

MINUTES

PLANNING AND ZONING COMMISSION MEETING

NOVEMBER 2, 2016

COMMISSIONERS PRESENT

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

COMMISSIONERS PRESENT

Mr. Anthony Stanton

I) CALL TO ORDER

MR. STRODTMAN: Good evening, everyone. I would like to go ahead and apologize for the few minutes of tardiness on getting started, but welcome to the November 2nd, Wednesday, the Special Public Hearing for the Planning and Zoning Commission. May I have a roll call, please.

MS. BURNS: Yes. We have eight and we have a quorum.

MR. STRODTMAN: Thank you, Ms. Burns.

II APPROVAL OF AGENDA

MR. STRODTMAN: Before we get -- oh, approval of agenda. Do we have any changes to the agenda, Mr. Zenner, the staff --

MR. ZENNER: No.

MR. STRODTMAN: -- the lone staff member.

MR. ZENNER: We do not.

MR. STRODTMAN: None?

MR. ZENNER: None.

MR. STRODTMAN: Thank you.

III) SPECIAL PUBLIC HEARING

Case No. 16-110

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

SEGMENT FOUR

FORM AND DEVELOPMENT CONTROLS (CHAP 29-4.3 THROUGH 29-4.6)

SECTIONS: PARKING AND LOADING; LANDSCAPING, SCREENING, AND TREE PRESERVATION

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

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, is there any questions of staff on this two sections? Ms. Loe?

MS. LOE: Mr. Zenner, I believe your first slide identified a parking requirement for M-DT?

MR. ZENNER: No, it indicated an exception for M-DT that there is no commercial parking requirement in the .25 space. It is a quarter space per bedroom is the only requirement within M-DT.

MS. LOE: Correct. That was the second bullet point. Can you tell me where that is located in the UDO?

MR. ZENNER: That is located under the general requirements, Page 233 under Exceptions. It is item number (2)(i), and I believe that is -- there was an error if I recall correctly that was identified and that was what was noted within the staff report that it is an error. This was pointed out to us after we went to production with the plan. We need to add that back into Item number (B), so it would be on Page 233, we would need to add the quarter of a space back in. The quarter of a mile -- you will notice there is a quarter of a mile which is the 3220 [sic] -- I believe when we added the text in that now is highlighted in gray with comment [PRZ220], we inadvertently deleted a little bit too much. But the parking requirement of a .25 space per bedroom is still a requirement.

MS. LOE: Thank you. I just didn't catch that in tonight's presentation.

MR. ZENNER: I apologize.

MS. LOE: The requirement under landscaping identifying the exception for lots -- not more than 10,000 square feet -- so I am looking at 24 -- or sorry, 29-4.5(g)(1).

MR. ZENNER: Just before the Landscape Table? The Screening Table?

MS. LOE: Correct. Does that apply to M-DT?

MR. ZENNER: The M-DT standards basically are in and of themselves and that is an actual, if I recall correctly, we have an exception at the very beginning of the M-D -- of the Landscaping and Screening Standards.

MS. LOE: Yeah, I couldn't find it.

MR. ZENNER: Yeah.

MS. LOE: Hence my question.

MR. ZENNER: It is Item number (4) on Page 261 just above General Provisions and it is "No provisions of this Section" -- it starts with that -- 9-4.5. And the second full sentence "If there is a conflict between the requirements of Section 29-4.2 and the requirements of this Section 29-4.5. So 29-4.2 is M-DT; 29-4.5 is the Landscaping Standards. "The Director may modify or waive the provisions of this Section 29-4.5 to allow the requirements of Section 29-4.2 to be met."

MS. LOE: Thank you. So additional clarification on that item -- the item at 261 identifies that the provisions of (g) shall apply to all development and redevelopment of lots and parcels that contain more than 10,000 square feet of lot area, and to any new lot of record created after date regardless of the

primary use of the property, in any zoned district, except single-family or two-family residential structures on platted lots less than one acre in size. When we coordinate that with the Item at (g), that item on page 275, identifies that it is applying to all lots greater than one acre, except for single-family and detached family or two-family structures. We appear to have lost that 10,000 square foot item. So I am just – should those two items be coordinated?

MR. ZENNER: I would have to look, Ms. Loe, at the -- at the prior draft to make sure that we have not relocated an item (g). It is possible that some of the shifting in the Code with the removal of particular sections and the reorganization of topics that that is possible that the (g) reference may be incorrect.

MS. LOE: Okay.

MR. ZENNER: Otherwise I would probably tell you that the 10,000 square feet is not to be applied to the preservation of existing landscaping, and that is a section very specific to parcels greater than an acre or new development. It was not meant to apply to -- I do not believe it was meant to apply to a 10,000-square-foot lot.

MS. LOE: Except that the Item at 261 specifically says provisions of Subsection (g) shall apply --

MR. ZENNER: I am aware of that.

MS. LOE: Okay.

MR. ZENNER: I don't --

MS. LOE: All right.

MR. ZENNER: -- believe that that -- the 10,000-square-foot floor I don't believe is meant to apply to (g), so it would be the provisions of subsection (g) may apply to all development less what the 10,000 square feet is. I would have to go back and I would have to look specifically to make sure that we have not --

MS. LOE: Okay.

MR. ZENNER -- made a section change.

MS. LOE: And just -- I was looking at these pursuant to our discussion last week about the 10,000 square foot --

MR. MACMANN: Gross --

MS. LOE: -- that we are looking at and trying to identify more throughout the Code where that was showing up and how it was referenced. So this came to light during that research. Thank you.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: A follow up on Commissioner Loe's question to clarify this and maybe Manager Zenner can answer this too. Are we going to need an amendment at the end of 4 to say which rules went -- are you following me? Because it -- here it is conflictual here. We will need an amendment, will we not, to clarify this so Manager Zenner has some direction? All right. I -- I just -- we need to remember to do that.

MS. LOE: Yeah. I have it down. Thanks.

MR. STRODTMAN: Any additional questions, Commissioners? Mr. MacMann?

MR. MACMANN: One question. Commissioner Zenner, when you were referring to meeting the

parking requirements in the beginning or your presentation, the current standard is 1,000 feet for satellites; is that correct?

MR. ZENNER: Yes. Off-premise parking on similarly zoned tracts of land or the --

MR. MACMANN: The current standard 1,000 --

MR. ZENNER: One thousand --

MR. MACMANN: -- and when we carry that over?

MR. ZENNER: Pardon me?

MR. MACMANN: My question is the current standard is 1,000 feet. Correct?

MR. ZENNER: That is correct.

MR. MACMANN: That standard is carried over to the new --

MR. ZENNER: Carried forward. Correct. And then there is an additional -- there is a reduction of 400 feet when you are using shared parking. So it goes from a thousand feet when you are not utilizing -- two parcels aren't sharing their parking. Which at 600 feet, those two parcels are sharing parking, have to be within 600 feet of it. However, if you are doing satellite parking for a use -- let's just say MBS Bookstore has a parking area and they want to park 1,000 feet away on a similarly zoned parcel that would accommodate the book business, we would allow them to park satellite for their use and their use only a 1,000 feet away. But if you are going to share that between two businesses, that's shared parking because you are basically saying in the shared scenario that Business A is using some of Business B's parking and Business B is using some of Business A's parking. We wanted that closer together so --

MR. MACMANN: So both of those businesses or both of those uses would have to be within 600 feet of that particular shared activity?

MR. ZENNER: Yes.

MR. MACMANN: All right. That's -- I just wanted to make sure that I was on that page. Thank you very much. Thank you. Mr. Chairman.

MR. STRODTMAN: Commissioners, is there any additional questions for staff? I see none. So we will go ahead and open it to the public input portion.

PUBLIC HEARING OPENED

MR. STRODTMAN: Go over a couple of quick ground rules as always. We are just sticking to the two topics of discussion this evening for this Segment, which are the Parking and Loading; Landscaping, Screening and Tree Preservation. So let's please stick your comments to those sections. Five minutes each. Please give us your name and address at the beginning. And if someone has already given us some discussion points that you are going to just duplicate or repeat, we would just ask that you don't, or just briefly get up and just say ditto and then sit back down would be fine, so that we can maybe kind of speed up the process a little bit. So with that, we would like to turn it over and come on up.

MR. TOMPKINS: Hello. Mike Tompkins, 6000 Highway KK. Tonight the biggest thing that probably will -- that I think will impact me is the 25 percent tree preservation. Right now, we are living with 25 percent and -- with our current standards. And if you think about it, that is a lot. 25 percent of a piece of land, you know, when you start talking about a hundred acres of something, that's a big chunk. I think

we can, you know, we are okay with 25 percent. Most of us do want to save some trees. Most people want trees around us, but that is enough. This -- the part that is a real problem is most of the trees are along the stream corridors and we need to be able to still count those with -- if we are not allowed to count the stuff in the sensitive areas and along the stream buffers, it's -- it is a huge amount of new land that we're going to just be -- you know, which is generally the flatter land that that's where we need to put things. That's where we need to put the buildings. So that is a huge deal for me. That's going to -- that's going to kind of drive up costs again of vacant lots. It's going to hurt affordable housing. So I ask you to please consider removing that requirement. We are okay with 25 percent, just let us count it along the stream corridors and in the sensitive areas that we already can't take the trees out of, as Mr. Zenner said. It's -- the other thing they've got with the 25 percent is -- and it's a little bit complicated the way it is put together, so I don't -- hopefully you will have maybe an engineer here that has read through it, but they are trying to keep it like all in one big clump. Every site is different. Again, we can save 25 percent, but let us -- let us have it in two chunks or three chunks or spread around where it works for us, where the grade works, just there's -- every site in this town is so different it just really makes it onerous to try to kind of have it all, you know, hooked together in one. I don't see anything wrong with it. If we are saving 25 percent, you can have a little over here, a little over here, a little over here, you know. Kind of -- it makes sense to me to give us more flexibility there, so I would ask you to remove that and just, you know, let it be in any location we want it to on the site. There is a provision on the tree preservation I believe to keep it in common lots, another kind of thing where I don't see why. I mean, if we are going to save 25 percent of the trees, what's wrong with it being in somebody's back yard? It can have an easement that protects the trees, but there is nothing wrong with me owning my trees in my back yard and them being part of the tree preservation. I don't -- I don't see a reason to force it into common lots. I just -- that's -- it's another level of bureaucracy that may need to be set up depending on the size of the development. You may not want any common lots, I mean, so I don't see anything wrong with private ownership of preserved trees. That's all I have.

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

MR. TOMPKINS: Thank you.

MR. TRABUE: Tom Trabue, McClure Engineering Company, 1901 Pennsylvania. On page 249 Section 29-4.4, item (2), this is the Parking Requirements. The issue I have is you've restricted the maximum number of parking spaces, and that's problematic for some of our clients. Specifically, I have two projects that we have just recently performed for the Columbia Public Schools, Elementary Schools, where we exceeded the parking requirements 270 percent because of their particular use. And, you know, we don't have a problem with -- you know, we can work within that, we just hate to have to go through another level of bureaucracy in going to the Board of Adjustment to get that approved. I would say that 99 percent of my clients will build the least amount of paved areas as possible; it is just the cost factor. But when I have a client that dictates because of their use that they need to have additional parking, we would like to have the availability to do that for them. And so I would ask that the paragraph (3) requiring the Board of Adjustment approval for that be stricken, and if we need to do something at the

staff level or whatever it's -- we just -- we think that's just an onerous thing. The tree preservation, I will just echo some of the things that Mr. Tompkins identified. We do believe that it's appropriate to be able to count the trees that you are protecting in the stream buffer area, you know, for all of the reasons he stated. I won't rehash that. And I also agree with him, and this is a comment I have made in some other areas too about doing preservation easements that are required to be on a common lot, because a lot of these developments, we don't want to have that other level of bureaucracy with a -- maybe a neighborhood board or something like that that would be responsible for those common lots. What generally happens is those just get lost in the shuffle and so nobody's taking care of those. And so I agree with him that it is very appropriate for those tree preservation areas to be on a platted lot and they're -- they're identified as preservation easements. The other thing I wanted to address in the tree preservation section, in addition to what Mr. Tompkins said and echoing a little bit, is allow us a lot more flexibility. Currently, when we have a property and we are coming in to look at the tree preservation is we sit down with the City Arborist and we identify where are the most appropriate locations to save this 25 percent? We work that in with what our particular development plan is and we reach a compromise situation or agreement -- it is not even really a compromise, it is an agreement. And sometimes on a parcel that may be three different tracts that are preserved, it may be four. It is whatever is appropriate to the parcel because, as you all know, trees don't grow in a nice little rectangular grid that is easy to just pluck out 25 percent. So we would like for that to be opened up just a little bit as well. And I'm -- so I think -- I think there's other folks who are going to talk about the tree preservation in a little bit more detail. I did want to note on Page 265, 29-4.5 paragraph (3), I was pleased to note the use of plastic or other artificial plant materials is prohibited. I think that's to be prohibited in counting towards your landscaping because certainly if we want to put a palm tree at the Hooter's, we probably should be allowed to do that, but -- but that won't count toward our landscaping requirement. So -- but I appreciate that that's in there; it's just a little bit of fun. Page number 271, this is the property edge buffering table, Table 4.5-4. I addressed this at our last meeting with regards to my position about zoning versus use in the requirements for buffering, so I won't belabor that point. But I do believe very strongly that for the protection of all property owners that the protections in the buffering should be based on the zoning. And because that is something that is concrete that has some degree of certainty and eliminates the risk to property owners -- adjacent property owners. Page number 273, 29-4.5 (f), and this is parking area as in landscaping. Paragraph (2), this particular section deals with requiring intermediate landscaping islands in large parking areas, and we are actually very much in favor of that, and I appreciate that that's part of it. But in paragraph (2) it identifies that those interior landscaped areas shall be designed lower than the paved areas so that storm water may reach them. And while I understand what we are trying to accomplish there, and we actually do that an awful lot around town, but that just may not be practical in a lot of our properties because of slopes -- sloping parking lots. I am recognizing the parking lots are for the use of vehicles and so we want to make it safe for the vehicles. So these crazy grade changes that may be required to make this drain this way could be a little bit problematic. And we would like to have that stricken so that we have the flexibility as designers. And there's also some large costs implications to

doing that that -- because of additional storm piping and that type of thing. And I think that addresses what I had. Thank you.

MR. STRODTMAN: Thank you. Commissions, questions for this speaker? Ms. Burns?

MS. BURNS: Yes, Mr. Trabue, I had one question. As far as the privately owned tree that is part of the tree preservation, how would that moving forward if a property owner purchases a lot, lives there, sells it, or that person lives there, sells it, who is responsible for indicting that that tree is not their tree?

MR. TRABUE: Well, it is their tree. It is to be preserved. It is no different than any setback or any other type of easement. When I -- I've got a piece of property that I own, I have to respect the easements that are there, I have to respect the utility easements, and the tree preservation easement as well. Now, we've got those crazy people. Somebody's going to go out there and decide to cut all the trees down. I don't think that that's the norm. I think that you are just not going to see that because we are talking about climax forest here, we are not talking about scrub forest. I think that makes a tremendous difference. And then I look to the neighborhood that I live in, now it is a 30-year-old neighborhood that was a pasture, and now it looks like a forest. And so I think we are building on that as well. So I think, historically, we've been accomplishing a lot of these things in building additional climax forests with good hardy trees. I am not opposed to the tree preservation; I just want to make sure that it is practical for a lot of these. If we have large developments, really large developments, where common lots make sense and there will actually be somebody there to maintain them, that's good. But I think when we look around the community and a lot of these developments where we've had common lots, those are where a lot of our problem areas from a maintenance standpoint because while the developer is still around, they take pretty good care of it generally, but once the developer leaves, and we've got a lot of examples like that of 15- and 20-year-old developments, the developer is long gone, you have a neighborhood association that knows nothing about maintenance of common lots and that kind of stuff, and common lots in my book are pretty problematic and we discourage them. And so that is why I am a little concerned about that and I appreciate Mr. Tompkins brought that up.

