

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MISSOURI**  
**December 5, 2019**

**Case No. 105-2019**

**A request by the City of Columbia to amend Chapter 29, Section 29-4.4(d) (Street Frontage Landscaping) and Appendix A, Section A.3 (Street Widths) of the City Code relating to applicability of street tree placement within the public right-of-way, tree spacing requirements, City Arborist responsibilities, and general corrections to the street width table. May we have a staff report, please? An abbreviated staff report.**

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

MS. LOE: Mr. Zenner, before you move off that slide, just a clarification on the second to last point. You mentioned this but I don't think it's quite correct in the slide. For Mr. Gebhardt's benefit, removing the requirement for street trees on rights-of-ways of 50 feet or less.

MR. ZENNER: Yes, less than 50 feet.

MS. LOE: No, 50 feet or less.

MR. ZENNER: It includes 50 feet.

MS. LOE: This does not say that though.

MR. ZENNER: That is what is intended. 50 feet or less. So that would be residential streets and any street less than a residential street classification.

MS. LOE: Which is why I asked about Trinity and Switzler.

MR. ZENNER: So does that help?

MS. LOE: Yes.

MR. ZENNER: Staff report continued by Mr. Zenner. Staff's recommendation: We recommend approval of the changes that have been presented as they have been. They were arrived at by a consensus of the planning commissioners through our work sessions and we believe they will address the issues that we currently have been experiencing and will allow us to deal with street tree placement in new developments moving forward. As an aside, not included within the staff report but will be addressed as part of the city council ordinance as clarifications, any development that has been approved at this point -- approved since the adoption of the UDC that would have otherwise been impacted by this particular code provision will be recommended to actually be waived from having to comply with the street tree standards but comply with the current standards that are being proposed. We only have about three or four of those projects that that exception would apply to and that is to ensure that we start at the same point with all of our new development. That's not something that would be included in this amendment because it is very specific to the timing of this amendment's adoption at council but I felt that it important

to bring that to your attention so our development community that is involved in following this will understand that if their projects are currently pending with a street tree placement standard we are going to suggest to council that that tree standard be relieved of them and that they comply with this new requirement should it be adopted. With that if you have any questions I'll be more than happy to answer them. Sorry I've taken so long.

MS. LOE: Not at all, Mr. Zenner. We appreciate it. Before we ask for Commission questions, I'd like to ask any commissioner who has had any ex parte related to this case -- do I have to ask for ex parte? No, we'll skip the ex parte. We're going to cut to the chase. Are there any questions for Mr. Zenner? No questions for staff. Commission comments? Public hearing.

MR. MacMANN: That's not democracy, Madam Chair.

### **PUBLIC COMMENTS OPENED**

MR. GEBHARDT: My name is Jay Gebhardt. I'm a civil engineer with A Civil Group. I'll be brief. I do have two questions probably appropriate for staff. In implementing this, if you have a commercial lot, it's very clear that you can plant these street trees at the time of occupancy. If you're doing a residential subdivision with 132 lots, at what time are the trees required to be planted in a residential? Is it like a sidewalk where it's built at the time of occupancy which is what my opinion is what it should be. I thought I'd ask.

MR. ZENNER: Just to be contrary, I'd say no. Yes, that is exactly how it was envisioned by BSD. As a design professional, what will be required not unlike a commercial development will require a landscape plan or tree plan as part of your construction set and it's at that point that the trees would be identified and as each individual plat plan comes in then we would be expecting to see the trees matching generally to that approved set of construction plans.

MR. GEBHARDT: With the exception where driveways go?

MR. ZENNER: Yes.

MR. GEBHARDT: Because we don't know where the driveways are on lots.

MR. ZENNER: That's where the flexibility with the arborist comes into play.

MR. GEBHARDT: Second question is, is it still the intent on a commercial development where you have street, street trees, sidewalk, landscape buffer with trees in it and parking lot. So you end up with an alley of trees. You end up walking down the sidewalk and have trees between you and the street and trees between you and the parking lot. I didn't know if that was -- now they got the trees on residential streets we're talking about nonresidential streets which typically have parking lots along them. So is it your all's intent to have these double tree planting?

MR. ZENNER: That is -- We're not amending anything for the private landscape strip. So that is where the second boundary of trees would be located.

MR. GEBHARDT: I just wanted to point that out. I had a project, Cherry Hill Dental on Nifong and ended up with trees on both sides. It's kind of crowded. For some reason those trees have been cut down, but I'm not sure if the ones, the street trees, and I'm not sure if that was done by public works

because they're going to have a project there to widen the street or if they just died and haven't been replaced yet. It is unfortunate that you have these competing trees on both sides.

MR. MacMANN: Just to say I anticipated that in some cases but we tried not to include -- number one, there's no double counting situation because we could get in that situation and whatever happens over there, you know what I'm saying, the street and what happens over there, we are going to run into that in some places if you're required to plant trees because of what you built on or what the zoning is. I kind of like it, Jay. I think you should embrace it, the alley of trees.

MR. GEBHARDT: Thank you.

MS. LOE: Thank you, Mr. Gebhardt. Any questions for Mr. Gebhardt? No. Any additional speakers? No. We're going to close public comment.

### **PUBLIC COMMENT CLOSED**

MS. LOE: Commission discussion? Mr. Stanton?

MR. STANTON: I would move -- I'd like to make a motion.

MS. LOE: I have a comment first. Let's talk about this.

MR. ZENNER: No wonder you wanted me to finish so quickly. Now I understand.

MS. RUSHING: We haven't had a chance to have input on anything.

