -- I'm trying to visualize how this works. I guess I was looking for an example of why this is a good thing.

MS. RUSHING: What page?

MR. TOOHEY: 187.

MR. STRODTMAN: Page 187.

MR. ZENNER: 187, and I -- I believe you're referring to item number (xi) -- to be item (xi).

MS. BURNS: Yes. And there is a footnote that says street walls are only required when a property is redeveloped. Street walls are not completely opaque as they are required to meet all fenestration requirements. The intent -- we expect that there will be very few street walls of more than minimal length. And I think this was brought up by the CID, too, and concerns about how these street walls fit in with the existing landscape and development.

MR. ZENNER: Okay. So it begins where a street wall is permitted or required.

MS. BURNS: Yes.

MR. ZENNER: So if you look at required, and let's focus on that term, required is where any portion of your building, of your lot that does not contain a building, depending on what the building form standards are. So, for example, in the urban general, your building must be built to -- and this has been revised, so I may butcher this and I'll let Tim correct me on it. Seventy-five percent of the building must be built to the required building line. You have a 100-foot-long building and you have 150-foot-long parcel. Only 75 percent of that 100 foot of the building must be built to the required building line, so that means 75 feet of the building would be at the required RBL. On that 150-foot-long lot, you then would potentially have 75 feet of unbuilt -- of un-- of no building at the required building line. A street wall, as it was envisioned, would be required along that unbuilt required building line, or where you have a parking lot or something else. That was -- that's the intent of the street wall is to screen out potential service areas or anything else that may be where that building does not exist. It's to complete the street facade or the street wall, in essence, hence, why it's called the street wall. And so what's you're -- what we're -- what we're looking at here is where that's required and, right now, it was a different height, so what you're

requiring, it's four to eight feet in height, and it -- through the opportunities that are in item number (xii), it allows that street wall to be not an opaque wall or a solid wall, it could be something ornamental, so it could be seen through, it could be something else. If you recall in our last meeting, I think what we may have overlooked here when we created this provision, unless Tim made the change elsewhere and I haven't been able to identify it, we potentially left out the opportunity for no wall to be required, but landscaping to be installed instead in this vacant area where no building has been built to the required building line for a length greater than what the Code requires.

MS. BURNS: And that's what some of our speakers requested was more options.

MR. ZENNER: Yeah. And I think the landscaping option does not exist. It's not embedded here, I think, as we have discussed in work session even, and then I think may have just been an omission on our part as we were preparing the amendments. Landscaping is not a bad idea and it is probably the cheaper alternative than a wall. It gets to Ms. Loe's point, and I think some of it was discussed by the Commission, as well. If you've got a larger tract of land and you're going to phase that development, you can stabilize that unbuilt upon area if it's not a parking lot, for example, and you can make a pocket park out of it in the interim and still have it meet our requirements. The major revision that was made here was the Code was very prescriptive initially that said 75 percent of the required building line must have had -- must have a building to it. The revision -- and it's something that you need to understand. The revision that Tim has suggested is it's now not the building line, which was that 150-foot length, it's just the building now, which does give greater -- it relaxes the standard, but then you do leave a greater area of that street front that may not be covered by a physical building and, therefore, we do need to insert something in that area in order to achieve what Farrell Madden was looking at, and that was trying to create a continuous street frontage. I think you can do it either way. We can do it by the wall as it's written here in that varying four to eight feet, or if you want to add as an additional option, which would be down in I believe item (xii), that that could be fulfilled by doing it in landscaping that meets the landscaping criteria that's in our Code, as well, which are the four plant material types and provides some type of screening. Now, it doesn't need to be 80 percent opaque. That's the next major question you need to ask yourself, because as

Ms. Russell has pointed out, and I believe several of the other Commissioners, safety is going to be a concern, and do you want 80-percent opaque landscaping on this piece of property that may go back 150 feet to where nobody could see you at that point.

MS. BURNS: Well, would it work that if we were adding landscaping, because I think that is an option that -- that would be great and would allow much more flexibility, and not designating opacity, but keep that -- if somebody was putting a picket or other type of fence structure.

MR. ZENNER: You could combine the two with something -- you could combine the two, and I believe that's the parking scenario, where if you were going to put parking within the front setback or within the parking set -- forward of the setback line, you would be required to put in a small wall with landscaping, some type of architectural feature there. I think what we had originally discussed as a -- as

a committee within work session was to just allow landscaping to be put in a particular rate of tree planting and vegetation. Eighty percent opacity, which is what the requirement is out of the box now for parking lot landscaping and screening, I will tell you that maybe that's the number that you don't want to have apply here. You may want to choose a different number. Twenty-five percent opaque, which means, basically, 75 percent of that frontage that's not covered by a building is basically going to be open, be passive, but we'd still have the spacing of trees or other vegetation. I don't know what the magic number may be.

MS. BURNS: Okay.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: It's been a while ago, but we discussed things such as one might see on Landmark's parking lot as it discharges onto Eighth. It -- they have a little bit of a wall, but it isn't a full wall. They have architectural features, they have seats, they have some vegetation. This achieves the form and it achieves the safety that Ms. Russell was looking at. You know, you can see into the lot. It's quite clear, it's a very attractive setup, and that -- I'm not saying that would apply everywhere, but that certainly would allow any designer or any architect, something of that nature or regulations that encompassed that type of flexibility, I think, would meet everyone's standard. Because we start -- my concern in tightening up is being too prescription; you know what I'm saying? Because, right now, people hear building wall, and I think a lot of people have complained to us, why do I want to put walls downtown, and maybe we're not communicating that clearly. I don't know. But there are other options besides knee walls and pickets.

MS. BURNS: Right.

MR. MACMANN: And I -- I don't think we -- I don't -- I don't -- I think 80 percent opacity or 85 percent, that's -- that's not engaging, either, particularly what we're wanting to do. We want to bring the building line down the property, but, at the same time, we want to bring safety in and interaction out, that type of thing.

MS. BURNS: I'm prepared to make a motion.

MR. STRODTMAN: Ms. Burns, go ahead, please.

MS. BURNS: Yes. On 29-4.2, Section (xii) --

MR. STRODTMAN: Page?

MS. BURNS: Page 187.

MR. STRODTMAN: Okay.

MS. BURNS: Street walls shall be constructed of masonry, ornamental -- or ornamental material or a combination. Walls may be opaque or partially open and may include landscaping.

MS. LOE: We've already made the amendment to change it to material.

MS. RUSHING: We've already done that.

MS. BURNS: Okay. Well, okay.

MR. STRODTMAN: We took the ornamental.

MS. LOE: We took ornamental.

MS. BURNS: So do we need to add landscaping to that or would that include the ornamental?

MR. TEDDY: Landscaping is a substitute or a potential substitute for any kind of street wall.

MR. ZENNER: Street wall, yeah.

MR. TEDDY: Because it does allow for landscaping, but the way it reads, it's as if it's supplementing a fence.

MS. LOE: It's already been done. We did that.

MS. RUSHING: Well, it doesn't -- oh. Excuse me.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: I was going to say, it doesn't allow landscaping in place of the wall.

MR. TEDDY: Yeah. It's not clear. It doesn't clearly --

MS. RUSHING: It allows landscaping as --

MR. TEDDY: I'm asking is that what you want to do?

MS. RUSHING: Yeah. As part of the opacity requirement would be my --

MR. ZENNER: And I think if we're trying to -- if I may also add. If we're trying to define what that -- what the replacement to the street wall is. We have street frontage landscaping requirements that are part of the landscaping standard -- the general landscaping standard intended, basically, to buffer parking areas or paved surfaces from the adjacent public right-of-way. It's a six-foot private landscape strip. So in these areas where you do not have a building occupying the required building line, you substitute that with either a street wall as defined or a private landscape buffer; i.e., this six-foot strip, planted in accordance to the landscaping standards that are here. So we're not creating anything new, we're basically creating a landscape option that's already got a set of standards along with it.

MS. BURNS: That's what I'm trying to accomplish. So, Mr. Teddy, I think you could probably say it better than I can, but I'll -- I'll take it as mine, as far as just adding landscape buffer to the options. Would that suffice?

MR. TEDDY: Yeah, I think so.

MS. BURNS: Okay.

MR. STRODTMAN: Motion has been made to add landscaping as a -- landscaping buffer as an option in lieu of the wall. Correct?

MS. BURNS: Yes.

MR. STRODTMAN: Do we have a second?

MS. LOE: Second.

MR. STRODTMAN: Second.

MR. STRODTMAN: Ms. Loe made a second on the motion. Discussion on the motion that's on the table, Commissioners? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman,

Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

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

MR. TOOHEY: I have a motion -- or -- I'm sorry. I have an amendment, but it's probably going to require Mr. Zenner's help. So as of now, there's no retail allowed on an upper floor unless it is above a second story of that retail on the main --

MR. ZENNER: On the ground in the urban -- in the urban general?

MR. TOOHEY: Right.

MR. ZENNER: Okay.

MR. TOOHEY: So someone brought up several examples. One comes to mind just down the street of a jewelry store up on an upper level because of a security issue. And so I'd like to make an amendment that I think would have to change the wording on page 200 and 205 that would allow retail on an upper floor. So on page 200, in Section (1), I believe it is.

MR. ZENNER: It would be (B)(1).

MR. TOOHEY: Right. If we struck "retail sales" -- "or retail sales", would that take care of that there? And then I think we would have to do it on 205 also because it again mentions it doesn't allow retail sales on an upper floor.

MR. ZENNER: I believe that would correct the problem, so what that would read then is and applied, you would not be able to have a food or beverage service on an upper story unless it was the extension of the lower level; i.e., Taj Mahal, where we've got the ground floor of the garage and their second-story dining area. That would be the only way to get above the ground floor. If you struck retail, it would then allow retail uses. Now, the question I would ask you is, we could strike it in (A) or in (B)(1), item number (2) -- (B)(2) indicates that no commercial use is permitted above residential unless there's a separate access to the commercial use. In the instance of the jewelry store, there's common entry into that building that comes in through a common lobby. I don't know how often we may run into this, but that would then limit your ability to have, if you had a residential floor in between that commercial use, and I would tell you that retail from the broadest perspective is considered commercial. So I don't know how you -- we can deal with (1) easily by striking "or retail sales uses". Item number (2) then, we either need to acknowledge the fact that you may have commercial above a residential use in certain instances or there is not a separate entry, and you potentially have to strike number (2) in order for revised (1) to work.

MR. TOOHEY: I'm trying to think of how often you would see that use concerning number (2) --

MR. ZENNER: That's what I'm -- that's --

MR. TOOHEY: -- around in this area anyway.

MR. ZENNER: I would tell you, I would -- I'd have the same -- I'd have the same thought. I don't think you'll see it frequently.

MR. TOOHEY: Yeah. I say just leave it and if it ever has to be changed later, then that would be something that would have to be dealt with in the future.