MS. BURNS: Thank you. I again just wonder how that tree --

MR. TRABUE: I get it. I get it. I understand.

MR. HARDER: I had one question on --

MR. STRODTMAN: Mr. Harder?

MR. HARDER: -- the common lots too. And so would you steer --

MR. STRODTMAN: You need to speak forward into --

MR. HARDER: Would you steer your common area towards the tree, I mean the trees, or how would that kind of work? Maybe I'm not -- I mean, currently it sounds like you can use trees in many different areas. Correct?

MR. TRABUE: Right. We can use trees from many different areas. And again, if this -- that's why we are a little concerned about this specificity of this because every site is so different.

MR. HARDER: Uh-huh.

MR. TRABUE: And we will have -- we will have a lot of properties where, you know, it just doesn't

make sense to have a common lot. I wish I could think of a great example, we have a lot of subdivisions in the old part of town that you will notice -- well, a lot of the stuff that backs up to Stadium over in the Forum area, a lot of those lots, the houses sit up on the ridge and the lots go all the way down to the Stadium right-of-way, and those are heavily wooded lots. And I'd -- I will have to drive by there, but I don't think there is an exception. I don't know that anybody's clear cut their, you know, that lower part of the lot that -- because they want the screening, and it is appropriate. And so I -- and that is a great example of where it would be silly for that to be a common lot back there -- it -- my opinion.

MR. STRODTMAN: Commissioners, additional questions of this speaker? I see none. Thank you, Mr. Trabue.

MR. TRABUE: Thank you.

MR. FARNEN: Good evening. My name is Mark Farnen, 103 East Brandon, Columbia, Missouri. Ditto, ditto, modified on --

MR. STRODTMAN: Any questions for this speaker?

MR. FARNEN: That -- the first -- there were two things that I had intended to talk about and I may have at least a suggestion. I was at the work session when the segmentation rule for climax forest was discussed. And one of the things that was pertinent there was that they -- you all did work on that and the arborist worked on it and said, you know, maybe there's ways to divide up some of this. And the clear thing that came out of that was -- was that the practical stand or the viable stand was 30,000 square feet. That's where it really made sense. And so don't be cutting down and don't make it 15 and 5 and that sort of thing. The arborist said 30,000, and, in fact, that's the way the rule is written in the Code. The narrative part says when required preservation is greater than 30,000 square feet an applicant may divide such preservation area provided no single area is less than that. Then it says, "Look at the Table." So what about this? The Table is progressive and it says if you wanted to divide something in half, it'd have to be at least 60,000 square feet to get a 30 -- to get two 30s out of it. But when you go to 120, because the trees might grow on different parts of the property why couldn't you just make the minimum parcel size in the chart 30 all the way down? And then you could do a 120 and -- you could do a 90 and a 30. And you'd still have two viable tree stands that meets the complete intent of the Code, saves the exact same number of trees, and doesn't try and undermine the rule by giving you a little sneak out. So if you did that on the maximum number of parcels, you could still say divide, divide, but when you get to 240 now you are talking about some real square footage. If you -- in this it says if you divide a 480, you would have to divide it into two 240s, but I think there you ought to be able to go three, and you could easily see that you could have a 70, a 60 and the balance. Or you could have 130 and 100 and something else. And so all you would have to do is not even modify the narrative; you'd just have to modify the chart. Make the minimum parcel size in square feet 30,000 all the way down. That would allow nothing to be lower than that, which was the viable size, and do maximum number of parcels 2, 2, 2 and then when you get to 480 3, and then greater than 480 unlimited, like it says. A real simple solution that doesn't undermine anybody's work, I think. Okay. So that is my modified ditto. The other ditto was to amend the maximum parking by a 150 per -- right now you can do your -- there is a new maximum parking cap, and it is at 125.

But I think when the parking -- when the parking minimums were adjusted it looked like in many cases, and not all, because sometimes it increases, but there was a reduction in the minimum. That is a good thing for some people to reduce that, but if you reduced it by 20 percent and then give you the ability to go up by 25 percent, you are about where you were at a hundred. So what I would like to suggest is that your parking by right would be -- you could do 150 percent of your minimum parking requirement -- you could do a 150 percent by right, anything between 50 and 200, Director discretion, anything over that, okay, we got to go to Board of Adjustment. And that would just -- that's just -- that's kind of a compromise in there because there was a reduction that's not reflected in the rule; there was an initial reduction, or it appears to be, and that's not true in all cases. But if we went to 150 rather than 125, that puts you back to what your intended 125 was almost because of the other reductions. And then it eliminates -- just like they said, don't make us go to Board of Adjustment. Let the director do that between 150 and 200, and then if it really exceeds, you better have a pretty good case because you are coming down here to see another panel. That's all I have.

MR. STRODTMAN: Commissioners, questions of this speaker? Ms. Loe?

MS. LOE: Mr. Farnen, so just to clarify on Page 249, Item (f) (1)(2), you're recommending that the 150 percent be increased -- or modified to 150 percent to 200 percent?

MR. FARNEN: Yes.

MS. LOE: Okay.

MR. FARNEN: That's true. Yes. And that the 125 be modified to 150.

MS. LOE: Okay.

MR. FARNEN: So that's where the -- that's by right to 150, and then 150 to 200, director discretion. That's right.

MS. LOE: Thank you.

MR. FARNEN: As a suggestion.

MR. STRODTMAN: Thank you. Additional questions of this speaker? I see none. Thank you, Mr. Farnen.

MR. FARNEN: Thank you.

MR. COLBERT: Good evening. Caleb Colbert, attorney, 601 East Broadway. I just want to talk about one particular property and use it as kind of a case study on how the landscaping and property buffering requirements would apply to this particular property. So this site is located at 1611 Burlington Street. It's zoned M-1. It is next to Paris Road, next to Interstate 70. Adjacent to this property though is a row of single-family houses zoned R-1. So I -- if you first -- you know, some of the complaints about the Code or some of the comments have been that the Code can be complicated and inconsistent in some areas. When I look at the property buffering table for the industrial property, we are required to have a 10-foot-wide landscape buffer and an 8-foot-tall screening device at the property line. Then I look at further sections of the Code. This property has a loading dock within a hundred feet of a residential area, so then it has to have an 8-foot masonry wall internal to the site screening the loading dock from the residential property. It also -- this site has outdoor storage, so the outdoor storage also has to be

screened with an 8-foot-tall screening device. So my first comment is I hope that there is -- I hope the intention is that if you have a 10-foot-wide landscape buffer and an 8-foot-tall screening device at the property line that internal features do not require additional screening because it doesn't seem to accomplish anything. So I hope that that provision is either written into the Code or that is how it is ultimately interpreted. My second comment is that it seems that there are different triggers for bringing a site into compliance. I am going to kind of jump ahead here. It was touched on a little bit tonight, but if you look at page 364, subpart (d) talks about nonconforming site features, and that deals with parking and loading, landscaping and screening. One of the subparts there refers to any redevelopment of a property that results in any demolition of a part of a principal structure, so that if you demolish any part of the principal structure, you are required to bring the entire site into compliance with the landscaping and screening and buffering requirements. Then if you flip back to Sections 29-4.5 and 29-4.4, there are different triggers. There are triggers, for example, expanding a parking lot by 10 percent for outdoor storage. Any expansion of an outdoor storage area triggers a requirement to build screening. Expanding a building footprint or the gross floor area by 25 percent triggers a compliance requirement. I just think that all of those should be consistent. I don't know what the right answer is, but whatever they are -- whatever triggers an obligation to bring a site into compliance, it should be the same throughout this document because it is incredibly complicated to figure out. Okay. Do I need to build a masonry wall to hide a loading area? Do I need to build additional landscaping along the edge of the property? And the other thing I'd point out about this property is it is a good example of an industrial property in an industrial area next to an interstate that just happens to have a small sliver of residential properties next to it which would trigger the neighborhood protection standards. But those are on tap for next week, so I will save that for then. But with that I would be happy to answer any questions.

MR. STRODTMAN: Commissioners, any questions of this speaker? Mr. MacMann?

MR. MACMANN: I do have questions, thank you, Mr. Chairman. Perhaps, Manager Zenner, you could clarify Mr. Colbert's apparent contradiction for me. He seemed to indicate on page 360 -- well when you are talking about demolition, any part of the principal structure is demolished, it triggers the screening standards. My understanding was it was an increase of .25 percent or .25 of the whole -- the whole thing was -- once it reached that hold it was -- threshold we triggered the other issues. Which is the overriding one there?

MR. ZENNER: I'm not following --

MR. MACMANN: You're not following me?

MR. ZENNER: I'm not following what you're asking.

MR. MACMANN: Mr. Colbert, could you restate that contradiction for me, please?

MR. COLBERT: Sure. If you will look at page 364, subpart (4) under paragraph (d) --

MR. ZENNER: I see it.

MR. COLBERT: "Any redevelopment of the property that results in a demolition of all or part of any [sic] existing principal structure and/or construction of new principal structures shall require that the property be brought into compliance with all applicable requirements of this Ordinance." And that seems

to contradict the language that is in Section 29-4.4 and 29-4.5, and I believe -- and I don't want to put words into Mr. Zenner's mouth, but I believe during the presentation he indicated the intention was that redevelopment triggers an obligation to address parking and screening in a manner that is commiserate with -- proportionate to the -- what is being redeveloped. But that is not what -- and that's not how I read 29-5.5(d)(4).

MR. ZENNER: On page 277, which is the adjustments and -- alterations and adjustments in the provisions -- and I am going to go backwards from Mr. Colbert's comment. Item number (5) reads that when requirements of this section are applied to redevelopment or reconstruction to a redevelopment, or reconstruction project rather than new development, the Director may be authorized to reduce the required minimum amount of off-street parking established in the 29-4.4 and up to -- so that's the parking reduction. And then item number (6) again is applied to redevelopment or reconstruction project, the construction or the apply -- the application of landscaping provisions is commensurate with the actual construction that is occurring. That is what item (6) indicates. Redevelopment of a property -- and again, redevelopment is a defined term that is basically something more significant than reconstructing something or adding on to a building and then -- that results in the demolition of all or a part -- you are going to take the building down and you are going to go back to dirt or you are going to build a new principal structure on that same lot. That is what is triggering, and I would have to go back and I will have to -- we'd have to do a little bit of additional research here, I am not going to -- I don't want to occupy all the Commission's time trying to answer this. I prefer to have an opportunity to ponder on this. There may be a conflict here, and it may simply be that we need to understand the terminology that is used within these two sections --

MR. MACMANN: That was my --

MR. ZENNER: -- and how that terminology applies more so than indicating that there is a prima facie conflict here right out of the gate.

MR. MACMANN: That was my question because what I -- the section Mr. Colbert referred to, I view as we are tearing the building down, you all got to step up, essentially. But is there a conflict in -- we remodel, you know, 40 feet of the outside, which we demolish part of the original structure. That may be a definitional issue, so if we could come back to, Mr. Colbert.

MR. COLBERT: That is perfectly fair.

MR. MACMANN: All right. Thank you.

MR. COLBERT: Thank you.

MR. STRODTMAN: Any additional questions for this speaker? I see none. Thank you, Mr. Colbert.

MR. COLBERT: Thank you.

MS. SMITH: Good evening. Beatrice Smith, 3100 West Southern Hills Drive in Columbia. I was sitting back there thinking about bringing focus to what I wanted to say to you, and it just happened because it was my property that was just referred to and I didn't know that was going to happen. I -- I came here two or three weeks ago telling that I had learned about the meeting 45 minutes before, and I

did better today, it was 4 o'clock today that I heard that this was happening. And there are a couple -- I also heard that one of my properties was affected by the regulations that are going to be talked about tonight. I wanted to pick up on the first page of Trib, I think it was yesterday, I was encouraged by the Council to not railroad a proposal, to take time as needed to consider it thoroughly with the consequences to the taxpaying owners. I've had -- I've had time to think about our last conversation, and I want to pick up that in light of today's discoveries. Last time I told you about a building that was located on the cul-de-sac and after the Council meeting I found that every building on that humming, quiet, attractive cul-de-sac would be affected by the change of regulations, and yet we are far, far from the business district, from residential areas and so forth. These are unintended consequences. The building that was just referred to by the previous speaker was built by my husband and me 18 years ago. It is a beautiful building, it won the Varco Pruden Building of the Year competition. It is beautifully landscaped and it works. And my concern is that with that existing building, regulations can be put on me that are going to drastically influence the rentability of part of it. And so I did take very seriously your commitment to clarifying the meaning of what is new construction, what is the minor tinkering resor-- renovation that we have to do every time we -- I get a new renter. One of you at the last meeting I attended asked a very good question of the gentlemen from the City about how many -- did you get complaints about buildings? And there was a pause, and the answer was yes. I went home and I thought I wonder how many hundreds of non-complaints they don't hear from buildings that are working just fine. I think some of the bold strokes that are being taken, the broad brush with which we are painting, is kind of like holding the entire class in from recess because Denny Dimwit threw a spitball, and therefore all of the kids holler. And so I ask you to certainly consider that there are so many of us, one at a time, who are affected by this, who will have to hire lawyers, who will have to go through layers of appeals apparently to maintain the property that we think we have been doing a pretty good of maintaining all of these years. I am a bit critical of your consultant process. I have been a consultant and I have seen a jillion of them and some of them are good and some of them are less good. And it frustrates me that Bea Smith, who thinks she keeps up with stuff, knew nothing about this. And I did hear the question asked last time and answered that due process of information had been followed. But, golly folks, if -- I'm busy, as are most people, and if I had to see some little bitty announcement in teensy print in the newspaper or whatever to know that this was happening and that it was going to affect my livelihood, I didn't. And those consultants did nothing apparently to inform those of us outside, I understand, the business district that in any way our buildings were being affected. So I ask you please to consider that. I think -- I got fortunate, I stopped in to see Paul Land with a question about a lease and he told me about this. But I wonder how many people like me don't yet know this is happening. And so my only plea to you really would be to not make massive changes that are going to be expensive, time consuming and hurtful for a lot of good people who are trying awfully hard to do the right thing just because you've been given this large tome, and it is easier to probably pass the whole darn thing than to tinker with it. But I personally believe that in the City of Columbia, we have a lot of smart people who I -- can sort out the differences, who can find where Denny Dimwit lives and how to take care of the problems with Denny's building without penalizing all of us. Thank you very much for your

time. I appreciate it.

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

MS. SMITH: Thank you.

MS. KOENIG: Hi. My name is Ann Koenig; I live at 2 East Ridgely. I am the chair of the Columbia Tree Task Force. It's a task force that the City Council set up about a year and a half ago to look over -- among other things, to look over the tree ordinance. Thank you for having me. I cannot be more impressed with you all and the audience. It has just been a really good experience seeing the mutual respect. You have seen some of our changes in the revisions here and there are a few smaller revisions that probably just due to, you know, us getting them in and getting them to the City that I didn't see, so I sent an email to you all. I think you have gotten it. In general, most of them have to do -- the small revisions have to do with utility easements that -- for instance, when 25 percent of the forest that has been mentioned is saved currently as I understand it, easements such as utility easements can be in there, which puts utility in a bind because if they have to trim trees, they have to trim trees, and if they are in a section that's not supposed to be, you know, trees aren't supposed to be removed, they don't -- it doesn't work for them, and it doesn't work for protecting the trees. So there are a few places where we made note that we did not want utilities easements in that 25 percent. And I'm not sure if Mr. Zenner wants to specify where that might go, but so -- for instance on page 262, utility easements would be -- the Tree Task Force had voted to have utility easements included in the section to not have utility easements in that 25 percent. And similarly on page 276, the significant trees, again, if those are in utility easements, we voted to have those not included -- significant trees not included if they are in utility easement because again those trees could be lost and utility would have to cut the trees. And also on page 276, if a significant tree has to be removed it says in there it has to be replaced with three trees, three deciduous trees, which are trees that lose their leaves, and we had just added three large to medium deciduous trees. It is a small statement, but just so you're -- it's not three crabapple -- not something that's going to stay small for its whole life to replace a large tree. So three large to medium deciduous trees. Those are the only -- those are the only omissions that the task force had voted on that I saw. And that's all.

