

**MINUTES**

**PLANNING AND ZONING COMMISSION MEETING**

**JUNE 23, 2016**

**COMMISSIONERS PRESENT**

**Mr. Rusty Strodtman  
Ms. Sara Loe  
Ms. Tootie Burns  
Ms. Lee Russell  
Mr. Anthony Stanton  
Mr. Dan Harder  
Ms. Joy Rushing  
Mr. Brian Toohey**

**COMMISSIONERS ABSENT**

**Mr. Michael McMann**

**I) CALL TO ORDER**

MR. STRODTMAN: I'd like to call the -- I forgot what day it was -- June 23rd Planning and Zoning Commission to order. May I have a roll call, please, Ms. Loe.

MS. LOE: Yes, Mr. Chairman. We have eight present. We have a quorum.

MR. STRODTMAN: Thank you, Ms. Loe.

**II) APPROVAL OF AGENDA**

MR. STRODTMAN: We discussed in our work session that the agenda was all good, so we are good there.

**III) APPROVAL OF MINUTES**

MR. STRODTMAN: Everyone had a chance to look at the June 9th, 2016 regular meeting notes from our last session? Does anyone have any corrections or comments or discussion on those meeting notes? Ms. Loe, may I have a roll call, please.

MS. LOE: Vote on the minutes.

MS. RUSSELL: Or are we going to thumbs up?

MS. LOE: Or thumbs up?

MR. STRODTMAN: We can just do thumbs up then. Thumbs up if everyone approves the minutes as is.

**(Unanimous vote for approval.)**

MR. STRODTMAN: Fine.

**IV) PUBLIC INFORMATION AND COMMENT**

**Case No. 16-110**

**A request by the City of Columbia to adopt a Unified Development Ordinance (UDO) 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 Plans for How We Live and Grow." The UDO will replace Chapter 25 (Subdivisions) and Chapter 29 (Zoning) of the City Code as well as incorporate**

**provisions from Chapter 12A (Land Disturbance) Chapter 20 (Planning), Chapter 23 (Signs), and 24 (Streets, Sidewalks and Public Places) into its contents. This is the fourth in a series of public information and comment meetings on the proposed UDO.**

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

MR. STRODTMAN: Commissioners, are there any questions for the portion of the staff's report?

MR. TOOHEY: Yeah, I've got a question. With the private open space, could you have private open space along the RBL?

MR. TEDDY: Right now it has to be behind the required parking line, and that -- that is a comment that I believe you are receiving in the report prepared by Winter Associates is they would request that you offer that freedom to put private open space in that zone between that 24-foot parking setback and the RBL.

MR. TOOHEY: Okay. And if we allow that though, would it then have to have -- would it have to have a street wall?

MR. TEDDY: I think the way the code is written, it anticipates that what you would have is a gap between a building that would be used for service primarily right now or parking, perhaps. So street wall, yes, I'd have to say -- but I know where you are headed with that. If it is private open space, then you are really making it private by hiding it. Now, the street wall that is stated in not an opaque barrier. It can be a semi-open barrier.

MR. TOOHEY: Okay.

MS. RUSSELL: I have one.

MR. STRODTMAN: Yes, Ms. Russell?

MS. RUSSELL: Could you clarify for me the reasoning that the consultants came up with the civic buildings are exempt from the BFS?

MR. TEDDY: Yeah. It's several -- I mean, there's a mix of government, institutional and religious. In the case of government, governmental buildings are built with the public process. They are also built with a -- for lack of a better term, a monumental architecture. You know, we have the scalloped front on this building. The County building has the rotunda on it. There's public plazas that are part of them. And there is a public process so people will not be denied the opportunity to comment on new government buildings. In the case of religious, it's -- they're recognizing the tradition that religious architecture does buildings that have distinctive forms. They are irregularly massed so they don't -- they don't lend themselves as easily to things like minimum floor levels if you are talking about a church sanctuary or a mosque. You know it's a -- it's a space of worship, so there's going to be a high vaulted ceiling, and, you know, it would be a one-story structure and that kind of thing. So -- and as well, green space around the building is customary, so they're not typically built in an urban fashion. Now, we are proposing adding the Stephens College campus -- I think I made this remark before. That is in C-2 right now, but those buildings are set back from street frontages, and we've had a discussion with

representatives of the college. They go through a private master plan process that goes through the plan commission, so they are covered that way. They have to show you a master plan of their facilities, and then when we review them for permits, they have to be consistent with that adopted plan. It's kind of a double bind to put them through that and subject them to M-DT standards that require their buildings to be pushed up -- in this case to streets like Broadway and Waugh, and perhaps even Dorsey, I think, on the other side of College. So that is the response I --

MS. RUSSELL: Thank you.

MR. TEDDY: Yeah.

MR. STRODTMAN: Anyone else? I have a couple, if not. Back to the no commercial above residential -- so it's -- if this example I am going to give you is within the core height area -- let's say there is a restaurant/bar at the lower level, retail, and then have residential, you know, above it, would I then be allowed to put a bar/restaurant on the top of that since it -- I don't know the exact word, but it ties into my lower level. Would that be permissible? Nothing to do with the hotel, but, you know, an apartment building or some type of condo or something?

MR. ZENNER: If the extension -- if the ground level is -- if that space is an extension of -- the second story space is an extension of the ground level, meaning basically there is the ability to ingress and egress from ground to the second story, that is permissible. However, if you have an intervening residential level in between, no -- or a commercial, I mean. It would have to -- it would have to be continuous, so it would have to be a two-story restaurant, for example, or a bar on the first floor and a restaurant on the second, but --

MR. STRODTMAN: So I couldn't use an elevator as a direct -- that would be my transportation mechanism? That wouldn't --

MR. ZENNER: Based on the way that the code is written, no, because you're -- the elevator isn't necessarily being -- it is the idea of the spaces apart from each other themselves.

MR. STRODTMAN: It would have to be continuous in theory.

MR. ZENNER: Yes.

MR. STRODTMAN: Yes, Mr. Teddy?

MR. TEDDY: Yeah. I've got some additional information. I went to the -- the text for that. This is under the Urban General paragraph entitled Upper Stories. The upper stories may only house residential or commercial uses. And then there is an asterisk and it indicates rooftop food and beverage services are only permitted in the locations designated for core height on the regulating plan and all other locations. No food and beverages services or retail uses shall be allowed in upper stories unless they are second story extensions. That was -- that what Mr. Zenner indicated. So there is that one exception, but it is only within that core height area.

MR. STRODTMAN: My next question is that I noticed in Urban General West that it is only required 10 percent open space, and all of the others were 15. Is there --- what is the reasoning behind that, I guess?

MR. TEDDY: Probably that there is not as great a density of existing development. It is anticipated that that trend may continue --

MR. STRODTMAN: So, it's --

MR. TEDDY: That's at -- you know, as you are aware, I mean, especially if you count the strip shopping center that is on the west side of Providence, south of Broadway, which is in Urban General, I mean, there is just a lot of open area on that lot in particular. And then the lots north of Broadway there that characterizes the area, I think that was their thinking there.

MR. STRODTMAN: If I was to come in and build to the maximum allowable, I would still be okay with the 10 percent, even though it is maybe not what is there today or what -- would that ever change or be upped in any capacity?

MR. TEDDY: Well, the ordinance is amendable, of course. Yeah. If there was ever a situation where the west side of Providence resembled the core area of downtown --

MR. STRODTMAN: Right. Okay.

MR. TEDDY: -- I think we would be inclined to recommend some changes.

MR. STRODTMAN: I would like to echo a little bit of Ms. Russell's comment about the civic buildings. I'm picturing the church on Ninth there. I would like to see some, you know, involvement, I guess or process by the Commission so that you could have some windows and -- I don't know, I just kind of question that a little bit too as to why we are not including the civic. And I can see it being a City building or a Government or County building being -- going through the public process, but would a church go through the public process or will it only go through its membership process?

MR. TEDDY: Well, yeah -- and I think that is a good point and I think probably the consultant's intent is that just the sanctuary portion of a religious institution, the place of worship, not to connect the gymnasium or some type of --

MR. STRODTMAN: So the sanctuary would be the only part excluded?

MR. TEDDY: Building with more regular lines or, you know, if the church ever built a parking structure, for example.

MR. STRODTMAN: Right. Right.

MR. TEDDY: I think that would be made subject to it.

MR. STRODTMAN: Yeah.

MR. TEDDY: But the really focused --

MR. STRODTMAN: For the sanctuary --

MR. TEDDY: We are really focused on things that by nature respond to the traditions of that -- that faith in terms of their design -- you know, stained glass windows, for example.

MR. STRODTMAN: Right. Right.

MR. TEDDY: You know, that -- yeah, so there's architectural traditions that cover that. But, yeah, to your point, classrooms, gymnasiums, those kinds of things could be subject to the regular standards, although I think we have to be mindful that they are arranged a lot of times in a setback

relationship because there is walking spaces that are provided between entrances and those --

MR. STRODTMAN: There could be, but you could be --

MR. TEDDY: -- classes and things --

MR. STRODTMAN: -- but you could put a gymnasium right up against the -- right up to your property line, and in theory, in my eyes, you wouldn't have to be in compliant with the code and do what you want. And then it looks really out of place.

MR. TEDDY: I appreciate the comment.

MR. STRODTMAN: The street wall, just for clarification, is that a privacy or -- as a public person walking by, could I -- I know that there is some -- you have to put some entry or there is access points that -- do I get to go through those street walls or is that restricted to the public?

MR. TEDDY: There is a note in the code draft where -- and this was written by the -- Farrell Madden. They said that they are anticipating that there will typically be narrower gaps between buildings, so the idea is to have a wall or barrier there. There could be a gate there. And they do have a standard that it is a minimum five-foot gate. You can even have a 22 foot double-swing gate if there is going to be some kind of vehicular entry to that space.

MR. STRODTMAN: So then would it --

MR. TEDDY: So that is what they are anticipating.

MR. STRODTMAN: Would the property owner lock that gate door or would that be a public cut-through to another --

MR. TEDDY: I think -- well, we are talking about a private improvement there, so --

MR. STRODTMAN: So you would visualize it being locked?

MR. TEDDY: I would imagine, unless there is some part of the operations of -- you know, of a garden center, for example, wanted to set up a patio -- and I've seen this in downtowns where they might have a side patio to a retail establishment and they want customers to browse that area. I mean, I could see a gate being left open for customer access.

MR. STRODTMAN: And I know it is a focus for the distances to have cut-throughs and, you know, we don't have these long stretches, but would that street wall, you know, change that a little bit or would it be included in their width, you know, in between -- you know, so an alley doesn't have to be put there or some other pedestrian walkway? Would that be included in that development's 150 feet, less than 350 or more than 350? Would that be --

MR. TEDDY: There is an indication in the note that I'm referring to that the wall is part of that --

MR. STRODTMAN: Calculation?

MR. TEDDY: -- vertical façade composition rule. So it can be counted towards openness if there is gaps in a decorative wall, for example, that can count towards --

MR. STRODTMAN: Okay.

MR. TEDDY: -- is the way I read that.

MR. STRODTMAN: Right. How do we deal with alleys that are being used for other uses

besides an alley? For example, we have a great example here with Alley A. Would that -- I mean, because right now, it is blocked off or it is restricted in some ways, but would that still be applicable or would that be where they have to move a bollard so that the trash truck can get in there, or other services, or would that still be applicable -- or we could still do retail or other commercial uses in an alley and maybe block it off for vehicular traffic?

MR. TEDDY: I think the code still allows for that possibility. I mean, if the -- if the active use of alleys as more than service access is something the City wants to pursue. I don't think the code either --

MR. STRODTMAN: Restricts --

MR. TEDDY: Restricts that in order -- it doesn't discourage it or encourage. I think it is silent on it.

MR. STRODTMAN: Right. Right. But could they close it off -- that alley?

MR. TEDDY: Not if it is relied upon for access to other properties. I mean, the Alley A example is a good one because that was a cooperative process where a number of property owners went in on a right-of-use agreement.

MR. STRODTMAN: Right.

MR. TEDDY: So that is really a separate process. We have improvements that are made to a public way, but are private in nature or shared on the public way. That is a right-of-use --

MR. STRODTMAN: And that would transfer with ownership?

MR. TEDDY: And --

MR. STRODTMAN: So if I was to buy one of those buildings and wanted a rear access to my building and I was part of that, would that transfer with ownership?

MR. TEDDY: Well, yeah. The -- I believe the way we've got our one example that is a complete alley, I think that is the way it --

MR. STRODTMAN: It is set up?

MR. TEDDY: Yeah. Yeah.

MR. STRODTMAN: I'm almost done. Sorry. Does the M-DT apply to all C-2? We mentioned early on in this process that there is other C-2 areas outside --

MR. TEDDY: Yeah.

MR. STRODTMAN: -- of Downtown CID, would this --

MR. TEDDY: We have not been able to figure out a way to make the outlier on Paris Road work with this kind of a code since that would involve the only street front -- well, they are creating a street in that particular instance, but we have some outlying parcels. So the answer is no, this is just the contiguous downtown C-2, and then M-1 areas that represent the old railroad heads into downtown.

MR. STRODTMAN: So those others --

MR. TEDDY: So the Flat Branch District and then the North Village Arts District Area where the Wabash Railroad was active, those M-1 areas are included in M-DT, so I want to make that clear to folks that are listening in that this is not all C-2 being proposed to be rezoned.

MR. STRODTMAN: And they would just be rolled into a different part --

MR. TEDDY: I think we have authority in our plans. The Sasaki Study from 2007 recommended that southern M-1 be considered for downzoning. They called it downzoning; I don't really call it downzoning because there is a whole lot more uses allowed by M-DT than M-1. And then the Charrette Study made similar comments on that North Village Arts.

MR. STRODTMAN: Thank you. Ms. Loe?

MS. LOE: I'll take a turn. Mr. Teddy, I just had a few more follow-up questions on the open space. When you were speaking about it, you referred to it as an amenity for apartments and office spaces. Do you also consider it to be an amenity for commercial spaces or how do you see it serving --

MR. TEDDY: Yeah. The Code does --

MS. LOE: -- the commercial --

MR. TEDDY: I used those as examples. The idea of a multi-level building with nothing but private offices and then the hallways to access those offices was not quite enough in the consultant's mind. They felt there should be some kind of common area, a break area, if you will, you know, cafeteria/patio or something -- active rooftop -- something that is more than just space that is a leased unit. That was their feeling.

MS. LOE: There's quite a discrepancy between those uses, especially with occupants, and yet we have a --

MR. TEDDY: Occupant load?

MS. LOE: Yes. A commercial space may be staffed by a few people; whereas -- I forget, 300 square feet per person; whereas, an office space, the occupancy, we're going to do gross square foot, 100 square feet per person and then residential 100 square feet per person. So we are going to have a much denser use with some of those occupancies. Plus, we see some of those spaces being occupied by users for much longer periods of time. I mean, I'm in Parkade Center, which I love dearly, but I have no windows or access to daylight for 8-and-a-half hours a day. So, yes, it would be nice to have an outdoor space, but if I'm shopping downtown, I'm not spending 8 hours in a facility; whereas, some of the employees may be. I'm just pointing out there is a discrepancy --

MR. TEDDY: Yeah. Yeah. Right.

MS. LOE: -- there in the user group.

MR. TEDDY: Yeah. And the code just isn't recognizing that.

MS. LOE: And the 15 percent, the percentages are based on buildable area. So we are talking about buildable area on the plot?

MR. TEDDY: Right.

MS. LOE: So if I have a buildable area for a, let's say, 10,000 square feet, so I need 1,000 square feet -- or 1,500 square feet if I'm doing four units or if I'm doing 40 units.

MR. TEDDY: That's correct because of that lot area, that buildable is not going to change. Good point.

MS. LOE: So, again, that's not really serving the units or the residents of those units very carefully.

MR. TEDDY: Not distributed proportionately.

MS. LOE: No. I have to say the planning codes I'm used to actually do require private open spaces, so I am used to that requirement, but it is more on a unit basis.

MR. TEDDY: Yeah.

MS. LOE: So I find this blanket percentage basis to be a little unevenly applied.

MR. TEDDY: Yeah. I think that is a fair comment.

MS. LOE: Okay.

MR. STRODTMAN: Yes, ma'am, go ahead. Ms. Rushing?

MS. RUSHING: When they talk about private open space and the Columbia Imagined talks about the citizenry wanting green space scattered throughout the City, is there any green space requirement or landscaping requirement for the downtown area?

MR. TEDDY: It's an Urban Code, Ms. Rushing. I mean, it doesn't -- it doesn't require a set aside based on development size and that sort of thing.

MR. STRODTMAN: Any additional questions? I see none. I will welcome the CID Representatives to come forward and give us a presentation, please.