MR. ZENNER: And I don't know if that would fall under anything that we have -- that the director would have authority to grant a waiver on. We'd have to look into that as part of the administrative procedures because it's possible -- and we haven't gotten there yet, but it's a possible that if it's not already addressed, it may be something that you may propose to just take care of the anomaly use that may occur, and it may have to be triggered based upon the intensity of the retail or commercial activity at that point because, obviously, if you're going to open up a Macy's above somebody's residential home or floor of residential units, they may not quite like that, all using the same lobby and the intensity of the use may be more indicative of not allowing it to happen, whereas a small jewelry shop like this isn't going to create that impact.

MR. STRODTMAN: So, Mr. Toohey, would you like to continue that motion or do want to with --

MR. TOOHEY: Do you have something to say, Mr. MacMann?

MR. MACMANN: I -- I did, if I may?

MR. STRODTMAN: Mr. MacMann.

MR. MACMANN: Just a quick question. No retail on the second floor was to prevent public people from coming by your front door in your apartment, Right?

MR. ZENNER: Pretty much.

MR. MACMANN: Okay. I think we can address your issue and -- and your desire at the same time. Allow retail on the second floor, except where -- just a simple sentence -- except where the egress and ingress is through a residential unit. If we're going to allow flip-flopping, and then we don't have to go -- we cover this in the future. Are you with me?

MR. STRODTMAN: Well, number (2), if you look, Mr. MacMann, number (2) has it. It says no commercial use is permitted above the residential use unless there is a separate access to the commercial use. I mean, it's kind of --

MR. TOOHEY: You know, we're creating a situation --

MR. ZENNER: It would basically do the exact same thing I believe you're suggesting, Mr. MacMann. That second -- item number (2), in essence, basically, a stairwell -- an emergency stairwell -- and this is where I would think about it from a building code perspective. An emergency stairwell should not allow an individual, if they had to evacuate a third-floor retail space to be able to exit through that residential space. It would be a -- it would be an outbound door only. So that stairwell may be able to be a common stairwell, but you can't get to the residential floor. The idea here is it's a separate entry, I think, is being able to utilize the retail, but if you're going up an elevator and it's got three floors to the building, you could push floor number two and get off at the retail space. So you would either have to have a separate commercial elevator in that lobby to get you to that floor and that's, I think, where the problem is created. How do you create that second access if you're coming into a common lobby space. And I think the point would be as -- if the use is such as the jewelry store just down the street from us on the third floor, and the amount of impact -- the pedestrian impact that that's going to create or the user impact is considered negligible to the overall scale of the building, that may be something that

administratively you allow the flip-flopping. But if it gets to a particular threshold, at that point, maybe you have to consider not allowing it, and so it may be based more on square footage, gross floor area of that retail use at some point in the future, but that may require a little bit of refinement. I'm -- I'm -- I don't believe that we are going to see this very frequently. You may see a second floor use, but you may not -- and it may not be an extension of a first floor. I don't think you're going to get many businesses that are going to say, well, I want to be on the top floor. You could. It depends on the business -- high end apparel or something else where they want to be removed and they want to be exclusive and have a great view of downtown.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: So we need to make two amendments for this, one changing (B)(1) on page 200 and then also make a second amendment addressing it on page 205 in -- under uses, and Section (B) for upper stories?

MR. ZENNER: I would tend to agree, yes. It would need to be made in both, and you just need to strike -- on 205, you need to strike "retail uses" -- "retail sales". That's all you would have to strike on 205, and that would be all you would all you would have to strike on 200.

MR. TOOHEY: Okay. So I'll go ahead and make my first motion then. On page 200, (B)(1), to strike "retail" from that section.

MR. STRODTMAN: Second. Commissioners, we have a motion that has been put on the table - - and on the floor, and second. Do we have any discussion, questions on this motion?

MS. BURNS: Do we have a second?

MR. STRODTMAN: I did. I'm sorry. I seconded.

MS. BURNS: All right. Second.

MR. STRODTMAN: Any additional questions, Commissioners? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval. Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Mr. Toohey, would you like to do the second part?

MR. TOOHEY: Yes. I'll -- I'll make another motion. On page 205, (B)(1) again, where we would strike retail -- "retail sales".

MR. STRODTMAN: Second. Mr. Toohey has made a motion to strike retail sales out of (B)(1), and I, Mr. Strodman, seconded. Any additional discussion or comments on this motion, Commissioners? I see none. Ms. Burns?

MS. Burns: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Seven to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Commissioners, any additional --

MR. TOOHEY: I've got a question for staff, again.

MR. STRODTMAN: Mr. Toohey, go ahead.

MR. TOOHEY: We run across the issue with the big gas stations located in the urban general area. If we were to exempt light vehicle services in that area, would that take care of that situation?

MR. TEDDY: That's the use that contains gas stations, though. That would be a good way to address it because then you're talking about some other types of automotive service, some of which we have exempted.

MR. ZENNER: A requirement is being applied and I think that we may go too far. That would be my concern. It would go -- it may be too broad by exempting the entire category.

MR. TOOHEY: Right. And I'm just trying to find a solution of it, so that's why --

MR. ZENNER: And let me -- you all should have received an e-mail from me earlier this week from Mr. Moore -- Allan Moore, and he raises this same point. I don't know if you all had an opportunity to review that or not, but Mr. Moore's suggestion was multifaceted, either to propose an exemption as -- his suggestion was to either propose an exemption as I believe Mr. Toohey is suggesting for the entire group, or a revision to the RBL front setback requirements for these uses to allow them to have a conventional site plan. And the rationale behind that is is the corridor, and the corridor now as we have defined it, with the exception of the immediate corner of Broadway and Providence, is unique as part of downtown and, basically, attracts that type of retail use that's more urban oriented or suburban oriented. Also the idea of a gas station being in close proximity to downtown is something that is probably worthwhile if we're going to have a full functioning downtown area. Instead of sending residents out somewhere else to go get gas, why not have them get gas where it exists. I mean, the RBL right now, as you all recall, in the urban general was increased or was -- yeah, was -- the distance to still require RBL compliance was increased from 24 inches -- two feet to five. Obviously, that doesn't address the issue of a gas station that requires its circulation generally forward of the building for deliveries and all of the other aspects associated to it. Standard front-yard setback for any zoning district, any other zoning district other than maybe downtown, is a 25-foot front setback. That doesn't give you enough room for circulations for pump islands. And I would tell you that reversing -- flipping a building plan for one of our gas stations, either it be a Break Time or the Phillips 66, makes absolutely no common sense in my opinion as it relates to what they back up to. Could you envision the Phillips 66 gas station having its pump islands overlooking Flat Branch Park? I don't think that that's probably appropriate. Where it is located right now, all of our circulation and all of that type of activity is up where it probably needs to be. I think the issue here is is it requires a little bit of additional consideration as to how do you want to landscape possibly the separation between the public right-of-way and maybe where the circulation aisles are for the pump islands. That's one aspect of it, I think, from a design aesthetic as it relates to the gas station itself, but the physical building that may be the C-store probably does not necessarily need to comply with an RBL. It may need to comply with

the other design requirements such as glass and fenestration and some other things. Yes, while more expensive, it does at least maintain the general integrity of the rest of the -- of the -- of the M-DT standards. So relaxing the setback or not having a required setback on parcels that are specifically fueling centers, which is a subuse of the automobile -- of the vehicle service and culling it out as an exception within vehicle service in the table, you already have a use specific standard, I believe, that's associated with vehicle service and repair, and what we could create possibly is just an additional subset that refers to fueling centers within the M-DT, within the regulating plan area, as following the following criteria. And that would then subset them, they'd be an allowed use, but they'd have their own unique little segment of use specific standards that they would have to comply with. And we don't deal with exempting out the complete auto cares, the muffler shops and everybody else which, I think, that as we see the corridor redevelop, those should have some compliance associated with them. I mean, you can already have parking, but that parking is just going to have to be 20 -- and I say just, but, I mean, the parking would have to be behind the parking setback line. I mean, there's some value to that if we're trying to create a more pleasant corridor that doesn't have all of your service bays and doors and everything else in those types of businesses that are destination driven. Normally, if you go to get your car fixed, you're going to drop your car off. It's no a maybe an impulse-type thing. And those are the types of businesses that I believe could adhere to the standard, whereas a gas station is something that does have to have that easy in/easy out access, which is, I believe, what Mr. Moore is trying to get at by the RBL reduction. He didn't speak to anything about the architectural standards, though, so, I mean, that's fair game for you guys if that's what you would like to change, but I think Allan really was looking at it, create me relief, or create relief for them to be able to at least have all of their service or all of their vehicle movement forward of the building, and I don't tend to disagree with that. It should be up on the corridor, not tucked back off of it.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: A process question, a little bit. Do you believe that we could create here and now a set of fuel service entity standards that will meet the needs as we are discussing them by separating that subset out of light vehicle services or whatever, or are we going to have to fill this in more before we do that?

MR. ZENNER: Let me ask -- let me ask then and follow up to that is, is do you want a set of standards that waives the design requirements associated with that?

MR. MACMANN: I -- my view, and I don't know what Mr. Toohey or Mr. Moore -- or Mr. Moore did not mention it, would be the -- the Lang family, the concerns that they expressed were an RBL, you know, a redevelopment issue. They won't be able to get in and out of their place. They want to have a gas station. But that's if we were to make an exception for gas stations, we're going to have to tweak some other elements. Yes?

MR. ZENNER: Not necessarily. The only element that I believe you would have to tweak would be the RBL, and it would be specific to that use and that use only. It would be -- and it would be specific

to the use and the -- a subset of the broader use category. So if you cull out a fuel center or a convenience store or a C-store, because often they are one in the same, just by eliminating the requirement of coming to the required building line with a new structure or a new C-store, the C-store component of that type of facility, that may address all of your problems.

MR. MACMANN: Well, I just -- if I may. I would be more comfortable if we limited the function to the fuel center because a convenience store, I don't know if it's a clearly defined issue. It might have -- that's something that could grow and may or may not be pertinent. I mean, if we're trying to make it easier to get in and out of gas stations and to have functional gas stations downtown, I think we might want to limit the discussion to fuel centers -- gas stations.

MR. TOOHEY: So you're saying fuel center/gas station or just -- I'm just trying to be as clear as we can.

MR. MACMANN: And I -- and I appreciate that. I would -- I would like to -- if the gas station has the convenience items in it, I think that's outstanding.

MR. TOOHEY: Right. I get that, too.

MR. MACMANN: But -- you know, rather than us trying to define what a convenience store is.

MR. ZENNER: I believe you'll have to.

MR. MACMANN: I mean, because accessibility is the issue there. They want to be able to, and I appreciate this. We want a couple of gas stations downtown at least, and they want to be able to have their customers get in and out and we want to be able to get in and out. But my -- my concern is -- (inaudible) -- and that's why we don't -- like all light services, we identified, I think, in their discussion last time five or seven at least businesses downtown that we would have to give exemptions to if we did the -- the whole category as exempt.

MR. TOOHEY: So will we just create a motion then to exempt fuel centers/convenience stores?

MR. ZENNER: With fuel, I would say.

MR. TOOHEY: Urban general?

MR. ZENNER: Yeah. Within urban general or urban general west, which is what it's defined as right now. That's the specific coding of the street. And I would say it would be fuel centers and fuel centers with convenience stores. That would be the two uses specifically.

MS. RUSHING: And then we would have to define the centers and definitions.