MR. STRODTMAN: Commissioners, questions for this speaker? Mr. MacMann? Mr. MacMann? No. I see none. Thank you, ma'am.

MR. ZENNER: Mr. Chairman, I will clarify for you during your discussion how those amendments can be incorporated. I have them marked up.

MR. STRODTMAN: Thank you. Thank you.

MR. CLARK: Before I start, I apologize. I got out of my car at precisely the moment -- I couldn't get back in fast enough. I mean, literally when the thing started. So, at any rate, I am drying off in front of you. So I sent out something to you today. My question is did you read it? If you have read it, then I won't talk to you -- I won't go into everything.

MS. LOE: Can you --

MR. CLARK: But if you --

MR. STRODTMAN: Don't forget your name and address.

MR. CLARK: John Clark, 403 North Ninth Street. And so I sent you a thing called General Response to Staff Recommendation -- Responses and Recommendations on something you got from the Parking and Traffic Management Task Force. So if you had a chance to read the recommendations they sent and the rest of the stuff that I sent -- and actually I've revised this slightly today, but pretty much gave to you at your last meeting. And do you have any questions?

MR. STRODTMAN: Commissions, do you have any questions of this speaker and his -- about them -- about the proposal that he sent us?

MR. CLARK: You could nod whether you've read it or not. If you haven't, that's fine. But it would be useful. I will add some things to that. Part of this is the UDO, it's about creating a set of land use rules that will help us create a great community, not the best community, a great community going forward. And echoing Mr. Stanton's comment last time, and prevent us going forward from being taken as rubes by local developers and -- but most especially non-local developers, as we have been for the last 30 years, but in particular recently. He speaks to the point. People come in here from elsewhere who have developed all over the coun-- and they are aghast at what -- how little we ask of them. I mean it is just -- it is just embarrassing, so I want to emphasize that. As we go down this, I highlighted a couple of the reasons for my proposed alteration from the task force, and the task force originally voted 9 to 2 to include the prohibition I made reference to. That prohibition originally would have changed what is the current interim C-2 regulations that allow the minimum parking requirement for high density residentials, doing that by some agreement either with a publicly financed parking facilities or privately financed parking facilities. The prohibition that we have voted to in early October to prohibit that was voted on by 9 to 2. And the prohibition that we -- what we changed was to say we are just going to change it from not -- not allowing it to be public parking facilities because this amounts in a variety of ways to a public subsidy of residential development downtown. Now if you look at the comprehensive plan which said we are going to look at, and aim at, and eventually will get to figuring out what is the fair proportionate cost of development to pay for public capital infrastructure or similar kind of needs. Actually this addresses that. And basically by having this prohibition, it means we cannot use public facilities basically to subsidize residential development downtown. Actually between the 12th and the 26th, the staff, as they quite often do with task force, they went into non-stop overdrive and said, oh well, no, let us take care of this, let us take care of this, let us take care of this. They brought in all kinds of stuff about its interfering with how we might finance public parking garages. I'm sorry, that's not really the staff's business. The purpose of my proposed change and the one I propose to you, this is a zoning ordinance that should be set in bright lines for P and Z, for the Council, and for the staff going forward, so that these kind of bright line provisions cannot be whittled away and whittled away, and they don't take endless time by the staff to get into. So I encourage you and ask you to -- there were five of us out of the eleven at the last meeting who voted to stay with the prohibition. I encourage you to stay with that. Could I say two other things?

MR. STRODTMAN: Quickly, yes.

MR. CLARK: Quickly. Bea, I thank you for coming, but, in fact, we didn't pay Clarion to notify

everybody. In fact, we allocated \$150,000 for process that should have been budgeted \$300,000, and as usual, we did it on the cheap. And one of those kind of things said the City and volunteers are going to do all the notification. So it is not about Clarion. They could have done a much better process if we had hired them to do a much better process. The last thing I will mention is -- or I should ask a question, is tonight the time when you are going to discuss kind of amendments or changes to prior amendments that you have --

MR. STRODTMAN: No.

MR. CLARK: Okay.

MR. STRODTMAN: No.

MR. CLARK: I will save -- I saved that later. Those would pertain particularly to some -- the map on North Ninth Street and some other provisions that dramatically affect the North Providence corridor, and I don't want us to use the M-DT to eviscerate those things. I think -- is that the next time that's covered?

MR. STRODTMAN: Or the time out, yes. Any questions for this speaker? Ms. Rushing?

MS. RUSHING: Hi.

MR. CLARK: Oh, thank you.

MR. STRODTMAN: Yes. Yes. Come on back up.

MR. CLARK: I am up here drying off --

MR. STRODTMAN: Ms. Rushing?

MR. CLARK: -- so this helps standing up.

MS. RUSHING: Now, Mr. Clark, you indicated that you are generally supportive of this proposed Code. I understand that was what you said?

MR. CLARK: I'm general-- I mean I do think that after 40, 50 years, it needs to be revised.

MS. RUSHING: And what do you see as maybe the two or three major accomplishments of this Code?

MR. CLARK: Over the past one?

MS. RUSHING: Uh-huh.

MR. CLARK: Okay. First of all I think the past one -- in the pyramiding model and so forth is just ungodly difficult to work with and understand. I do believe that down the road with the format changes, the -- actually City-wide to some extent, but particularly downtown with the form based notions. But particular -- the way it is organized, the use of the visuals, all these kinds of graphics, as we all get very used to it will actually be a much more usable understandable and therefore predictable, not just for developers, but by everybody whose is trying to fight various kinds of things. But it takes a long time for that. So I think that part of it is very valuable. I do not think it has gone nearly far enough in -- in basically taking us in a direction about the kind of community we want to have -- a great community. All it has really done is mainly said we are going to try and put in this kind of new format that will be easier to use, be less confusing once we're used to it based on existing rules. And our existing rules have created really quite a mess. I would like to see that improved, but I see some of that happening in the process of the vetting

that is going on. Does that answer your question?

MS. RUSHING: That helps. Thank you.

MR. CLARK: Right. I think this is a very worthwhile process. I do not think we are anywhere near the place where enough vetting has been done. I really applaud a lot of the speakers who have delved into it and raised some of the questions like the conflict and contradictions you saw, because if we'd spent enough money to really have the process down well, we might not be facing as many of those. But that means we're having to take it upon ourselves, and you're primary agents of that. So thank you very much.

MR. STRODTMAN: Thank you, Mr. Clark.

MR. CLARK: Thank you.

MR. STRODTMAN: Mr. Clark, we have another question.

MS. RUSSELL: I have one more question.

MR. STRODTMAN: They're trying to help you dry. Ms. Russell?

MS. RUSSELL: The comments that you sent to us via email today --

MR. CLARK: Yes.

MS. RUSSELL: -- they're your personal comments, not --

MR. CLARK: Oh yes.

MS. RUSSELL: -- the task force; is that correct?

MR. CLARK: It is not that -- in fact I disagree with the recommendation you got from the task force. I did not name the other people who voted to retain the prohibition. I do not speak for them. They did not give me permission to. But I wanted to let you know there is not meaningful agreement on the task force about getting rid of the prohibition. And I think this is really due to the staff's interference. They mean good, but they should not have been involved. They can send you their own recommendations separately as opposed to trying to pressure us through the staff person who is facilitating and so forth.

MS. RUSSELL: Thank you.

MR. CLARK: Does that -- thank you.

MR. STRODTMAN: Thank you, Mr. Clark.

MR. MEYER: My name is Jim Meyer; I live at 104 Sea Eagle Drive. We've heard a lot of discussion throughout these proceedings about the public policy desirability of adding new layers of oversight and review to development applications. We've heard that this -- we've heard this in the context of conditional uses versus permitted uses, we've heard statements like they can just appeal to the Board of Adjustment, we've heard it in the context of giving the fire chief an opportunity to weigh in on the residential street lengths, and about much else. This all sounds very public spirited and high minded, but does -- but how does this play out in practice, and how much extra cost does it impose on property owners wishing simply to improve their properties as they have the right to do? Please keep in mind that adding criteria that trigger additional levels of review adds more arbitrariness to the process. Additional points of review increase the City's leverage when negotiating with a property owner and allow the City to force concessions that they don't have a right to -- or simply require up front. In the context of the Berlin crisis of 1961, JFK famously said, We cannot negotiate with people who say what's mine is mine and what's

yours is negotiable. But this is exactly the situation that a property owner faces with the City staff when the City has broad subjectivity to review his or her application. I know of a property owner who owned a small acreage with a modest house on it. The owner had purchased the property with the intent of allowing younger family members to live in the house while they got established in life, and then also as an investment that he could sell in the future. Five years passed, the owner's family members purchased homes of their own and moved out. The owner then decided to sell the house on one acre while keeping a few other acres as an investment. Had he still been in the county, he could have done a simple tract split survey and accomplished his project for the cost of the survey and the recording fee, say \$2,000. But the City would not let him do this, even though the tract split survey process is still a valid process in the current -- in the City's current code. Apparently, the City wanted more control, so they made the owner go through a formal subdivision plat process with all the intended reviews so that he could plat a single lot and leave the remainder of the small acreage unplatted. During this process, City staff required the owner to dedicate 10 percent of his property as right-of-way for an adjoining street in case that street would be realigned at some future date. The market value of that strip of land might have been \$30,000 or more, but that -- he simply had to give it to the City as a condition of getting his plat approved. This was the case, even though the future realignment of that road would move it further away from his property and not closer, as even the City's own planning document showed. The City also required him to extend an 8-inch sewer line very close to the house at a cost of perhaps \$20,000. The rationale for this was that the lot, the one acre lot that he was going to have the house on, could be subdivided in the future and then would require more capacity if that happened. However, this owner had no intention of doing that, and if a future owner decided to do it, they could have made an application as they would have been required to do to subdivide the parcel and the City could have imposed that condition in the future when it became relevant, but they chose to do it up front. So the net result was the owner had achieved his desire to split his tract into two and sell off one. However, in the end, the City took 10 percent of his land and made him install an unnecessarily large sewer. This extracted perhaps \$50,000 in value which amounted to about 20 percent of the value of his total property, and it achieved very little, if any, public benefit. Today, the house is still present and served -- is the only house served by that 8-inch sewer line, and the street still exists as it always has and has not been realigned. There is no regulation this property owner could have consulted before hand to see what it was going to cost him to split his tract in two. This outcome was simply a result of the arbitrariness of the process and the strong negotiating position that the City has. Also, the City did not have to consider the cost that it was imposing. These costs were real, but unexpressed and uncaptured by public accounting. I see my time is up, so I will stop there. Thank you.

MR. STRODTMAN: Commissioners, questions of this speaker? Yes, Ms. Loe?

MS. LOE: Mr. Meyer, you raised the issue of having or creating opportunity for subjective review. Were there any specific sections in the Parking and Loading or Landscaping, Screening and Tree Preservation that you feel --

MR. MEYER: There --

MS. LOE: -- introduced subjective review?

MR. MEYER: There were -- there were several discussions about levels of review where the City -- where the planning director would have the authority or above that we could go to the -- the Board of Adjustment which -- and that is a standard answer we have heard many times, not just tonight, but previously. That particular instance was in relation to parking areas and over -- over space limits of parking.

MS. LOE: So the going over 150 percent --

MR. MEYER: Yes.

MS. LOE: -- in parking areas?

MR. MEYER: Yes. But this is a common theme we have heard tonight several times as well as every other evening of this process.

MS. LOE: All right. But parking -- that parking cap is specifically --

MR. MEYER: Yes. That is --

MS. LOE: -- the one instance right now --

MR. MEYER: -- a specific example.

MS. LOE: Thank you.

MR. STRODTMAN: Any additional questions? Thank you, Mr. Meyer.

MS. FOWLER: Good evening. My name is Pat Fowler, and I live at 606 North Sixth Street. I have a question first of the Chair. I was prepared to talk about neighborhood transitions and neighborhood protections tonight, and I understand that that's been moved. Could you clarify for me when that will come up?

MR. STRODTMAN: Yes/

MS. FOWLER: It didn't move, I just didn't understand when it was coming up.

MR. STRODTMAN: I understand. This evening we are obviously going through the section -- Segment Four. Next -- the 10th we are going to go back to Segment Three and finish up the M-DT.

MS. FOWLER: Okay.

MR. STRODTMAN: We are looking at November 17th --

MS. RUSSELL: 17th.

MR. STRODTMAN: -- 17th as the date that we would look at doing Segment Five and Segment Six.

MS. FOWLER: I am relieved to hear that so I can be here. I can't be here next week. As a neighborhood person, I want to talk first of all that I do support the overall process of revising our Code. I think it presents a once in a generation, or in my lifetime, opportunity for more of us to prosper more equally as property owners and residents and citizens of Columbia. So I applaud how much work you've put into it. And it's very clear to me sitting in this room how difficult a task this is and how much time you've put into it. Thank you. The topics that are up for tonight do impact neighborhoods and do impact particularly the older neighborhoods that surround downtown. And so I wanted to make some general comments and also let you know that these are included in my comment in two weeks. When you talk about subdivisions, a lot of things that come up in this Code are really good things to do when you are

starting from scratch. But when you live in a neighborhood that is adjacent to downtown, we're not starting from scratch, and so I -- I see this tension and conflict between development and redevelopment. You know, you talk about taking the building down to dirt or whether you start with all dirt, and so I have some concerns about how that translates to an existing traditional neighborhood. Regarding parking and loading, I live adjacent to downtown, and when something changes downtown, it affects the surrounding neighborhoods. And I know that you have a letter from the Downtown Leadership Council. I'm a former member of the Downtown Leadership Council that said while we know there's this exemption for right downtown residential to one-quarter space per bedroom, that has to be part and parcel with a comprehensive enforcement plan so that we don't create these negative externalities to the downtown neighborhoods. You know we have already had that in the North Village, and Benton-Stephens is experiencing that now, and it has already worked its way into the area of Lyon Street in North Central. It's really hard if you live on Lyon Street to find a place to park now. And so I want to make sure that you incorporate -- I've read other sections of the Code that are quite detailed, and I think that's a proper use that there ought to be a comprehensive enforcement plan built into that. When you talk about landscaping, screening and tree preservation, unfortunately, I have a lot of personal experience with this. My little house sits next to a parking lot that's owned by the Columbia Public Schools -- and I have no complaints with City staff. They have tried to help me repeatedly. I had another meeting today with them about that parking lot. But here we have a proper-- a large property owner and who, for whatever reason, has been successful in avoiding their responsibilities under the current Code where screening and landscaping and storm water happen. And so when we -- when we put that into a new Code as a mitigating factor, I think we have to make sure that it actually happens. And it happens before an occupancy permit is issued, it happens in such a way that there is some kind of -- of mechanism in place to make sure that it is maintained properly. I have been next to a parking lot that was supposed to be at 80 percent opacity at four years. I am six years looking at the weir walls in my yard, in that parking lot, and there is any number of other things that have happened. And again, City staff has been my ally, but it is a process for them too. Regarding tree preservation, one of the things that is not a surprise to me to learn is that trees are part of our storm water plan in an older neighborhood. We don't have the money to replace our existing storm water, it is as old as our houses -- or almost as old. I think it is 1930s in front of my house. And every time a tree comes down for a redevelopment, and this is different from a starting from scratch development to redevelopment, if we are with that standard of one fourth of the trees or one out of four trees remains, it really undermines what little storm water mitigation we currently enjoy with our tree canopy. North Central is a forest, just like a lot of the other traditional neighborhoods surrounding downtown, and so I wonder if we could look more carefully at how that adapts to an existing traditional neighborhood that really needs its trees. I don't need that much shade in my yard but I need a tree that drinks up a whole heck of a lot of water where I live in order to protect my house and my basement which sadly floods at least once a year anyway. And when we get to exterior lighting, we have had some really terrific redevelopment in North Central that is in scale with our uses, but we have a problem where the lighting is still a little bit off so that -- so that we have to figure out a way to do that without being too

prescriptive so we can go to sleep at night and not have lights shining through our bedroom windows. I thank you very much for your time.