MS. ESSING: All right. Hello, everyone. My name is Katie Essing, and I'm the executive director for the Downtown Community Improvement District. And first I want to thank you for your work on this project, which is extensive. We have been actively following this process throughout, and one thing that we thought could be furthered was the testing of how this code would work downtown. There were two tests provided by Clarion on student housing and we wanted to take it a little bit further to see the impact and also see what the financial costs might be. So we're going to go through just a few observations. For the process, we hired Winter and Company as a consultant, and they are very familiar to us. They created our Voluntary Design Guidelines a couple of years ago. These are available on our website. I can get copies for all of you and anyone from the public. So they work closely with Clarion and Farrell Madden already and are very familiar with the process. So we started just by looking at the M-DT part of the code and seeing how that would apply within our downtown with the Form Based Code. They used the draft published from October 2015, and then also brought in the Clarion memo to use as assumptions. As another part of the review process, they also talked to business owners downtown and then also City Staff to ask questions. So the testing of the Form Based Code is based on a series of different possible good development scenarios. They range from large scale, new infill or small redevelopments and additions. Each case study is further explored through alternative development. So you will find six in the book that we provided, and then they were tweaked in different ways, so they go a little bit further. So the idea was to look at different areas in the regulating plan to see how these might be impacted -- use different land uses and really look at how the code would impact and find out would it be harmful to small properties. In general, Winter and Company and the financial consultant found that



the code is really very good. It represents sound principles of City planning and urban design. It enhances the public realm and promotes new development with strongly defined street edges being pedestrian friendly, reducing visual and physical impacts of cars, and discourages uses that may not fit in an urban setting. But there are a few opportunities for refinement. We thought it was a good time to identify these now, before it becomes an ordinance, to make it more predictable and less interpretation later on, so I would like to invite Deb Sheals, one of our board members, to go into a few of those observations.

MS. SHEALS: Good evening. We are going to tag team, so you don't get too tired of us. I wanted to talk a little bit about how I saw that these changes would impact probably existing development. I'm a historic preservation consultant, so I look a little more on the redevelopment side. I would also say that when I got into this, I wasn't sure we even need extra testing. I thought it was pretty well covered, but was really surprised through this project to see how much this has a potential for being a bit of a problem possibly for smaller properties. And that was something that Winter and Company -- and Urban Advisors were the financial. They found that several of the small projects just would not be financially feasible with some of the regulations that are put on here. Larger lots, often the extra changes were of minimal financial impact, but some of the smaller projects had an issue. From that, the CID has -- we're suggesting a few -- a few exemptions: One, for small projects, we have defined that as a quarter of a block, which is about the size of the building we're standing in -- the addition part or the Neidermeyer Apartments. Those are both about a quarter block. That was the size that was recommended -- or that was mentioned a couple of times in the Winter and Company report. Also for additions, if you add more than 25 percent to your building or expand it by 25 percent, then you are supposed to bring it up to standards. It sounds good, but -- and it makes sense on Ninth and Broadway, but, you know, for example, if you did the Broadway Diner and they increased theirs by only 25 percent, they still wouldn't cover 75 percent of their lot, so it would be odd to make them come up to standards for what would arguably be a small addition. Also, a little concern about how this would impact historic properties -- my soft spot. And we have about 100 buildings on the national register downtown, so it is everybody's soft spot. A little example, one of the -- Case Study 5 looked at what would happen just to redevelop a small parcel. This is about where the Alpine Shop is now, just as an example. You would have to notch it out to make the -- get the open space because it is a landlocked lot and build it to the required building lot. And they tried several different versions, and it didn't seem to working quite right. So we would like to see you reconsider the open area requirement. The consultants had a great point that if you put the open areas behind the required building line, then that is really not usable space for the developer, and it almost encourages them to leave that space as kind of dead space. And if you get something like the example I just showed where you would have to take a big notch out for the -- for the parking setback and then open space, you end up taking a big chunk out of a small lot, and it can be a bit of a burden. This slide is a little out of order, but it also came up to -- this was a -- this is essentially where Café Berlin is, and it showed that if that building is behind the required building line and you put an addition on it, then

now it seems to imply that you need to put that addition up to the required building line, which in Café Berlin's spot would actually take away open space where they could do it in a financially feasible way if they kept it back there. So in some cases, it doesn't quite fit. And I think we have found that a lot of times is that a lot of this makes sense on Ninth and Broadway, but we have a lot of property downtown. Some of it is open and some of it is different, and it doesn't apply as evenly as it would sometimes logically appear to. Historic properties, Neidermeyer Apartments, if they wanted to expand, the way that we are interpreting it, the new addition would need to come to the required building line, which would be in the front yard of this building where historic preservation standards would call for putting it in the back yard. Also, as far as we can figure, you would also now have to put a street wall around the Neidermeyer Apartments. I don't get it. The street wall is a little confusing, and, Mr. Teddy, I know you said you thought the street wall would be opaque, but the definition says a masonry wall. And then other requirements say five to 12 feet. So a five-foot masonry wall we see as a safety issue -- five to 12 foot tall. So -- and again, that makes sense sometimes in large lots, although they end up with some pretty long street walls. One of the tests that the consultants did showed what it would be like to develop a whole block where there would be some parking. To do that, that would require 215 linear feet of street wall. So again, it makes sense if you are thinking about a street wall plugging a small gap between buildings, but some of the more open properties, it's much longer than we thought. And I also just popped an image of Shiloh here. They have along their sidewalk a nice wrought iron fence. By the way I'm reading this, if they made some changes and had to bring it up to compliance, that would need to be a five to 12 foot masonry wall with some windows in it. So we felt like those requested exemptions would cover a lot of this, and I think just some flexibility in this -- like we said, I think that the code can work well, but we have got to look at -- we've got a big variety of properties downtown. It is not just Ninth and Broadway, and it will be building up, but we need to look at how it applies to some of those smaller ones. And we had particular concern about how this would impact redevelopment of small properties. In fact, there was a concern that it would be so difficult to redevelop small properties that folks would sit on them and possibly work with their neighbors to aggregate them until they could sell it to a major developer. So it is almost contrary to what we -- I think what most of us love about downtown is the variety of small properties, small businesses. And this has potential to have I think what we would all say is an unintended consequence of hurting those small properties that we are trying to keep. And I want to turn it over to Allan Moore now. Thanks.

MR. STRODTMAN: Ms. Sheals, may I ask you a question? Ms. Sheals? Could I ask you, can you go into a little more -- what was the safety concern you mentioned? Can you explain that a little more so that I can understand that?

MS. SHEALS: If -- well, just looking at Shiloh, if that was a flat lot, if instead of having it open and more visible or lower -- certainly lower, if it is blocked off, you've got a lot of dead area for folks to hide behind or -- I think that was a lot of it. It blocks off some of those private areas, and if you do have something close to the street and then you've got a six foot wall, there's --

MR. STRODTMAN: And maybe staff can help us later with that or put it in the notes because I was kind of under the impression that it would be a secured wall owned by the develop -- the owner of that property, and it would be secured so that no one could get --

MS. SHEALS: Could get in.

MR. STRODTMAN: -- behind it or nobody would be going behind it unless they were a resident maybe. But someone could still climb over it and hide.

MS. SHEALS: Yeah.

MR. STRODTMAN: So if it had open spots where you had a little open gate that anybody could go into, then I would say for sure I could see your safety concern. Then my last question, on the Neidermeyer, if that -- I assume -- and you have some historical experience. I assume that if you had to come to compliance that that would jeopardize your historic preservation --

MS. SHEALS: Absolutely. Absolutely.

MR. STRODTMAN: More than likely keep you --

MS. SHEALS: We have had millions and millions and millions of dollars in redevelopment in downtown using historic preservation tax credits, and you have to hit certain standards. And that is my area of expertise. I have done it for 20 years. If you don't hit those standards, you don't get your tax credits. If you also end up doing changes, even if you don't take the tax credits, you can be removed from the national register. You know, I think we talked about Billiards on Broadway. I don't know if they have enough room at the back of their lot, but if they did have enough room, say, to add 25 percent at the back of the lot, that is the threshold. So then you would need to bring it up and it would need to be a two-story building. Well, that's completely counter to any preservation standards that you would use to double the size of a historic building. So, yeah, it could -- it could have a serious impact.

MS. BURNS: Mr. Strodman, may I?

MR. STRODTMAN: Yes, Ms. Burns.

MS. BURNS: Ms. Sheals, yes, I agree with you. I like the idea of a secure wall versus a solid wall. I'm thinking in looking at Shiloh, that this is probably a code standard because there is a drop of I would say about five feet from where I see the masonry on Broadway --

MS. SHEALS: Yeah.

MS. BURNS: -- that runs east and west, and then they are topping it with that retaining wall. So you are saying you would in the requirement for having a wall, be-- it would be acceptable to you to have something with more fenestration --

MS. SHEALS: Absolutely.

MS. BURNS: -- kind of what we are seeing in front of Landmark Bank as far as the --

MS. SHEALS: Actually, I wanted to use Landmark Bank, but I couldn't grab a photo on it as I was putting it together. Yeah, let's not get rid of it completely, but it really shouldn't be opaque. And you talk about wanting green space, it seems a little counter that we are saying create green space and then hide it behind it behind a six-foot tall brick wall so no one can see it. So I think it helps aesthetically and it

helps in safety if we could have a little more open space. And one of the footnotes said some cities do, you know, wrought iron and brick pillar, so let's not be quite that restrictive, you know. That's what -- Landmark Bank is a great example of a very creative wall that does the --

MS. BURNS: Well, I would like to think that we can be creative in this and being secure being the optimum word, but again, having something with more open and attractive properties.

MS. SHEALS: I agree.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Ms. Sheals, is your concern with historic property is that the proposed code does not have accommodation for properties that do have -- that are nominated or on --

MS. SHEALS: Yeah. I think it is going to make it harder to do some redevelopment.

MS. LOE: But right now the code doesn't have a provision so that if the building is a nominated building or is a -- there isn't provision for it, exceptions --

MS. SHEALS: I don't believe we have an exception --

MS. LOE: -- or waivers?

MS. SHEALS: -- at all for --

MS. LOE: For historically landmarked buildings?

MS. SHEALS: Not in the Form Based Code.

MR. TEDDY: Well, in the -- yeah, in -- the Form Based Code doesn't get into historical significance. Of course, it does recognize buildings that were built originally with setbacks, like the Neidermeyer. And I think the problem that is being pointed out here is what if there was ever a substantial addition done to that building --

MS. SHEALS: Uh-huh.

MR. TEDDY: -- where do you put that addition if it goes beyond the 25 percent.

MS. LOE: Well, I think part --

MR. TEDDY: But I wouldn't --

MS. LOE: -- of it is being --

MR. TEDDY: -- require them to put a wall around it just because they are putting an addition on of some type.

MS. LOE: I think part of what is being pointed out is those properties may have tax credits that require them to meet certain standards --

MS. SHEALS: That's --

MS. LOE: -- including historic significance that may be contrary to what the code's requirements will be. And how can they meet two different criteria at once?

MS. SHEALS: That's it. And that's -- I mean, that's the concern is that often to do historic rehab, you have to have those kind of incentives or it is just too expensive and you can't do it.

MS. LOE: It will all be defined in the statement of historical significance.

MR. TEDDY: If I may, as long as we are talking about walls, the definition, I think, is what

Ms. Shields was reading from that does say that it has to be a masonry wall; however -- and she also referenced the same footnote that I was referring to in my remarks. There is an indication that it need not be solid. So -- but I think the first thing to decide is are we on board with this idea that --

MS. SHEALS: Do we want it and then what --

MR. TEDDY: -- we have to close our gaps --

MS. SHEALS: -- will it look like.

MR. TEDDY: -- with some kind of a fence or barrier. In my conversations with the consultant, they felt you ought to at least have something ornamental that sets off that open area between buildings. My point of view as a planner, and I think most of the staff would agree, is you don't necessarily put a wall up unless there is something to hide or soften, you know. If it is something pleasant to look at, why would you put a wall in front of it?

MS. SHEALS: And that was --

MR. TEDDY: Something that --

MS. SHEALS: -- Winter and Company. They -- you know, they went -- they really poured through this, and sometimes it says -- they said it implies masonry, and then --

MR. TEDDY: I have to admit the language is pretty demanding. It basically says when you leave a space and there is no building coming up to that line, you're going to put a wall across.'

MS. SHEALS: Sometimes it works. All right. Thanks.

MR. STRODTMAN: Thank you, Ms. Sheals.

MR. TOOHEY: I've got a quick question. This might be for staff though. If a property like the Neidermeyer building did a major interior renovation, would they then have to -- would the code then apply?

MR. TEDDY: No. No. If it -- it would be a building permit process, yeah. Probably one thing we would look at in that particular example, and I just say this because I know it is a residential building, is are they adding units and is there some necessity for parking. This code does allow that to be met off site within a half mile, same as the current ordinance. But that is something we would typically will require with a building expansion, in intensity -- will require something like parking for just the incremental amount of the expansion.

MR. TOOHEY: All right. I just want to make sure I -- so a remodel wouldn't require a wall --

MR. TEDDY: Nothing on the exterior.

MR. TOOHEY: -- around --

MR. TEDDY: They wouldn't have to come to compliance on, you know, window proportions and things like that.

MR. TOOHEY: Okay.

MR. MOORE: Good evening. My name is Allan Moore; I'm a member of the Downtown CID. I'm going to talk to you just a little bit and go through some slides that are really concept clarity questions that Winter and Company had. And, you know, some of the standards were difficult for even them as

professionals to interpret exactly what was trying to be conveyed. You know, this challenges property owners and it challenges unpredictability which the Form Based Code is trying to avoid. And I think a couple of these I'm going to go through pretty quick because you can look at them and see the nuances of what Winter and Company is talking about. One of the things that they pointed out, which is on this slide, is that it is unclear when you exceed the 25 percent threshold for adding on to a property, does this apply just to the building or does it also apply to other site features, such as parking, the open space, and site walls. It just was not clear if those other things would also have to be brought into compliance or if it was just the building. And then there is also a question about -- for a small property, you know -- and you have some questions about how this is going to be interpreted, you know, who will do that? Will it be at an administrative level or something else? The site composition, you saw the -- Mr. Zenner talked about that. It is fairly complicated. We would like to see the list of options for different façade changes to include more options and maybe some more illustrations in the code to help people understand what you are trying to achieve there -- maybe some more -- the number of tools and number of options that they talk about are fairly limited. Curb cuts, I won't say too much about that. That is, you know -- it was unclear if that was by right that you would be able to continue to use your curb cut if you had one to start with or if you might have to give that up or if that was a right. Counting landscaped area in front of a parking setback line, I would like for you to consider allowing that -- the count towards the open area requirements. And we would also like to recommend that the parking setback line be reduced from the 24 feet to four feet. This next slide, if you see the green spot down in the lower part of the diagram, it shows a front green space open area that would not count towards that total area, and just an example of that. One other thing that this shows is, you know, in the design of this building, to make it functional and work with the 75 percent build-to line, you would have to add some other structure. You can see there is an arrow down at the very bottom where there is a small little area that gets you up to that 75 level and kind of makes the design rather odd. It would be possible to consider a threshold less than 17,100 foot lot, which the open area standard does not apply to permit the landscaping in front of the parking setback line to count towards that open area requirement. It seems reasonable. And permit a higher percentages, perhaps even 100 percent, of the requirement for the open area to be met above grade. The next one is on the prohibition of parking at the street level for the Urban General. There could be some situations, especially on a smaller site, where that is really difficult to comply with. And the last one that I'm going to talk about shows consideration of a property that maybe backs up to a green space or a park, which would be -- I'm going to say the old McAdams Limited building or something that backed up to Flat Branch Park or some other green space or public space where you would want the primary part of the building to be oriented towards that rather than the street. And this also shows where, you know, there was existing parking at the street and let that be retained and put the building back where it is more oriented back towards the open space. And there is not really allowance for something like that. I would be glad to answer any questions too, if anybody has one.

MR. STRODTMAN: Are there any questions for this speaker?

MR. MOORE: Okay.

MR. STRODTMAN: Thank you, Mr. Moore.

MR. MOORE: Andy Waters will be next.

MR. WATERS: I am Andy Waters. I live at 300 Lindell Drive. And I'm the final CID speaker. And I don't have a whole lot to talk about because Mr. Teddy stole my thunder, which is a good thing. There are a couple of changes to the regulating plan that we were going to ask for. Two of them it looks like we just got, so that was -- it was things that we talked about before, but we just haven't seen an update to the regulating plan, so we weren't sure if these were going to be adopted or not. The final request is that there be a change to Providence Road, which according to the regulating plan is Urban General West up to Cherry Street. And then north of Cherry Street, it changes to Urban General. This is a major thoroughfare with 30,000 cars a day at high speeds. It is a four-lane MoDOT maintained road, and it seems like this is always going to be a major thoroughfare. You know, try as we might to make it look like, you know, Ninth and Broadway, and, you know, I hope we do someday, it is always going to have that orientation toward vehicles. So maybe I will take my extra time here and ask Mr. Teddy what the logic for stopping Urban General West at Cherry Street instead of continuing all the way to the north of the M-DT District?

MR. TEDDY: Stopping it at Cherry Street instead of --

MR. WATERS: Instead of continuing that Urban General West frontage all the way --

MR. TEDDY: Oh, got you. On Providence, in particular?