MR. ZENNER: That's probably -- no. That's what I'm looking for here right now frantically because I believe it all falls under light vehicle service and repairs, the definition for that. The use specific standards right now that are in (cc) on page 160 really refer to the vehicle service or repair component. They don't refer to anything that deals with a gas station that may have a convenience store -- Break Time, or in the instance of the Phillips 66, the same thing. They've got an area where they sell product in addition to the gas. So I think you have -- if we're going to do anything, I think we need to do it in two locations. I think you need to do it in the use-specific standard, (cc). We cull out the exception of meeting the required building line in the M-DT urban general west, and then you -- and it's specifically only dealing

with that subsetted use of a gas station or gas station with convenience -- with a convenience store. And it says below that then, permitted in the M-DT subject to the following, and that would be not required to meet the required building line and then any other exceptions you would want to create if there are any. If you don't, I think what we can do is that gas station can be -- the gas station/convenience store can be listed not only in (cc), but then we also list it within M-DT very similar to how you've listed civic structures.

MR. TOOHEY: So in two -- in two places?

MR. ZENNER: In two places.

MR. TOOHEY: In two places.

MR. ZENNER: So you would add gas station/convenience store -- a gas station, freestanding gas station or a gas station with a convenience store like you listed civic structures and have an exception -- an exemption associated with that. And the exemption in M-DT would only be for the RBL.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: What he said.

MR. MACMANN: What he said. Okay. Yeah. That's -- I'm -- that's kind of where I am, too. I would like to make the exemption narrow -- fuel centers, fuel centers with convenience stores, and just the RBL rather than cherry-picking out other -- excuse me -- other form. I will make a motion to that. Mr. Zenner, if you could help me through this.

MR. ZENNER: Well, I can help you through that as best I can.

MR. STRODTMAN: Go ahead, Mr. MacMann or Mr. Zenner, do you want to --

MR. ZENNER: Yeah. I'll -- I'll frame the motion, if you don't mind. The first motion then in order to address the topic would be on page 160, it would be under use-specific standard (cc), light vehicle sales and repair. We would add an item (5) and we'll have to some formatting here. We may have an -- it may item (B)(1) when we're done, but it will read that "fuel centers and fuel centers with convenience stores shall be permitted in the M-DT urban general west and shall not be required to comply with the required building line standards".

MR. MACMANN: Period.

MR. ZENNER: That is the first amendment, so -- and I will propose a second amendment after you have a discussion.

MR. MACMANN: If -- if we can, Mr. Zenner, could we stop right there till we get a second and so on.

MR. ZENNER: Yeah.

MR. TOOHEY: I'll second that.

MR. STRODTMAN: Mr. Toohey, thank you for that second. Mr. MacMann, through Mr. Zenner, made the motion. Any questions, comments, Commissioners, on that motion? All right. Ms. Rushing?

MS. RUSHING: I still question whether we need a definition of a fuel center in our definition section. That's not necessary for voting on this particular amendment, but I think if we add the term "fuel centers", then we probably should define that.

MR. ZENNER: Would this be the definition, Ms. Rushing, of a light vehicle service and repair facility, and it's on page 34. It is the sale of vehicle fuel from a facility or lot having pumps and underground storage tanks and minor vehicle repair and maintenance activities, such as engine tune-ups, oil changes and lubrication, brake and muffler, tire rotation, glass replacement, and other limited repairs customarily done in service stations, but not including body work or painting or major engine and transmission repairs, which is actually listed as heavy.

MS. RUSHING: I would think the definition would be narrower than that.

MR. ZENNER: Okay.

MS. RUSHING: That it might just include the first portion, the sale of vehicle fuel from a facility or lot having pumps and underground storage tanks.

MR. ZENNER: And may include a convenience store —

MS. RUSHING: Right.

MR. ZENNER: -- that sells convenience items?

MS. RUSHING: Uh-huh.

MR. ZENNER: If you would like to -- well, there will be three motions out of this then, I believe. We'll have the one to amend (cc), we will have one to amend M-DT, and then we will have one to add a definition of a gas station -- of a gas station fueling center specific, and that definition of a gas station fueling center, which the only location that term will show up in the Code is in the M-DT. And as we had discussed earlier as we were going through the definition section, we are subsetting the M-DT definitions, so the definition that we will create will be only embedded underneath a heading that deals with MDT. It is not a general definition that would apply citywide. Just so you're aware, that's how I would prefer to approach this because it is only a term that will be used in the M-DT zoning district. It's not used anywhere else.

MR. MACMANN: Mr. Chairman?

MR. STRODTMAN: Yes, sir.

MR. MACMANN: Should we proceed with the amendment or should we do a definition? I guess this is a staff question also, or should we define -- change definitions and then proceed with the amendment?

MR. ZENNER: You could do it either way, in my opinion.

MR. MACMANN: If -- if that's the case —

MS. RUSHING: Let's proceed with the amendment?

MR. MACMANN: I call the question and proceed from here.

MR. STRODTMAN: Any additional discussion on the motion that's been made? Was there a second? Did —

MS. LOE: Mr. Toohey seconded.

MR. STRODTMAN: Mr. Toohey seconded. Sorry. I see no additional discussion. When you're ready, Ms. Burns.

MS. BURNS: Yes.

Roll Call Vote: (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: The motion carries seven to zero.

MR. STRODTMAN: Was that for just one of the -- one of the three?

MR. ZENNER: Yes. That was for --

MR. STRODTMAN: So that was for the first one, Mr. Zenner, was --

MR. ZENNER: Adding -- adding the use-specific condition to item (cc) on page 160. The second amendment will need to be to add into 29-4.2, which is the M-DT standards, a new paragraph or a new section -- or a paragraph is a better way of referring to it -- that will be item number -- it'll be a new item number (12), and item (12), which is currently referred to as solid waste management will become item (13). And item (12) will be headed as a fueling center -- or gas station/fueling center with a convenience store. And underneath that heading, the text will read "a gas station -- a gas station or fueling center with a convenience store shall be a permitted use within the urban general west. Building form standard is shown on the regulating plan for the M-DT zoning district and shall not be subject to the required building line setback as defined for other uses within said frontage type."

MR. STRODTMAN: And that's Mr. MacMann's motion?

MR. MACMANN: Mr. MacMann is pondering whether that is his emotion -- his motion or his emotion or not. Could you read that again for me? No. Because it started to get -- I don't want it to get -- it is my desire -- excuse me -- to not get things too long and convoluted. I think it was straightforward, but if I pause in the middle of it to rethink it, I would fear that other readers would pause in the middle to rethink it.

MR. ZENNER: All right. So you will have a new number (12) -- paragraph (12), and it'll be referred to --

MS. RUSHING: On what page?

MR. ZENNER: On page 191.

MS. RUSHING: Thank you.

MR. ZENNER: A new number (12) that will be gas stations/fueling centers with convenience store, and it shall read -- and this is going to be a little different probably -- "gas stations and fueling centers with convenience stores shall be permitted within the urban general frontage type. Shall be permitted in the urban general frontage type".

MR. MACMANN: Yeah. You said urban general west last time.

MR. ZENNER: Urban general -- I'm sorry. Urban general west. That's correct. "Urban general west frontage type as shown on the M-DT regulating plan". So that's going to cover your two gas stations that we currently have. "Such use shall not be" -- and this is different from what I just read or what I just gave you. "Such use shall not be subject to the required building line setback as set forth within said building frontage type".

MR. MACMANN: That is my motion, Mr. Chair.

MR. STRODTMAN: Thank you, Mr. MacMann. You did so well. Do we have a second?

MR. TOOHEY: I'll second.

MR. STRODTMAN: Mr. Toohey, thank you for that second. Commissioners, questions, comments on this motion? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Thank you, Ms. Burns.

MR. ZENNER: And the final piece to this amendment would be to define in Section 29-1-11 gas station/fueling center with convenience store as a business or as -- I would prefer to start it with a business, but I'll start it the same way that we have light vehicle service repair. "The sale of vehicle fuel from a facility or lot having pumps and underground storage tanks. Such facility may also include a convenience store which sells convenience-related items to the general public".

MR. STRODTMAN: Thank you, Mr. MacMann.

MS. RUSHING: Which page?

MR. ZENNER: It would be entered in under these -- E, F, G. We would be introducing that --

MR. STRODTMAN: Twenty-six is the first -- start at G, I think.

MS. RUSHING: Twenty-seven.

MR. ZENNER: It would be on probably page 27 above garage sale.

MS. RUSHING: Below. Garden wall. Yeah.

MR. ZENNER: Yes. I apologize. Got to run through my alphabet in my mind. So yes, g-a-r comes before gas, so yes. It would under garden wall.

MR. STRODTMAN: Thank you for that motion. Do we have a second?

MR. TOOHEY: I'll second.

MR. STRODTMAN: Thank you, Mr. Toohey. Any additional questions, comments on that motion, Commissioners? I see none. Ms. Burns, may we have a roll call.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Mr. Strodtman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Seven to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns? Commissioners, would anyone -- if we have a lot of additional items, anybody open for a break? If we -- yes. Everybody is open for a break?

MS. LOE: Move for a break.

MR. STRODTMAN: Move for a break. So ten minutes? So five minutes after 10:00, we will start again.

(Off the record.)

MR. STRODTMAN: If everybody could grab your seats, we'll get started again. Thank you. With that, we'll go ahead and go back. We'll go back to where we left off with M-DT 4.2. Additional discussion points, amendments, discussion? Ms. Loe?

MS. LOE: Following up on our conversation earlier about overhangs, balconies into the building area, we didn't touch on shopfronts and bay windows, which are included in that group of items that's allowed to be located outside buildable area. These are enclosed spaces. I'm not sure the building code even has provisions for going over a property line. So I would like to eliminate -- I'm not sure the intent is to really including built space going over the building property line. So I think at this time shopfronts and bay windows, page 186, item 29-4.2, item D(6)(v) and page 189, 29-4.2, item D(9)(iii). Delete the words "shopfronts" and "bay windows" from both of those sections. So currently they read no part of any building may project forward of the required building line except overhanging eaves, awnings, shopfronts, bay windows, stoops, steps, or balconies. Handicapped ramps approved by the director in order to comply with federal law may also extend beyond buildable area. I'm asking "shopfronts" and "bay windows" be removed.

MS. RUSHING: Second.

MR. STRODTMAN: A motion has been made and seconded by Ms. Rushing. Do we have any questions or comments on this motion, Commissioners? I see none. When you're ready, Ms. Burns.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

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

MR. MACMANN: I have an amendment to make.

MR. STRODTMAN: Yes, sir.

MR. MACMANN: This is in regards to moving the regulating line of the M-DT district. If you all can refer to the map that was handed out and we could go into the northeast projection as it travels up Park and look at the intersection of -- well, the Ameren site. Is everyone oriented to the Ameren site? If you look to the immediate east of the Ameren site, that road there is St. James. In previous version of the UDO regulating map and as stated in Columbia Imagined, that east side of St. James was not in the M-DT. It has been brought to my attention by property owners along St. Joseph that they are not comfortable with the M-DT being at that area. After consultation with staff, we feel that the best -- or it is felt that the best interim solution until the areas in that region can be addressed with IP meetings, that the section of the M-DT regular line that allows the M-DT district to extend beyond St. James be moved to the center of St. James rather than the property lines as they divide the lines in St. Joseph and St. James. To put that in a clear motion, I would move to -- move the M-DT regulating line to the center line of St. James as it travels from Park to Ash and retract that small tail that is remaining back to the intersection of

St. James and Ash.