MS. LOE: I did ask Pat to send around that article because we have talked about the street tree thing quite a bit. That article came through in some of my research. One thing that struck me was the need for resident input on whether or not we have street trees and that's something that did not come up in our discussions. That's what prompted my question to Pat which was how well do our ordinances work for residents to actually have that choice for themselves so we're not dictating whether or not they have trees which is what our work sessions seem to me to be driven about, are we going to tell them they have street trees or not. So in that vein, I was looking at this language for how clearly does it indicate that trees may be planted voluntarily, and that was not clear to me when I read this. And it is covered under Chapter 24, Article 5, but I was thinking that it could be a little bit more clear; that A, it's possible and B, that's what Chapter 24, Article 5 points to. So I agree we don't want to mix things, but I was wondering if that item 21-4.4(d)2 which is the item that defines street trees -- right now it says street tree landscaping shall be installed on both sides of any right-of-way greater than 50 feet in width that is newly platted or is improved with a new roadway construction or is redeveloped as defined herein pursuant to the following provisions and in accordance with Chapter 24, Article 5 of the city code. I was wondering if we could just break out that last piece and say the street trees will be planted pursuant to the following provisions period and then just a statement saying all street trees whether required or voluntarily planted shall be planted in accordance with Chapter 24, Article 5 of the city code. Ms. Burns?

MS. BURNS: I would just comment because I appreciated you sending out the information but I know of two instances. My concern with that is if we put too fine a point on it I know of two people who planted trees a long time ago on Stadium Boulevard to back up to their property and they had to get city permission on where to put them. The city came out and told them where they could put them because

my concern is if somebody thinks they can just plant a tree wherever they want it might obstruct traffic vision, pedestrian vision. So I guess what I'm saying is as long as we know that people can petition to plant trees.

MS. LOE: That's what I'm trying to point out is that if you're going to voluntarily do it, go to this section.

MS. BURNS: I think that these citizens they said we want to plant some trees there they did go to the city and so I guess it's six of one, half a dozen of another. I think that if people want to plant trees they will ask the city if they can. I'm not sure if they're going to go to the code. Frankly I'd pick up the phone and say I want to plant some extra trees, can you come help me with that.

MS. LOE: Mr. MacMann?

MR. MacMANN: I would second to what Commissioner Burns said. Most people couldn't even find the code in the city website. It's true. People will ask me specific questions. I will have trouble finding something on the city website. I have it downloaded on my phone. Because of that, folks who utilize this verbiage that we're talking about right now are people like Mr. Gebhardt and Mr. Crockett and Mr. Hollis when we get down to splitting hairs. I'm not sure that your typical civilian could read that and clearly understand it. I'm a little concerned we start tweaking with this we'll have unintended consequences. And as I said, I don't -- if I called the city about something and legal said oh, just read the code, that would mean I wouldn't plant something. That's exactly what that would mean, because I don't know what the code means, or just do whatever I want. I'm a little concerned we start tweaking it we'll have people who feel I can't. What you said must be planted pursuant of X, Y and Z, in a lot of cases if you're like 10 or 15 feet off the roadway and you plant a tree you're good anyway.

MS. LOE: I mean, I read this and I couldn't understand if you could voluntarily plant in the right-of-way. Ms. Rushing, you have to speak into the microphone.

MS. RUSHING: In my neighborhood you can.

MR. MacMANN: She was just saying that in her neighborhood you can. It's different. I believe that in regards to the potential for need for amendment the opening language of the way it's written and the closing language where it speaks of new development and redevelopment and you start talking like that we're talking to the likes of Mr. Gebhardt. You're not talking to me.

MS. LOE: Understood. I'm just trying to promote residential participation. If you don't think the residents read the building code or the city code, then I agree it's a moot point.

MR. ZENNER: I'm not at liberty to say.

MS. LOE: Ms. Carroll?

MS. CARROLL: I'm going to say just, you know, for the sake of discussion, I don't think residents are going to the building code when they want to plant a tree.

MS. LOE: This isn't building code. Sorry. I misspoke.

MS. CARROLL: I don't think residents are going to UDC when they want to plant a tree. However, I do think some residents, especially some neighborhood groups are going to the UDC and

reading it. I have seen them do it.

MR. MacMANN: I'm a little concerned about confusing people whether they're residents or they're not residents.

MS. LOE: Sounds like there may be a better avenue to promote trees.

MR. ZENNER: I would suggest solid communication between neighborhood associations or homeowners associations and the city to facilitate these types of things, the type of stuff we're talking about in the comprehensive plan.

MS. LOE: Any other discussion on this point, matter, case? Mr. Stanton?

MR. STANTON: I'd like to make a motion. I'd like to make a motion, Ms. Chair. As it relates to Case 105-2019, I move to approve as presented.

MS. RUSSELL: Second.

MS. LOE: Second by Ms. Russell. We have a motion on the floor. Any discussion on that motion?

MR. MacMANN: Just real --

MS. LOE: Mr. MacMann?

MR. MacMANN: Just real quickly for Mr. Caldera, do we have to purposely call out Appendix A?

MR. STANTON: I just moved as presented.

MR. MacMANN: That's fine.

MR. CALDERA: Not really. What I see by announcing this case you're approving what has been proposed under this case.

MR. MacMANN: I just want to make sure we're clear. I'm good.

MS. LOE: Any further discussion? Ms. Burns.

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

MS. BURNS: Seven to zero, motion carries.

MS. LOE: Recommendation for approval will be forwarded to city council. That brings us to public comments.