MR. WATERS: Right.

MR. TEDDY: So Providence. Okay.

MR. WATERS: Yeah. I'm just talking about Providence.

MR. TEDDY: Yeah. Yeah. I mean, this is -- the original representation from Farrell Madden was do that. I think they really just looked at the potential for redevelopment, perhaps, as being key there. But, you know, I think it is a good comment, and we are looking at -- and this is response to other public comment, not CID comment, but other comment about the Providence corridor considering a required building line that would be a few feet back and wouldn't be right at the Providence right-of-way line that would allow for a little bit more of a green corridor there. So I just thought I would throw that in. But, yeah, I think the area that Mr. Waters is indicating, not only that north section of Providence, but also the -- probably the first block east of Providence, you know, you've got a lot of one-story structures as the existing condition. So the way that is mapped right now, we are really saying that those buildings along Providence and those side streets on the east side of Providence, if any redevelopment occurs, including additions, it needs to be two-story minimum. So that is something to think about, I think. Because we -- unless there is evidence that there is already a redevelopment process in place and we are seeing replacement of the one-story with multi-story structures -- and we're certainly seeing that in other parts of downtown -- we probably want to give some strong consideration to what is the existing built environment on those blocks.

MR. WATERS: Thank you.

MS. BURNS: Can I make one comment to that?

MR. STRODTMAN: Yes, Ms. --

MS. BURNS: And I appreciate that, Mr. Teddy --

MR. STRODTMAN: -- Burns.

MS. BURNS: -- and Mr. Waters. I do also think that is a transition area transitioning into heavily residential. You've got University Heights; you've got Greek Town; you've got currently being developed student housings, as well as residential neighborhoods as you continue to the south. I don't know how this works as far as transitioning from the Urban General and Urban General West into a primarily residential area, but I think that should be a consideration.

MR. STRODTMAN: Mr. Waters, can I ask you real quick?

MR. WATERS: Uh-huh.

MR. STRODTMAN: What was your major concern with? Is it the building height; is it the --

MR. WATERS: Well, it has to do with the building height. That is one consideration. I mean, you know, I own property on Providence Road in that area, so I have -- you know, I have kind of studied these lots a lot, and, you know, I'm trying to figure out what you build on a small lot that fronts Providence that conforms with Urban General Standards. And, you know, not to say that the Urban General doesn't work really well in other areas, but, you know, when you have a street that is -- you know, that's so heavily dominated by vehicle traffic with no parking, you know, on any of the side streets because, you know, you are trying to accommodate, I assume, cars, you know, getting in and off of that major thoroughfare, you have a really hard time, you know, accommodating the parking requirement. For example -- you know, particularly if you are trying to build a two-story building there that is marketable that has, you know, I presume, residential on the second story. You know, that requires a -- some parking on the lot or, you know -- or if it doesn't have residential, then it has commercial on the second story. And without parking around there, you know, I just am having a hard time trying to imagine rents being high enough to -- to be able to pay for that kind of project at two stories. So, yeah, that's a concern of mine. You know, another point that is on my mind, and I've talked to Mr. Teddy about this. I haven't really fully fleshed this idea out, but I think it is going to be an issue on some lots is that there are utility easements along the required building lines on some of these properties. That's certainly the case on Providence Road where you -- and so now you have a code that is telling you that you have to -- you know, if you do a redevelopment, you have to put your building on the -- you know, on the sidewalk. Well, you know, we've put all these utility easements along the sidewalk because historically that is where it made sense because there was probably going to be parking there. So it was really easy to accommodate a utility easement when there was -- when there was an expectation that that was going to be parking. But when you try to figure out how to fit a building, you know, up against a required building line, but you can't because of the utility easement, so you have to move it back, you know, sometimes 20 feet because of that, then your building footprint is so far back that you can't really fit any parking on the -- a narrow lot behind the building. It just



creates some issues that I think, you know, is another one of these areas that deserves some attention. And I don't know how big of a problem this is, but I know it is a problem on some lots or in this area in particular. So that -- that also kind of factors in to my thinking about the feasibility of trying to conform to some of these Urban General standards along that corridor.

MR. STRODTMAN: No more questions? Thank you, Mr. Waters.

MR. WATERS: Thank you. I have one more wrap-up slide that -- and I'll make this quick. But if I could give you three take-aways from the Winter and Company testing, it is, number one, there needs to be more protection for these small lots. I think there is a dynamic that is kind of emerging that we're, you know, starting to figure out that, you know, you have a desire for density on one hand and you have a desire for historic preservation on the other hand. And sometimes, you know, those are in conflict. And I think the code, as it is written, does a really good job of favoring density at the expense of historic preservation. So, you know, if we like very large scale student housing because that is what the market is, and, you know, with retail on the bottom that has ran at such a level that the only business that can afford them are bars and restaurants, then, you know, we have a code that is going to accommodate that very well. You know, if what we want is a more eclectic mix of businesses and shops downtown kind of like what we have, you know, I think we ought to consider these recommendations that the CID is making based on the Winter and Company testing because, you know, these are the issues that we are trying to address. We're -- you know, we're a little concerned about how small business can be accommodated by these standards which appear to be kind of geared towards the large-scale projects and making sure that those look good. And, you know, this does that and it does it in a way that is not, you know, terribly onerous, I don't think, on those developers of those large projects. But on a smaller property, it is a burden. And, you know, that is something that we are trying to address here. Now, we talked about street walls, and then, finally, clarification of the code. You know, this is the time to do that. The whole promise that Clarion came to us with from the very beginning was that this was going to clarify the code and make it less open in interpretation and make it easier on the staff. And, you know, we're discovering that there are just some issues that are not as clear as what they might appear to be at first glance. So thank you very much, and I can answer any more questions if anybody has them.

MR. STRODTMAN: Thank you. With that, that will be the end of the CID's presentation. I've been asked maybe to potentially -- does anyone need to take a quick five-minute break or are we -- is everyone ready to go? Keep going? We're all good? We'll keep going. We'll open this up now to the public comment portion. And if you would like to come forward and give us your name and give us your comment or questions.

#### **PUBLIC HEARING OPENED**

MR. VEACH: My name is Kelly Veach. I live at 2620 East Highway 163. I run my insurance agency out of a little lot on 107 Hitt Street, so I'm an example of a small lot owner. I have a little history on the lot and our family. Grandpa started the insurance agency back in 1947 on Ninth Street in a leased office. In 1975, my dad and him built an office that's -- 107 Hitt is 70 foot of frontage on Hitt and 100 deep

along the alley. And so since 1975, we've been driving downtown to go to work there every day. My mom is now a widow and my rent money to her is basically her sole income as her retirement nest egg. So I come to a lot of these meetings to defend the property as much as I can. It has changed a lot since going -- right now it is C-2, but once it changes, there is a lot of constrictions that are going to limit our options. I was a little concerned when I read this report from Winter and Company about the possible financial feasibility that may be taking some of the projects that could occur on a smaller lot, so please pay attention to that -- that \$21,000 investment CID made in those -- in that study. Some problems I see is the -- I guess -- okay. So I've got 7,000 square feet, and it doesn't quite fit well -- it seems a lot of the code is written with bigger projects in mind. So with the open space percentages and parking setbacks -- and I was kind of picturing how the 20 foot window setback might affect me, I feel like the lot keeps getting carved down smaller and smaller. This is really tough understanding all of this stuff, and I don't want to -- we can't afford to pay an attorney five grand to work on it for me. And, anyway, it has just been an interesting ride. The -- I also learned tonight about this chamfered corner. I don't know whether the block was considered the main streets or if we are making the alleys more walkable if that -- because there at the corner, it could be chamfered as well.

MR. TEDDY: Only the streets, not the alley.

MR. VEACH: Okay. Is --

MR. TEDDY: So in other words, when we say a block faces street corner to street corner, that is between the named public streets, not -- not the alley and the nearer street.

MR. VEACH: It seems like they would make an attractive entryway into the alley, but that is just a side note.

MR. TEDDY: Are you thinking of a clipped corner on an alley would be a desired --

MR. VEACH: Yeah.

MR. TEDDY: -- pull outs?

MR. VEACH: Like on my corner there, it kind of just introduces people to the alley.

MR. TEDDY: Yeah.

MR. VEACH: But anyways, that is just a side note. But -- so anyways, I -- we -- when I talked to my boys -- they are young 20-year-old boys and my mom as we have the little family pow wows -- this is like our family farm. It is the sole asset we have and we do hope to develop it the next three to five years and looking to add a four-story building. I would like to keep my insurance office there on the main floor with Ray Tell, and then three floors of residential above it. And just -- I just need your help making that stay financially feasible. You know, if lenders look at this report, I may not be able to get a loan if it's not -- if the numbers are not going to work out. So anyways, just please keep that in mind. I'm just an example of the small lot owner.

MR. STRODTMAN: Mr. Veach, what was your address of your building?

MR. VEACH: 107 Hitt.

MR. STRODTMAN: Thank you. Is there any additional questions for this speaker? Thank you,

Mr. Veach.

MR. VEACH: Thank you for your time. I appreciate it.

MR. CLARK: I didn't see anybody else jump up. My name is John Clark. I live at 403 North Ninth Street. I am a CPA. I am an attorney. In some ways, I have had an awful lot to do with development downtown because my neighborhood has just been in the chopping block of just all kinds of things for years. My first thing is I was here last time and I mentioned things about maps and Missoula and so forth. I'm getting it together. I will send it to you and I will send you links to their zoning ordinance and so forth. I am somewhat convinced -- they paid \$300,000 to have theirs redone. It took about two years, but they are quite clear that in that ordinance they just didn't reformat. They just didn't make it easier to use once you get used to it. They established a set of criteria that -- for them to find quality development. And they had -- and they took the advantage of the recession to do this. Some developers stopped doing it, but a lot of developers are still coming, and they are learning to live with -- and there is a developer community there that actually gets together and works together. They are just doing just fine. So we do not have to kind of cut corners. That was my first thing. The second thing is I hear in various places this notion, well, we can work this. We can do something. And if we need to fix something, we can change it. I want to absolutely disabuse you of the notion that once the Council adopts this, it is going to be easy to change. That is utter nonsense. Our history in town and other places prove this. We are putting all this energy into this. If we don't come out with something that has at least, you know, 70 percent of a whole bunch of people saying this is kind of okay and I'm going to live with it and work with it and not fight it for five years or so forth, we're not going to change a thing because all of the energy we are putting into it now to change one little bitty thing, you will have to generate all that energy again. It won't happen. We did the Metro 2020 thing. There were -- there were no ordinances, no regul-- nothing changed. That is one of the reasons it probably didn't work in various ways. It takes a lot of energy. Some of you know about activation energies and chemistry. You can use that as the model. We need to keep plugging away at this, and plugging away is tedious. Listening to people bring their stuff up and then think about it and think about it again. Forget the kind of deadline you are talking about because unless you get to that place, we will end up with something that is locked in, and we are going to be dealing with something that is locked in and not truly workable. It will not reach the predictabilities thresholds we want. It will not define the quality standards we want. It won't do anything. So really, take your time. Don't let some -- frankly, don't let your worries about the Council and deadlines hold this up. Hold to it. The next thing I want to mention -- and this is the smallest one. Recently I believe this nice little building down at Elm and Ninth Street was allowed to count a parking garage in my neighborhood a half a mile away as offsite parking. Get rid of the half mile offsite parking. That never should have been more than a quarter mile. I mean, that is just a joke that you're going to walk from Brookside on Walnut, and that's going to be helping meet the parking requirement for the thing where I think the -- Shakespeare is now. Change that. My biggest question was I am hoping, but I'm not sure that Clarion was asked to think about changes with a 25-year horizon. By that, I mean thinking about directing Farrell Madden to

say we want to have a regulatory map and so forth that says -- that will guide changes and redevelopment downtown over the next 25 years. People die. Properties change hands. It is not like the next five years. It is like we want something that will guide redevelopment when it is appropriate. In fact, we'll lay the foundation for redevelopment over time as population grows, as economic development happens, that will make doing redevelopment stuff -- higher stories and this kind of stuff -- financially feasible. Too much of what I kind of hear is about the next three or four or five years about what am I -- what if I want to do it in the next three. I can't quite tell in looking back on hearing Clarion. I think they were mainly hired just to help us reformat something into making it more usable with all this kind of stuff and basically transfer what we have already got in there with very few kinds of things. I think that was a bad idea. But I am really quite worried about this 25-year horizon. And as an example, Resolution 19504 I think is the name, if you haven't gotten it. It is the resolution for the Providence Road -- maybe North Providence Road corridor guidelines. Never made it out of P & Z, although P & Z did a lot of work on it. And I will send you all that work, if you haven't already got it. And this was guidelines for this corridor. This is a wide road. Some of the things were -- well, at least the story -- over the 25 years, virtually every piece of property from Stewart Road -- that may address part of what Ms. Burns' issue is up to Business Loop 70 are going to change hands and redevelop. Don't look at the one-story buildings that are there now. This is a wider road. To have a corridor that makes any sense, it needs to have buildings that are at least two stories high. And if it takes a while for population and other things to grow before it is feasible to build buildings there and rent them out, then you do that. Because once you let a one-story building build there, you have screwed up two or three blocks of redevelopment for the next 15 or 20 years because of the sunk costs. So I'm thinking, think about that 25-year horizon and apply it not only to the Farrell Madden, but I'm thinking when I -- I definitely want to see Providence from Stewart, all the way up to Business Loop not be Urban West. Somehow or another this idea about relaxing standards, relaxing something, especially given the great population we are seeing, just to -- just to Providence or the west of it, that is thinking three to five years. That is not thinking with a 15 to 20, 25 year horizon. And I believe we want this rezoning, to the extent it effects in particular this M-DT thing to effect that. So I'm quite concerned about -- you know, I would certainly want it to be Urban General all the way from Stewart all the way out there with the appropriate heights, those kind of things. I guess I'll just say, that 25-year horizon -- think, we are planning for guiding quality development, financially feasible development that supports our community, supports jobs in our -- all these kind of good things that we want, and we are doing it right here in this code. So I ask you to look at everything with that kind of horizon. I don't think people have been. I agree with Mr. Waters on a number of things that he raised today, but certainly his concerns about the one-story buildings finding parking, that is thinking about the next three to five years, as was the buildings Water's Realty built some 10 years ago. You need to think about that corridor plan. And to the extent it fits into the regulatory plan here, think about it and make sure it is the Urban General is both sides of Providence. I won't say going further, but it bothers me for us to think about somehow or another going up to Garth is so far away, when in fact that in 15 to 20 years, is it really going to be a big

part of our downtown? What we put down as rules today about that is going to define how that downtown looks and works and functions for us back then. So I'm leery of that kind of reduction. At least don't screw around with Providence. And I'll send you the Providence guidelines. And as I say, while they stopped it some time ago, P & Z did an enormous amount of study characterizing Providence Road, all these kind of things; they just never got around to finish turning it into a -- actually regulatory corridor program. This is more like -- this is closer to that, so we want it to apply to Providence going forward. And in the long run, that should be used to think about College -- from College all the way down to Stadium, maybe even Business Loop. Thank you.

MR. STRODTMAN: Thank you, Mr. Clark.

MR. CLARK: Do you have any questions?

MR. STRODTMAN: Are there any questions?

MR. TOOHEY: I've got a question.

MR. STRODTMAN: Mr. Toohey, go ahead

MR. TOOHEY: You talked about we need to be looking 25 years out. And in some of these, you know, we have a six to ten story height limit in Urban and Urban Storefront. In the interim, C-2, there was a mechanism if we went higher than that, you know, with the shade study and all those other requirements. Do you think looking 25 years out, does that need to be -- do those requirements seem to be included in this if there is a project that comes through that does make sense to go above that ten story height limit?

MR. CLARK: I must admit, most of what I heard about the going higher than ten stories, Farrell Madden's answer said, You allow that kind of crap and you are going to destroy all kinds of economic opportunity downtown. We -- in my -- as far as I can tell about downtown, right now between all the open space and other things, the average height of built environment in this downtown area may be two stories, two and a half stories. As a neighborhood person who lives right north of that who has been for, in the years, in the path of people who want to move into that and destroy our neighborhood horizontally, I think 25 years is a good time to think about how we get the average height of buildings downtown up from one and a half to two to two and a half to maybe five or six. And I don't think we need to go to -- we don't need to have the big tall buildings to do that, which you have to realize, I believe we were so stupid to have ever had a C-2 kind of zoning. That is appropriate in New York and Kansas City where you have the property taxes to support it. It was never really appropriate here. C-1 and C-3 might have been, but the C-2 has just bolloxed everything up. Now trying to move away from that, I see this as I would not allow anything above ten stories in that 25 years. Now the fact is you get out there seven, ten, fifteen years, and we've got an average building height in the downtown area -- not north of Park in my neighborhood -- of seven stories, I might rethink that. But I don't think so. I mean, that -- you do that, that would be a bigger change than the student housing complexes here forever. But that kind of density of mixed residential, real businesses, not just bars and this kind of thing, that might actually be the downtown that was envisioned not in Columbia Imagined, but was envisioned in Imagine Columbia,

where Columbia the city is downtown. We're the regional educational business entertainment center for three counties. So I'm open to thinking about that down the road, but I don't think we have to anticipate that right now. And so I would be against anything. I would even be against anything that would allow somebody to consider more than ten stories --

MR. STRODTMAN: Thank you.