MR. TOOHEY: What about on Park? Would that need to come back also then?

MR. MACMANN: The M-DT regulating line would terminate in the middle of St. James and in the middle of Park so that only the east -- excuse me -- only the west side of St. James and the south side of Park would be in the M-DT. This is -- what this is essentially doing is removing the eastern side of St. James from the M-DT district.

MR. STRODTMAN: Quick question to staff. The -- the building on the bottom, that's Columbia College's building? That used to be Columbia Photo; is that correct? That -- no that used to be. Wasn't Columbia Photo used to be up here and now that's Columbia College?

MR. MACMANN: Columbia Photo is to your -- is to west of this block on -- it's on Tenth.

MR. ZENNER: Are you referring -- Mr. Strodtman, are you referring to the building that's just north of the intersection of East Ash and St. James?

MR. STRODTMAN: Yes. North -- northeast.

MR. ZENNER: Northeast corner? This building here on the --

MS. BURNS: That's the Ameren site.

MR. STRODTMAN: Right here? I guess my question, staff, is there any residential in there? Is it all commercial?

MR. ZENNER: I would -- I would suggest that I believe there is commercial business in this particular area. The corner parcel that is on the north corner as you're going up Park is a commercial building. That is a commercial building. Dogmaster Distillery may be down in this particular area. I can't recall. I'm not familiar.

MS. BURNS: Yoga Soul is down there, Yoga Studio, Dogmaster, Pilates, a ceramic shop. It's all up and down from the north to the south on that street. I think then you hit residential at Hubbell and St. Joseph, but other than that, it's all commercial and has been developed as such recently, or redeveloped, I should say.

MR. STRODTMAN: Any additional discussion on the motion? We would be looking for a second if anybody would like to make a second?

MR. TOOHEY: I guess, did they give you a reason why they want -- why they want to have the map changed?

MR. MACMANN: They were uncomfortable -- two reasons. They were uncomfortable with M-DT being in their backyards. Those lots are rather narrow. And they're facing the elimination -- they fear -- a fear is they're facing the elimination of their residential neighborhood because it will be surrounded by downtown -- by M-DT. My thinking was this and I shared that with -- I shared this with them that we are in the future -- several months in the future facing a discussion -- public process to rezone the area that I referred to as triangle that is bounded by Tenth and Park and Rogers, and that will come up -- our tentative plan -- of course, this is tentative -- is after we accept the UDO, that area will be addressed. Mr. Ott and others have asked that to be addressed. And I would -- and I expressed this to them. I

thought it would be a good time to address this neighborhood specifically. It is correct, there are no -- I'm in that area quite often. The property on the corner that fronts Ash is residential. The rest of it is all either empty or commercial, but everything due east of there is residential, and everything due south of there is residential. There was also a concern expressed by the folks on Hubbell who were deliberately cut out of the M-DT to protect that residential area that this surrounds them and makes them an island of little bitty homes that will soon go away. So the efforts made to protect Hubbell may be defeated by surrounding them with M-DT because it's a very small area.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: I believe that this part of this Ash that we're talking -- on Ash and St. James is currently in the M-1.

MR. MACMANN: The -- we just discussed this with staff. The northern section -- if you look at this map, the area on the east side of St. James that is not shaded, that appears in white, that is M-1. The area south of that -- I'm trying to recall. I think it might even be -- let me look at -- I have a transition map that I'll look at right here. It might even be C-2.

MS. RUSHING: Do you need a second?

MR. STRODTMAN: There is -- we are looking for a second, yes.

MS. RUSHING: Second.

MR. STRODTMAN: A motion has been put on the table by Mr. MacMann and has been seconded by Ms. Rushing. Is there any questions or comments regarding this motion, Commissioners? I -- yes, Ms. Burns?

MS. BURNS: I don't plan on supporting this. I think -- I understand that there might need to be further discussion, but at this point in time, I guess I'm uncomfortable with supporting a motion to changes when we haven't had any public input on this.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: If I may, this area was not in the M-DT not that long ago. It was administratively moved by staff, and that's what was noted. To answer your question specifically, Ms. Burns, the northern segment of St. James to the east is M-1, the southern, if this map I have here is correct, is C-2.

MR. STRODTMAN: The southern is C-2 and --

MR. MACMANN: Correct.

MR. STRODTMAN: -- and northern is M-1?

MR. MACMANN: And what was noticed was that the line had moved to where it had not been. So to address your concern specifically, it was moved without input and they would rather that not have been done because they haven't had the opportunity to discuss and/or review the M-DT as it may affect them.

MR. STRODTMAN: Commissioners, any additional discussion, questions? If not, Ms. Burns, when you're ready?

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Mr. Toohey, Ms. Loe, Mr. MacMann, Mr. Stanton. Voting No: Mr. Strodtman, Ms. Burns. Motion carries 5-2.

MS. BURNS: Motion carries five to two.

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

MR. TOOHEY: I -- when Mr. Farnen was -- was talking to us, he had mentioned something about alleys, and I was wondering if he could come up and talk to us about that again if he's got -- if he's willing?

MR. STRODTMAN: Mr. Farnen, would you mind coming up to the podium, please? Give us your name and address. Thank you.

MR. FARNEN: My name is Mark Farnen; 103 East Brandon, Columbia, Missouri. And I have talked to a few different people regarding the alleys in downtown. And at the meeting two weeks ago, there were some -- there were several interconnected things about alleys that I did bring up. The one that I -- that's hard to explain, but I don't even know how to adjust the amendment because I don't know what is meant. And that is in the appendix on page -- in Appendix A on page 393, there is a picture that looks - - there is a diagram that looks like this, and it indicates that that is a DT alley and it shows a paved area in the middle. If you look at the cutaway part, and it shows two little buildings on this side, and it shows a little bitty blue car in the middle, and that blue car is sitting on the paved area and the numbers under it say that's ten to eighteen feet wide. Then on either side of it, it says pervious area. And in the top thing, it shows it as green, kind of like the stuff out here, and so it looks like grass. But I recall other testimony about plantings that could be used in alleys to shield garbage dumpsters and stuff, and everybody laughed at that person who indicated that and they said nothing grows in the alley. And so if that is indeed the case, is that true that new alleys in the downtown need to have grass strips that are three to seven feet wide on either side and, if so, many people have expressed to me that that should be amended, but I don't know how to amend that because it doesn't say that anywhere in there, it's just that picture. And if that really is the intent or if that was just copied and pasted from a residential area, because there are some residential areas that have alleys just like that where it comes to your backyard, you put a fence, and it has a little grass strip and you have a gravel alley, but I didn't know if that was intended. If it is, then your total width of that alley is 24 feet, but that then doesn't -- it's 24 feet. That's the best way to -- to show that, but it doesn't address the delivery part in other parts of this. In other parts of this, it doesn't address the delivery part and it talks about in some instances these being two-way alleys. And so I didn't know -- I didn't even know how to express this, and I've talked to a few of you about this, but I didn't know how to express it. And I think that's why you're asking me to come up was to try and restate the question a different way, I think.

MR. STRODTMAN: Mr. Zenner, would you, when you have a -- when you're at that point, help us?

MR. ZENNER: All right.

MR. FARNEN: Sorry, Pat.

MR. ZENNER: Oh, no. No. No. This is -- we were -- Mr. Moore has brought up the same concern as it relates to an explanation as to why we have a 25-foot setback from a lot line -- a rear lot line that doesn't have an alley. You know, it ties into Mr. Vernon's concern or question, and I think it's legitimate. It's very legitimate, and I can't give you answer as to why it exists the way it does other than the fact that our current 15-foot-wide alleys do not serve the intended purpose of what the M-DT envisions them as, as a service corridor. And that is actually where part of the conversation with Mr. Moore and I earlier this week revolved around. If you have a nonserviceable alley for utilities or access, the curb cut that would otherwise be eliminated is allowed to actually continue to exist. That may help with refuse collection and everything else. So there's already -- there's a provision that would allow the curb drops on a parcel to remain if the alley doesn't function the way it's intended to because of its width. The standard that we're referring to not only in the diagram that's in the appendix, but then if you look to page 196, and you look in the figure 4.2-8, and you're going to see this repeated in some of the site plan figures, the building site plan, you're going to notice that it refers to a 25-foot minimum setback from the rear lot line when no setback is required when you have an alley. The idea here is is that that property line theoretically would share this 24-foot-wide alley that's shown in the appendix. And again it becomes this -- so if, in fact, you have a 24-foot-wide alley by the appendix design, which is greater than what our current alley requirement is within the appendix for regular streets. A regular street in the -- if you're in the appendix, if you all have your Code, or if you want to, you can just follow along here. Page 382 talks about street widths. Now, this is general City development, and street width for an alley, the right-of-way is an 18-foot-wide right-of-way with a travel surface or a paved surface of 16 feet. So that's what would exist in a residential subdivision if you put an alley in for rear-alley access. And then, of course, you flip over into the M-DT standards, as Mr. Farnen is referring to, and that's on page 393, and you will notice that this M -- this DT alley cross-section is not at all similar to what we current have. Now it shows a ten-to eighteen-foot-wide pavement surface, which would be two feet greater, but then you go down into the diagram below, and it shows not necessarily building to building, but it shows the 24-foot-wide what we would refer to it as a right-of-way. That 24-foot-wide right-of-way would be centered on a common property line between two developing sites, 12 feet on one side and 12 feet on the other, because both would be required to have a 25-foot setback because they didn't have an alley behind them. So you -- you would end up with a 50-foot-wide swath of land not developed initially with a building or a structure which then, at some point when the alley were to be installed either through the developments or through some other City capital project, half of which that 50 feet would be occupied by an alley, but you would still have a rear yard of some nature in those particular instances.

MR. FARNEN: But that's in downtown?

MR. ZENNER: That would be in downtown. And as absurd as that sounds, and it probably is absurd, the idea should be not necessarily maybe 25 feet of a setback when you do not have an alley, it

should be 12 and a half, so you at least then have half of the required alley which should be probably rounded up to 25 feet, not 24. You would be able to then be able to get an alley in there that would function for the intended purpose if one had to be built. That's the simplest solution is I think we have -- we have a typographical error -- when I say typographical error -- I think it was just a -- some oversight, that really you need to split those alleys --

MR. TEDDY: Half and half.