MR. STRODTMAN: Commissioners, questions of this speaker. Mr. MacMann?

MR. MACMANN: Ms. Fowler, you've had -- if I heard you correctly you felt that the variety of opacity issues, screening, buffering, whatever we used depending upon what is next to what should be in place prior to a certificate of occupancy is issued. Manager Zenner, is that going to be the case going forward?

MR. ZENNER: It would depend on the time of the year that the actual certificate of occupancy is being sought. I mean if it is winter, we are not going to require landscape material to be planted in the middle of winter. It will not survive. So the way that the provision is -- the way that the provision exists is there is an alternative as it relates to installation due to season. I believe what Ms. Fowler may be referring to is there may need to be a closure of the gap of how long what typically is referred to as a TCO, a temporary occupancy permit, is issued for -- in order to ensure that landscaping is installed. And I think in the instance I am very familiar with --

MS. FOWLER: You are.

MR. ZENNER: -- Ms. Fowler's issue.

MS. FOWLER: Uh-huh. He is.

MR. ZENNER: It has been an enforcement-related matter unfortunately that we have not been able to gain compliance. We have these situations occasionally, depending on the land user. And I can't tell you a numerical number as to how many instances in where we have compliance just by the threat of enforcement action with other types of users. Unfortunately, this is the school district.

MR. MACMANN: Well, I appreciate that CPS --

MR. ZENNER: So I mean I think -- and that is -- and that -- and therein lies, I think, some of the challenge that should not be an excuse, but that's a reality I believe of the situation. And I don't know in that instance if there is a mechanism within the Code that can assure you, or they can assure a property owner that that type of situation is resolved in a timely manner. The bigger fear is if you issue an occupancy permit as a temporary occupancy permit, trying to withdraw that temporary occupancy permit after that building has been occupied due to in this particular instance landscape material not being installed is a very untenable position to be placed in.

MR. MACMANN: I appreciate that, and I'm more than familiar with Ms. Fowler's situation also. I am trying to get this a little bit bigger. We have had some people bond from TCO to CO; is that correct?

MR. ZENNER: That typically is when you are not installing your own landscaping, we will not allow you to get the TCO without the bond or a full CO. I would have to refer to our building and site development staff as to how that process physically operates. But that is, as I understand it, bonding of those features is a requirement. Should the City execute to draw on that bond, which I am unaware we have ever done --

MR. MACMANN: I -- I've been told as recently as about nine months ago that has never happened.

MR. ZENNER: So -- I mean that is an option; however, we are at obviously a situation in where we aren't staffed in order to do the installation of that with monies that maybe being posted, so --

MR. MACMANN: Just one quick follow up, and I'll help put the process along. No, I am going to hold that thought. Thank you very much.

MS. FOWLER: Can I follow up on that? Is --

MR. MACMANN: Yes, I'm sorry for --

MS. FOWLER: -- the adjoining -- no, no, I appreciate you went to bond because that's where I wanted to go after you asked the question. As the adjoining property owner who has waited six years for compliance, a bond would make me feel comfortable if that bond were of sufficient amount so that the work could be done by a private company that could be secured and paid with that bond. I could then feel like something good is going to happen and that the additional storm water protections, which is part of the reason for the vegetative screen, would be forthcoming. So I would support that. Thank you.

MR. STRODTMAN: Any additional questions. Thank you, Ms. Fowler.

MR. FOWLER: Thank you so much for your time.

MR. STRODTMAN: Any additional speakers like to give us your thoughts this evening? Come on forward.

MS. CARLSON: Rhonda Carlson, 1110 Willow Creek. I feel like I am always up here saying something. I want to speak to some of the tree situations that it would be helpful. I have spoken to the arborist in the past and I am on the board of Spencer's Crest which is a condominium project here in Columbia, which is also again affordable housing. And what we have run up against, we weren't required to do landscaping, but the subdivision went in in 1997, and we did a lot extensive and expansive landscaping up there. And we have very excited and aggressive trees that have, even though they were planted away from buildings, and we did a lot of it, they have grown and grown a lot. And it has been very expensive over the years trying to thin those trees, trying to keep them healthy, and trying to keep the maintenance costs where it is within the reach of the owners up there, because it is a very high ownership occupied subdivision. And in calling the arborist it was like, can you give us some help? Is there somebody that has maybe an internist [sic] that would help advise, because it is a tremendous expense. We are having to take trees out, the security up there and trying to make sure people have high visibility, because seeing around the pool areas, the park areas, and being able to see in windows and such. And so even though I am sure it is probably at least 25 percent, that's something that needs to be taken into consideration so when working with that arborist it would be nice to know when you are in redevelopment stages if they would take that into consideration instead of just saying 25 percent is your number. I am sure that even though it wasn't required at the time, those trees are making it a maintenance situation along the buildings. We can't keep them away from it, we can't take -- the stumps themselves are very expensive to have removed, and replanting, and it is an expensive endeavor just keeping that up though not required at all. Thank you.

MR. STRODTMAN: Is there any questions of this speakers? I see none. Thank you, Ms. Carlson. Anyone else that would like to speak on these two matters this evening? I see none. We

will go ahead and close the public input portion of Segment Four for this evening.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, I am seeing some signals for a break before we get into the amendment portion of the evening. So it's a little bit after 8, so it is 8:02, so we will get started before 8:15. So about a ten minute break, and we will get back and get started in the amendment section of the meeting. Ten minutes, please.

(Off the record.)

MR. STRODTMAN: Okay. We'll go ahead and start our session again. We're done with the public input section, so, Commissioners, any questions to staff? Any clarification? Do you want some dialogue between us? Would you like to create a motion? We have not done a motion for Segment Four. Correct? So we would need a motion to do amendments, so keep that in mind. Ms. Loe?

MS. LOE: Mr. Zenner, to follow up on the discussion of counting trees or not counting trees located in the utility easements, can you provide any comment or insight as to why that had not been included?

MR. ZENNER: I believe there -- there was a misunderstanding of the deadline initially with changes that the Tree Task Force was asked to provide to Clarion and Associates prior to the integrated draft being created. So it's like two ships passing in the night as we were going through the processes. Between the integrated draft being released in October of 2015 and the preparation of the initial hearing draft for our meetings in May through July, the comments finally all came together and were introduced into the May draft -- the May 2016 version, and in some instances apparently through the conversion of those comments by staff, other than myself -- so I'm going to through another member under the bus -- we inadvertently left particular pieces out of the regulations themselves. And, in general, they are relatively technical and claritive [sic] comments, not necessarily substantive, though some make take exception to some of this being substantive. Utility easements, for example, that exist within a property whose preservation area is going to be cut by that utility easement becomes really more of a practical issue as Ms. Koenig had indicated, they don't -- they should not be included -- they generally are not as part of the calculation. However, the plan -- the landscape plan provisions have been enhanced, so when you prepare your tree preservation landscape plan for a development site, these features now are going to be culled out. There -- it is a requirement. We need to be able to see where these features are. Yes, it's one more step in the review process, but it is one more step in the review process to make sure that we are accurately identifying particular elements on a subject property. And there would need to be a couple of additions within the landscaping screening and tree preservation component of the segment here that would need to be made in order to ensure that the exclusion of utility easements is incorporated properly into particular code provisions. And I can over those now for you to consider as amendments, or as you are making amendments, if you would like me to then suggest what you may need to be considering to add, I would be more than happy to do that at that time. But part of what has happened here is through the conversion processes -- it's been a lengthy nine-to-twelve month process -- we have overlooked particular aspects, and that is why there are these minor disconnects between the task force -- the Tree

Task Force had asked for and what actually got into the document. And in rectifying that as we have gone through the tree taskforce process, and their review of the code, they've notified -- they've identified these particular omissions.

MS. LOE: These would be consistent with the items Ms. Koenig identified in her email --

MR. ZENNER: That is correct.

MS. LOE: -- her October 20th email?

MR. ZENNER: There are a total of four that we will need to add from Ms. Koenig and the Tree Task Force's request. There are, I believe, one or two that we have identified as a staff that are more clarity related and then a couple context issues as it relates to a couple of graphics that are within the landscaping, screening and tree preservation section that definitely need to be revised and we just need to make sure that the Commissioners as well as the general public is aware of that. And the graphics that talk about street frontage landscaping are not correct. They do need to be updated. They refer to a prior version of the Code, unfortunately.

MR. STRODTMAN: Mr. --

MR. TOOHEY: So if those were added, should the public be able to comment on those since they were supposed to be -- I mean, unless I'm misunderstanding you. Were these supposed to be added in and were not added in? And so if that's the case, would the public need the opportunity to -- to comment on those again?

MR. ZENNER: The public has had an opportunity to review the document, as has everybody else. Since we have released the public hearing draft, they have, you know -- again, the context of what you're asking -- you're being asked to add is a utility easement to about four provisions that already exist. We are adding an additional area. You may take out regulated preservation area out of the code as part of your amendments process. The Planning Commission has the choice of adding what Ms. Koenig and the Tree Task Force is asking to have added or not. That is entirely your choice at this point, but it is a -- it is an error that was created as a result of an omission at staff's level related to what was conveyed to us by the task force. We inadvertently did not put it into the document. It was intended to be there by the task force, and all we are trying to do is make sure that the task force's recommendation is consistent with the document that's moving forward. So the addition -- that is why it has to be added at your consent. We're just not going to add material to the Code without making sure that you have -- are aware of it.

MR. MACINTYRE: Just a point of clarification. The Tree Task Force's -- the date of their -- Ms. Koenig's request, it's been attached since she requested it. Right? Available for public review? I just don't remember what that date was. Does that --

MR. ZENNER: I'll be quite honest with you, no, it was not. The public hearing draft was released on September 27th. The task force identified through their review of the public hearing draft the omissions. The request came shortly after the task force met with the City Arborist the week of October 20th. I have an email dated October 20th that was requesting these additions, and that email was what was provided to you at the last meeting.

MR. MACMANN: Has that been available online since that time?

MR. ZENNER: No, it has not because it was provided to the Commission as part of the amendments process for the public review of this document.

MS. LOE: So what we received for our review was not part of the public material?

MR. ZENNER: No. And again, I will reiterate. The reason why this is being asked to be amended and appended to the document in this venue is to also, I believe, Mr. Toohey's concern, the public has not had an opportunity to hear about it. Well, the public is hearing about it this evening. You have a choice to add it or not. If it is added and the Council chooses to adopt it, there is a whole another series of public meetings at which these provisions will be able to be vetted.

MS. RUSHING: Plus, we will have the final comment -- public comment.

MR. ZENNER: That is correct, Ms. Rushing.

MS. RUSHING: And they could -- I have a question, if you're --

MR. STRODTMAN: Yes, go ahead.

MS. RUSHING: Why are the buffer zones not considered in any way with the preservation requirements? I think one of the suggestions was that you could end up with 50 percent of your -- a piece of property being protected. So it's -- you know, if you have a large amount of property that is in a buffer zone that you can't count that, even a percentage of it, towards your -- I mean --

MR. ZENNER: I understand what you are asking, Ms. Rushing, and again, it goes to the idea of fulfilling the general -- general goal of land preservation that's part of the comprehensive plan. We are looking at preserving the environment. And an area that is already restricted from development, in staff's view, should not be able to be double-counted to preserve the environment that is developable. And that is why the way that the Code is written, we do not have restricted preservation areas being able to be counted as part of the regulatory mandate of 25 percent. Again, entirely left up to the Commission.

MS. RUSHING: And --

MR. ZENNER: Our Code -- current Code allows you to count the 25 percent in the stream buffer or the -- a portion -- the canopy in the buffer to meet the 25 percent. That is currently an allowed practice, and right now we are looking at through the Code adoption through the proposal that that option be eliminated.

MS. RUSHING: And I had another question and now I've lost it. Oh, the easement -- and I see arguments both ways in requiring that to be on a common lot and not to be on a common lot because I see the argument that it's easy for common lots to get lost as far as ownership and control. I don't know if anyone on the Commission has any -- anything further to add other than what we have already heard, which just leaves me kind of indecisive.

MR. MACMANN: We do have an issue with -- Mr. Farnen had brought it up, and we've gone over this in work session. We have minimum lot areas up for these tree preservation areas of about 30,000 square feet. While some of our residential lots will exceed that, by far, money will not. So the concept of -- with due respect, Mr. Trabue, allowing them to come on private property, that I think is really problematic. Who is responsible for the tree? Who can cut it down? But then that moves it back into is it a public -- publicly-granted preservation easement? Is it a common area? Help an HOA? Is it a set

aside? You know, then we -- then we go to your issue. Are you following me there?

MS. RUSHING: Yeah. I understand.

MR. MACMANN: I mean, what would your preference be on that?

MS. RUSHING: Well, I understand the issue of having tree easement -- tree preservation easements spread across multiple lots that are privately owned, but I also understand the problem with having a basically unowned common lot.

MR. MACMANN: Well, a common lot would have an owner. We can't guarantee a responsible owner, but a common -- even a common lot would be owned by a developer --

MS. RUSHING: Right.

MR. MACMANN: -- and their heirs or --

MS. RUSHING: You know, you start out --

MR. MACMANN: -- an HOA.

MS. RUSHING: -- with a homeowners' association or a -- you know, on paper, there's an association of some sort responsible for that common lot. I just think that tends to disappear over time as far as someone actually taking responsibility for it.

MR. HARDER: I have a comment.

MR. STRODTMAN: Yes, Mr. Harder?

MR. HARDER: I heard quite a few people's views on the trees and I personally think, you know, the current way of, you know, counting the protected areas -- the trees as part of that 25 percent seems fairly fair. I -- the only thing I would like to see is just some way to figure out how to have the final product that, you know, was kind of proposed by the developer as far as the trees go be completed, you know. And I know trees grow at certain speeds, you know, and some live and some die and that kind of stuff, but there are some -- definitely some areas where I've heard, you know, multiple times where, you know, neighboring people, they just -- you know, what was proposed and what was agreed, as far as trees go, doesn't get done. And then all of a sudden, it's late, you know, and so I -- that doesn't seem correct. To basically double, you know, what -- the amount of trees that they have to have seems a little bit unfair, but I just want the final product of, you know, what they offer to do, you know, be completed. You know, I understand that there's, you know, inspections that are required and that kind of stuff. And sometimes you may have too many -- you know, it's easy to get kind of backed up on that stuff, but that would be my only concern.

MR. STRODTMAN: Commissioners, any additional discussion before we -- someone frames a motion? Ms. Loe?

MS. LOE: One of the comments made this evening was that the preliminary step in platting was sitting down and talking to the City's Arborist. So, Mr. Zenner, I just wanted to reconfirm where the suggestions are coming from that didn't allow the double-dipping.