MR. CLARK: -- until we actually see how things develop.

MR. STRODTMAN: Thank you.

MR. CLARK: Oh, thank you so much for asking.

MR. WATERS: I'm sorry to come back up here. If I could have 30 seconds to respond --

MR. STRODTMAN: If you would --

MR. WATERS: -- to what --

MR. STRODTMAN: -- say your name and address.

MR. WATERS: -- Mr. Clark -- Andy Waters, 300 Lindell Drive. And believe it or not, I actually agreed with a lot of what Mr. Clark said until he got to the point about how we have made a mistake by developing along Providence the way we have. I would submit that what is there at Providence, which is a one-story building -- probably the one that he is referring to that Water's Realty developed that has Tucker's Fine Jewelry in it is an improvement over what was there before, which is -- was a one-hour MotoPhoto building that was, you know, probably 600 square feet. So I can appreciate very much that at some point we want to have that corridor develop into these fabulous multi-story buildings. I wish that was the case -- I wish the market could support that now, but my concern is that if you require that kind of development, you're going to have 25 years of no development. And what is that corridor going to look like in the meantime? That's -- that's my concern with making development requirements that just aren't supported by the marketplace right now. It is going to take a long time for that to show any improvement at all. Thank you.

MR. STRODTMAN: Thank you. Any questions for Mr. Waters? Thank you. Anyone else? Please come forward.

MR. MEYER: Hello. My name is Jim Meyer; I live at 104 Sea Eagle Drive. I just wanted to say, you know, we've touched on a number of things tonight that I think are issues with this plan. The purpose of zoning and any police powers, protect public health, public safety, and public welfare. There is very little public health or public safety in this. That is mainly the building codes. So we're, you know, debating the public welfare. I think that when you are going to impinge on a property owner's rights to develop their property and use as the rationale public welfare, that should be a pretty high bar. It shouldn't be some transient or, you know, subjective issue. It should be something that is objective that everybody agrees is an issue of public welfare. Some of these things are things that are aesthetic. They are cosmetic. This street wall, I haven't heard anybody give a rationale for why we are considering a street wall other than our consultant thought it was a good idea. Nobody has expressed a positive purpose for the street wall or why we think we need one other than the consultant thinks it works well in

other places. You know, this façade composition -- you know, we run the risk of taking what we believe are current aesthetically pleasing designs and setting them in stone, literally, for 50 or 100 years, and not allowing people to experiment or deviate. And I think when it is an aesthetic issue like that, that -- that's foolish. And the other thing is the two-story minimum, I don't think it makes sense to have any kind of minimum height requirement. As, you know, the previous speaker said, if the market won't support the rents necessary to build a two-story building on that location, you're not ever going to have a two-story building there unless and until the market will allow it. And if the market will support it, it will happen. There is no need to enforce it by regulation. So this idea of putting in a two-story minimum, particularly along Providence for the reasons Mr. Waters discussed, is just going to lead to no development until the market supports it. And once the market supports it, it will become a two-story or taller development. Like Mr. -- his name escapes me, but the gentleman with the insurance company on Hitt Street, you know, his building had been a one-story small building for 40 years. Now he is looking at making it a four-story building because the economics now support that. If the economics didn't support that, he wouldn't be trying to do that, and there is no need to put a minimum height requirement. We're going to get more urbanization as we have the economics that support it, and there is no need to put that in the code. Thank you.

MR. STRODTMAN: Are there any questions for this speaker? Thank you, Mr. Meyer.

MR. COLBERT: Good evening, Caleb Colbert, attorney at 610 East Broadway. I also wanted to chat briefly about the northeast portion of the M-DT district. If I understood correctly, Orr Street and Park Avenue are both being changed to the Urban General Building Form Standard. Correct?

MR. TEDDY: Yeah. And the map is no longer because I switched over channels, but yeah, Orr Street, so that would be both sides of Orr, and then Park, just between Tenth and Orr is what we proposed to change -- oh, I'm sorry. Let me back up. Park Avenue from Tenth to --

MR. COLBERT: That's Tenth on the --

MR. TEDDY: What is our street east of the Ameren site?

MR. COLBERT: St. James.

MR. TEDDY: St. James. Yeah. Because there are commercial establishments up and down St. James. Yeah. And so around Ameren and then Orr Street, we proposed a change. Now, in saying that it goes to Urban General, I would emphasize that where there is a budding R-3 lot, there may be some transitional protections for residential to kick in. So I said it's a six-story height limit that is provided. There is sufficient spacing from residential.

MR. COLBERT: Okay. When you say around Ameren, you're referring to -- St. James would be included in the Urban General. So all of that --

MR. TEDDY: Right.

MR. COLBERT: -- blue would be changed to orange?

MR. TEDDY: Right.

MR. COLBERT: Okay.

MR. TEDDY: Initially -- yeah, the thought is that if -- unless we rewrite the way Townhome Small Apartment is, we would be taking away the ability to do commercial on any interior lots because that is meant to be more of a neighborhood setting where you have a corner store perhaps, but it is primarily meant to be residential and some office.

MR. COLBERT: Right. Right.

MR. TEDDY: So blue coded streets.

MR. COLBERT: Well, that saves me having to go through all my slides and yell at you guys, so --

MR. TEDDY: Well, I can say what we proposed to do with the map. I mean, this group and the public may not be onboard with that, so I'm just letting everyone know we are going to come out with that as a recommendation.

MR. COLBERT: As far as along Park Avenue, the purple line is the border. So in other words, the property on the north side of Park Avenue, can they opt in to the M-DT district or the -- is that the edge? That's the hard edge on the north side of the street?

MR. TEDDY: Well, that's another good point. We do need to talk about whether it is a half street or a whole street. You know, let's hear your comment because, you know, every district has to end somewhere, and I'll call your attention to -- and I'm pointing to something you can't see, but on the very west side of the proposed M-DT, we have Garth Avenue, and there we are doing it as a half. You know, we are not -- the library parking lots that are on the west side of Garth are not going to be subject to the M-DT the way it is conceived now. So I'd have to say we're really just enclosing the interior of those blocks that you have illustrated there, and we have not considered expanding it to the north.

MR. COLBERT: Well, I think I would suggest that --

MR. TEDDY: It gets very regular.

MR. COLBERT: Right.

MR. TEDDY: Yeah.

MR. COLBERT: Well, I would suggest that it would be appropriate at least along -- between Tenth and St. James where you have -- today you have M-1 properties on both sides of the street to allow the owners of those M-1 properties to essentially opt in to match the building form that is across the street so that you have consistency from, you know, one block to the other and they look the same on both sides of the street.

MR. TEDDY: So one lot depth along --

MR. COLBERT: I think that concludes my remarks. That's easy. I like it when I don't have to do a whole lot.

MR. STRODTMAN: Is there --

MR. COLBERT: Questions for me?

MR. STRODTMAN: -- any questions for this speaker? Thank you, Mr. Colbert.

MR. COLBERT: Thank you.

MR. STRODTMAN: Anybody else would like to speak, go ahead, head up this way.



MR. OTT: Hi. I'm John Ott. My address is 212 Bingham Road. And I am a downtown property owner. And I wanted to just make a couple of comments and I may have a question or two. But the -- you know, the downtown I think as it is now is pretty nice. It is great that we're having these conversations because it is always great -- it's great to have an opportunity to make it better. But I think as we were hearing earlier that there is a chance that some projects that have been -- you know, that I've had an opportunity to work on under these requirements -- and again, I'm not 100 percent sure, but from what I am hearing, I may have had difficulty doing them. And I think they're projects that were -- that I think the community appreciates and have been an asset to downtown. And then not only mine, I'm thinking of one that might have been similar to what Mr. Veach is wanting to do, but maybe where Harold's Doughnuts is right now, you know, they have a few apartments upstairs. If they had to do an open space and parking in there, I don't know that they would have -- that economically that would have worked. And so there might be a potential opportunity for an exemption for parking for mixed use on whatever lot size you designate, but then that way you could end up with projects like -- like the Harold's Doughnut building. I think that is a real -- and then the Berry Building, there really wasn't any room for parking on that lot. It's a -- you know, the -- there was a -- I'm trying to think. But that is a zero lot line all around it, and so we have 12 units there, and if it would have -- if it would have required parking, and I'm not sure that's what my understanding is -- maybe one for every four bedrooms is what's required -- that would not have been an opportunity. And if you look at that project, there is a section of it that doesn't have a wall on the end of it -- it -- may be close to the corner up where Studio Home is, which would be the easternmost corner facing Walnut, and then it wraps around Orr Street. I mean, do we -- would it look better with a wall? I don't think -- I don't think so. I mean, I know the consultant said -- you know, they might have suggested some -- that walls make for great design. I think maybe they do sometimes, but you can look over here where just across the street going west, and there is an attorney's office, and they had a masonry wall all around it. And I -- to me, that is one of the least attractive corners in downtown Columbia. And I can think of a property where the Columbia Academy of Music is, and I know it's a historic property. It has a courtyard in front of it, and it is landscaped and it has maybe a contemporary, you know, post and kind of a wire system through it, but it allows people to kind of see in and people to see out. And I think it is a real asset to the area and I don't think it would have been a good design to just build a wall there. And so -- and then how does that work for some of our surface parking lots? Just next door to the -- you know, the Academy of Music, that would be a -- a City lot -- at least half of that facing Walnut. Do we put walls up in front of all the parking lots -- you know, the -- and does that -- you know, does that make sense. And the other thing I have found with some of the properties, whether it is residential or commercial, walls deteriorate. And, you know, they just -- you can put up -- you can look at the wood structures around some of our -- some of our places that we put trash in the compactors, you know, best intent to kind of hide those and we put these wood structures up and a few years later, they look like the sides of old barns, you know. And then it is expensive to replace them. So sometimes landscaping, you know, is -- is more attractive, less expensive and adds more to the area than some

walls. The open space requirement, I know everyone is -- you know, that's been discussed a lot and I'm not sure I understand it entirely, but if -- if the outcome is that in many cases people just have little pieces of, you know, green area or open space next to an alley in the back of a building that is shaded, they might -- I would just say what does that get us really, you know? I would rather see if it is even an option to take those spaces and let the developer develop on it. It makes for a better project financially perhaps, but in lieu of that, he could provide some kind of a -- a fee or payment that would go into a -- some kind of pot, basically, for a community park downtown. So you would actually -- could aggregate those spaces over time on a half block or a block where people would really get some benefit out of some open space as opposed to -- as opposed to something just being in the back of a building and being shaded the whole time. Not -- fi that's what the outcome of that would be. I'm not sure. I heard some other ideas, and -- which might have been attractive outcomes. The -- the one item that was brought up was Café Berlin. That is one of our properties. And it is an unusual property. It was an adaptive reuse. It was a gas station and wasn't being used very much. We -- I think many of you are familiar with that project, and I think the business is thriving and it works out real well. You know, again, that's another place where you could possibly, you know -- well, first of all, if we were to add on to that more than 25 percent on that lot, which someday we might want to add another business or add on to the building and put another business that would be an asset to that area, it appears that we would have to go -- go up and we would have to orient it towards the street. You know, I don't know that that's -- that would be a great look or a great design for that property. I would probably think that you would want to, you know, add on to -- you know, add onto it in another fashion. And I -- and so I don't know, you know, again, the idea of exempting some smaller properties -- historic properties seems to be reasonable. It appears that some of the things we like about downtown, that if I'm interpreting this, that it may make it more difficult to do those kinds of projects, you know. So that's -- that's pretty much all I have, so thank you.

MR. STRODTMAN: Are there any questions for this speaker? Thank you, Mr. Ott.

MR. FARNEN: Good evening. My name is Mark Farnen, 103 East Brandon, Columbia, Missouri. I just have a few based on a few comments that were made here tonight. On the private open space question, I would like to add my support for the exemption for the smaller properties at the 15 percent private open space level. I think that that does become onerous, not cost effective, and sometimes just almost impossible to cut up your space in the correct way when it is a small space. I think it is difficult. On the larger ones, I don't understand the rationale for requiring it because this is a Form Based Code. If it is mostly on form and what it looks like, and not what it is used for, then we have addressed that through fenestration, through window cuts, through space, through all of those things on the outside of the building, and that is what is the most important key. The secondary one is the interior use of what did we really do in there. And so I would like that whole rule to be considered in terms of that and given at least secondary consideration as a requirement -- maybe as a suggestion, and at least an exemption for small ones. On the height measurement, I was confused because I was asked about this this afternoon -- this very afternoon. How is height measured for buildings? And it looks like downtown, the height is

measured by the height of the face of the wall, not including the roof basically? And so like an attic space does not get included in height. But that doesn't change it for the rest of town. Right? You still go to -- you go to -- you measure to the top of a roof?

MR. TEDDY: Mid-point. Excuse me. Mid-point if it is a sloped roof.

MR. FARNEN: Okay.

MR. TEDDY: So gable or hip would go to the mid-point of the roof.

MR. FARNEN: Does that apply downtown?

MR. TEDDY: No.

MR. FARNEN: That does not. Okay. Because we were asked about that very thing this afternoon. All right. Thank you for that clarification. And the -- there was some discussion about that there are a lot of different places where we have amendments that might have to be made to different things to make them work. And those amendments, the way the process was described, that you would have to come in and amend the regulating plan to comply. But in the previous sessions, we had indicated that planned development applications are not allowed in the M-DT. Would that be a better way -- would that -- should that be an allowable thing in the M-DT? And if not, why? In other words, why not just bring in a planned unit and take care of all of the stuff at once? Because you might want to change the regulating plan. You might want to have an exception to a setback for whatever reason or vegetative buffer that is not necessarily envisioned in this, and I would think that planned development applications should be allowed in any part of town. And then we are always wondering when this is going to be finished, so I'll listen for updates on timelines. Thank you.

MR. STRODTMAN: Any questions of this -- for this speaker? Thank you, Mr. Farnen. Anyone else like to come and give us your thoughts? As I see none, I will go ahead and close this public hearing and --.

#### **PUBLIC HEARING CLOSED**

MR. ZENNER: I have a couple of just closing points for you. Not that I have already said enough tonight. Moving forward, as we have done as this installment at the end of each of this discussion sessions, we do have two more meetings as it relates to the Unified Development Code. One will be on July 7, and that is Part 3 of Form and Development Standards. We will talking about parking, landscaping, signage and site lighting. Those are the four topics on the 7th's meeting. And then on July 21st, we will be dealing with enforcement and procedures. P & Z hearing, we want to stress this a tentative date. It has been indicated in prior correspondence to Council that on August 18th, tentative public hearing for the Planning and Zoning Commission on the code. That would then follow to a tentative introduction to City Council on September 19th. As I just indicated, there is what the agenda is for the July 7 meeting, and then the July 21 meeting will be Enforcement and Procedures. We do have this most recent addition of the code online. It is available at [como.gov](http://como.gov) on the Community Development page. The chapter again is Chapter 29-4.2. We also -- at the request of Mr. Clark at our last meeting, we have added the issues and comments spreadsheet to the website under the same link. It is the top

document. It is a work in progress. We have not been able to address all of the code question issues, nor provide any response to addressing that question or not. At this point, we will proceed to continue to do that as we are able to get back into that spreadsheet itself. But we have been able to identify all of the comments that have been made since June -- since the beginning of this program, which was in May, so through June 9, and we have been able to provide all of the code reference sections that that question may be pertaining to. And in some instances as I have entered that data in, some of the questions are answered actually by the additional code sections that are referenced. And we will be able to more clearly identify that as we add additional text. But again, you can find the document, the issue spreadsheet -- and the issue spreadsheet will be updated as well and reposted to the same location. So with that, that is all we have to offer as it relates to the code and to the public. Again, we will be continuing the update on the website as materials become available prior to our Planning Commission Meetings.

MR. STRODTMAN: Okay. Everybody is ready to move on. We will move on to the subdivision portion of our meeting.

## **V) SUBDIVISIONS**

### **Case No. 16-131**

**A request by Last Enterprises, LLC and C.G.V. Investments, LLC (owners) for a two-lot final minor subdivision plat of C-2 (Central Business District) zoned land to be known as "Broadway and Hitt Street Plat 1" and approval of variances to Sections 25-43 and 25-46(b) which pertain to street widths and intersections, respectively. The 9,735 square foot subject site is located at the southeast corner of Broadway and Hitt Street, and contains buildings addressed 1102 E. Broadway and 8 Hitt Street**

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

Staff report by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of the proposed final plat and approval of the requested variances from Sections 25-43 (Street widths) and 25-46 (Intersections).

MR. STRODTMAN: Do we have any questions?

MS. RUSHING: I do have --

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: -- one question. You referred to both of the variances as dedications, which I understand as to the right of way. Are you saying that the truncation requirement would also require them to dedicate an easement or is that a requirement that would apply at the time of development of that property?