MR. ZENNER: -- half and half between the adjacent properties that aren't there. So that would be better -- that would better lay out with what the DT alley profile shows you, and simply just changing the text then in the figures -- again, if we've got figure references that say that you have this 25-foot setback, the figure references could be revised to 12 and a half feet or 12, whatever the Commission should desire. If you want to keep it to 24, it would 12 feet on either side. And that preserves the ability then, like you can today when you have an alley, you build right up to your rear property line. However, future alleys, if they're built according to the DT alley detail, will actually be functional. And right now, we do not have many functional alleys that can serve for trash collection, access to a parking structure, or anything else off of the rear of the rear of the property because they are just too narrow to be able to get a trash truck down it or to be able to access a parking structure from the rear of a building. And therefore, that exception exists at the very beginning of the code that talks about curb drops and their relocation or their elimination. And this was something that Mr. Moore and I were talking about, as well. If you will note in -- on page 182, (iii), item (A), it clearly indicates for lots with an alley accessible to service vehicles -- accessible, and accessible is the operative word here -- to service vehicles, existing curb cuts shall be eliminated or vacated at the time of redevelopment unless the director, in consultation with the director of Public Works, who controls our roads, determines that they are necessary to protect public safety and welfare, public safety or avoid traffic addition, or because the alley will not serve the functional needs of the property. That's the other operative clause. And the -- the issue that was raised with Mr. Moore, and it dealt more with downtown trash collection. Obviously, we've added the provision now for a trash collection plan or a waste management plan, but if you can't get into that alley, that curb drop that may be out on one of the adjacent frontages that that building may front to, maybe the next best location for you to have your trash room coming off of so we can get our City vehicles to be able to pick up the trash at that location, or you could relocate the curb drop somewhere else as it relates to the building, but you wouldn't have to -- you wouldn't be mandated to eliminate it. And I would tell you that most of our alleys, because they are as narrow as they are, they -- the two operative words, accessible to service vehicles and being able to serve the function to that property, I don't believe in most instances either one of those could be met with many of our alleys. And, therefore, curb drops are related, they be allowed, that solves one problem, and then I think the other is simply basically revising the figures to just say instead of 25 foot of setback, it's 12 or 12 and a half, whatever you should choose. Would that address --

MR. FARNEN: Yeah.

MR. ZENNER: I think --

MR. FARNEN: It does primarily. Then -- all right. So if I think this through, then let's say that -- and this happened in Tipton, it happened in Mexico on the square. And you have one building that burns down in the middle of the square. And they have buildings on the sides still remain. So now those walls are mostly interior walls, they're not exterior walls. So now I rebuild my building in the middle or I rebuild something there. Now it's set back 12 and a half feet and nothing else is because everything else goes to the line. So now I have exposed 12 and a half feet or 25 feet, the way it was written, of what is intended to be an uninsulated interior wall. And it was never expected to be and that's on their property. Now I have to set back. There is no exemption for only doing a part of a block, and if you don't do everybody on the block, you don't have enough of a travel lane to do it anyway. You have to have everybody on either one side or even possibly everybody on both sides redevelop over the course of several years. And I understand this is future oriented, but it doesn't seem practical, particularly if you had to plant grass, and I'm still -- I still don't understand that one.

MR. TEDDY: Drainage.

MR. FARNEN: Yeah.

MR. TEDDY: It's probably drainage related.

MR. FARNEN: And I -- and I think it is, but I --

MR. TEDDY: Rain -- alleys drain very poorly.

MR. FARNEN: But -- but if you do that, then your deliveries and the kinds of things that would be mounted there, whether it was air conditioning or trash or whatever might even be used there, that is -- it - - that is -- that is -- that's a worse surface than Mr. Stanton talked about for having on your stoop. That would be a bad thing to have in an alley probably.

MR. TEDDY: Like my alley -- waiting to happen.

MR. ZENNER: And to expound on that, I think -- I mean, so you take the example of a building in the middle of the block burning down and it doesn't take the rest of the block down with it.

MR. FARNEN: Yeah.

MR. ZENNER: Those buildings that may have originally existed, because there was no alley there, may be built because this is C-2, there were no setbacks, they may be built to the maximum property lines. And at that point, you have no alley, so you do have this pocket within the middle. The Code is forward-looking, but the Code -- in that instance where you may not have any potential of redevelopment on either side of an internal unit or an internal building segment, that just because it's torn down or destroyed by act of nature or God, may or may not necessitate the need to allocate the alley -- the alley right-of-way. It almost sounds like in order to make the standard functional, based in the real world, it has to be allocated as a part of a -- either a half-block or a full-block redevelopment.

MR. FARNEN: Right.

MR. ZENNER: To where that alley now -- and I may not want to -- a half-block development would mean you would only take one-half. You may have a quarter-block development that takes an end unit, an end building and removes it, and you have the ability at that point then to get the alley begun on

either end of the block. I think it needed to be -- it may need to be, if you want to maintain as much opportunity, it needs to either include redevelopment of the corner parcels of a block, redevelopment of a half-block, or the full development -- redevelopment of a full block shall install or shall provide for the installation of an alley as defined on the regulating plan or a minimum of 12 feet of -- of future right-of-way, and it wouldn't be dedicated as such. I mean, it would be a setback, in essence. Well, it probably would be dedicated as such on the -- on the plat, because we would require it to be platted. So, I mean, that would allow you then -- it would -- it would exempt, I guess, the middle building in a block if it burnt down from having to provide it because there is no way of getting to it at that point, but it would not -- we wouldn't eliminate our ability if the ends developed or the half-block developed to be able to prepare for that in the future. The other standards that exist within the Code, as well, not that many of our blocks within downtown would qualify, talks about creating -- creating passageways similar to what we have with Brookside off of Walnut to other -- to be able to allow pedestrian penetration within longer blocks. We really don't have a block that exceeds 350 feet in length any dimension within downtown, so the provision of 300 -- anything over 350 feet, you have to basically provide that -- that mid-block breakage. There's nothing in downtown that's that big. You would have to redevelop and to vacate public streets in order to get a block length that long. So that -- that's another -- if you go up to the top of 182, that's where the 150 feet, a block face, you know, greater than 150 feet, you're required to do that. And greater than 150 feet is possible, based on the fact that I believe our blocks are 270 by about --

MR. TEDDY: Two forty by three hundred, if you're talking about standard downtown.

MR. ZENNER: And that's with the alley?

MR. TEDDY: That's inclusive of the 50-foot alley.

MR. ZENNER: That -- yeah. That's inclusive of the alley. So if you only take the half-block dimension, you'll never get there.

MR. FARNEN: But if you build that half-block -- okay -- so this is the next shoe. Then that only applies to east-west alleys, and there's no exclusion in here for the cutting a block in half for north-south, depending on how you orient the -- the building on the block. So we're not going to start cutting halfway on north-south. Right?

MR. ZENNER: Not unless you were over the three -- not unless you were greater than --

MR. FARNEN: Fifty-one percent of a half-block or the majority of a half-block?

MR. ZENNER: How does that read, because that's -- that's two -- that's (2)(B) or (2)(C)

MR. FARNEN: On page 181?

MR. ZENNER: Yeah. On page -- well, page 182.

MR. FARNEN: Okay.

MR. ZENNER: It's (C) at the very top of page 182. Any individual lot or development site with more than 150 feet of street frontage shall meet the requirement of breaking the block, so two starts -- two starts with block size is key -- is a key component for walkability. For existing block faces greater than 350 feet in length at the time of redevelopment, then you have A, B, and C. The block face must be

interrupted with an alley, common drive, or pedestrian pathway providing through access to another public street, alley, common drive, or designated conservation lane, I believe is what that should be, not line. Individual development sites -- individual lots or development sites with up to 150 feet of frontage are exempt. And then if you have an individual lot or a development site with more than 150 feet, you have to provide it internal to the site unless it's already satisfied within the block. So you could have had a pedestrian passageway somewhere else on that block, and you wouldn't have to do it on a parcel greater than 150. At that point, Mark, what you'd end up doing, if you had a block -- if you had a lot with greater than 150 feet of frontage --

MR. FARNEN: Right.

MR. ZENNER: -- like -- and I'll use the Ogle's project again on Walnut, what you would end up doing is you would have ended up providing some type of connection. It could have been a driveway connection to something to the rear of the building possibly for rear parking. If you had an existing curb drop, or it could be some type of if you have an entrance to your parking structure that would provide access to the back.

MR. FARNEN: And that would come off of an east-west street, so it would be your --

MR. ZENNER: Your north-south would come off of an east-west street and maybe go back to the mid-block if there were already an alley there, and that's -- that's what this provides. It says --

MR. FARNEN: But you're -- but you're not saying that you have to create north-south alleys?

MR. ZENNER: No, not at all.

MR. FARNEN: But it doesn't say you don't?

MR. ZENNER: The regulating plan shows where the alleys would be installed --

MR. FARNEN: Right.

MR. ZENNER: -- so the regulating plan is going to govern.

MR. FARNEN: Okay.

MR. ZENNER: Now you could reorient if you came in and you wanted to. If you wanted to eliminate an east-west alley, through a regulating plan amendment, you could install a north-south alley on that block, but you would have to amend the regulating plan to do that. So what that would do, if you were developing the south half of a block and instead of putting in an east-west alley on your half-block, you wanted to come in and you wanted to split the block in half, again smaller version of the Ogle's project on Walnut, that would then have to affect -- it would have to affect the block to the north and the regulating plan, the half-block to the north would have to have the regulating plan amended, so if the north half of that same block were to redevelop, the alley would be in the north-south orientation, not the east-west.

MR. FARNEN: Okay.

MR. ZENNER: It would go through -- it would go through a full public process and who knows where that would end up based on the property owner to the north.

MR. FARNEN: But there -- and then there are two other things, though, that invoke that. So in

other words, not just 150 feet face, but on page 181, (2)(i)(A) -- alphabet -- for large-scale projects that involve the site that is the majority of a block or more, and this is one of the things I talked about two weeks ago, applicants shall apply for an amendment to the regulating plan which may require the addition of new streets or alleys to create a smaller block pattern. That's not one that says 150 feet of frontage. That is the majority of a block or more. But then in part 29-4.2, page 182, (B)(3), then it indicates that you have the right to build 34,000 square feet which, in some cases, is more than a half a block and those two things conflict because, by right, you should be able to build 34,000 square feet, but when you measure it as a half-block, you're too small, and then you have to -- shall apply for an amendment to the regulating plan, which means that you will have to then have a setback if you don't have an alley there 25 feet or 12 and a half now if that's amended with no alley. And so I didn't think all the -- and I couldn't explain this to anyone easily. I think that's why you asked me to say it again.

MR. TOOHEY: Well, I think I might be more confused than before you got up there, and it sounds like you two need to go to lunch.

MR. FARNEN: Yeah. Yeah. That's a good idea, probably.

MS. BURNS: Second.

MR. MACMANN: Second. Can we take up a collection to --

MR. FARNEN: But I didn't want to not -- I didn't want this to not be talked about on the night where downtown stuff because this one is -- there are a lot of things that are talked about and that are important for different reasons on different levels. This one is a big one to me in terms of how it really makes downtown work.

MR. TOOHEY: Is it safe to say from staff's point of view that these are some legitimate issues that we need to address?

MR. TEDDY: The subdivision Code, I think it uses 20 feet as a standard alley; does that sound right -- for just a -- away from downtown?

MR. ZENNER: Well, the street standard is -- the street standard is 18. That's what's -- 18 is in the Code. I -- and there's a couple of disconnects in different locations, so --

MR. TEDDY: Yeah.