MR. ZENNER: Again, it comes back to the idea of fulfilling the general obligation of the planning of the goals and the objectives of environmental protection.

MS. LOE: Who made -- who is making those recommendations from -- or whose

recommendations was that based on? Does the City Arborist have input on that?

MR. ZENNER: The City Arborist I don't recall participated directly in the development of the environmental goals and objectives of the Columbia Imagined Comprehensive Plan, but when we developed the goals and the objectives that are in that element of the City's comprehensive plan, that was obtained through other public engagement that we wanted to preserve more of our resources. A way of being able to do that is to not -- is -- a way of being able -- and it's actually in multiple sections of the Code because to create livable and sustainable communities, you generally want to try to preserve those types of climax forest areas that are on the highland developable ground of the neighborhood, not shove it all into a stream buffer if one exists on the property and let's clear the lot off so it is simple to develop -- just slick the lot off. I mean, that's a neighborhood -- that's creating a livable neighborhood. That's the concept behind that. The other aspect of that goes to environmental preservation, and I think issues that Ms. Fowler responded to tonight, as to being able to create tree canopy that absorbs storm water and reduces environmental impact on our streams. You have the stream buffer and you have the vegetation within it that already is fulfilling a primary purpose of filtration of impurity into our stream channel. If you provide more vegetation on the high ground of the development and it meets the climax forest definition and it is allowed to be grouped within that site, after consultation with the City Arborist, you can create developable parcels. This goes back to a principle -- a core principle of why we have a land analysis map proposed as part of the subdivision process. It is to analyze on the front end these types of assets that are on a property to start the discussion early and often. It is not to do it on the back end after you have decided how you want to design your subdivision and how it maximizes your profit level. Unfortunately, that is the way that we have done development in this community. That is the way we have been duped. And we have an objective within the comprehensive plan that says that we need to in essence be able to reverse that process. Now, that's what the standard does. It helps to promote fulfilling that objective. That's part of what this Code does. It fulfills the objectives and the goals of the plan. That's why we have it. Now, how you want to have it count, again, entirely left up to you. This is a provision that is added. It is new and it is different.

MS. LOE: Thank you. With respect to Mr. Farnen's suggestion about minimum parcel size, I just -- we did discuss this.

MR. ZENNER: At great length.

MS. LOE: At length. And I agree there was rationale. I believe this was from the City Arborist --

MR. ZENNER: Correct.

MS. LOE: -- regarding larger parcels providing greater viability for the protection of that parcel. But the chart does only divide each of those parcels into two. Can you --

MR. ZENNER: Yeah. Mr. Farnen raises a very valid point because it was a point that I in my -- what may seemingly not often be a practical thought process. I do put my developer hat on every once in a while because I do have experience in that area as well. I even asked the same question. I said, Only two parcels, Chad? And Chad said, Yes, only two parcels. We do not want to -- the viability of a stand of trees that is climax forest, which the definition of climax forest, before you can even have it, is you have to

have a minimum of 20,000 square feet and it need -- it needs to have an aspect ratio of -- a four-to-one aspect ratio. So if you have forest on your property but it doesn't meet the definition of what a climax forest is, we don't care how many acres of trees you have on your lot, you don't have climax forest, and therefore, you are not required to comply. But when you have climax forest on your property, it has to be a minimum of 20,000 square feet, and that has to be retained. So what Chad's -- the reason why 30,000 square feet was created as the bottom line -- as the minimum of your ability to subdivide or create a 30,000 -- a parcel of 30,000 square feet was to preserve and retain the survivability of that stand. We didn't want to incentivize the creation of minimally-sized parcels that met the definition of climax forest, so that's why there's an additional 10,000 square feet. Mr. Farnen's suggestions, I will probably be shot by our Arborist, however, I do not disagree with it. I think it -- it should be that no parcel -- no subdivided parcel, once you have reached the thresholds of required climax forest, should be less than 30,000 square feet. But how you arrive at that up to the -- the 240,000 square feet or the 480-, I think it could be modified. The total number of parcels you could create. Now, I think Mr. Farnen suggested that it would be two, two, two, three and then an unlimited number once you get over 480,000 square feet as long as no parcel is less than 30 -- or is less than 480, which is shown in the table right now. So, I mean, you could -- and I think it is a reasonable compromise to suggest that up to the 480,000 threshold, you allow it to be changed, the 30,000 is carried down, and then you can adjust the number of lots. I think that is proper. I think that does give options at that point.

MR. MACMANN: Could I follow up on this --

MR. STRODTMAN: Go ahead.

MR. MACMANN: -- exact point? Four hundred and eighty thousand square feet is just under 12 acres. At a 25 percent minimum, we're talking about a 48-acre development. Before you can start dividing ad infinitum in 30,000 square foot lots -- we have before us often 40, 50, 60, 70, 80, 90 or 100 -- 70, 80, 90 acres is pretty common. Okay? And we're looking at an area twice 480,000 square feet. We could end up with a 90-acre development having one section of 450, and then 16 or 17 sections of 30,000 square feet, you know, if that works with the developer. And I think that's what Chad was trying to avoid.

MS. LOE: No. We are still saying maximum number of parcels.

MR. MACMANN: Maximum number? I think he is trying to minimize the number of parcels for viability and once we -- if I understand you correctly, Mr. Farnen, you felt that above 480,000, we could start subdividing in 30,000 -- I'm sorry to bring him up here, I just wanted --

MS. LOE: No. No. No. I think we're still saying you can't make more than so many sets of parcels. So even with that 480,000, your maximum three parcels.

MR. MACMANN: Okay. You don't want --

MS. LOE: So you could have one at 30 --

MR. ZENNER: One --

MS. LOE: But then the other two, you could divide between 450.

MR. MACMANN: All right. I'm fine. I was just -- I was concerned once we got above 480, we would have one big one and bunches of little ones. We don't want to go there because I --

MR. ZENNER: Two hundred forty on -- anything above 280 -- or 480, the way that this listed -- you're dealing with very large tracts of land at that point, something that requires more than 12 acres of preservation. You're going to be able to subdivide that into parcels that are no less than 240,000 square feet. So if you take a 1,000-acre tract of land, for example -- some absurd example of a development, but it could happen, and it has 600,000 square feet of climax forest -- required climax forest preservation, you can divide that into any number of lots as long as no individual lot is less than 240,000 square feet. And on a 1,000-acre tract of land, you should be able to identify and work around that. It is -- and that's, again, it comes back to the whole idea of if you are doing the land analysis mapping up front, we're identifying these types of features. And we are being able to identify that and work with the developer or work with the property owner. And the landscape and tree preservation plan is required for any development generally, so an individual coming in to develop a commercial building inside the city is going to have to have that. And on many of our already commercially developed sites, we have existing tree preservation plans that were created many moons ago that the arborist goes back to and looks at, and occasionally those do need to be amended. So there is a negotiation process back and forth on new projects, new subdivision projects or even new commercial developments that we do see built, that process is also -- it is an interactive process with the arborist to where they are working to identify the best areas, as Mr. Trabue pointed out. And it's often that you may have an area of good vegetation that doesn't qualify under the definition of climax forest, and we talked about this in work session, to which the arborist will then say, well, this doesn't qualify; however, it's in a better location for us to preserve and we will allow you to potentially use that. In addition, we will allow you to use that as preservation, but in exchange for that option, we are taking not only your two 40,000-square-foot areas that do qualify and that 10,000-square-foot area that doesn't and we're going to say you're 25 percent on the 50 of climax forest. But we're going to let you take out one of those -- possibly half of that one 20,000 because it's in the best area of your development. And that's the type of administrative authority that we have, and that may trouble Mr. Meyer that the City staff has that type of flexibility and how it applies its regulations, but that is how we do get good development sometimes. We have to use common sense and practical application of the regulation. And we can't specify everything to that fine grain. There is some judgment that needs to be executed, and often that judgment as defined in this Code is at the discretion of the director. The discretion of the director is normally then doled out to those that actually enforce the Code. That would by myself, our building and site development manager, or our arborist or our other individuals that are involved in development review. Those are the types -- that's the type of interaction we have, so that's how the development process works. That's the reality of it. Unfortunately, we create regulations because we have to create the basis by which we use it.

MR. STRODTMAN: Mr. Toohey, would you like to add to that?

MR. TOOHEY: I would disagree with the duped comment. When you look at residential developments, anyway, developers try to do as much as they can to keep as many trees as they can because it makes those lots more marketable. And in the case that Ms. Carlson brought up, you know, there's a lot more trees in that area than there was before they started because most -- a lot of these other

subdivisions have covenants and restrictions that require you typically two trees. And so in a lot of these places, there's a lot more trees than before when it was an empty field, except for a few scattered groupings of trees. Has it ever been brought up to basically have two different tree stan-- or different tree standards based upon the zoning? Like if we had a different one for residential and another requirement for commercial?

MR. ZENNER: Are you asking me the question has it ever been brought up?

MR. TOOHEY: Yeah. I mean, is that -- is that a way to solve some of this?

MR. ZENNER: We would -- I would tell you that from an administration perspective, no, it hasn't been discussed to my knowledge and, no, it would not be probably welcomed. I think it creates too much confusion in the administration. It is a standard, again, that has inflexibility worked into it. We have the ability and we have done successfully managing tree preservation at this point. Again, the additions that this Code offers are one, changing how you account regulated protection areas or regulated areas as part of the credit. The other is we're adding in the mature existing vegetation requirements for significant tree protection and a variety of other things. Those are probably the two most significant changes that this Code offers; otherwise, the standard provisions that we have from tree preservation are pretty well intact that we've all worked with since we adopted the land -- Chapter 12A, in land disturbance. So, I mean, I believe that's really where the focus of the activity is is do you want protection and stream buffers and do you want existing trees to be preserved -- or existing mature vegetation to be preserved.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I would like to speak against double-dipping. And this is to follow up what Ms. Fowler has mentioned and Manager Zenner has referred to. When we have a Greenfield development -- new development annexation into the city, it is much easier to control that. But we have a Brownfield redevelopment issue here in a significant portion of town -- the entire core of the -- and some of the -- anything that is older where we have significant runoff that damages the rest of our utilities. It damages homes, yards. Our street costs are significantly higher because they are under water all the time. One of the benefits that these tree barriers bring is it is the cheapest way -- and I know it may be seen as shifting costs by some people. It is the cheapest way to control our storm water by far. We're millions of dollars behind in storm water just to catch up. We don't even know what is in the ground, honestly, for the storm water. They know how many miles they have, but they don't know what is in there. The stream buffers are going to be what stream buffers are, and not all properties do have the stream -- it won't have a sensitive stream area in them. And it is a potential that on a smaller lot, as Ms. Rushing has mentioned, on a smaller lot, maybe three or four acres, with all your buffers in, you could lose a lot if it's a very sensitive, there's a stream in it, there's a conservation easement, and there's utilities, that makes those small lots unviable or potentially could. But if we're -- I really am concerned about bringing the utilities easements in because utility easements by nature have to be accessible. They either have to be mowed regularly, like a telephone easement, or a powerline easement, they have to be able to get in there without chainsaws. And you can ask what they are like right now; sometimes that is how they have to get in. And if they have to get in by chainsaws, we are not -- no one wants to stop them from doing that, but

that necessarily cuts into our tree buffer. So we -- to double count the utilities easement, in particular, is very problematic. Some of the situations we have in the new southwest, we have -- and we have this all over town. We have utility easements in the stream buffers as they exist. Flat Branch Park is an excellent example in that we're going through this. I don't mean to shift costs forward, but we have to be very cognizant of the damage we're already undergoing and how we can mitigate it in the future. Thank you.

MR. STRODTMAN: Commissioners, any more discussion before we move on to a motion? Would anybody like to frame a motion or discuss a motion? Ms. Loe?

MS. LOE: I'll move to approve Segment Four, Form and Development Controls, Chapter 29-4.3 through 29-4.6.

MS. RUSHING: Second.

MR. STRODTMAN: Ms. Loe made a motion -- a motion to table, seconded by Ms. Rushing. Any discussion on this motion, Commissioners? Any amendments to this motion? It looks like Ms. Loe will start us off.

MS. LOE: I'll start us off. Based on just the current discussion on Table 4.5-1, climax forest division, I would like to amend the table so that the minimum parcel size for the 120,000-square-foot reserve, the 240,000-square-foot reserve, and the 480,000-square-foot reserve be changed to 30,000 square feet. The maximum number of parcels be changed for the 480,000-square-foot reserve to 3, and I'd like to change the minimum parcel size for the greater than 480,000 square foot to 180,000, simply because that would allow three parcels, which would be consistent with the line above it.

MR. TOOHEY: Second.

MR. STRODTMAN: An amendment has been made, second -- amendment has been made by Ms. Loe and seconded by Mr. Toohey. Questions, discussions on that amendment? Do you want to read it back before we vote? I was just seeing how well your shorthand was. Do we need that motion read back?

MR. HARDER: Yes, please.

MS. LOE: I can reiterate it. Table 4.5-1 climax forest division; change the minimum parcel size for the 120,000, 240,000 and 480,000 parcels to 30,000 square feet. Change the maximum number of parcels for the 480,000 parcel from two to three, and change the minimum parcel size for the greater than 480,000-square-foot reserve from 240,000 to 180,000.

MR. STRODTMAN: Thank you for doing that again. Any other questions on this amendment? I see none. May we have a roll call, please.

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

MS. BURNS: Eight to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Additional amendments? Yes, Mr. Zenner?

MR. ZENNER: While we are on page 262, if we would like to take care of one of Ms. Koenig's

concerns as it related to the Tree Task Force's requests. In item (i)(b), which is at the top of page 262, reading the 25 percent of climax forest to be saved on parcels greater than one acre in size -- 25 percent climax forest to be saved. So this is referring to the landscape plan. You have to identify the 25 percent of the climax forest to be saved on parcels greater than an acre in size. Such preservation area shall be depicted as specified in item (d) below, which is the climax forest portion of that landscape plan, in order to address a task force related issue, and it deals with the regulated preservation area as well as the easements -- utility easements. This would also apply from staff's perspective based upon what the intention was right-of-way as well, so right-of-way that may run through a preservation area, which you would think would not be already covered would need to be added. So item (i)(b) would need to have added after "below" it would be, comma, "and shall not include trees located within a preservation area i.e. a stream buffer, right-of-way, or easement." And we refer to easement, we can clarify that as a utility easement or easement, and the reason we chose easement is because it may be a sanitary sewer easement, it could be a storm water easement, it could be some other utility easement -- telephone, cable, electric. So easement is broadest in that sense because it covers all types of easements that may impact a tree preservation area. So the sentence would read -- (i)(b) would read when finished, again in reference to the tree preservation plan, "The 25 percent of the climax forest to be saved on parcels greater than one acre in size. Such preservation area shall be depicted as specified in item (d) below and shall not include trees located within a preservation area i.e. a stream buffer, right-of-way, or easement."

MS. RUSHING: You -- I guess I -- there can be other easements other than utility easements?

MR. ZENNER: Very possible. So if you want to restrict it to utility, that would cover all of our primary utilities -- electric, water, sewer, gas. And if you want to restrict to utility easement, which was originally -- that would be the most restrictive at that point, so if you have a driveway easement or you have something else, that type of easement would be allowed. Again, I would go to the point that I think Ms. Koenig was trying to make though is if you have some area that is going to result in the loss of trees in the preserved area, you really are trying to avoid the loss of the trees in that preserved area. And so, leaving it as a broad easement may protect that. I think for the clarity purposes of what is meant to count, I would not disagree that utility may need to be added in front of easement. And to that point, I do not disagree with what Ms. Rushing has suggested. So if you add utility easement -- it's a utility easement in the place of easement, I think that that is fine, and it will still accomplish what the task force wanted.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: Yeah. I think that is what they were asking for was utility easements because they lost control of those trees that were in the utility easement.