MR. MacINTYRE: Both of the requirements or proposed variances are from requirements to dedicate right of way so that the corner truncation would grant right of way along the corner to taper the edge down; whereas, the street rights of way dedications for the -- for the cross section or the width of the actual street right of way beyond that applies to the linear portions of the street along Hitt and Broadway.

MS. RUSHING: So the truncation would be a current requirement, not the -- not the removal of a future requirement, if you understand my confusion? In other words, it's a current requirement to dedicate an easement, not a variance that says in the future you won't be required to meet this requirement?

MR. MacINTYRE: Well, the variance, if -- the variance that is being requested is both -- it goes with the plat. So it would be a variance that would apply to apply now to the property, and at some point in the future, there would -- unless there was some additional platting action, there would not be an additional opportunity via platting or concurrent with the platting action, unless that occurred to grant a dedication of right of way at that time. So -- so this is one opportunity that we take to receive additional right of way. It is probably the primary opportunity that we have for dedicating additional rights of way. However, at some point in the future if the lot were to be redeveloped or lots -- either of them or both -- were to be redeveloped and there was some need for additional street improvements or rights of way or easements to support additional impacts of higher intensity development, for example, there may be opportunities at that time to acquire additional easements or other methods in order to accommodate those necessary street improvements.

MR. STRODTMAN: Yes, Ms. Loe?

MS. LOE: Has the City waived the dedication for right of way along Broadway or Hitt for other existing properties?

MR. MacINTYRE: Yes. It's fairly common practice. In fact, I -- in looking at our downtown parcel lines, and certainly since I have been with the City, I have not known any -- of any instances where the issue has been addressed as formally as it is being addressed tonight, aside with the exception being the last Planning and Zoning Commission hearing, of course. It is very uncommon, I guess I would say, to see these variances being requested in the downtown district. I think that it has been standard practice of the City to -- to not require additional rights of way with platting actions downtown. Now, I have not gone to any length of looking to see what property has been replatted since the original 1825 plat or survey of Columbia, but I expect that there have been several, if not more, to probably accommodate this type of an adjustment of lot lines. But certainly, the -- there is some advantage to not doing that for the sake of preserving the historical street frontage, which is a zero lot line in our C-2 or downtown district.

MR. STRODTMAN: Any additional questions for staff? I see none. As our customary practice is if -- even if this isn't a public hearing, if there is anyone in the audience that feels that they can give us some information that would help us with this, we will welcome that.

MR. DARR: Cody Darr with A Civil Group, offices at 3401 Broadway Business Park Court. I am here on behalf of the owner, and I think Steve pretty much described the situation pretty well. I don't have a lot to add. I'm here to answer any questions. I'm here on behalf of the owners. I do have some information on platting and different actions that you guys have taken on Hitt Street on either side of the road in the past if you have -- want specifics. I won't list all of them. Once this is final platted, it will be subject to the same types of requirements and future City requirements that the property across the street

is or any other property in downtown that has already been platted. So for future right of way taking whatever opportunities, those other properties would have for future applications for development or any other thing, this property would be subject to the same type of rules. So it's not like you are missing the boat. It would -- they would be in the same boat as any other property downtown. This property was not platted as part of the original town. It was right on the outside. So in order to do this lot line adjustment, we have to go through this final platting, and it's not an admin-type situation where any other time properties are platted downtown. Generally, it doesn't come before you because it is an administrative type of action that doesn't need to see the Planning and Zoning. So you guys don't even see it. And the -- like in 2003, the property just to the west on the other side of Hitt Street was admin platted, and no additional right of way or anything was granted. And the property just to the south and further to the south has been replatted -- or platted as recently as 2012, I think. So I'll leave it at that. If you have any other questions?

MR. STRODTMAN: Ms. Loe?

MS. LOE: Are you aware of any other variances for truncated corners that have come forward?

MR. DARR: Besides the one that just not too long --

MS. LOE: Besides last meeting, yes.

MR. DARR: For truncated corners, I can't think of any off the top of my head. The variance along Hitt Street has been granted.

MR. STRODTMAN: No further questions? Thank you, sir.

MR. DARR: Thanks.

MR. STRODTMAN: With that, Commissioners, anyone would like to frame a motion, questions, additional comments to staff? Ms. Loe?

MS. LOE: The reason I asked about truncated corners was because last meeting we voted with the stipulation that we not vote a lot on case-by-case truncated corner cases. But if they really aren't coming forward, maybe it is not a huge issue. But if these are going to be an issue, I would rather we just dealt with it in the code and figure out what we're doing downtown rather than doing it on a case-by-case basis.

MR. ZENNER: I can appreciate your point, Ms. Loe, and I think what we will deal with with the revisions to the development code is to address this issue moving forward. Unfortunately, platting actions that come in in the period between now and our code being adopted are going to be required to go through this process. Mr. Darr made the comment that administratively platted properties do not have to come back through the Planning Commission, and a majority of property in downtown is deemed legal lots, and they are allowed to be replatted without coming before the Planning Commission. And often they present identical scenarios for Mr. Teddy to have to evaluate, and staff, in its review of that admin platting process. Again, as Mr. MacIntyre pointed out, it has been customary practice that we do not generally through an admin process -- unless we have a defined need, extract additional road right of way or corner truncations out of downtown property. It is inconsistent with the downtown scheme of development, and it

is not deemed necessary by our traffic engineering or other public safety officials that the additional road rights of way are necessary to facilitate the traffic movement. This particular location is a little bit unique. It does have a planter out in front of it between basically the travel lanes of Broadway and the back of the sidewalk or the front of the sidewalk; thereby there can be modification of this particular intersection in order to accommodate within our existing right of way -- a truncation that would allow for some type of slip movement out on to Broadway if the demand were generated for it. And a lot of what the evaluation and an admin-planning process stage when it does not come before the Commission, it doesn't go before City Council is we are looking at what demand is. What is that demand of the proposed development going to create? And that is often what will trigger the need for us to request additional right of way. In an admin platting process, if they refuse to provide it to us, they would go before you or the City Council requesting the exact same variance, and we would be having the same discussion. But often, as I said, in our administrative platting procedures, after doing diligent review at the staff level, we have determined it is not a necessity. This is just one of these scenarios, as was the Hitt Street plat, where we brought it -- or the Cherry Street plat, where it came before the Planning Commission because we were platting, and just because of the way our regulations are set up. We want to resolve the problem as much as you do so you don't feel like you're granting variances that don't need to be being granted or shouldn't be because they seem to go against our regulations. We are just in that limbo stage. I -- that's the best I can say.

MS. LOE: I understand and I appreciate -- I just also don't want to make property owners feel as if they are restricted in some ways that in truth they may not be.

MR. ZENNER: And the only way to relieve that restriction, which is regulatory right now, is to go through this process --

MS. LOE: I understand.

MR. ZENNER: -- so the acknowledgement -- acknowledgement of that I think on both sides is something that we -- we're working through as well.

MS. LOE: Thanks.

MR. STANTON: I --

MR. STRODTMAN: Go ahead. You have the floor. Mr. Zenner, do we need to do two votes on this -- the proposed final plat and then the variances?

MR. ZENNER: Joined.

MR. STRODTMAN: We're joined. Mr. Stanton?

MR. STANTON: As it relates to Case 16-131, Broadway and Hitt Street, Plat 1, final plat and variances, I move to approve per staff's recommendations.

MS. RUSSELL: I'll second that.

MR. STRODTMAN: We have a motion to approve the variances from 25-43 and 25-46, as well as an approval to final plat, and we have a second to that motion. Is there any additional discussion on that motion? May we have roll call, please.

MS. LOE: Yes, Mr. Chairman. Case 16-131.

**Roll Call Vote (Voting "yes" is to recommend approval. Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Motion carries 8-0.**

MS. LOE: We have eight votes for, so it passes. Recommendation for approval will be forwarded to City Council.

MR. STRODTMAN: Thank you, Ms. Loe. Now I would like to open up the public hearings.

## **VI) PUBLIC HEARINGS**

### **Case # 16-124**

**A request by Jones, Schneider and Stevens, LLC (agent) on behalf of American Truck Repair, LLC (owner) to annex 0.27 acres into the City of Columbia and apply M-1 (General Industrial District) as permanent zoning. The property is currently zoned County M-L (Light Industrial District) and is located on the east side of Highway 763, approximately 500 feet north of International Drive, and addressed as 5210 N Highway 763**

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

Staff report by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the requested M-1 permanent zoning pending annexation.

MR. STRODTMAN: Are there any questions of staff? Ms. Loe?

MS. LOE: More curiosity. It appears to be the one property along the east side of Highway 763 that wasn't included within City limits. Is there a history behind that?

MR. SMITH: Maybe.

MS. LOE: Okay.

MR. SMITH: Not that I am sure of, but as you can see, I think the property had fallen into disrepair, and so maybe there is no initiative in which to annex it at some point. So that's -- that is as much as I know for a certain fact. Maybe the -- I believe the property -- the current property owner is here now, and he may be able to shed additional light on that if he would choose to.

MS. LOE: Or not. That is okay.

MR. STRODTMAN: Are there any additional questions for staff? At this time, we will open it up for public. If anyone would like to come forward, give us your name and address and give us the information that you can tell us.

### **PUBLIC HEARING OPENED**

MR. STEVENS: My name is Rod Stevens. I am the attorney for American Truck Repair. My business address is 11 North Seventh Street. This is Sky Martin. He is the owner of American Truck Repair. American Truck Repair is a business that is located in Midway. It specialized in repairing large vehicles, and it also tows cars and vehicles in Columbia that are illegally parked. American Truck Repair purchased this property in January of 2016. Shortly thereafter, it demolished some dilapidated buildings that were on the property. American Truck Repair uses this property to park cars that are in working condition. A car gets towed that was illegally parked in the City of Columbia, it is brought to this lot. And



within a few days, the owner claims the vehicle and the car is gone. But all cars -- vehicles that are parked here are in working condition. Occasionally, if you've got a vehicle that has been completely repaired at in Midway and a little bit short of space, occasionally that working vehicle will be placed on this lot, and then it will be picked up by the owner in a fairly short period of time. And, in fact, usually there is no more than three vehicles parked on this property. And the picture that was shown earlier, I think only showed two vehicles in the very back of the lot. So it's just cars, vehicles that are in good working condition that are parked here. American Truck Repair doesn't have any plans at the present time to change the use of the property. It is going to stay the same if the property is annexed. It just -- surface parking is -- you know, the only improvement on this property right now is the surface parking lot, and that is what it is going to be continued to be used for. The property has been cleaned up. I think it is a little bit more desirable than in the past. And it is more attractive than it used to be. ATR believes that it would be beneficial to have this little island of County property made part of the City. It doesn't -- now that it is cleaned up and it's a little more attractive, it would be the logical thing to do to make it part of the City. American Truck Repair understands that if it is annexed, it is going to be subject to City regulation. That is not a problem. So I would be happy to ask -- to answer any questions or Mr. Martin would be happy to answer any questions that you might have.

MR. STRODTMAN: Are there any questions for either speaker? I see none. Thank you.

MR. STEVENS: Thank you.

MR. STRODTMAN: Is there anyone else in the audience who would like to speak on this matter? I see none. We will close the public hearing.

#### **PUBLIC HEARING CLOSED**

MR. STRODTMAN: Commissioners, questions, comments, discussion, motion? Anybody have any -- yes, Ms. Russell?

MS. RUSSELL: I'll go ahead and frame a motion.

MR. STRODTMAN: Yes, ma'am.

MS. RUSSELL: It seems pretty easy. In the case of 16-124, American Truck Repair annexation and permanent zoning, I move that we approve the permanent zoning pending annexation.

MS. RUSHING: Second.

MR. STRODTMAN: We have a motion and Ms. Rushing has a second. Is there any questions on this motion? I see none. Mrs. Secretary -- Ms. Secretary, may we have a roll call, please.

MS. LOE: Yes, Mr. Chairman. Case 16-24 [sic].

**Roll Call Vote (Voting "yes" is to recommend approval. Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Motion carries 8-0.**

MS. LOE: We have eight votes for, none against. The motion carries. Recommendation for approval will be forwarded to City Council.

MR. STRODTMAN: Thank you, Ms. Secretary. Moving on to our last case.

**Case # 16-127**

**A request by Millard Family Investments, LLC (owner) to rezone land from a mixture of C-P (Planned Business District) and C-2 (Central Business District) to C-P, and to approve a C-P development plan to be known as "Millard Family Funeral Chapels 10-12 E Ash Street." The 1.38-acre subject site is located on the south side of Ash Street, approximately 260 feet east of Garth Avenue.**

Staff report by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of the amended C-P development plan and approval of the C-P rezoning request, subject to the statement of intent being revised to include only the following uses:

- Counseling centers operated by charitable or not-for-profit organizations; excluding halfway houses or any use connected with penal or correctional institutions.
- Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies.
- Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including but not limited to:
  - (1) Artists, sculptors, photographers.
  - (2) Authors, writers, composers.
  - (3) Lawyers, engineers, planners, architects, realtors, accountants, insurance agents, brokers, and other consultants in similar professions.
  - (4) Ministers, rabbis, priests, or other clergy members.
  - (5) Physicians, dentists, chiropractors, or other licensed medical practitioners.
  - (6) Seamstresses, tailors.
  - (7) Teachers of private lessons in art, music, or dance.
- Mortuaries, which may include a crematory, provided that:
  - (a) Such use shall be conducted within a fully enclosed legally permitted structure.
  - (b) Such use shall have fee-simple ownership of the required parking spaces to meet the requirements of section 29-30 (off-street parking and loading) for the intended use. The use of shared parking shall be prohibited, unless approved by the board of adjustment after consideration of the required documentation stated in section 29-30(e).
  - (c) No outside storage or display of equipment or merchandise used or customarily sold in conjunction with such use shall be permitted.
  - (d) The operator of such use shall be licensed by the State of Missouri, as required.

MR. STRODTMAN: Thank you, Mr. MacIntyre. Are there any questions for staff? Ms. Loe on a roll? Yes, Ms. Loe?

MS. LOE: Mr. MacIntyre, the R-3 buildings on that street, it was difficult to tell if they were single-family or multi-family.

MR. MacINTYRE: Immediately east of the site there are one, two, three, four -- five single-family

homes. And, yeah, they are all single-family, despite their R-3 designations. To the north there are also a few single-family homes, and a couple of vacant lots in there. I'm not sure that the O-P is currently being used as an office or a home, but I believe it is or was a conversion of an existing single-family home.

MS. LOE: Part of the reason I asked was because the landscaping -- the trees along the street in front of the parking lot currently are a nice screening. And I wasn't seeing a lot of landscaping on the proposed plan. I understand it is one lot away from the R-3 developed as a single-family, but I was wondering if there had been any comments on that?

MR. MacINTYRE: Yeah. The proposed plan will -- is required to meet the landscaping requirements. So for the parking edge -- I have to unfold it to speak to that. Additional parking area includes 12 spaces and, yeah, the -- so they are meeting the -- there's a large tree requirement or medium to large shade tree requirement based on the square footage of parking area. But since they are beyond the 20 feet back from the property line with their parking, they aren't required to meet the typical six foot kind of shrubbery hedge that we are used to seeing at abutting parking areas. Now that is not to say that the applicant couldn't if he wanted to add voluntary plantings. That is usually something that is permitted by the City Arborist. We see a lot of that, but oftentimes just reflect the bare minimum.

MR. ZENNER: It also may be, Ms. Loe, as a result of the -- and the engineer of record is here on this that may be able to address it more clearly, but there may be a stormwater requirement that that front portion is actually being used for retention of some nature and therefore isn't shown being vegetated as a result of that, but we will let Mr. Murphy here with A Civil Group respond to that probably if there's additional information.

MS. LOE: Thank you.

MR. STRODTMAN: Are there any additional questions for staff? I see none. We'll go ahead and open this to a public hearing.

#### **PUBLIC HEARING OPENED**

MR. STRODTMAN: If you have some information for us, please come forward and give us your name and address, and we appreciate it.