MR. ZENNER: If we want to go with what the regular street standards are outside of M-DT, which would be 18-foot-wide alleys right-of-way and 16-foot travel surface, which is what is in the table that is within the appendix for regular streets, that's one option. Or you go with the M-DT alley detail, which is 24 feet total with a 10- to 18-foot-wide travel surface. I think the idea of having the additional space outside of the travel surface was to allow for any type of other utility or other air-conditioning things and things of that nature to be outside of that travel way. If you were to basically make an 18-foot-wide -- a 16-foot-wide travel way, we may still be in the same problem we're in now. You don't have vehicles small enough to travel down that alley to have it service for trash collection. So the larger standard, I think, is what they were looking at because of the nature of downtown.

MR. TEDDY: Yeah. Yeah. The vegetation is a little perplexing, but --

MR. TOOHEY: And I'd say we take that –

MR. TEDDY: -- I'd recommend we focus on just what's a reasonable width --

MR. TOOHEY: The width.

MR. TEDDY: -- if we were to do new development and try to get it right as opposed to a substandard 15.

MR. FARNEN: And I -- and I was -- I was asking for guidance and explanation, plus you would need room for those bay windows that hang out over there in that alley.

MR. ZENNER: When we're creating more Alley As, so --

MR. TEDDY: Good one.

MS. LOE: That's the --

MR. FARNEN: All right. I just -- I hope that -- that helps focus on that, and I don't necessarily have the answer, but thank you for your time and your hard work tonight.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I -- I just -- to get back to Mr. Toohey's point for just a second, to take this in pieces, parts. If we drop the grass requirement, widen alleys to 24, and split them 12 and a half and 12 and a half, does that address that issue? I mean, for that segment of it? Make these downtown alleys new ones? New ones?

MR. ZENNER: Yeah. New downtown alleys, I think, need to be -- yeah. It's a 12 and a half foot setback, whether you do not have a 12 -- if you want 24, which is what the M-DT alley detail shows, it's a 12-foot setback. I'm sorry. I shouldn't have said 24.

MR. MACMANN: And this is on redevelopment?

MR. ZENNER: This would be for redevelopment. It would be a -- instead of the 25-foot setback as shown in Figure 4.28 -- 4.2-8 on page 196.

MR. MACMANN: Six.

MR. ZENNER: That 25 feet goes to 12, and then that would be equivalent on the opposite side when you don't have another alley when it redevelops. You would end up with 24 and the M-DT detail for alley would work. So 25 would go to 12 in that figure. The question, however -- that addresses one issue and then you change to grass. Basically, it's -- it's either a permeable pavement outside the travel way, which would basically be the type of thing that we have and that's for storm-water conveyance, but not vegetation. I would say no vegetation. There would be permeable pavement or impervious surface. That addresses the one issue. The other, however, that I think Mr. Farnen brings up is very legitimate and that is if you've got a building that burns down in the middle of a block, and because it's being redeveloped, you're required to have that setback, that, I think, is a problem and that needs to be addressed in a -- in a different manner.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I have a potential solution and thought to follow up on what you said earlier. Apparently, we have forward-looking zoning regulations, specifically, I'm referring to sidewalks. And

we're -- our hope is to have sidewalks everywhere eventually, but we have some areas like many of the areas near where Ms. Rushing and I live, they're just simply too narrow, and we're going to address one of these next time. So we give sidewalk variances. An amendment that would address a redevelopment due to whatever that you would have to do your 12 and a half feet or your 24 feet, when it's the corner or a half-block or more. Are we heading in the right direction here? And that -- that -- we don't need to go a full block -- a half-block or more, that addresses that. Now that individual middle property, I mean, if we have a situation where we have a middle-block building that is destroyed through some natural disaster and doesn't affect the corner buildings, that's an oddball anyway. I mean, it certainly is a possibility, but I don't -- I think it's a low possibility. I mean, do you all see where I'm going. Any questions?

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: Well, my concern would be once you allow that middle building not to have that right-of-way, then you've lost the ability to have that alley in the future.

MR. MACMANN: Unless the block sells or something.

MS. RUSHING: Unless what?

MR. MACMANN: I hadn't thought of that. Thank you. Unless the entire block sells, including that, later on.

MS. RUSHING: Right. Because the building is going to be built and then you can't take the portion of the building off to create the alley in the future. If all of the buildings would deteriorate at the same rate, then we --

MR. MACMANN: Is that a zoning issue, Chairman?

MR. TOOHEY: Well, can we go ahead and address the first issue, then we can open -- and get -- let's get that out of the way, and then maybe deal with the second issue. Does that make sense?

MR. STRODTMAN: Yes, Mr. Toohey. Go ahead and make a motion. If you need --

MR. TOOHEY: I'm going to need staff's help on this. Would staff mind framing a motion with regards to the alleyway on the diagram on page 381 that we discussed earlier?

MR. ZENNER: So you are referring -- Mr. Toohey, you're referring to the DT alley exhibit on 393?

MR. TOOHEY: Yes. Correct. Yeah. Sorry about that.

MR. ZENNER: All right.

MS. LOE: Do we want to tackle section -- the other sections while Mr. Zenner is --

MR. ZENNER: And -- no. I'm just -- I'm looking at what I want to eliminate because the 24-foot in the table -- here, let me explain where I'm going with this, if you all could follow me. If we look at the table below, forget about the diagram because the diagram will be amended when you amend the table. The right-of-way or easement width is 24 feet, so that's what we're starting -- there is the starting point. It's 24-foot-wide travel -- 24-foot-wide right-of-way or easement. The pervious side area, it's there described only because of what it's intended to be used for. That doesn't necessarily mean it's going to be planted with plants. Pervious surface is for percolation purposes in an asphalt or a permeable material. I would

say if you want to clarify that it's not meant for plants, that could become asterisk next to what is -- what is meant by a pervious area between three and seven feet, and that could basically be indicated, you know, not to be improved with plant material -- hard surface and that would allow you to do that. The question I would -- the question, however, is I think if you take a 24-foot-wide right-of-way, you put an 18-foot-wide travel way within it, so 24 minus 18 leaves you, what -- somebody do math for me.

MR. STRODTMAN: Six.

MR. ZENNER: Six feet. So that's three feet of pervious surface on either side. And I think what you need to do is we need to simplify this. This is not a sliding scale. This is somewhat prescriptive as to how that alley will be improved. It's 24 feet wide, has an 18-foot-wide travel way within it, and it's got a three-foot pervious strip on either side. And at that point, you asterisk pervious area and it is -- the asterisk would reference that it is not to be improved with plant material. It's a pervious surface. It's a pervious or porous surface to allow for filtration -- water filtration. That would be my suggestion. And I think you just clarify pervious surface in the table -- pervious surface side area. There isn't a seven there. It is three feet wide, and then the travel way is 18 feet, period. And that accommodates the ability to move service vehicles through that alley appropriately.

MR. FARNEN: And -- Mark Farnen, 103 East Brandon. That's where it says traffic function though that I reference two-way. It says that's a two-way alley.

MR. ZENNER: At that point then, you'd need at least 20 -- you'd need 22 feet at a minimum to have a two-way. Twenty-four would be your standard -- 24 feet would be the standard for a parking lot drive aisle for two-way traffic. This goes to the point then if you make it 25 feet, 12 and a half on either side of the property line, that will get you paved surface of 24 -- the travel way is 24. There is no pervious strip at that point because the curb is going to occupy the remaining half a foot.

MR. FARNEN: Right.

MR. ZENNER: If you curb your -- if you curb your alley.

MR. FARNEN: Oh. But you really wouldn't make that two-way traffic in an alley, would you?

MR. STANTON: Yeah. But it says a yield situation, which means one of you has to stop and let one go through and then you share like a one-way bridge.

MR. ZENNER: Correct.

MR. STANTON: Is that -- is that how I look at that?

MR. ZENNER: That would be correct. So it would be a yield situation. However, if you're both in the alley at the same time --

MR. STRODTMAN: You have to go back.

MR. STANTON: You play chicken.

MR. ZENNER: Or somebody is backing up. Again, though, if you went to a -- instead of having the pervious strip, you went to a minimum of a 20- or 22-foot travel surface, and the remaining two feet or the remaining foot on either side is basically occupied by your curb. Now, I -- the issue here is, typically, you're going to have six-inch rolled curb and then you may have a 12-inch pan. There's multiple ways of

being able to do that. I believe Mr. Stanton, you probably know. We can do different types of curbs. Would it be a barrier curb, would it be a rolled curb? Probably be barrier, but we don't curb our alleys right now, so, I mean, I think the idea of that pervious strip that's on either side of the travel way is to allow for the yielding.

MR. STANTON: Yeah.

MR. ZENNER: So if you keep your pavement width limited to 18 feet and you have three feet on either side that's permeable, like our parking area back here behind our building, you can park on it, you can travel on it, it's designed then to allow that filtration purpose to get storm water out of the alley and into another system. I'd probably say, as I was going with this, it's a 24-foot-wide right-of-way or easement, 18 foot of pavement minimum. There's no ten to eighteen, it's eighteen feet, and then there is a three-foot pervious strip on either side of the eighteen foot pavement or eighteen -- yeah -- eighteen-foot pavement. And the pervious area shall not be used for plant material.

MR. STRODTMAN: And at 24 feet, it would be 12 from each side?

MR. ZENNER: Twelve -- yes. Twelve from either side of the property lines as redeveloped.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Are there any standards for that pervious material? I mean, is dirt acceptable?

MR. ZENNER: No. It's in the -- pervious pavement is defined within the actual storm-water manual.

MS. LOE: Okay.

MR. STRODTMAN: Any additional questions for Mr. Zenner? Mr. Toohey?

MR. TOOHEY: This is -- will we need to make the motion to just adjust those numbers in the table then?

MR. ZENNER: That would be what I would suggest and we can adjust the graphic accordingly.

MR. TOOHEY: So per row, we would go ahead and just make that 12 feet?

MR. ZENNER: No. It would stay 24. That stays 24; that's correct.

MR. TOOHEY: Okay.

MR. ZENNER: So on the next line below that, which is pervious side area, that goes to three feet per side. Below that, you will then go to underneath traffic function is the pavement width. That will be 18 feet. Those are the three changes, and then you would add an asterisk next to pervious side area and the asterisk would read pervious surface not to be improved with plant material.

MR. TOOHEY: And where will we add the 12 feet?

MR. ZENNER: The 12 feet will be added to the table or the diagram that is within the M-DT section.

MR. TOOHEY: Okay.

MS. LOE: On page 187.

MR. ZENNER: Correct. And unless it shows up somewhere else, which I don't believe it does, I don't believe we have a second amendment that we need to make.

MR. TOOHEY: So do we have a motion formed from that then?

MS. BURNS: Yes.

MR. STANTON: Yeah. You just had him read it.

MS. BURNS: I have --

MR. STRODTMAN: That was the motion. Correct?

MR. TOOHEY: Correct. Yes.

MR. STRODTMAN: And is there a second?

MS. LOE: Second.

MR. STRODTMAN: Ms. Loe made a second. Mr. Toohey made a motion which is on the table, Ms. Loe seconded. Is there any discussion on this motion? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Thank you, Ms. Burns.