MR. STRODTMAN: Would you -- I assume we need an amendment to --

MR. ZENNER: I do need a motion for that amendment. I was just offering and proffering it on your behalf.

MS. RUSHING: I will make that motion.

MR. STRODTMAN: Okay.

MS. RUSHING: Don't ask me to repeat it.

MS. LOE: Second by Mr. MacMann.

MS. BURNS: I would like to repeat it just in case so we can make sure -- and we're talking about -- and that was a motion by Ms. Rushing. And who was the second?

MR. STRODTMAN: Mr. MacMann.

MS. BURNS: Item (i)(b) Tree Preservation Plan, Section (d) shall require 25 percent climax forest to be preserved on any tract of land. Mr. Zenner, and then you are adding, "and shall not include trees, included in i.e. stream buffer, i.e. right-of-way or easement or utility easement"?

MR. ZENNER: Strike "easement" and just use "utility easement", please.

MR. STRODTMAN: And, Mr. Zenner, you were up above on (b). Correct?

MR. ZENNER: Yes. It is item (i)(b).

MS. BURNS: Sorry. Yes.

MR. ZENNER: Not item (d), but it follows --

MR. STRODTMAN: B as in boy.

MR. ZENNER: -- below. The text to be added would follow below.

MS. BURNS: Okay. Got it.

MR. STRODTMAN: Any questions on that amendment, Commissioners? I see none. Can we have a roll call, please, Ms. Burns.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann. Voting No: Ms. Russell, Mr. Toohey. Motion carries 6-2.

MS. BURNS: We have six votes yes, two votes no. Motion carries.

MR. STRODTMAN: So that amendment will -- has been approved. Additional amendments, Commissioners?

MR. MACMANN: We needed -- just a point of order here. We needed a housekeeping amendment earlier. Manager Zenner, did you -- Commissioner Loe pointed out a contradiction between one acre and 10,000 feet in a particular section and we'll need to -- we need a house -- at some juncture, we need a housekeeping amendment to say which is the rule in the referred to section.

MR. ZENNER: That is on page 261. It is paragraph -- it is under the applicability section, so it is paragraph (b), item number (3). And I would tend to agree as long as the minutes reflect that clarification of the 10,000 square feet and the cross reference to subsection (d) be clarified, and that clarification needs to be provided prior to -- prior to or concurrently with discussion following Segment Six. It will allow us an opportunity to go back and look at that.

MR. MACMANN: So we can wait until Segment Six to address --

MR. ZENNER: Yes.

MR. MACMANN: -- that issue?

MR. ZENNER: We'll come back --

MR. MACMANN: And get the wording --

MR. ZENNER: -- and we can --

MR. MACMANN: -- better and decisions better? Why wouldn't we do it at that time then?

MS. BURNS: Okay.

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

MS. LOE: No. I am just thinking --

MR. STRODTMAN: Oh.

MS. LOE: -- the Tree Task Force had additional places that they wanted the utility easement inserted.

MS. BURNS: Three places.

MS. LOE: Yeah. So should we go through those and just knock those off the list? Perhaps you can assist us, Mr. Zenner?

MR. ZENNER: I'm more than happy to.

MS. LOE: So we just did 262.

MR. ZENNER: That is correct.

MS. LOE: All right. So now we are on to 272?

MR. ZENNER: Two seventy two is actually not an easement related matter.

MS. LOE: Oh, okay.

MR. ZENNER: However, we will do 272 if you do not mind because it is a -- again, it is a clarification related matter. I would suggest that this was a scrivener error as we transposed the recommended changes. On page 272 under paragraph (2), which refers to landscape buffer location and design, item (iii)(c) -- (iii)(c), we have a reference in the first sentence of 25 percent. So at the end of the first sentence or first line, it says 25 percent. That is actually supposed to be 50 percent, and if you would like an explanation, I can give it to you. But if I had a picture, I could show you what this is meant to deal with. This, in essence, is to take the space that is between the required trees that are required to be placed -- we have spacing standards, so there is a dimension of 40 feet between tree placement. Within that, you have to have a minimum amount of plant material, and what the 25 percent -- 25 percent would be a quarter of that 40 feet, in essence. What was intended by the task force as they went through this process was 50 percent of that space -- so 20 feet -- had to be filled in with the plant material, and the second 25 percent within this particular segment has to deal with the plant diversity. So the 25 percent of the plant diversity is that you have to distribute the buffer area -- the required plant material within 50 percent of that 40 feet, so 20 feet of the 40 feet between trees has to have plants in it, and the plants have to have a diversity standard of 25 percent, if that makes sense.

MR. MACMANN: So you're saying that essentially it was a carryover -- a wipe over type of --

MR. ZENNER: Yeah. White -- it was a white out -- it was a white over type, and it was scriver's on our part. It should have been 50 for that first 25. So it would read basically -- 2 (iii)(c) on page 272 should read "shrubs and flowering plants that cover a minimum of 50 percent of the remaining area with a minimum of 25 percent of that plant material being in flowering shrub or bush."

MS. RUSHING: Do we need a motion to correct a scrivener's error?

MR. ZENNER: I would prefer that based on the fact that --

MR. TOOHEY: Yes.

MR. ZENNER: -- Mr. Toohey's concern --

MS. RUSHING: That we're changing --

MR. ZENNER: -- that the --

MS. RUSHING: -- the percentage.

MR. ZENNER: Yes. That is correct.

MR. STRODTMAN: Would somebody like to make that amendment? Mr. MacMann?

MR. MACMANN: I will make that -- Ms. Burns did you happen to record all of that?

MS. BURNS: I think I do.

MR. MACMANN: Could you read it back for clarity sake, please?

MS. BURNS: I have tree preservation, page 272, paragraph (2), item (iii)(c). We are correcting an error for sentence at section -- where are we now?

MR. ZENNER: First 25 percent, change to 50.

MS. BURNS: Covering -- oh, yes. The first sentence, 25 percent should cover -- should be changed to 50 percent, and 20 feet of the 40 feet between trees must have a 25 percent shrub variation.

MR. ZENNER: You can scratch that.

MS. LOE: Strike the remaining --

MR. ZENNER: That was my explanation as to why --

MS. BURNS: Strike the remaining.

MR. ZENNER: Strike the remaining. The first 25 percent is changed to 50 percent.

MS. BURNS: Okay. Thank you.

MS. RUSHING: Second.

MR. STRODTMAN: So we have an amendment by Mr. MacMann and we have a second by Ms. Rushing. Any additional discussion on this amendment? I see none. May we have a roll call, Ms. Burns?

MS. BURNS: Yes.

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

MS. BURNS: Eight to zero, motion carries.

MR. STRODTMAN: We're we going to go back? Do we have another clarification item there, Ms. Loe that --

MS. LOE: There is. Page 275.

MR. ZENNER: That particular item is addressed in the last full sentence of the second paragraph under item number 2, where it reads, "Trees contained within an existing or proposed utility or

other easement cannot be credited towards required tree preservation screening or landscaping requirements. That was already addressed. And then the next one then would be on page 276, and it would be under item 3(i), and that would need to be "or utility easement" is the text that would need to be added following in the last sentence of (i), which ends with "stream buffer". And it would be "stream buffer or utility easement."

MS. LOE: I'll make a motion for that amendment. So in 29-4.5 (g)(3)(i), add the words "or utility easement" at the end of the last sentence.

MR. MACMANN: Second.

MR. STRODTMAN: We have a motion to make an amendment by Ms. Loe, and it has been seconded by Mr. MacMann. Do we have any discussion on this amendment? I see none. May we have a roll call, please, Ms. Burns.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann. Voting No: Ms. Russell. Motion carries 7-1.

MS. BURNS: Seven to one, motion carries.

MR. ZENNER: And also on page 276 under 3(ii)(a), we will need to add "medium" or in the second sentence following deciduous trees, "of medium to large species" would be the text to be added, and that addresses the final comment from Ms. Koenig on behalf of the Tree Task Force. That is clarification of the type of tree species that is being added.

MR. TOOHEY: So by -- by adding species, it takes out the vagueness of what size the tree needs to be when it is planted. Correct?

MS. LOE: No. No. That wasn't the objective. She was --

MS. RUSHING: Medium.

MS. LOE: Ms. Koenig identified that they want the potential for those trees to grow to medium to large size, not --

MR. MACMANN: Not crabapple.

MS. LOE: -- crabapple.

MR. TOOHEY: I'm saying, so --

MS. LOE: So it should be that they are replaced by three deciduous trees that will be medium or large size --

MR. MACMANN: She spoke to a variety of tree, did she not? That was my understanding of her comments.

MS. RUSHING: You could put medium to large before deciduous trees, then the comma, and the descriptive phrase after.

MS. LOE: I believe that --

MR. TOOHEY: I was trying -- I was trying to avoid the argument of, you know, how many inches

the trunk might have to be.

MR. MACMANN: I don't see it. Is that necessarily --

MS. LOE: That should remain at two inches.

MR. MACMANN: It is more of a variety issue.

MS. RUSHING: Separate.

MR. TOOHEY: Okay. That's fine.

MR. MACMANN: As long as -- I mean, we should -- obviously, there may be others who read it like that. We should certainly make sure we get the language correct then if people are reading it in different fashions.

MS. LOE: Are we proposing to delete two-inch caliper --

MR. STRODTMAN: No.

MR. TOOHEY: No. That's fine.

MR. STRODTMAN: Any additional comments on this motion -- amendment? I see none. Do we have another roll call?

MS. LOE: Do we have a motion?

MS. BURNS: Do we have a motion? No.

MR. STRODTMAN: Oh. I didn't think so.

MS. BURNS: If we could repeat back that motion, we are adding in language about --

MR. STRODTMAN: We have not -- we have not made an amendment yet on that -- on that -- to add in the large and medium. No. We've just discussed it.

MS. LOE: I'll make a motion --

MR. STRODTMAN: Yes, Ms. Loe?

MS. LOE: To amend 29-4.5(g)(3)(ii)(a) to add the words "large to medium" before the words "deciduous trees".

MR. MACMANN: Second.

MR. STRODTMAN: Ms. Loe has made a motion for an amendment. Mr. MacMann has seconded it. Questions, comments on that amendment motion? Do we need to read it back or is everybody clear? Everybody is clear. Okay. May we have a roll call, Ms. Burns.

MS. BURNS: Yes.

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

MS. BURNS: Motion carries eight to zero.

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

MS. RUSSELL: I'd like to go back to the land analysis map.

MR. STRODTMAN: Yes, Ms. Russell.

MS. RUSSELL: On page 221.

MR. STRODTMAN: Yes.

MS. RUSSELL: Under (ii)(B) --

MR. STRODTMAN: Okay. The steep slopes?

MS. RUSSELL: Right. I would like to make a motion to change the 15 percent slope requirement to a 25 percent with the requirement of a 10-foot setback or additional setback as required by 12A as related to stream buffers.

MR. STRODTMAN: Ms. Russell has made a motion for a 25 percent increase on items on page 221. Do we have a second on that motion?

MR. TOOHEY: I'll second.

MR. STRODTMAN: Mr. Toohey, thank you for that second. Discussion on this motion? Mr. MacMann?

MR. MACMANN: I can generally agree with this doing construction. I understand Mr. Trabue's concerns. I guess I'm just wondering -- and I appreciate in the land analysis map that we're just trying to set standards. And I didn't -- honestly, Director Zenner, can we have just a brief concept of why 15 is better than 20 is better than 25? Because, I mean, I've worked a lot of construction sites, and there is -- you've got 15 degrees everywhere. You're looking at me like I'm crazy.

MR. ZENNER: No, you're not crazy. I -- it's just -- I -- again, it's more of a staff judgment call as we were revising the regulations. As you can see from the sidebar note --

MR. MACMANN: Uh-huh.

MR. ZENNER: The original 25 percent was what was there. That is what is currently within Chapter 12A. There is a prohibition about developing on slopes greater than 25 percent. Again, this goes back to stream buffering because we have the additional required setback out of a stream buffer that may have slope greater than 15 percent. So I -- what I would tell you is our staff in viewing it from an environmental protection perspective was looking at identifying all slope on developed sites that was 15 percent and having it at least mapped. Ms. Russell had asked for our GIS department --

MR. MACMANN: As breakdown, which --

MR. ZENNER: -- to do some analysis.

MR. MACMANN: -- we -- which we have --

MR. ZENNER: And therefore, when you look at the analysis that our GIS department has pulled together, there is about 41,000 acres within -- almost 42,000 within the city of Columbia, and roughly 38,000 of that, if not almost 39,000 is in 15 percent or less slope area, with 25 percent slope being only about 908 acres, which is roughly two percent of the overall land mass of the city of Columbia. So, I mean, if you look at it from that -- from that macro perspective, our staff was trying to accommodate, I believe, looking more toward protecting those general areas. But I think as was pointed out at our last meeting, 15 percent slope is extremely prominent. It is almost 92 percent of the city's land mass. And to do so may have no added value. So I would tell you that the way that the stream buffer -- or the way that our stream buffer ordinance is constructed because we do not have a steep slopes ordinance within the city that prohibits, in essence, development over a particular threshold, the 25 percent exists, in essence,

as a surrogate for that. And if we set it at 25 percent, the slopes that you would not be able to develop on today are going to be what will be identified. And I think that that's probably -- that, when you look at what was originally proposed and you look at the concerns that have been expressed, that's a four-to-one slope, and I think that this is appropriate probably to have identified. There are other features within this land analysis map that may help us better hone down where other areas of sensitivity may exist on a property to try to avoid developing those areas that may be karst, areas that may have soil that is more prone to erosion, and a variety of other things. So again, it is a holistic view. Take the slope as one piece of it; take karst topography as another; and some of the other features that are in this land analysis map and you put them all together, and we may be able to identify a development area that limits its impact on the environmental assets that we have. And that is really what it is driven by. The 25 percent versus the 15 percent, I can tell you was a judgment call by our staff, and it may have been a significant -- it's perceived, obviously, as a significant overreach. And based on the data that Ms. Russell asked us to pull together, I would tell you that it probably is impractical to say identify everything 15 percent. It's 92 percent of our city, so why bother? Give us the stuff that really is sensitive, and that would start, I think, at 25 percent or greater.

MR. MACMANN: All right. And, Ms. Russell, you would change that 15 to 25?

MS. RUSSELL: Correct.

MR. MACMANN: With the 10 percent as per Mr. Trabue's commentary.

MS. RUSSELL: With the 10 foot setback.

MR. MACMANN: Ten foot setback.

MS. RUSSELL: Right.

MR. MACMANN: All right. Thank you, Mr. Zenner.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Mr. Zenner was just discussing the land analysis map as a tool that would help identify where development may occur. Did I understand that correctly?

MR. ZENNER: That suited.

MS. LOE: Okay.

MR. ZENNER: That's suited --

MS. LOE: That best suited --

MR. ZENNER: Best suited on sites.

MS. LOE: Okay. In my re-reading of this section, I have to say I agree with the comments that were made last week in that I believe this Section 1 and Section 2 is actually saying that the map is producing identifying sensitive lands where development may not occur. So if we're intending to produce a map that identifies sensitive areas for the purposes of consideration only, I think we need to look a little bit more closely at the language if we're intending to produce a map that identifies all currently regulated areas. I think -- I think right now, we have a little bit of a mix of both of those. And I would like to clarify which direction we are going in.