MR. MURPHY: Good evening, Chairman and Commissioners. Kevin Murphy with A Civil Group, offices at 3401 Broadway Business Park Court. I have Clay Vogl with Millard Family Funeral Homes and Carl Edwards, Sr. with me if we need them up for anything -- any questions on -- on this. Yes, we are adding a crematorium to this for the foreseeable future. We have other possible future uses for this in case the property gets sold. As you know, this is a bit of a process. It is costly to go through this each and every time you come back. We feel that these buildings could be repurposed for a number of different uses as they are without having to tear them down or anything. I will get into the uses a bit later, but as staff noted, we are adding on to the west property that is currently zoned C-2. We had discussed coming -- using the C-2 designation and just the two-story requirement for C-2 kind of got in the way. We were going to try to go for a Board of Adjustment variance for that and we decided just to redo and

incorporate this into the existing C-P plan. I'm going to -- I hope I don't go on too much here, but I want to get into the process of the crematory. Some folks don't know about it, so I'll try not to make this too graphic. So hopefully nobody is too squeamish. But some questions that typically come up is about smell and air quality and smoke and things of that nature. I would like to state that they're regulated by the DNR and for the EPA. The EPA would also be involved. The DNA has permits to regulate them statewide. Just like any combustion-based industry, like a coal plant or a power plant or anything of that nature, anything built burning carbon. And so there is licensing, record keeping, inspections, things of that nature that goes on with this. The process basically is they have a heated chamber. They preheat that chamber to anywhere from 1500 to 2000 degrees, which is extremely hot. It is meant to quickly burn and vaporize in that, the columns of flames produced by natural gas, and the body is quickly placed into that chamber and as the gasses escape from that burning, it goes into a secondary burn chamber where those gasses are reheated and burned off even more to eliminate the smoke and vaporize the gas and reduce any smells. The exhaust then goes through a cooler, a scrubber, and a filtration system -- a filter before going out the chimney. So there is certain conditions -- weather conditions, extreme weather conditions, that may affect that, but typically, there is not any smell. A lot of folks downtown, they -- the Millards also own Parker Funeral Home now where they currently have a cremation service downtown, but they are going to move it to this location is what they want to do. And some folks downtown will say -- they'll smell something and it's, Well, they are burning bodies today. They are burning bodies today. Well, a lot of times it is Lakota cooking their coffee beans or one of the other coffee shops in town. But anyways, as far as getting back to the uses, we initially had proposed some commercial uses here, innocuous-type uses - let's see, where did I have those -- such as barber and beauty shops, cleaning companies, photograph shops, appliance repair shops, bakeries, bike repair shops, you know, things of that nature -- printing shops, trade schools or wholesale offices and sample rooms. I've got a -- kind of a map here, and I know you folks have been looking at the M-DT regulating plan. Again, I would like to say that's, you know, not in stone yet. It seems like there is quite a few things to work out on that now, but there's limited C-2 ground downtown -- commercial-type ground, and it is fast getting very quickly filled up, and will continue to do so. And if -- if there is any need for expansion of that, it only -- it only makes sense to go and fill in the spots where we have various holes on the edges. We've got plenty of C-2 abutting R-3 ground around the edges of downtown, and so these were the types of uses we were originally looking for. Staff kind of backed off of that and wanted to do some office uses, so we proposed -- there was additional uses where it says hospitals for human beings, we basically kept that in there for medical -- that continues to say medical or dental clinics, sanitariums and medical laboratories. So those were the things we were looking at. Obviously, we don't believe a hospital is going to go in this location. The other thing, we are limited by parking as to how much we can do with any of these types of uses, so I would -- I would ask that you would consider, you know, even some of these commercial uses that I -- that we initially proposed or if you need be, what the expanded uses that we did propose with the Statement of Intent that -- in front of you. But if not, I guess we could go with the staff's, but, you know,

that was -- that was our request, and that's what we were looking for in those types of uses. If anyone has any questions, I'd be happy to answer those.

MR. STRODTMAN: Are there any questions for this speaker? I've got a couple -- yes, go ahead, Ms. --

MS. BURNS: Are there set hours for the crematorium to be doing its job?

MR. MURPHY: I can let Clay answer that.

MR. VOGL: Do I come up?

MR. MURPHY: Or is there any other questions for me?

MR. STRODTMAN: I have a couple of real quick ones before Mr. -- Clay comes up. Is the DNR -- you mentioned the DNR and the EPA. Is there a permitting process or something -- an application or something? And has that been done? And would they approve this site, I guess, or is it approved already?

MR. MURPHY: Yes. It's not necessarily based on site, it's based on the equipment and the air quality that you provide. They have that permit for their existing site, and they will apply for that.

MR. STRODTMAN: So the DNR or EPA doesn't look at neighboring uses or anything of that nature?

MR. MURPHY: No.

MR. STRODTMAN: They are just looking at --

MR. MURPHY: The production and the burning of the carbon --

MR. STRODTMAN: Actual equipment itself?

MR. MURPHY: Yeah. I will also mention that one -- one concern that came up. A neighbor to the east of us in one of those single-family houses that -- some concerns about stormwater runoff. Currently, there is a fairly good drainage way that runs behind those houses on down to First Street, and I just wanted to note that our parking lot and our project here will be picking up a lot of that and putting it into an existing storm sewer in the front of the existing lot. So it will be intercepting a lot of what they are already getting.

MR. STRODTMAN: So that will help the neighbors?

MR. MURPHY: It would help, yes.

MR. STRODTMAN: My last question is staff -- Mr. MacIntyre referenced -- or maybe Mr. Zenner referenced that area in the front of the proposed new parking lot maybe had some retention capacity or maybe it was -- do you have any knowledge of that or --

MR. MURPHY: We haven't gotten into the numbers to do that. Typically, more and more so with rezonings, we tend to tell our clients that, you know, Well, let's make sure we get this done first before we go and spend another \$20,000, \$30,000 --

MR. STRODTMAN: But it is not currently --

MR. MURPHY: -- on such things.

MR. STRODTMAN: -- being used for that?

MR. MURPHY: No.

MR. STRODTMAN: For the neighboring site or --

MR. MURPHY: No. It just --

MR. STRODTMAN: -- anything --

MR. MURPHY: No.

MR. STRODTMAN: -- of that nature?

MR. MURPHY: No, sir. And if would not be -- it would not need to be used for that. It's just for beautification purposes. I can show on a revised plan that we can take to Council, like a couple of additional trees in there. We just did -- again, we basically -- a lot of times just try to do -- you know, meet the requirements of the ordinance. But if that's something -- and I'm sure the Millard family would do additional work as well.

MS. LOE: I have a question for this speaker.

MR. STRODTMAN: Yes, Ms. Loe.

MS. LOE: A crematory is allowed in a C-2 with a conditional use permit. Why did you choose not to go that route versus rezoning?

MR. MURPHY: Just discussions with staff again. The C-2 also now has a two-story requirement where we didn't necessarily need a second story on the building.

MS. LOE: Okay.

MR. MURPHY: And so we would have to get a variance for that, and just thought this was the process to go through.

MS. LOE: Thank you.

MR. STRODTMAN: Any other questions? Thank you, Mr. Murphy.

MR. MURPHY: Thanks so much.

MR. STRODTMAN: Can we have -- can you come please, sir, and give us your name and address. And I think Ms. Burns might have a question for you.

MR. VOGL: Sure. My name is Clay Vogl. It is spelled V-o-g-l. And 'I reside at 3203 Granite Creek Drive in Columbia, 65202. I currently operate the crematory -- certified crematory operator at Parker Funeral Service downtown. Last year, we were purchased by the Millard family in Jeff City. The name remains Parkers, but we do -- we are physically owned by Millard. January of 2007, I started here at Parkers, and I basically took over the crematory operations at that time. And over the past almost 10 years now, I've had into the 2,000-plus of cremations that I have overseen and handled on my own. So I can certainly account for the cleanliness and the quiet operation of a crematory. If properly maintained and properly ran then it does not produce any pollutants or basically any noise beyond, you know, ambient noise immediately adjacent to the building.

MS. BURNS: What are the hours? Are they regular business hours to your --

MR. VOGL: Well, basically. The crematory is physically manned during business hours, which for us is 8:00 to 4:00. However, it does have automatic shutoff systems, so if we are able to come in after

regular business hours, we are able to safely start a cremation, and the machine itself will see it through to completion and shut off automatically when it is supposed to via timers.

MS. BURNS: So there is no set times it could occur?

MR. VOGL: Correct.

MS. BURNS: Okay.

MR. VOGL: Yeah.

MR. STRODTMAN: Any additional? Mr. Stanton?

MR. STANTON: It's right in my neighborhood. I live across the street --

MR. VOGL: Sure.

MR. STANTON: -- like a block over on LaSalle, so, yeah, I definitely want to make sure that we have environmental regulations. So what you are saying is it doesn't have any smoke? I mean, what -- because I heard all the jokes about Parker because I help build --

MR. VOGL: Oh, yeah. Absolutely.

MR. STANTON: Orr Street down there --

MR. VOGL: Sure.

MR. STANTON: -- and we used to say that all the time. So those are all false is what you are telling me?

MR. VOGL: They are. Absolutely. Now, I'm not going to say that we have never produced smoke. There are bodies like my own, very large people that are much more difficult to contain, but we are able to do that when we're able to focus on the machine. So once every, you know, 400 or 500 pound cremation, we have to take extra precautions to make sure that there is no smoke produced. And in regards to the odors that we produce, I can account for two different occasions where someone had called the funeral home stating that they were getting an odor from the crematory, and we were actually not even running the crematory at that time or at any point during that day. So I do assure you we do not produce odors, and we very extremely rarely ever produce any smoke. If we do, it is for no more than five minutes because we are able to operate the machine physically with its computers and its switches. We're able to make sure that, you know, no real pollutants are going to enter there.

MR. STANTON: Thank you, sir.

MR. STRODTMAN: Any additional questions? Does the -- I have one.

MR. VOGL: Sure.

MR. STRODTMAN: Does the weather make a difference -- winter? I mean, would a neighbor be able to see steam or smoke or anything in a wintertime situation versus summer or vice versa? I mean, is there any --

MR. VOGL: Well, actually that is a good question. The only thing that you will be able to see -- so the crematory has a large stack or chimney that comes up out of the roof. The only thing that you should be able to see during the operation of the crematory is actual ambient heat produced through the chimney, just like looking out over a parking lot in July, you can see the heat rising off of the asphalt. In a

good cremation, that is all you will be able to see.

MR. STRODTMAN: And this is the same exact system that you are using now just across --

MR. VOGL: Actually, the one we'll be using is an upgrade from what we have downtown, so --

MR. STRODTMAN: Okay.

MR. VOGL: And I will be happy to kind of tell you the difference on those two and --

MR. STRODTMAN: I was just making sure that it wasn't a different lesser grade or, you know, something different.

MR. VOGL: It is vastly improved from the one we currently use.

MR. STRODTMAN: How often do you get inspected by the DNR or EPA?

MR. VOGL: The DNR and EPA -- actually, the EPA does not inspect us unless a physical complaint has been filed. The DNR comes around once -- maybe once a year, maybe every two years to inspect. However, there are -- there are the maintenance groups for the crematories that come by and inspect them annually to make sure that everything is running correctly and that they are not producing any -- of any pollutants or anything like that. So -- and they do check out -- they check our licensings and our paperwork that we have to file through the State every year.

MR. STRODTMAN: To your knowledge, has your facility ever had an EPA investigation?

MR. VOGL: We have not.

MR. STRODTMAN: Thank you. Is there any additional questions? Thank you, sir.

MR. VOGL: Thank you.

MR. STRODTMAN: Is there anyone else that would like to come forward and speak on this matter?

MR. ALBERT: Kurt Albert. I have an office at 1512 Windsor. I own the two lots immediately across from this. One is O-P, and there is just a yard, green grass, trees. I don't know these people, but they are very good neighbors. They maintain a good lot. They keep it clean. They keep it mowed. I support this recommendation from the staff as they have said. I understand that crematoriums are ecologically correct. They are adding a few more parking places, which that is a good idea here. I do understand that the neighbor -- some of the other meetings we had talked about some of the water retention. I would like to see some of that done. But I think it's -- they've got a beautiful building. It's a shame there is not a picture of it, but it is gorgeous and well maintained. And I'm certain they'll use the same architectural materials to do the addition. So it -- I'm done. Has anyone got a question?

MR. STRODTMAN: Do we have any questions? I see none. I do appreciate you coming in. We love to hear from the neighbors, so thank you. Is there any additional? Yes, sir, please come forward.

MR. EDWARDS: I'm Carl Edwards, Sr., and I'm the attorney for the Millard Family Chapels. And I just want to rest my case.

MR. STRODTMAN: Any questions for that speaker? Thank you, sir. Is there anybody else in the audience that would like to come forward and speak on this matter? I see none. We'll go ahead and close this public hearing.



## **PUBLIC HEARING CLOSED**

MR. STRODTMAN: Commissioners, does anybody have any questions, additional comments for staff? Anything else that you would like to talk about? Would somebody like to frame a motion? One motion? Yeah. Does anybody have any comments on the Statement of Intent, the uses?

MR. STANTON: Yeah. I support the staff in removing some of those uses. I support the staff's removal of those.

MR. STRODTMAN: Everybody's looking at me. Anyone like to -- any additional comments or would someone like to frame a motion on this matter? Seeing none, I'll take a shot at it. For Case 16-127, Millard Family Chapel's rezoning and C-P Plan Revision, my recommendation is approval of the rezoning, subject to the Statement of Intent revisions to remove the hospitals, residential care facilities, laboratories, and reference to the retail businesses. Additionally, I would recommend approval of the C-P Plan Revision.

MR. STANTON: Second.

MR. STRODTMAN: A motion has been made by myself. Mr. Stanton seconds it. Is there any discussion on the motion? I see none. Ms. Secretary, may we have a roll call, please?

MS. LOE: It's a vote on 16-127.

**Roll Call Vote (Voting "yes" is to recommend approval. Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Motion carries 8-0.**

MS. LOE: We have eight votes for. The motion carries. Recommendation for approval will be forwarded to City Council.

MR. STRODTMAN: We do thank you guys for sticking around. We know it was a longer night, but we do appreciate you sticking that out.

## **VII) COMMENTS BY THE PUBLIC**

MR. STRODTMAN: If anybody would like to come forward and give us your comments, we would appreciate that.

MR. MURPHY: Kevin Murphy, A -- well, 105 North Greenwood Avenue. I'm speaking for myself here, I guess because I didn't run it by the boss. But I missed much of -- of the discussion about the -- at least the D-MT discussion tonight. I, myself, nor many at my office have had a chance to really go through a lot of these zoning changes and such. I would just say that it -- but from other folks that have dealt with at least the downtown portion and feel like there is a lot of tweaking and modification that needs to make that happen. You know, I think a lot of people's thoughts are instead of taking all of this on -- I don't know what the code rewrite is now -- 200, 300 pages, close to 300 pages probably, and of all the various districts, that if -- if -- I think that the discussion has been, well, if we can just focus on maybe one district at a time. Maybe start with downtown and get the bugs worked out on -- on that. It is -- besides hiring somebody that has -- you know, that is their sole job to do is to review this and put out what they think is good, and then having staff -- again, that is not their sole job, but that is part of their job to

dedicate time to do that. It's hard for, you know, me to do it at my work. I'm not getting -- nobody is paying me to do that, and that's what my boss wants me to do is, you know, bring a paycheck to the company. But even the lay person, you know, that just shops downtown, let alone a property owner or something, I just think the process -- this is a huge undertaking over -- across the whole city. I just think it needs to slow down instead of -- it just feels like there is a drive to get this done by September or October or something of that nature, and I -- well, and we -- I don't think we have really gotten into the issues with all of the other zoning districts. I think a lot of folks feel that maybe -- it may be a legal purview of yours to be able to change somebody's zoning on them without them requesting that on their own property. It is certainly something to discuss when it is a neighboring property. I understand that. But when it is your own property and to be able to lose uses that you have bought this property, you know, you may not have built on it yet; you may not have done what you wanted to do with it yet, but you've -- you invested in that property with the idea of maybe doing something, and now you won't have the chance to do that. I don't know if -- if -- you know, I know this is the direction we have gone with this code rewrite like this, but I don't know if its -- if we can't just look at working with what we do have to -- or at least, you know, slowing down and making sure we get each of these zoning districts worked out as good as we can. But that's all I have to say. Thank you.

MR. STRODTMAN: Is there any questions for this speaker? I would just give you a couple of recommendations, Mr. Murphy. One, is very few of us are getting paid, so -- and I would suggest for -- especially in your business, that there will be changes coming down, and I would highly suggest that somebody within your firm, you know, get engaged in this matter because we -- we definitely appreciate the knowledge and experience that, you know, the Civil Group and engineers bring to the table because obviously none of us have that knowledge. So I would highly recommend that you convince your boss or show him this video that -- I think it would be very worthy because once this happens, and if -- and it will happen in some fashion or format, your business will have to change too. And so if you wait until it's enacted or over, your competition is going to have a head start on you. So I would highly recommend that you guys try to get involved and we would appreciate the feedback if you were getting involved.

MR. MURPHY: Sure. We certainly have, and we have done in many other aspects of different changes to codes and ordinances and standards through the years. And again, it feels like a lot of what we did devote a lot of time to was ignored, and it's -- and we just wind up having to deal with it anyways. And then after, you know, the same project that happened right after a certain ordinance got changed, it took a couple of three, four, or five years for those bugs to get worked out. So there's people getting stuck in the middle because they are doing it now just because it was, you know, right after something got enacted, and they pay the price for it until the bugs get worked out and something else happens. But -- but there is a bit of that, and, you know, obviously, we have been looking at portions of it, but it is a big bite to chew on.

MR. STRODTMAN: It is. It is almost 400 pages. It's closer to 400 than 300, so, yes. So we do appreciate your comments, and they are being recaptured. And we are taking feedback on all of the

zoning changes. So this -- your comments will be included in that, so we do appreciate you making those comments.