MR. ZENNER: On the companion motion that will need to go along with that is to figures 4.2-8 and 4.2-12 to amend the rear setback requirement where a parcel does not abut an alley from 25 feet to 12 feet in both those figures.

MR. STANTON: Second.

MS. LOE: And at page 187.

MR. STRODTMAN: Page 187.

MS. LOE: Item 29-4.2(M) [sic] (vii). There is no required setback from alleys or common drives except as stated in the building form standards on lots without alley access a minimum of 12-foot setback from the rear lot line shall apply.

MR. ZENNER: Thank you, Ms. Loe. That was the one I couldn't find and I knew it was there somewhere.

MR. STRODTMAN: So is that one motion with two items?

MR. ZENNER: So that would be one motion, sir.

MR. STRODTMAN: And who -- Mr. Toohey made that motion?

MR. TOOHEY: I'll make that motion.

MR. STRODTMAN: And, Mr. Stanton, you're still second?

MR. STANTON: I'll still second.

MR. STRODTMAN: Mr. Stanton seconds that motion. Is there any discussion, Commissioners, on that motion? I see none. When you're ready, Ms. Burns.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Additional items? Ms. Loe?

MS. LOE: A bit of housekeeping. I've just noticed going through this that one of our earlier motions about not allowing shopfronts or bay windows to project, we missed one item on page 199, item 29-4.2(B), building projections. Shopfronts may extend up to 24 inches beyond the facade or required building line into the doorway, but may not project into the clear walkway. I amend -- move that we amend this to say shopfronts may extend up to 24 inches beyond the facade. Since we're not allowing it to not go beyond the required building line, I don't think it's going to -- the question of going into the doorway or the clear walkway should no longer be an issue.

MR. ZENNER: Correct.

MS. LOE: Is that correct?

MR. ZENNER: That would be correct due to the fact that the door yard and the clear walkway would be beyond the required building line.

MS. LOE: Okay.

MR. ZENNER: So it would be period after may extend 24 inches --

MS. LOE: Beyond the facade.

MR. ZENNER: -- beyond the facade, period.

MS. LOE: Which would be consistent with our porches and balconies and a lot of other things.

MR. STRODTMAN: A motion has been made.

MR. MACMANN: Second.

MR. STRODTMAN: Thank you, Mr. MacMann, for that second. Ms. Loe, thank you for the motion. Is there any additional questions or dialogue needed on this motion, Commissioners? I see none. Ms. Burns.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Ms. Loe?

MS. LOE: We've gotten several comments about whether or not historic properties or properties that are on the National Register are required to meet M-DT requirements. We do have an exemption for civic buildings. I thought we might just want to discuss the comments that have been brought forward about exemptions -- providing exemption for historic buildings.

MR. STANTON: Are you making a motion or are we just talking?

MS. LOE: All right. I'll make a motion that we -- let's see. How do we have it for civic? Let's do something similar to civic. So civic buildings are designated on the regulating plan, so when buildings are on the Historic Register or eligible for -- as a historic property, they are exempt from the building form standards.

MR. STANTON: Second. I like that.

MR. STRODTMAN: A motion has been made to exempt historical buildings and properties from the M-DT requirements, and has been seconded by Mr. Stanton. Is there any additional questions or comments?

MR. TEDDY: May I ask a question?

MR. STRODTMAN: Yes, Mr. Teddy?

MR. TEDDY: Yeah. I -- just clarification. This would be so long as the work that would be being done to the historic buildings is to preserve them. It's in the interest of preservation -- right -- when -- in other words, if modifications are being made to a historic facade, it's with the view to preserving the historic integrity of the structure?

MS. LOE: Correct.

MR. STANTON: Right.

MS. LOE: Well, and we can -- this is what -- part of what we can discuss, because if it's on the National Register, changes are going to be restricted by the fact that it's a registered --

MR. TEDDY: Well, not necessarily. There -- National Register status isn't -- design regulation, so -- now, there's a tax credit involved, there would be --

MS. LOE: It --

MR. TEDDY: -- some constraints on it, but --

MR. ZENNER: It potentially goes beyond our ability to regulate. The designation of a building that's outside of an HP overlay that is subject to additional City design requirements or permitting processes is something that we can control. A National Historic District designated building at the federal level does not -- doesn't force the City to provide or require through its building permitting side any additional documentation. That's an entirely private property owner driven issue.

MS. LOE: Right. But in order for that property to remain eligible and not listed as a property that has to meet certain requirements -- the Secretary of Interior standards for --

MR. ZENNER: What if the property owner decides that he doesn't care if he's recognized and decides he wants to just avoid having to meet the requirements? I mean, our -- because it does not -- it does not have any designation within our system as a National Register property, we're not tracking what may be in the broader federal register designation of historic parcels. That does not come into our plan review process. That's the problem.

MS. LOE: Well, then they would lose their National Register listing if they forfeited.

MR. ZENNER: They would, but what would we be sacrificing in light of them losing that National Register designation after they've not complied with anything in the M-DT?

MR. STANTON: Well, if they're not -- if they're not -- excuse me. If they're not designated historic, then they fall out of their protection. Right?

MS. LOE: I think the point Mr. Zenner is trying to make is they would have already made those changes using their protected status.

MR. STANTON: Oh.

MS. LOE: And we -- the City would not have had any purview over those and they wouldn't care one way or another if they lost their --

MR. STANTON: Historic status.

MS. LOE: -- historic designation.

MR. STRODTMAN: So, Mr. Zenner, would the -- what were the four trade -- landmarks?

MR. ZENNER: The landmark properties are subject to our permitting standards. I will --

MR. TEDDY: And they get reviewed by the Preservation Commission.

MR. ZENNER: And they get reviewed, yeah. The Historic Preservation Commission -- we don't want to go down this path, but I'm going to anyways, and it's because I think that it opens up Pandora's box if this is the inclination of the Commission as a whole. Designation of a most notable property, which some would say maybe requires additional care be given to those structures, and many most notable properties are probably on the federal register. However, the most notable designation is just that. It is an honorary designation of property owners that have taken the time to maintain their buildings and the integrity of them to maintain their Historic Register status. That does not mean, though, that that same property owner may not sell that property that has once been designated as a most notable and decide to do something different with it in the future. So I would -- I only raise that point because that is a way of at least tracking if you wanted to give those properties, because they -- already they've been designated through a voluntary process which we have a record of any special rights, that would be one way of doing it, but I -- I would strongly advise against that. I think that that could potentially impact future designations or future applications for most notable property, but it would be an easier way than saying historic buildings that are part of a federal register should be given some exemption. We have a better way of tracking it.

MR. STRODTMAN: Ms. Loe?

MS. LOE: I believe Mr. MacMann has --

MR. STRODTMAN: Oh. Mr. MacMann?

MR. MACMANN: Excuse me. For the sake of procedure, clarity, and inclusion, I'm inclined to agree with Mr. Zenner and we still, unfortunately, don't have anything from HBC.

MS. LOE: Well, okay. I'm going to jump in then, because this may -- this may be a bit of a moot issue actually. Are existing buildings, they're existing, they're grandfathered in. There is no requirement for them to meet the M-DT standards unless modifications are made of a certain extent. Correct?

MR. TEDDY: If there was a tear-off of a front facade.

MS. LOE: Correct.

MR. TEDDY: That would be an opportunity to do something different with the front, so what would we be using to review? We'd probably use those -- would use those standards for the --

MS. LOE: True. But if a building were tearing off its front facade, you wouldn't think a historic building would necessarily be going down that path, is where -- where I'm coming from.

MR. TEDDY: Oh. And, yeah. We're not -- definitely not here to promote that, but, you know, as a what if, though, that would be an occasion when -- because it's new work --

MS. LOE: Uh-huh.

MR. TEDDY: -- that is on the exterior. But if there's not any new work on the exterior and there's only partial work --

MS. LOE: Uh-huh.

MR. TEDDY: -- yeah. We -- they'd be allowed to do what -- what they can with the new -- or the old building?

MS. LOE: I brought this up because it's been brought up, but I'm wondering how much of a threat it really is to existing buildings who are attempting to maintain their integrity and not make modifications.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: No. I think existing buildings are protected unless they make modifications -- is it seven -- the fourth, so --

MS. LOE: So unless there's additional conversation, I'm going to withdraw the motion.

MR. STRODTMAN: The motion has been withdrawn. Additional motions, Commissioners -- or questions for staff if needed? Ms. Loe?

MS. LOE: I have one minor technical one, just to get off the table. Maybe we can end with this. Privacy fence height.

MR. STANTON: Page what?

MS. LOE: On page 190, item (xii), towards the bottom of the page, it says a privacy fence may be constructed along alleys and along common lot lines, but shall not be constructed forward of the required building line. Privacy fences shall have a maximum height of seven feet. On page 1 -- 209 -- excuse me. Townhouse and small apartment element standards. The figure shows privacy fence permitted height, five feet to eight feet. Seven feet or eight feet?

MR. ZENNER: Say we go to eight, it's a standard -- it's a standard building material height.

MS. LOE: Consistent with the other areas and make it -- leave it at five, or make them all four to eight?

MR. ZENNER: Oh. Oh.

MS. LOE: I mean, it was the seven to eight that jumped out at me --

MR. ZENNER: Well, seven or eight, so yeah.

MS. LOE: -- but all of our other fences have been set at four and eight.

MR. ZENNER: I would say -- I would go ahead -- I would go ahead and then on page 209, change in the figure, which would be 4.2-17, change the privacy fence permitted height four to eight on 209, and then change the seven feet in (xii) on 190 to eight feet -- maximum height of eight.

MS. LOE: That's my motion.

MR. TOOHEY: I'll second that.

MR. STRODTMAN: Thank you for the motion, Ms. Loe. And, Mr. Toohey, thank you for that

second. Is there any questions or comments on this motion, Commissioners?

MR. TOOHEY: I think it's a great catch.

MR. STRODTMAN: Besides that comment? I see no comments or questions, so, Ms. Burns, when you're ready to.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Motion carries 7-0.

MS. BURNS: Motion carries seven to zero.

MR. STRODTMAN: Thank you. Thank you, Ms. Burns. Commissioners, any additional items?

MS. LOE: Can I just ask staff a question?

MR. STRODTMAN: Sure. Ms. Loe?

MS. LOE: Why -- why are trees in the M-DT area regulated to 30 feet on center, whereas other street trees are at 40 feet on center? Is there an intention to have denser trees in the M-DT area -- deliberate intention? And I'll come up with the references.

MR. ZENNER: Okay. I don't know if anything is deliberate in this Code. There may have been an intention. I'd have to look what the current sidewalk detail is. It may have some relevance to that sidewalk detail as to how often we space trees within the urban environment.

MS. LOE: Okay.

MR. ZENNER: Typically, as you probably are well -- as are others, the longevity of a street tree within an urban environment is a whole lot less than it is within a suburban environment or a rural environment where we're lining them as part of the street trees. So plant them closer together, they may provide a little bit relief --

MR. TEDDY: Yeah.

MR. ZENNER: -- in the short term.

MR. TEDDY: Outside the downtown, there's more green. The street yards, the front-yard trees, and that kind of thing. I think that's the rationale.

MS. LOE: Thank you.