MR. ZENNER: And I appreciate your perspective, Ms. Loe. If you read both paragraph 1,

paragraph 2, and then you read paragraph 3, which basically says if your lot yield is negatively impacted by identifying sensitive features you have the ability to reduce your lot width and your minimum lot size in order to be able to regain those areas. And if you have lots that have sensitive features on them, we have asked in paragraph 2 that those be identified as a non-developable portion of that lot. It does not mean that the lot cannot contain it; the building envelope, however, has to be out of it.

MS. LOE: Correct.

MR. ZENNER: So I -- to that I believe what the map is trying to produce is an optimal development area, and --

MS. LOE: My concern is that the list that it is identified under (1)(ii) -- 1(ii) -- correct -- includes both areas that are regulated and areas that are not regulated as of yet. So I think there needs to be --

MR. ZENNER: I think --

MS. LOE: I think it either needs to be a map and we acknowledge that all of that is regulated and we cannot control development on everything that is on that map or we limit it only to the items that are regulated.

MR. ZENNER: I think what you're noticing is intentional. We have regulated features such as the stream buffers --

MS. LOE: Uh-huh

MR. ZENNER: -- to be identified on the analysis map up front, which is already covered as Mr. Crockett pointed out, within Chapter 12A and the stream buffering standards that they have to produce as part of a construction set, and then we have other features such as steep slopes which are not regulated but can be controlled. The development -- the development of those types of areas per this code are identifying them as controlled areas, and that is --

MS. LOE: And we have --

MR. ZENNER: And --

MS. LOE: -- no other regulation in place besides this section to control steep slopes, bentonite soils, view corridors -- correct me if I'm wrong.

MR. ZENNER: I mean, no --

MS. LOE: I mean, this is where --

MR. ZENNER: -- you're not -- you are correct. But again, you are creating subdivision standards, and you're creating an analysis map that is creating those regulations. And if we need to develop supplemental standards that go along with features that currently do not have actual regulatory content behind them such as scenic views and development of bentonite soils and steep slopes, that is a project that comes as -- that can come afterward or it may not necessarily -- it may or may not need to occur. Because if this regulation is adopted, it by default creates regulation.

MS. LOE: That's -- that's my concern because I don't believe those items have been vetted. I mean, steep slopes has been on our agenda for quite some time, and to the best of my understanding, we have not come to a conclusion on that. So including it on the list as a parcel -- or something we are now going to regulate per this, I'm uncomfortable with.

MR. ZENNER: 25 percent is already regulated, and that is what we are -- we are amending to. We would already through other unsuitable soil conditions that may be identified as part of an analysis of a construction plan set --

MS. LOE: Correct.

MR. ZENNER: -- exclude those particular areas out at the time of development. We are getting ahead with the land analysis map of those -- of identifying those types of obstacles after a developer has engaged into significant design and expenditure of resources. The idea is to get ahead of that problem. It is to secure the interest of a lender -- that they have a project that can actually physically be developed. And without providing the context in which those decisions may be able to be made, we find out about that way down the road, and all of a sudden, we are amending development plans and we are amending subdivision layouts that may change the basis by which a lender is loaned money to a developer because their lot yield becomes reduced. And that's the unknown. That's the uncertainty that we are trying to eliminate. While we may not have regulation on steep slopes at this point, we do have already within our Code 25 percent, which is a restricted development area for the most part and 15 percent that we have if you're along a stream buffer that you have got to provide extra buffer. Those are already in the Code. So, I mean, I understand where you are coming from, and if we don't want to create regulation -- but again, this document and this set of provisions has existed since October of last year. It has been around since the integrated draft, and people have had an opportunity to comment on it since that time. And what we have received here within the last two weeks are comments as it relates to provisions that have existed for almost a year that nobody had provided any other comment on -- and we have had comment previously on -- in our earlier sessions in May and -- May through July as it related to the view corridors and everything else, and, quite honestly, you know, that's the purview of the Planning Commission. If you want to remove that, that's fine. If you want to remove any of it, it's fine. But what I can tell you is that the standards that we have here are to try to get ahead of the problems that exist, and that -- we have to start somewhere. And this is -- this is the beginning point. If we want to hone the regulation, we can hone the regulation or you hold it out and we add it after we have had a more deliberate or thorough discussion of the impacts that that may create. There are -- there is value to the land analysis map --

MS. LOE: Right.

MR. ZENNER: -- and its content.

MS. LOE: And again, I'm comfortable with requiring a map that would identify those with no requirement then placed on those whether or not development happens. But you can have all that information and it's regulated per the regulations that already exist. The -- this requirement is simply to produce a map showing those conditions.

MR. ZENNER: And I believe what you do if you do not have some other tool associated with that is if you do have the potential to undermine facilitating environmental preservation goals and objectives that are part of the comprehensive plan, and you have the ability to undermine livable and sustainable neighborhood preservation goals and objectives as well. And that is why the standards that exist in paragraph 2 and paragraph 3 have been created.

MR. TOOHEY: Can we have Mr. Trabue come up, who brought up -- who brought up this issue last time?

MR. STRODTMAN: Do you have a clarification for Mr. Trabue?

MS. LOE: I think I understand what -- I'm concerned about --

MR. STRODTMAN: Did you have a specific question, Mr. Toohey?

MR. TOOHEY: No. I just didn't know if -- I mean, it just seems like we're in circles right now.

MS. LOE: No. I mean, but we should open this up to the rest of the group. It shouldn't be a discussion between and Mr. Zenner.

MR. MACMANN: I do have a question here. If I understand Manager Zenner correctly, he's getting -- they're -- the attempt by staff -- excuse me -- I'm sorry -- is to get ahead of the game and create these maps. I guess, Commissioner Loe, I'm asking you where you would like to get -- where are you going here with this? What's your thought?

MS. LOE: Do you understand my concern?

MR. MACMANN: I understand -- I want to know where you're going. I mean, I understand that you have several concerns. I mean, what would you like -- you

MS. LOE: Well, my main concern --

MR. MACMANN: -- would like to amend this language or --

MS. LOE: -- is that this list of --

MR. MACMANN: Is too inclusive?

MS. LOE: -- list of items identified to be placed on the map includes items that currently have no regulation backing them up.

MR. MACMANN: Correct.

MS. LOE: And as written this then provides -- will not allow --

MR. MACMANN: It provides regulatory --

MS. LOE: -- development --

MR. MACMANN: -- forest --

MS. LOE: -- restricts development on those locations when vetted regulation has not yet been created beyond what is in this section.

MR. MACMANN: And your desire would be to take those, as we're referring to them, unvetted elements out?

MS. LOE: To either eliminate the statement that this map then limits development.

MR. MACMANN: Or?

MS. LOE: Or take those items out that aren't backed up by regulation. And I'm totally in favor of producing regulation moving forward, I just don't feel comfortable including items that have not been thoroughly vetted as of yet.

MR. STRODTMAN: Just to remind everybody, we do have a motion for an amendment on the table made by Ms. Russell to change the 15 percent to 25 percent, and it was seconded by Mr. Toohey. Is there any additional questions on this amendment motion that would like to be made? I see none. So

can we have a roll call, please?

MS. BURNS: Yes.

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

MS. BURNS: Motion carries eight to zero.

MR. STRODTMAN: Commissioners, thank you. Yes, Ms. Russell?

MS. RUSSELL: I'd like to go back to Ms. Loe's discussion. I agree with her that the land analysis map is regulating things that we haven't really had a chance to talk about and regulate. And I think I like the idea of just making it as deleting "protected from development, all of the following". Just like -- let it be an informational map as opposed to a regulating map.

MR. MACMANN: Might I ask a question of that? The -- in your view, the map would still -- the information would still be generated --

MS. LOE: Uh-huh.

MR. MACMANN: -- as part of the --

MS. RUSSELL: Right.

MR. MACMANN: -- development process?

MS. RUSSELL: And there is already a regulation behind these --

MR. MACMANN: Uh-huh.

MS. RUSSELL: -- with the exception of (f).

MS. LOE: And part of (c).

MS. RUSSELL: And part of (c). So --

MR. ZENNER: (c), (e) and (f) do not have regulation behind them -- do not have --

MS. RUSSELL: Correct.

MS. LOE: Right.

MR. MACMANN: That's -- I think that's exactly what you said. Correct?

MS. RUSSELL: So I want this to just be informational while they are planning and while they are seeking funding, and then we can go back and vet this better and create. So I -- I would like to make it just an informational section.

MR. ZENNER: Can I --

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: Can I suggest if -- because the regulated components of this, if you -- if we make the map informational only, paragraph 2, which is below this is completely useless at that point. So if what you are wanting to be removed from paragraph 2 (ii) are the items that do not have regulatory basis behind them, which would be, as I said, would be items (c), (d) -- or, I'm sorry -- (c), (e) and (f), if you want to strike anything, strike (c), (e) and (f) from the list. The regulatory components then of that map would be then identified, they would be subject to the provisions in paragraph 2 below it, and they would be

subject to the modification of lot width and area requirements by the paragraph below that.

MR. MACMANN: And still allow the tradeoffs?

MR. ZENNER: Yes.

MR. MACMANN: All right.

MR. ZENNER: It maintains the integrity, I believe, of the process of the land analysis map given the fact that there is reinforcing regulation associated with them. That's what I'm hearing is being the concern.

MS. RUSSELL: Right.

MR. ZENNER: We can develop view corridor regulation separately if we want, and how we deal with soil conditions that exist maybe throughout the city at a separate date. But I don't -- that would be my suggestion, and I'll shut up.

MR. MACMANN: That addresses from both sides. Is that --

MS. RUSSELL: Right.

MR. MACMANN: -- more amenable?

MS. RUSSELL: Right.

MR. MACMANN: To just strike rather than redefine?

MS. RUSSELL: Correct.

MR. STRODTMAN: So, Mr. MacMann, do you want to make a motion to amend it?

MR. MACMANN: If someone can -- I don't have it in front of me.

MR. TOOHEY: I'll make a motion.

MR. STRODTMAN: Thank you, Mr. Toohey.

MS. BURNS: Speak slowly, please.

MR. TOOHEY: So in Section 2 on page 221, we will strike section (c), (e), and (f).

MS. RUSSELL: I'll second that.

MR. STRODTMAN: A motion to amend has been made by Mr. Toohey; a second by Ms. Russell. Commissioners, any questions or comments on this amendment -- motion for amendment? I see none. Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Loe, Mr. Harder, Mr. MacMann. Voting No: Ms. Burns. Motion carries 7-1.

MS. BURNS: Motion carries seven to one.

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

MS. LOE: I have one. Back to landscaping.

MR. STRODTMAN: Yes, Ms. Loe?

MS. LOE: On page 261 -- and this relates to my question of whether or not the landscape

requirements apply to the M-DT. I guess I'm finding it a little confusing when M-DT is referred to as the M-DT district or the 29-4.2. So I would like to have that -- I would like to amend text -- or propose an amendment that regularizes that throughout the Code so that it is referred to as the 29-4.2 M-DT district.

MR. MACMANN: So, Mr. Zenner --

MS. LOE: So in this section, specifically --

MR. STRODTMAN: Page --

MS. LOE: -- 29 -- page 261, 29-4.5 --

MR. ZENNER: It would be -- 261 is the page that she is on.

MS. LOE: I'm looking at 261.

MR. ZENNER: Item number 4, just above (c) --

MS. LOE: Yeah.

MR. ZENNER: And you're wanting in parenthetical -- would parenthetical work for you, Ms. Loe, behind 29-4.2, it would be referenced in parentheticals as "M-DT" district?

MS. LOE: That could work. I had in the M-DT district as described in Section 29-4.2.

MR. ZENNER: I think adding --

MS. LOE: But you would prefer --

MR. ZENNER: -- the amount of text -- adding that amount of text versus adding a parenthetical behind --

MS. LOE: Okay.

MR. ZENNER: -- the actual section reference --

MS. LOE: And conversely, can we add Section 29-4.2? Because we also refer to the M-DT as just the M-DT in other areas.

MR. ZENNER: It can go conversely.

MS. LOE: Okay.

MR. ZENNER: I would -- I would agree with you that throughout the Code we can do a search/find and adding the text or the numerical reference would be better.

MS. LOE: Thank you. So -- but just in this case, amendment to add the M-DT parenthetically behind the 29-4.2.

MR. MACMANN: Second.

MR. STRODTMAN: Mr. --

MS. LOE: MacMann.

MR. STRODTMAN: A motion was made by Ms. Loe and seconded by Mr. MacMann. Any questions or comments on this motion for amendment, Commissioners? I see none. Ms. Burns, when you are ready.

MS. BURNS: Yes.

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

carries 8-0.

MS. BURNS: Motion carries eight to zero.

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

MR. TOOHEY: I'd like to make a motion and talk again about the lot access on page 230. It's Section 2, item (ii). And again, that's page 230, where it relates to the number of lots or units shall be permitted. I make a motion that we change that back to 100 lots and we strike "or units".

MS. RUSSELL: I'll second that.

MR. STRODTMAN: So it was a two-component, Mr. Toohey? You're going to strike the maximum of 30 lots will be changed to a maximum of 100 lots or units shall be permitted to be accessed from a single point of ingress --

MR. TOOHEY: Strike "or units".

MR. STRODTMAN: Or units. Okay. Oh, I see, "or units". Okay. So the 30 goes to 100 and we strike "units"?

MR. TOOHEY: Right. Essentially, we're just keeping what the current Code is.

MR. ZENNER: How would the multi-family -- how would multi-family development be addressed then, Mr. Toohey?

MR. TOOHEY: I guess you could say 200 units then.

MR. ZENNER: That's in --

MR. TOOHEY: A hundred lots or 200 units. That's 100 lots.

MR. ZENNER: That's inconsistent with the current Code, I believe. The current subdivision code is based on a tiered approach. So it would be, you know, 100 units, 50 duplexes --

MR. TOOHEY: Then go ahead and just leave -- go ahead and leave "units" in.

MR. STRODTMAN: So just the 30 lots or units will be changed to 100 lots or units?

MR. TOOHEY: Right.

MR. STRODTMAN: Mr. MacMann, do you have a question?

MR. MACMANN: I'm going to hold that for just a second.

MR. STRODTMAN: Okay. So a motion has been made to change the 30 lots or units -- 30 will be struck [sic] and changed to 100 lots or units. And Ms. Russell seconded that motion for amendment. Any additional questions or comments on this amendment? Yes, Ms. Loe?

MS. LOE: Mr. Zenner, what are the current Code requirements in the International Fire Code?

MR. ZENNER: The current International Fire Code requirements are what are listed.

MS. LOE: Thirty lots or units?

MR. ZENNER: That is correct, and amendable by the fire service in accordance to the code and their authority under the -- under the International Code -- Fire Code.

MR. STRODTMAN: So, Mr. Zenner, with us changing that to 100, they still couldn't do 100 because -- without the fire department's willingness to vary from the fire code. Correct? Is that a simplicity way of saying that?

MR. ZENNER: I believe that would probably be the correct assumption -- the correct conclusion

because I think you are going to create internal -- you're going to create conflict with every single development that comes forward at that point. And when you finish this, this particular provision ties back into another provision that is before this, so as it relates to the total number of lots off of a residential street segment. So, I mean, we may need to be looking at two different sections as well to amend.

MR. MACMANN: That's --

MR. STRODTMAN: I believe 223 was the other reference maybe. I had it written down.

MR. MACMANN: That's -- that was going to be my question. We're setting up an almost auto-review process. That's my concern. I mean, if an individual developer or development wants to go above and beyond 30, we're going to the fire chief each and every time.

MR. STRODTMAN: Well --

MR. MACMANN: That's -- I mean, do we want to do that in a regulatory fashion? Do you know what I'm saying?

MS. LOE: This is per the fire department's request.

MR. MACMANN: I know, but if we go from 30 to 100.

MS. LOE: Oh.