MR. MURPHY: Just one more thing real quick. There is a question that came up is like how are these changes being vetted, you know, so if somebody comes up, say, there was three items that the CID brought up. Now, are you going to then go and, well, we're going to accept -- we're going to accept this ordinance, except for this line. We're going to amend this or --

MR. STRODTMAN: If you look there is the recap that Mr. Zenner showed earlier on the website. And in that section it talks about has it been dealt with, yes or no; what section is it dealt with. Some of those are noes still, so staff is working with Clarion as well as internally and maybe even with the legal department to figure out some of those noes. So if you go to website -- the City's website, look on that. It's a double-sided spreadsheet; it's a big spreadsheet, but where all the comments that are being spoken about -- you know, there is probably some duplication in there, so you may not see ten of the same questions, but you will see that one question. And then staff is answering those questions for us in that form as they can get to those. And then I think here in a minute, Mr. Zenner might have a comment about how that is going to be included into the final draft. But we are recapturing all of those comments and trying to make sure that they've been addressed in some fashion.

MR. MURPHY: Okay. Thank you so much.

MR. STRODTMAN: I hope I didn't speak out of turn, Mr. Zenner. Is there any other additional comments from the public?

#### **VIII) COMMENTS OF STAFF**

MR. STRODTMAN: Any comments from our staff?

MR. ZENNER: Well, we do have comments. And I'll first begin with your next meeting is going to be on July 7, and we'll again start at 5:30 with a work session, and then 6:00 p.m. again for Part 3 of the Form and Development Standards. That is the topic for the next meeting. So be here for that. We do have some agenda items for the upcoming meeting. Not some, we have many. A total of six plus the information session, so the meeting may be a little bit longer than tonight's. Three subdivision actions, Schaumburg Subdivision Plat 1; Creek Ridge, Plat 2. This is a preliminary plat. And then we have Hendren Hills Subdivision, which is final plat. And then you have three public hearings -- 300 North 10th Street. This is the property that is the old Koonse Glass parcel that Mr. Ott owns, at this point with the request to go to C-2. As we have spoken previously, C-2 is being phased out with the M-DT; and therefore, there may need to be other options associated with that that will be presented during the hearing. We have an amendment to the Discovery Park Office plan. This is for the parcel that is immediately to the north of Phillips Farm Road that comes off of Discovery Ridge. And then we have Landmark Hospital, which is a rezoning and a plan expansion -- or I should say rezoning and a plan amendment to the existing Landmark Hospital site that is on Old 63. There are two cases associated with that, and those cases will be basically presented in tandem, since they are actually related; however, the plan revisions, if I am correct is applied to just the hospital site, which is zoned O-P.

MR. MacINTYRE: It's both.

MR. ZENNER: It's both. Okay. The northern parcel --

MR. MacINTYRE: Two separate sites.

MR. ZENNER: Yeah. Two separate sites; two separate plans. One is an existing plan and one is a new plan in order to basically deal with an expansion for meeting some of the hospital's needs on an offsite parcel. Maps of these particular locations, just for context purposes, the Landmark request and Schaumburg Subdivision -- so it's actually there is multiple pieces to this on your left. And then the Creek Ridge plat. This is at the back side of the Creek Ridge Subdivision, which has access off of Old Plank, right at the end of Forum and then comes off of Walt's Lane, which is to the right of the map that is displaying the highlighted area which is an unimproved county road. It does not have direct access, actually, to Walt's Lane, so there will be some discussion about maximum numbers of lots, cul-de-sac variance, and some other subdivision-related matters. The Hendren Hills Subdivision plat, this is above Procter, which is in the northwest portion of the City, and then the rezoning request for 300 North Tenth, which is the Koonse Glass -- the former Koonse Glass property. Discovery Ridge, we are all familiar with where this is located. This is the parcel, as I said, immediately to the north of Phillips Farm Road. And then the Landmark Hospital, one of a repeat of that case. So those are your items for our upcoming agenda. There may be some flexibility in that schedule depending on the 300 North Tenth, possibly. We may have a resolution to the necessity for rezoning. However, we won't know that until we get closer to actual production time for the actual Planning Commission agenda. In relationship to what was discussed during our work session as well as questions that have been presented over the past number of meeting of the Commission as it relates to the code project and to inform some of our Commissioners that have been in and out and enjoying their summer vacation and being away, a number of concerns have been expressed about the timing associated with the code and processing it in order to be able to get it to the Planning Commission in accordance to a date schedule that was given to Council several months ago as a result of a request to lay out a path moving forward. In that schedule Mr. Teddy outlined the meetings that we are going through now, and noted that we would go through this series of meetings for public comment and information with an anticipation of producing a final document after the summer break, in essence for the school. And one of the reasons, typically, we work during the summer season as we work on these types of code amendments and wait for the population to really come back into Columbia before we pass major regulatory changes. This is not an uncommon practice for us. However, as is the case with this particular project, it is extremely large -- a very voluminous document with great detail and potentially great impact as it relates to particular properties without -- throughout the City, as well as just general changes -- change is uncomfortable for anybody, and if you don't understand what the change is, you're that much more uncomfortable. We have done everything in our power at this point in order to provide information. This has been a three and a half year project. We have had countless public forums as it relates to the consultant's work on the modules. We have had a document that has been available online. We sent out in preparation for this meeting, and at the request of Mr. Paul Land, notification to

almost 1,000 property owners and business owners in the C-2 area that is affected to ensure that they were aware that there was activity going on, and that is the first of the notices that we will send out as it relates to this project. A question came up earlier this evening as it relates to all C-2 property: Does this M-DT section affect all of that? And as Mr. Teddy responded, no, it does not. So what does that mean to the C-2 property that lies outside of the downtown boundaries? That means we have a little bit of work ahead of our self as staff to identify those properties, contact those property owners, and identify the appropriate zoning classification to get them coded properly to the use that they have on their land. We have a number of frontages within this community that are zoned improperly as it relates to the land use, and the current land use and the zoning that can be applied to it does not deprive the property owner of that existing operational business that they have. Therefore, I would not suggest that we are depriving anybody an opportunity to be able to use their land through reverse condemnation or taking away land uses for what currently exists. We are going through a notification process, and as part of public notice associated with the adoption of the code, we will follow all of the requirements that we are required to do so under State statutes as it relates to the adoption of a document of this nature. We rely heavily on our law department for that. As it relates to what do we need to do with the comments, and as I have said earlier this evening, we are compiling all of the questions and issues that get raised during our public information sessions. We are capturing them in the spreadsheet and cross referencing them to the actual code section that they are related to. When there will be a decision as to how ultimately that comment or issue will be addressed will occur likely prior to completing the final public hearing document. It is our intention as we will deliver a product of this nature that we're not going to bring open-ended questions to be resolved at a future public hearing. We are going to propose language or solutions that may or may not address the question that is being asked, though it has to be looked at in the context of how does that particularly apply to the community as a whole. It is not that we fail to recognize that there are particular interests that may want to have an answer in one direction or not, but we have to look at how the application of the code will be applied across a much broader spectrum. The M-DT zoning district is very unique. It is very specialized, and that is going to take some additional review. And it does have to take a little bit of consideration. And I think tonight's issues that were brought up, once captured into the spreadsheet, open an opportunity for us as a staff to evaluate those and provide them to the Commission to say do we need, for example, street walls left in the code? Does it make any sense? Is it achieving any end goal? I can't give you that answer. I can give you an opinion of what we as a staff may say in the response on the spreadsheet. Ultimately though it is the decision of the Commission as to what it would like to recommend to Council as to how we resolve that. And we're not going to be arbitrarily making changes to the code without vetting them through the Commission first. There are going to have to be choices made. In certain instances, we have multiple options that have been presented to us -- the Loop CID has given us several actions associated with how to handle M-C along the Loop -- the Business Loop that is. We have Winter and Company's recommendations for the M-DT, some of which may be counter to what we as a staff maybe believe is appropriate and in the best interest possibly of the

community or the City as it relates to fulfilling general objectives. But ultimately, it is a decision that the Commission needs to make and they need to support by rational decision-making and a vetted process. So with that said, Mr. Strodman had asked me and had mentioned during work session --we have four more meetings, in essence, before August 18th, which is the tentative date to present this project to you in a formal fashion. I have two more meetings that we have to get through first before I can know the full totality of all of the concerns and questions that have been asked, which means really that leaves us the month of August to really work you hard, if that is so your desire. And I think until I can really get a handle on what is the full set of issues, I'm not prepared to really tell you that I want to rush to make any decision that we are going to produce you a final document to consider in August. Because to do so forces not only you as Commissioners in order to have to absorb 400-plus pages worth of material, it is going to short change the community and the citizens that would like to be engaged in this process, and at least somewhat informed, that opportunity to read the document itself. Our Comprehensive Plan was a very long and lengthy process. And we got towards the end of it and I can tell you, staff is exhausted. The bags under my eyes and the grey hair that I continue to sprout out is a result of some of that stress. However, we allotted time for the public, and we do not have any intention of not allotting that at this point either. What I would like to do is have an opportunity to be able to obtain these minutes, be able to consolidate that into the spreadsheet, and be able to complete responses to basically the June 9th and the May 23rd meeting minutes -- or the two prior meetings, so I can complete all of the responses. And I would like to be able to regroup. I think what we have to be doing, we have to look at the end of July as the beginning to address the first couple of meeting's comments, and that is going to have to happen outside of a standard work session. I unfortunately -- there's no way of being able to fit that discussion in in a 30-minute window. I'm looking at dates at this point as it relates to July. I was looking at them earlier this evening, and it would appear there may be openings in the Inn -- and I refer to that lovingly here as Meeting Rooms 1A or 1B on July 6th, which is the day before our next Planning Commission meeting. There are meeting openings potentially the 12th, 13th and the 14th of July, and then the 19th and 26th. I would probably opt for the week of July 12th, 13th, 14th. That is an off week from the Planning Commission Meeting. It may allow my staff and myself an opportunity to look at the comments that have been made and be able to address them in a timely fashion so we have meaningful discussion. I would suggest that we will need probably no less than a two-hour work session in which to work through a select group of those comments. I have no ideas of grandeur that we will be able to work through what now is about a 12-page document or spreadsheet in any pace that will allow us to get through that quickly. There are issues there that we need to talk about. There are things that I believe we have to vet externally, and you have to maybe understand why the consultant made certain choices that they may have made. We as a staff have spent the last three and a half months evaluating this code at great depth, and we have identified particular things. And what you see coming forward in these public drafts with sidebar comments are a lot of those issues that we have addressed that we have identified and we believe are necessary to be changed. The comments that are being added, I would suggest to you, if you

have read them yourself, are based on the unknown. They are based on questions that we actually haven't gotten to to cover particular things. I know Mr. Toohey's question, just because it sticks in my head, not to pick on you, Mr. Toohey, about the process for -- if there is an administrative decision that could be made, is there an appeal to that? Yes, there is; it's the Board of Adjustment, and it's addressed. It's addressed in the procedure section, and it is something that as we get to those types of questions from the public about why isn't something in there or why -- can you provide it, those are the simple answers. Those are the low-hanging fruit, as I would refer to it. And they are not ones that we even need to have a discussion about to be quite honest because they are done. It's the issues that we're coming across about changing the M-C zoning standards along the Business Loop that's going to take some time. And before I want to spend my time or send my staff out to spend their time to develop alternative text, I want to know what you guys actually would like. And in order to do that, we have to have an opportunity to sit down, not be hurried, to be able to deliberately go through these questions and have a meaningful discussion. And that is what I think, as Mr. Strodtman was wanting me to look at what do we have to do in order to move forward. We have to move forward, and to do so, we have to basically hold some extra meetings. I need to check our City calendar. I need to make sure that we do not have conflicts as it relates to other meetings. These will be quorum required noticed meetings because you will be in full quorum. And given the scrutiny that we are actually having placed on this product, I would hope that we would be able to do them with full attendance of the Commission. It is critical that I think we all, at the end of the day, are basically either agreeing to disagree or we're singing out of the same hymnal. And as a result of that, that requires maybe a little bit of our coordination. I believe in bringing text to you for you to respond to. I don't believe in trying to do it right there at the table, and that is one reason why we probably need to sit down and we need to have a better understanding of what it is is your expectation of us, and what it is it that we believe that we may not be able to produce or we don't believe is maybe in the best interest. And that is the purpose for the initial meetings. And I think once we get through that and we have a better idea of how we want to proceed forward, I think we can move the project. I think I would also suggest if there is a concern as it relates to the August 18th Planning and Zoning Commission tentative public hearing on a final draft, that you authorize or you direct staff as a motion of the Commission to provide Council a written request as it relates to an extension of that time frame with an explanation of the desire for that extension. I don't believe it is unreasonable. The only thing Council can tell you is no, and if they do, we will buckle down and we will have to produce a document. And if that is the case, that means we will probably be meeting more diligently during the latter half of July and the beginning of August. We have production -- as Mr. Murphy was saying, we have all our own regular jobs, and we have to produce an agenda for you every other week and we have to produce material for Council, so it makes it very challenging for us to be able to produce documents I think that the public expects to be seeing out of us with all of our other responsibilities. And I don't use that as an excuse; I use that as a fact of reality. We do our best to produce, and we are producing reporting now a little bit more timely so people have at least a weekend to review it, and hopefully that has been appreciated. I

realize we can do better; we always can. But I think what we need to do in order to move forward is let me have an opportunity to be able to get the minutes from tonight's meeting, be able to compile that into the list, and let me get back to being able to work on getting our responses to the original comments that have been made that I have not been able to complete done. I will look at the calendar. If it is the desire of the Commission for the week of July 12, which will be 12, 13, or 14, and see if we cannot schedule a time in there. I would imagine that it would probably be an evening meeting, starting either at 5:30 or 6:00, allowing you an opportunity to either get from your place of employment to our offices here, and we likely would be able to arrange, because it will be a work session of the entire Commission, for a two-hour block and probably a meal as well. That is how I perceive what we need to do as to move forward. It is not probably the path that I would have like to have taken. I would have like to have had this all neatly wrapped up in a bow, but this is a regulatory process; and therefore, I don't think we will ever achieve that. I am very optimistic. Unfortunately, I should probably be more pessimistic with my expectations. So all I ask of you at this point is to discuss amongst yourselves if you would like to have me review those dates and then tell me the time that you would like to meet, and we will make ourselves available to address the concerns that have been expressed up to this point.

MS. RUSHING: You mentioned two-hour meetings. Are you talking about more than one meeting -- meetings on each day or --

MR. ZENNER: I would suggest not every day, Ms. Rushing. I think you're going to -- we are going to burn ourselves out, and I have seen that far too often in my career.

MS. RUSHING: I'm already there tonight.

MR. ZENNER: We are not going to produce results with short turnaround, so often what is going to have to happen is we are going to need to meet, we're going to establish a tangible means of reaching some type of work product for that discussion, and that is why we can't eat the whole elephant. We're going to have to take it one bite at a time. And this is an arduous process, and that is why the comment sheet is exceptionally important that if we agree that those issues that have been said, yes, they have been addressed or, no, and you agree with the rationale as to why we are not going to address that issue, we knock those off right off the bat. There is no reason to discuss them any further. The way we will denote them within the final document is, This comment was made; it has not been taken care of. This comment was made; this is how it was addressed. It will not be in a footnote. That is why we are using sidebar margin notes at this point because it was far easier for the public to track a sidebar margin note than it is to try to go filter through 11,000 footnotes.

MS. RUSHING: So at this time are you asking us for one date or for more than one date?

MR. ZENNER: I'm asking you to consider more than one date or at least allow me the opportunity to be able to review the calendar. It has been brought to my attention that July 12 is actually a Board of Adjustment Meeting. Three of our staff are actually going to be at that, so that is not actually a viable date. The 13th is a Wednesday; the 14th is a Thursday. And then July 19th and 26th are both, if I recall correctly, Tuesdays. So those would be the four optional dates. And I would suggest the 19th and



the 26th are on opposite weeks. They are the beginning of one week, and then that's the following -- same day of the following week. So the 13th, 19th, and 26th of July are potential days that we may be able to meet, and I just need to check the calendar. And if those are the dates that you all believe your calendars would allow -- you would come to meet us, I think that that is probably what we can work toward at this point. These will be public meetings as well, so those of the public that are concerned that they don't know when they are going to win or if they have won, they will be more than happy to attend, but I think we need to understand this is a discussion amongst the Commission and the City Staff. This is not a public hearing. This is an opportunity for us to establish what we believe needs to be done. And the expectation of the public will be they can come to our public hearing when the document is produced, and if they are still unsatisfied, they can voice their concerns. I would hope, however, by the point that we have reached the public hearing, we have all come to a consensus either to agree, to disagree or to agree on what is in the code. Ultimately, the outcome of this does not rest with staff, nor with you, and you all know that. It is a Council prerogative. And if Council doesn't want to accept the document that has been produced forward, regardless of the folks that have participated in it, I, unfortunately, have nothing to do about that, nor do you. We have to put best efforts forward, and that's I guess what we are all trying to do at this point.