MR. ZENNER: Mr. Chairman, if I may. On behalf of again comments made by Mr. Moore that were submitted to you and one that would appropriately be fitting into this section. If you again take the maps that Mr. Toohey provided you that show the M-DT plan as it exists. Mr. Moore made a comment as it related to the regulating plan that he would like to potentially consider two map changes or have the Commission consider them. First, he was looking for an extension of urban general east of Hitt along Locust either to the mid-block or to Waugh. He specifically wanted to point out that and disclose, he is a member of First Presbyterian Church, which is there at the corner of Hitt and Locust. However, speaking on his own behalf as an observation to the M-DT plan, basically, First Pres owns that corner of Hitt and Locust. It's currently a vacant parcel parking lot. And the current designation that exists on this is a combination on the Hitt frontage of urban general and then on the Locust frontage of townhouse, small

apartment. Townhouse, small apartment would drag 80 feet up Locust, however, would not cover the entire First Presbyterian parcel, thereby requiring as a similar situation that was brought up a couple of meetings ago, the development parcel that is owned would need to be split and have a step down in the parking structure. Hence, the reason he is suggesting potentially considering an extension to the mid-block which would accommodate all of the First Presbyterian Church's parcel. The other rationale behind this that he has offered is that the existing development pattern along this portion of Locust has been recently reestablished with the construction of the development of the Brookside products to the south, which are already four-story buildings, but they are massive building form. And then the development to the north side of Locust Street has been previously approved for multi-family development and once redeveloped will reestablish that frontage probably well into the future. Given the fact that you have a building form that's already established here and it would address a similar issue that we were trying to address to the north, I don't know necessarily if it is an inappropriate activity. If the downtown were to expand over time in this particular portion of downtown were to develop or redevelop, it is possible that redevelopment or reuse of Locust, at least to the mid-block, may be more retail or office use in general, not apartment, small townhouse. The other suggestion -- he had two -- is to then rezone as well the townhouse, small apartment designations that are on College to the east of the Quad for Columbia College, as well as the rest of the street that is to the east of Hitt -- Waugh, that is between Broadway and then the extension of Locust. Given the fact that as you head into downtown right now as designated on the map, the civic structures designation has already been applied to all of Columbia College -- or Stephens College's buildings. They are exempt. However, should they decide to ever at some point in the future sell those structures or sell that property, the redesign or the redevelopment of that property would be limited to apartments, to small townhouses -- to townhouse or small apartments. This is the eastern gateway to downtown, as Mr. Moore pointed out, and is it not potentially more appropriate to encourage the redevelopment of that particular area, should it happen, not that there is any scuttle in the air about Stephens selling this property, but should it not be potentially rezoned to allow for urban general redevelopment, which would include residential. It would include office in the commercial as a gateway to downtown. So again his suggestions are to rezone and if you choose to only rezone half of -- half of Locust as its heading eastward from Hitt, I would say then leaving all of Locust from that mid-block point back out to College would be appropriate, but the rezoning of Waugh and possibly the rezoning of the College frontage does make more sense at that point. If you choose to code or rezone Locust all the way to Waugh, I would potentially say you end it there. The school is immediately to the south and that may be more appropriately to be left as townhouse, small apartment based on what is to the south of it. So those are the suggestions that Mr. Moore had asked that be brought forward to the Commission. And again, some of it does seem to make common sense with the long-term redevelopment potential. If we're trying to set up the opportunities, in my mind now, the existing development pattern that's there is exempt. They're going to be able to do whatever they way for as long as they want. But if we're trying to create something that's more certain for a future buyer or creates the opportunity for redevelopment in this

simpler fashion, this may be an appropriate opportunity to do it.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: Well, I belong to First Presbyterian, too, and my comments are not based on that. My reaction, when I saw originally that these were coded townhouse and then the reason for townhouse coding is to act as a transition to single-family residential, it didn't really seem to make sense to me. So I'm going to make a motion to recode as urban general -- I believe that's correct -- Locust Street from Hitt to College -- up College, and the -- the length of Waugh from Locust to Broadway.

MR. STRODTMAN: Mr. Toohey, is it --

MR. TOOHEY: I'll second that.

MR. STRODTMAN: We have a motion that has been made by Ms. Rushing and seconded by Mr. Toohey. Do we have any questions or comments on that motion? Mr. MacMann?

MR. MACMANN: I can see Mr. Moore's point in regards to the half-block on Locust. That does make some sense. If we do remove all -- essentially all of blue in the southeast quadrant, we've removed all protection from that element. I do understand that the single-family dwellings and duplexes that occur to the south of there are mostly residential, but they are currently homes and they have no protections once we remove these. The whole concept of the M-DT transition is -- is out the window here. I would submit that if Stephens College or any future developer wants to buy something from Stephens College and redevelop property, that they address those issues at that time. While Mr. Moore looking forward is certainly thoughtful for everyone involved, he is currently not an involved party. I think going beyond the half-block of Locust is an overreach of -- in that we have not spoken with Stephens, we have not spoken to the property owners to the south and east of there and gotten their input, and that concerns me greatly that we have not done that. It's a very large -- it's a very large redo. So for that reason, I will not support this amendment.

MR. STRODTMAN: Additional comments or questions on this motion? Yes, Mr. Stanton?

MR. STANTON: Would you be willing to -- would you amend it to just go to the intersection of Waugh and Locust?

MS. RUSHING: So across Locust and up Waugh?

MR. STANTON: Well, stop there, so we're -- it is basically at the end of Locust Street at that intersection.

MS. RUSHING: But not do anything with Waugh?

MR. STANTON: No.

MS. RUSHING: No, I would not. I would do Locust and Waugh, which would still protect the single-family between Waugh and College on Locust and on College.

MR. STANTON: So go up Waugh Street?

MS. RUSHING: Uh-huh.

MR. STANTON: Okay.

MR. STRODTMAN: So, Ms. Rushing, are you changing your motion or is your motion still the

same?

MS. RUSHING: I would change my motion to Locust and up Waugh, urban general.

MR. STRODTMAN: And, Mr. Toohey?

MR. TOOHEY: I'll still second that.

MR. STRODTMAN: So the motion has been made to include Locust to -- up to Waugh, and then include Waugh all the way up to Broadway. Correct?

MS. RUSHING: Correct.

MR. STRODTMAN: Commissioners, questions on that motion and second? Yes, Ms. Burns?

MS. BURNS: One quick question. To the south on Waugh? I'm not sure what that is. Is that included in your motion or is it just the backwards L shape?

MS. RUSHING: It's just Locust and Waugh, so that little portion that comes down stays.

MS. BURNS: Okay. Thank you.

MR. STRODTMAN: Any additional questions? I see none. Ms. Burns, when you have a chance, please, would you do a roll call on that motion.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Stanton. Voting No: Mr. MacMann. Motion carries 6-1.

MS. BURNS: The motion carries six to one.

MR. STRODTMAN: Thank you, Ms. Burns. Ms. Loe?

MS. LOE: Related to that, the little bit of townhouse, small apartment on the north end of North Fifth Street, is that still sitting out there?

MR. ZENNER: No. That has been -- North Fifth?

MS. LOE: Yeah. Has that been changed?

MR. MACMANN: This has all been -- all those tails have been deleted.

MS. LOE: So that's been deleted.

MR. MACMANN: That's gone.

MS. LOE: Okay.

MR. ZENNER: North Ninth. North Ninth was removed and the North Fifth Street has been removed, as well.

MS. LOE: Thank you.

MR. STRODTMAN: Any additional? Does anyone have any additional amendments or discussion on M-DT? If not, then we will say that that is it for the Segment 3 M-DT.

MS. LOE: Do we have to move to close comments?

MR. STRODTMAN: No. Because there is no --

MR. MACMANN: It's open.

MR. STRODTMAN: It remains -- remains open --

MS. LOE: It's -- oh. It remains open --

MR. STRODTMAN: -- until the next -- until the 8th of December. Yes.

MR. ZENNER: It remains open.

MR. STRODTMAN: We don't need a final vote on the --

MR. ZENNER: To -- yeah. It remains open until the 8th. Actually, it will remain open until January 5th.

MR. STRODTMAN: Correct. Yes.

MR. ZENNER: When you make your final motion to move the entire UDC.

MR. STRODTMAN: Based on the amendments that we've made.

MR. ZENNER: Based on the previous amendments.

MR. STRODTMAN: Okay. Mr. Zenner, I'm a little -- I'm in new territory here, so do we -- do we have comments or do we --

MR. ZENNER: It's actually before midnight. I can speak a little bit longer if you would like.

MR. STRODTMAN: No.

VIII) COMMENTS OF STAFF

MR. ZENNER: Okay. We are -- your next meeting then, again just for a reminder for those that may be still tuning into us, as well as for you all this evening, the next meeting is on Thursday, the 16th -- or I'm sorry -- Wednesday, the 16th of November, which is next Wednesday. Work session at 5:00 p.m., regular meeting starting at 6:00 p.m., and the purpose for that meeting will be to discuss Segment 5 and Segment 6. There will be staff presentation on both segments, as well as public comment received, and then Commission discussion. We would like to finish Commission discussion that evening in order for staff to be able to produce the errata sheet with all amendments made to date that will be produced as part of a staff report that will be available to the public for the December 8th Planning and Zoning Commission meeting. With that staff report, the public will hopefully be able to frame their comments as it relates to anything that we have maybe overlooked or anything that may impact another section of the Code unintentionally that they may bring to our attention. That meeting also will provide an opportunity, if the Commission so desires, to offer any additional amendments to any segments that we have covered as well. Or you can retain those and offer them at December 8, at the end of that meeting. Following the December 8 meeting, we will then produce a revised errata sheet that has any additional amendments that were made at the December 8 meeting for the staff report that will be used on the January 5th meeting of 2017, at which point we hopefully will be at a juncture where you can make a final recommendation on the UDC as a whole. Again, just to reiterate, we will not be updating the public hearing draft prior to the January 5 meeting. We will only be working from the errata sheets. The Council version of the ordinance as recommended by the Planning Commission will be the next revised document and that will be introduced at the Council level. So we are -- we've got a busy month and a half ahead of us as a staff to keep up with all the changes that you all have asked for, and some of the changes we discussed this evening as it relates to the relocation of the open-space standards in the M-DT and some

of the other reshuffling of some material we will work on as well between now and the December 8th meeting to which we can produce it for you at that point after having an opportunity to ensure that we've got the I's dotted and the T's crossed. Other than that, that is it for me for this evening. Thank you for your patience and your continued work on this. We will see you all next Wednesday at 5:00 p.m. for your work session.

IX) COMMENTS OF THE COMMISSION

MR. STRODTMAN: Any comments of the Commission? I see none.

X) ADJOURNMENT

MR. STRODTMAN: Would I take a motion for adjournment?

MR. MACMANN: I move to adjourn.

MR. STRODTMAN: Thank you, Mr. MacMann.

MS. LOE: Second.

MR. STRODTMAN: Thank you, Ms. Loe. We have a motion. Everybody good with the motion for adjournment? Thumbs up? Anybody not good with that, talk to Mr. Zenner. Thank you all and have a nice evening.

(The meeting adjourned at 11:42 p.m.)