MS. RUSSELL: I think we might need these dates and possibly plus a motion to the Council to give us an extension. I know we work at the pleasure of the Council, but we are also the voice of the citizens of this City, and I don't want to put my name on something that I don't really feel comfortable with yet. So when do you need a motion to the City Council to give us an extension?

MR. ZENNER: If you all produce that this evening, we will ensure that the report is -- the request is forwarded to them at their next Council meeting. It will not be the upcoming meeting; it will be the Council meeting following.

MS. RUSSELL: Do we need to give you a specific date for that extension or could we just make it as vague as like maybe November?

MR. ZENNER: I would suggest -- we are currently on a calendar of August. I would suggest probably a two-month extension on that, which would be September/October. The Commission to making a recommendation by October. I -- there's a reason for that madness as well. Even if you produced a document in August, we will be in the middle of -- Council will be in the middle of budget hearing in September in order to anticipate adoption of our budget for October 1. They likely won't be doing much with the code anyway, so if we produce it for public hearing, your second meeting in October, they are done with the budget, and we have the opportunity to produce it for them. And then, potentially, if they do move on the document, it would be possible that they could have it completed by the beginning of the new year at that point. So I would suggest to your second meeting in October is your tentative point at this point. That is what you would be requesting the extension to for all of the reasons stated this evening, which you all don't have to rearticulate. I can do that as well.

MS. RUSSELL: Okay. I would like to go ahead and make a motion to the City Council for them

to give the Commission a two-month extension to produce a document for them.

MR. STANTON: Second.

MS. RUSHING: Second.

MR. STRODTMAN: Mr. Stanton seconds that one. We -- I assume we need to vote on that?

MR. ZENNER: That motion will be fine.

MR. STRODTMAN: Okay. Everybody is okay with that? Does anybody disagree?

MR. MOEHLMAN: You need a voice vote.

MR. ZENNER: A voice vote will be fine.

MR. STRODTMAN: So everybody in favor of the motion to extend -- we'll just do a voice --

MS. LOE: Okay.

MR. STRODTMAN: Everyone in favor of sending a motion -- or a letter or a request to City Council for a two-month extension, tentatively that we will have a document at the end of -- or in October for their consideration; if you are in favor of that, please say aye.

**(Unanimous voice vote for approval.)**

MR. STRODTMAN: Those opposed, same sign. That motion did pass by voice. There was no -- no noes. Does any Commissioners have any comments they would like to share with staff? I would like to make a couple, just since we are on the record -- and a couple thoughts. One, and this is just a kind of technical thing. Mr. Zenner, is there -- do you have any kind of timeline do you think that we'll get the -- I forget what it's called -- the plan?

MR. ZENNER: Regulating plan.

MR. STRODTMAN: Regulating plan.

MR. ZENNER: The regulating plan -- actually in talking with Matt Gerke, our GIS Division Manager, will be ready by next week.

MR. STRODTMAN: Oh, so really quick then?

MR. ZENNER: Yeah.

MR. STRODTMAN: And after that we probably don't anticipate much change to that other than maybe the discussion about Providence. That's maybe the only thing left open ended?

MR. ZENNER: We have -- Providence is the one -- is one outstanding issue. And actually, I failed to recognize within the presentation that we did make an adjustment to the RBL along Providence in the area that Mr. Waters was referring to. It was -- it -- the RBL line right now in that particular area is 24 inches -- 2 foot from the property line. At the request and acknowledgement of Clarion, it was moved back to five feet, so it is a 60-inch RBL now, and any area not covered or not built to the RBL in that location based on the amended text needs to be landscaped, so it's creating a green buffer strip. I don't believe that addresses the principle concern, however, that Mr. Waters was raising, and that was the two-story construction requirement, which again becomes a topic that we have to discuss. That's one of them that still is outstanding. The other one has to deal with the location of the M-DT boundary line as it relates to the Koonse Glass parcel there at Tenth and Park, and then possibly the Rose Theater as you come

back up towards the Ameren site. And if those properties could opt to be brought into the M-DT, that is a discussion topic that we have to make. The road acts as the physical boundary, and there's nothing to say that the property line of those subject sites cannot act as the physical boundary. But I think the one thing that we have to look at is, as Mr. Teddy pointed out, zoning districts have to stop somewhere, and typically we use these firm -- more firm boundaries, such as roadways or other natural features to make the zoning distinctions because you'll get a bleed. And that is part of what that discussion needs to be about is do we believe that it is appropriate to move the M-DT line up, and what impacts may that create. So those are the two changes right now that I know are outstanding. We may have some others as we move through this process as it relates to future alley openings and things of that nature that may need to be appropriately annotated on the map.

MR. STRODTMAN: Another question. On the comment spreadsheet -- and I'm not for sure what it is called, but the comment spreadsheet. When it says the issue is resolved and it's a N, those are ones that we need to discuss as a group. Correct? So that's ideally -- the yeses have been addressed and they are taken care of in theory?

MR. ZENNER: In theory. I would suggest to you, you don't look at the N as a direct let's have a discussion on it. The N may exist -- the N exists generally because from a staff perspective, the way that the code content has been written, to change it the way that the issue was presented may have a -- may have multiple impacts elsewhere within the code. So part of what the description that I'm putting into that comment box basically is telling -- is providing a little bit of guidance also.

MR. STRODTMAN: Right. I see one that says additional consideration may need -- and there's no change believed necessary, so it kind of helps us -- guide us as to where we --

MR. ZENNER: I think what we can do is, again, part of our process as we meet, I think we can go through and we can check off the ones that we want to discuss and the ones that we may agree on. And those that we need to discuss, I think that we prioritize as to how do we want to discuss them.

MR. STRODTMAN: Got you. A couple of other things. The final draft -- I assume that we need to go through all the comments before Clarion can produce the final draft?

MR. ZENNER: Clarion is no longer making any editing changes to this document. It is entirely in-house, so hence, there is no more help. We are -- this is our responsibility at this point, and while I take great pride in that, as well as the staff does, we have to realize there are certain limitations associated with that. We have graphics that we are not at all happy with. We will be quite honest and quite open to say that. The M-DT graphics are absolutely horrible. If you look at Winter's work, Winter's work is what we should have had in our document to make things much more simple. We are going to have to recreate some of those in order, I believe, to win over the trust and consideration of the public that thinks that this is a -- is overly complicated. It's the graphics that make it overly complicated in some instances. That is going to take some time. I have the talent in-house. I mean, Rusty is -- Rusty is our in-house architectural talent -- drawing talent, and it's a matter of being able to -- again I think take to you guys some of what we observed as issues and ask you do you see the same problem. If you see the

same problem, obviously we know where we need to ask Rusty to go to make these revisions. The more Axiom metric type drawings and things of that nature provide a little bit of depth. They make it for a little more interesting of a read. We've got staff that can produce AutoCAD drawings all day long that are all two dimensional. And there are some instances in where that may be appropriate, it's just a matter we have to get to. Again, dealing with the bigger issue, and then the graphics are the supplemental component of it. The text really for me right now, and I think for the public, is the bigger problem. They want the text clean. And once we get the text clean, I think we can make the graphics support the text. I know Steve had made a comment on behalf of the staff as we were going through the subdivision standards about our connectivity -- the street indexing and the connectivity. And it is described graphically, but there is no description of it texturally. So if you're not a graphics person and you are looking at this diagram like me -- I looked at it the first time and didn't know what the heck it was about. It would be beneficial to have it in both formats. So, I mean, those are the types of observations we're making because we've got to be the end user to explain to the folks that are out in the field, here is how it is applied. Some comments that we are hearing about it is it is difficult to understand, we completely relate to. And I think that that is something that again I want the expectation of what the Commission would like us to do first before I go out and do it because nobody likes wasting their time.

MR. STRODTMAN: No, for sure not. A couple of other things -- comments. And I'm kind of getting delirious here because of the time. I've been up for a couple of days anyway. I've got that day job, you know. How long -- I assume that October - the October date that we are planning on having something finalized, we'll have a chance to see that final draft a week or two -- one day before that date, or a week, you know --

MR. ZENNER: Twelve hours. I -- you know, I don't expect much more. If you're going to get delirious now, you just wait.

MR. STRODTMAN: Well, and -- and not only us, but the citizens I believe deserve a chance to look at that draft -- or the final draft before they show up on October 18th or whatever date it happens to be and have ample time -- not years or not months, but days, you know, weeks, whatever. And I'm just curious how long that we need to allow.

MR. ZENNER: We will -- we -- my intention would be probably one month prior to the public hearing to have the draft available for review. So a two-month delay really is a one-month delay in production. We will take the month of July to identify and analyze the issue. As we will wrap up July 21, that will be available -- that material will be available the first meeting in August, in essence. And what we will have to do is we will have to plug in some meetings between. However, if we were able to be working on the issues that have been raised up to that July 21 meeting and we have an idea of where we need to go, August will be a little bit of an opportunity for us to be able to regroup. September is when we would expect at the beginning of that month to post a document for everybody to review. What I would probably suggest prior to that document going live is we as a Commission and a staff would need to sit down and we would need to go over that final document similar to what the editing process or the check and

balance process that we went through on Columbia Imagined and the East Area Plan, where we were providing sections -- or feeding you sections. And I -- that's to some extent the organization of the comment sheet which has not yet been put together. The code section referencing is in order to allow us then to basically consolidate comments to sections. And what we can do is be able to produce chapters of the code with all of the comments that relate to that chapter having already been addressed. So, you know, I would hope that we would be able to have some type of almost like a revolving system. You know, we have a meeting, we're talking about the next section, and what we are providing you is the section that we just completed to be able to review, proof, and we just go through that until we get to the end. It's five chapters -- and that is easy for me to say. The fourth chapter has got a whole lot of stuff in it, but the fourth chapter, up to this point, hasn't had a whole lot of changes. We haven't had a lot of concerns. I'd suggest its definition and its land uses, which really we are dominating. It is the historic preservation process that seems to be of a great concern. You know, there are certain things that we have to be able to acknowledge that -- we haven't changed substantially any of the provisions of our historic preservation ordinance. The code's task was not to change them, and therefore creating a different process by which to nominate properties in which to basically do other things with historic property really wasn't in the code rewriting process for Clarion, nor was it really the direction that staff gave them. So the question that we have to ask you all is do you really want to spend a lot of time rewriting the historic preservation section of the code? That's the Historic Preservation Commissions responsibility to manage and offer amendments. And if they -- my understanding in talking with Rusty is is they have a desire to do that. But we can't slow this process down waiting on them to give you something to review. I mean, they have a process and we have a method by which if they want to make an amendment to the code, show us what they would like and we'll schedule it for a hearing. I mean, you know, a lot of people want to say a lot of things about what we are proposing, but they expect that we are going to do all of it, and I guess be clairvoyant to figure out what they would like. I'm not getting a lot of comments. Benton Stephens provided me what they wanted in their overlay. I still have seen nothing from East Campus. And if I get something from East Campus at the end of the project, how are we going to react to that? It's like, you know, we're done. So I -- that's a concern of mine that we have a process that we need to come to closure to because we will always just be in a state of flux. So we're going to have to make a hard decision at some point unless we're otherwise told, I would suggest, to hold this thing indefinitely for everybody to have their opportunity. And that -- that's part of what the commenting sheet will hopefully identify for us. We have to identify what are those priority areas that we really may need to take a severe look at and we may need to make a great investment of time into change, or are these other areas that -- I hate using the term, but they get put in the parking lot for now, and we come back and we address them after the primary project is done.

MR. STRODTMAN: You know, I would have to echo Mr. Clark a little bit in that that scares me because of how much effort and time we have put into it already, I would rather address it now, but also understand that we can't just keep addressing it. I mean, there has to be some end date. I get that. But

if we are going to potentially violate and hurt or whatever the historic site, I think we need to understand and have a conversation and maybe figure that part of it out because I think that is one piece of several that would need to be done. Do -- we would have to vote on this and have a -- I don't know -- an approval to pass it to City Council? So the quorum would have to have a -- you know, we would have to have more people that want to pass it forward than not before we give it to Council, or does that matter if we have a date that we're stuck again.

MR. ZENNER: If we -- I would hope that we would have -- I would hope that we would have a quorum to move it forward, but if you all decided that you wanted to deny the code, we could also --

MR. STRODTMAN: Or just -- we're not ready. I mean, there might be -- or we might have -- you know, there might be somebody on this group that says I can't do this because of --

MR. ZENNER: And if we need to go back and we do that -- I think what we have to strive for -- we're under the requirements that we have to publically advertise for a hearing because we are adopting a brand new ordinance. So we are going to have to follow all of those procedures -- 15 days advance notice prior to the public hearing, we're going to have to basically do general newspaper notice. And the Commission will hold a public hearing like it holds any other public hearing as it relates to a zoning item. You have many options associated with it -- You can approve, you can approve with conditions, you can deny, you can table. This is your project. You can table your own project.

MR. STRODTMAN: It doesn't always feel like it is our project when we keep, you know, getting resistance or -- we haven't got pushed back yet on the date extension, but if we do, then it is not our project, it's --

MR. ZENNER: And if you do -- and if you do --

MR. STRODTMAN: -- Council's.

MR. ZENNER: -- at that point what I would advise you as a Commission is you have to vote your -- you have to vote your conscience at that point.

MR. STRODTMAN: Right. Right.

MR. ZENNER: And if an expectation is that the documents coming forward to you, which it legally must come through the Commission prior to being able to be enacted by Council, that is a requirement of the chapter of the State Statutes as it relates to an amendment of the City code or the zoning regulations. So it is going to have to come out of you with a recommendation one way or another. And if they are insistent on having it by, again, the August -- or the September meeting as they're tentatively scheduled to receive it, you know, you can make effort to table it if you are uncomfortable with it -- if we still have outstanding comments, which is what that last final public hearing will produce. You know, we can only go into that hearing hoping that we have addressed, you know, almost all of the comments that have been expressed to us through this process. And I will guarantee you there will be people that will come in and say I heard nothing about this at the last hour

MR. STRODTMAN: And I understand that. You can't --

MR. ZENNER: So - and they may have valid points at that juncture. And I think I --

unfortunately, and this is no reflection on the Commission -- I've seen that happen to where we have -- we have a late comer to the party and basically the late comer pulls the stop bar on the bus. And we come back and we give you the information and we try to -- we try to resolve that question or that concern. I mean, I think that that is part of what our responsibility is is we need to anticipate that somewhat, and we need to prepare. And the only thing I could tell you is is the best way I think we can prepare at this point is we take the comments that we've been getting, we diligently review them, we look at them, we propose texts. That text may need a tweak or two -- and I'm not telling you that even if we vote on it and we have tweaks to the text that there is anything wrong with that. That is direction that you're going to give to us that you are voting on it subject to X, Y and Z being corrected or amended prior to forwarding to Council. That is better than just holding it back and repeating the entire process over and over until everybody seems to be happy. At some point -- I don't know if we will ever achieve in getting everything that everybody wants in it.

MR. STRODTMAN: No. No. And I don't think that is an expectation -- at least not from me or maybe the other Commissioners. But I think it needs to be realistic that we have addressed the major issues or concerns or whatever you want to call them and have had a chance to vent that as a group. And then put a document out there that we're as close as we're going to have being ready -- comfortable with, and then let the public look at it -- have that final, you know, review and then we pass it on. So I'll get off my -- my last thing is I would ask you to look at the dates between now and, you know, September/October and realize that, you know, we meet every other week. We all -- most of us all have jobs and other things. We all would love to have a little time off once in a while. And maybe we can, you know, stagger them a little ways, but still give you guys ample time to get the changes made and get it into a document that we will still have that month to look at it because I think it is a little unreal -- unfair for the Council to expect us all just to give up our lives and all of our, you know, things that we want to do and meet every week. So -- and I know we've already talked amongst us -- several of us that several of those dates that you threw out we can't make, and we want as many people there as possible because when we missed a few people from the past, I think that puts those people behind in some ways unless they are very diligent at home reading this, which is -- it's hard to do too. So I would just -- I would just ask that you give us as many dates as possible as an option for us to meet, and then maybe do some kind of a -- a survey. And we'll get as many people on this -- you know, five or six of those dates -- as we can. And maybe try not to do it every week in a row for a month just because it's just not fair. I mean, it's -- that's just me.

MR. TOOHEY: I think it also needs to be stressed to Council that we -- from the public comments that we keep repeatedly hearing, Slow down, slow down. We're not hearing anyone say, Speed up, speed up.

MS. LOE: Get this done by the deadline, yeah.

MR. STRODTMAN: Yeah.

MS. BURNS: And I don't think the -- I mean, we're borrowing trouble when we are saying that the

Council is going to reject us or say that we have to have it in by a certain date. I feel like we are diminishing returns now that we have a plan. Please, can we go home?

MR. TOOHEY: Is that a motion?

**IX) NEXT MEETING DATE - July 7, 2016 at 6 pm**

**X) ADJOURNMENT**

MS. BURNS: I move for adjournment.

MS. RUSSELL: Second.

MR. STRODTMAN: A motion has been made and seconded for adjournment. Thank you, everyone.

(Off the record.)

(The meeting adjourned at 10:33 p.m.)