MR. MACMANN: Do you see what I'm saying? If the fire -- if the IFC right now requires 30, and that is my understanding, and we allow 100 -- and I don't blame these gentlemen for seeking 100, but we're automatically sending them to the -- we're setting up a review process each and every time. My question is as follows: As far as creating a regulatory document, do we want to -- do we want to do that? That's what I'm asking.

MR. STRODTMAN: Ms. Loe?

MS. LOE: The City adopts the IFC. Correct? Or ICF?

MR. ZENNER: Yes. It's --

MS. LOE: IFC.

MS. RUSHING: IFC.

MR. ZENNER: This is -- the IFC, and this is part of the appendix of the IFC that was not previously adopted prior to the last code cycle. And --

MS. LOE: So -- but they --

MR. ZENNER: -- so

MS. LOE: -- the City also has the ability in their adoption to amend that --

MR. ZENNER: And we --

MS. LOE: -- should they choose?

MR. ZENNER: Yeah. And we did not -- we adopted the appendix. We adopted the appendix in whole, realizing that the IFC affords the local fire department and the responsible entity the authority to grant relief based on other circumstances. So I will tell you any development that we receive already has the fire department involved in the regulatory review process. It goes through our standard review. And in the nine years that I have worked here, I don't believe I have seen on major subdivision development any subdivision that has been smaller than 30 lots. We have seen projects in excess of 100, 150, 200, and

you begin a process with a single point of ingress and egress. But generally, based upon that preliminary plat, you are looking at multiple points of ingress being constructed over time. And that -- again, it goes to the idea that that's where the fire service has the authority to say, yeah, it's a 200-lot development and it's going to have two or three points of access at the end of the day. We're going to let it go forward in its first phase with more than 30 lots, realizing that it has connectivity. There is going to be a point at which, however, we do want to ensure that the connectivity once we reach probably that 100-lot threshold, like we have today in our Code, has a second point of ingress and egress. That's not what is written here. What is written here is what became the minimum standard for us to basically say you've got to show us a little bit more in the preliminary platting side as to how you're going to have those 100 lots. And this then comes back potentially with a little bit of coordination with the developer and the City as to how are you going to phase your project. Because are you going to phase the second access in once you reach the 100 lots? Because if you don't, the fire department may have an issue with you going over that maximum amount. Again, it becomes -- this is -- this is part of what occurs in the background that you don't see that we work with the development community and their engineers to resolve these issues before it arrives to you. Now, if you want it more spelled out that, you know, it's in contradiction to the fire code and what we've adopted without having to amend it, that again, it's your choice.

MR. MACMANN: Manager Zenner --

MR. ZENNER: We have lived with that previously.

MR. MACMANN: -- let me ask a question here. So this -- what I'm hearing you saying is the new Code right now is an attempt to codify what has already been happening administratively; is that what you're saying?

MR. ZENNER: The new Code will basically align the building code requirements and the IFC together, not unlike what we have done with particular definitions that are in the building code as they relate to other issues. We have lived with a conflict between the maximum number of lots to be developed off of a single point of access and the fire code in general -- the unadopted appendix for probably the last -- the prior three years. So when we adopted the Code -- in this Code cycle, we adopted the appendix that has this provision. We have never had a problem with resolving this matter. This is not used as a -- this -- the inclusion of it in here is not being -- is not attempting to restrict an individual from being able to develop a 100 lot subdivision without being able to show us how they are going to have a second point of access. That's what it appears to be doing, but I can tell you just in reality and how we apply development and we review it, that isn't the end -- that won't be the end goal here.

MR. TOOHEY: Then I don't see the point of having it then.

MS. LOE: Right. If this -- if this is really set by the ICF -- IFC -- sorry, I live with the ICC code, so I can't get that straight -- then can't we reference that? Why are we -- this seems redundant, and if they're updated or adopted out of cycle with each other, we're forever going to have a conflict.

MR. ZENNER: However, that's why the language is written -- the most current version of the IFC --

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

MR. ZENNER: -- so -- so -- if you --

MS. LOE: -- delete 30 of this --

(Multiple people talking simultaneously.)

MR. ZENNER: If you want to refer to it as the most current version of the IFC, here's what ends up happening: You're -- the IFC is not incorporated as part of this, so what we have done is we've set a minimum standard as to -- if the IFC were to reduce it to -- or increase it -- let's just say -- or reduced it -- it reduced it to 20 lots. You're then going to subject a developer to not have -- not to be able to develop a 30-lot subdivision without having multiple points of access. The conflict -- the relaxation of the standard occurs if the Code affords a developer the ability to develop a larger development with only one point. If it went in the opposite direction and the Code became more restrictive, the IFC became more restrictive for whatever reason and you don't reference a minimum or a maximum number of lots, the IFC will govern. And at that point, it could work in the opposite direction. It may not work to the benefit. And I don't -- again, it's not -- the standard matches and it has the inclusion that it could be modified in accordance to the IFC or by the fire department; we specified a minimum threshold, which, yes, is 70 lots less than what the current Code reads.

MS. LOE: So that language could say the maximum of either 30 lots or the current adopted edition of the International Code edition or as authorized by the City of Columbia Fire Department, whichever is greater.

MS. RUSHING: Because right now the way it reads, it would be --

MS. LOE: It doesn't say what you just said.

MS. RUSHING: It would be the most restrictive one which would apply because it says "unless".

MR. ZENNER: Well, and -- yeah. So the most restrictive -- I would tend to agree that what is intended to be done here is that the fire code will -- the fire code or decision of the fire department will overrule what the 30 is always because it grants additional relaxation to the standard. We have chosen a 30-lot maximum -- 30-lot or unit maximum because that is the number that is specified within the IFC. So the IFC affords the fire official the ability to modify that based on other factors, such as multiple access points if your fire rating or putting in a sprinkler system within a commercial building or an apartment building, and the apartment building standard is actually, Mr. Toohey, I believe 200 units off of a single point of access. That's embedded in the fire code.

MS. RUSHING: Then shouldn't we refer to the ability of the fire chief to give an exception to this as opposed to the Code? I mean, that's what you're saying. You're saying that regardless of what this says or the fire code says, the fire chief or whatever officer is given that authority can allow more units --

MR. ZENNER: That's in the clause that's in the second sentence of the paragraph of item (ii) that says "unless otherwise specified by", and it lists either the IFC or it lists the chief -- or it lists the fire department.

MS. RUSHING: So you could take out the fire code unless authorized by the City of Columbia Fire Department.

MS. LOE: No, because we're looking to the fire code to establish a datum, and we're saying that

that could float and go up --

MS. RUSHING: Right. But the fire chief can in the end determine how many units --

MS. LOE: On a case-by-case basis. But we're trying to minimize the number of case-by-case.

MS. RUSHING: No, you're not. I mean, then are -- the reference to the International Fire Code seems meaningless because the fire chief can decide whether more units can be allowed based on whatever standards are important.

MS. LOE: Mr. Zenner has just told us that the fire code currently identifies 30 lots can be accessed --

MS. RUSHING: But that doesn't --

MS. LOE: -- but that couldn't --

MS. RUSHING: -- matter because the fire chief can decide --

MS. LOE: Correct.

MS. RUSHING: -- lots.

MS. LOE: Correct. But, Ms. Rushing, that 30 lots could be changed to 100 next year. The zoning code is not going to be rewritten. So with the reference to the fire code, that would then mean a maximum of 30 units per the zoning code or 100 units per the fire code or at as authorized by the fire chief.

MS. RUSHING: Okay.

MR. STRODTMAN: Additional discussion?

MS. BURNS: So is -- with what Ms. Loe is saying, that's not really changing this to 100 because we are still governed by the fire code.

MS. LOE: Changing it to 100 right now would put it in conflict with the fire code, it sounds like.

MR. TOOHEY: Which is -- I mean, we've had the issue -- we currently have that issue. So I don't understand why that's -- I still don't understand why that is a problem.

MS. RUSHING: Well, he wants to change it, so --

MS. RUSSELL: They either have to go to a fire chief --

MR. TOOHEY: And I understand that, but --

MS. RUSSELL: -- to increase it from 30, or if it's 100, the fire chief is going to say, no, that's too much. So either way, they have to go to the fire chief.

MS. BURNS: And so I'm saying why change it? I'm in favor of -- if this is what the International Fire Code says, I -- I'm not a fireman; I'm not a --

MR. TOOHEY: We have lots of codes -- lots of international codes that we adopt where we strike items out of those codes that we feel like don't apply to our area.

MS. BURNS: How did you come up with 100 units?

MR. TOOHEY: Because that is what we currently have.

MS. RUSSELL: We currently have.

MS. BURNS: Okay.

MS. LOE: But this is the language that per the note -- the new provision per staff and fire department request was placed as a maximum number. I don't feel comfortable going against fire

department request. They can modify it and they can modify the fire code. I agree. They can strike the language, and I'd rather leave that up to them.

MR. STRODTMAN: So we have a motion to make an amendment on the table to change it from 30 to 100.

MS. BURNS: Yes.

MR. STRODTMAN: And seconded.

MS. BURNS: Yes. Mr. Toohey moved; Ms. Russell seconded. This is under the subdivision standards.

MR. STRODTMAN: Any additional discussion needed before --

MR. TOOHEY: I do have a question. I mean, how many times has the fire chief actually -- will require people to be below that -- or actually to be below that 100-lot minimum? I mean, does that happen very often?

MS. LOE: We could go back to striking the requirement and just pointing to the fire code to set the number of lots. As Mr. Zenner identified, that would identify a minimum number of lots, and that the fire code would then adjust that number, but --

MR. MACMANN: Which talking about points of egress --

MS. LOE: But if we're --

MR. MACMANN: -- ingress --

MS. LOE: -- saying that our number is often in conflict with the fire code's number, maybe it just makes more sense to let that number live in the fire code.

MR. TOOHEY: Would you actually have to make the fire code a part of this ordinance then? Because right now, it's only referenced.

MS. LOE: It will be referenced.

MR. ZENNER: We made reference to -- we make reference to a lot of different code because you're not going to incorporate the fire code or the building code into the subdivision regulations, but there are interaction between them. Again, this standard -- this standard takes out a lot of what was in -- what is in the existing requirements which had thresholds so you've got over 100 lots, you had to have a secondary point of access. You've got over 200 lots, you had to have -- and you had to have three points of access unless one of them was something else. That is what this standard tries to eliminate. It eliminates a variety of other language that can then be addressed again as part of the site planning and the subdivision design and layout side of this, which is generally obtained at the preliminary plat. So we're trying to simplify things in respect that we're not creating this whole laundry list of conditions by which you have this number of lots, you've got to have this number of accesses. We simply have stated maximum of 30 lots off of a single point, the fire department and the International Building Code can tell you if you can have more. And to answer your questions, Mr. Toohey, as to how many times have we ever restricted a development to 30 lots, in nine years I can't tell you any project that we have restricted to 30 lots or units as a result of only having one point of access because we have identified that the multiple points come later within a project. Again, I go back to my first statement I made when we began talking about this.

The concern I would have as a -- as a regulator or as a fire official is once you get over 100 lots, which is what we specifically require today that you were required to have that second point of access, this doesn't speak to that. This basically says, well, you know, we'll let you go ahead and build a development of 300 lots and if the fire chief says, well, we're just going to go ahead and have that off of a single point of access, there's no control here that says, no, you need to have a second point. Now, I will tell you in the review, that likely would come out that we would want a second point of access for fire service, and many of our projects that we have reviewed here lately, we hold to the standard -- that standard that exists within our access requirement right now that says once you reach that threshold of 100 lots, you've got to put a second point in.

MR. TOOHEY: And I understand where you are coming from, but we've had numerous people from the public -- engineers come up and testify that they've got a problem with this line -- or this item in the Code. So what do we do to address that then other than change that number?

MR. ZENNER: I mean, the process worked -- the process has worked at this point, and I guess the fear is is that all of the sudden a hammer is going to drop and we're not going to allow anything over 30 lots. I mean, the fire code exists and the fire code specifies, to Ms. Rushing's point, parameters by which the fire official has authority to modify. That is something that our fire marshals review as a part of every subdivision plat that comes through, every development proposal that is made. And that's the guidance. So the fire -- the International Fire Code is the guidance document that they use. But the ultimate decision is there is cloudiness within the fire code -- within the International Fire Code lies with the chief. So if an applicant, again -- and I hate to even use the term, but if you want to appeal that decision or this provision, you go to the department that's going to be responsible for providing that service. And we do that right now internally. I would -- you know, while it is an inconvenience to have this particular standard written here because it is prescriptive -- it's very prescriptive and it creates this concern, it is consistent with the other adopted family of codes that we have. You create the conflict, you create the conflict. And that's a decision that you all can make, and we will deal with it regardless.

MR. STRODTMAN: Commissioners? Are we ready to vote on this motion to make an amendment? Can we have a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Toohey. Voting No: Mr. Strodtman, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann. Motion denied 3-5.

MS. BURNS: That is two votes yes, six votes no. Motion does not carry.

MR. ZENNER: I believe that was three votes yes.

MS. BURNS: Sorry. Sorry.

MR. ZENNER: Three votes yes; six [sic] votes no.

MS. BURNS: Thank you. What you said.

MR. STRODTMAN: Five votes yes; three votes no.

MS. BURNS: Five, three. Five, three.

MR. ZENNER: I'm sorry. Five.

MR. STRODTMAN: Commissioners, additional amendments, motions?

MS. RUSSELL: I have a question.

MR. STRODTMAN: Yes, Ms. Russell?

MS. RUSSELL: Mr. Zenner, on page 225, Section (K), about four-way intersections. When it says a four-way -- a four-way stop will be platted and constructed as roundabouts, does that really mean it has to be a roundabout?

MS. RUSHING: That's what he indicated at our meeting -- our last meeting.

MR. MACMANN: It was the -- the roundabout was the first option when we discussed it. Right? We asked this question just the other day. Right?

MR. ZENNER: The way that that text reads, that is correct. The director -- the director of public works is desiring, as well as our traffic engineers, that no four-way intersections that require a four-way stop condition are created, and if they are necessary for traffic control, they need to be built as a roundabout. That is what this provision says, and that is what is intended. But I will let Richard Stone, our traffic engineer -- traffic engineering manager respond to that for you in a more detailed --

MR. STONE: Richard Stone, I'm the engineering manager for the public works. I had a conversation with the director today, and that language is -- is pretty abrupt. I think he is willing to --

MS. RUSHING: Did it --

MR. STONE: -- soften that language some, leave that to his discretion or working with the engineers.

MS. RUSHING: Could we just delete that second sentence and then it would just be up to his review?

MS. RUSSELL: I like that.

MS. RUSHING: Because right now it doesn't even look like he has the discretion to allow a four-way stop.

MR. STONE: Yeah. The -- I think what we would like to see is something like unless the director approves otherwise. And that kind of puts it out there that the preferred alternative would be a roundabout, but depending on the location. To kind of give you some context, an all-way stop or what we would project to be an all-way stop is going to have quite a bit of traffic -- about 300 vehicles per hour for eight hours.

MS. RUSHING: So are you saying that within a subdivision there would be no four-way stops that would have traffic of less than that?

MR. STONE: There could be. There would be -- there would be no four-way stop signs. We would try to avoid four-way stop signs. Yes. Correct. That's what -- that's what this provision is intending to do. And actually over the last five years or so, that's what we're getting from developments as well.

MS. RUSHING: But you're saying that you would only want a roundabout if the traffic was 300 cars; is that correct?

MR. STONE: If it -- if it looks like it is going to get to the level of 300 vehicles per hour for eight hours -- and again, that -- an analysis would be triggered by our -- by traffic impact study --

MS. RUSHING: Yeah. I think I'm not -- so my question is I have a subdivision, and are you telling me that in that subdivision now you would only require a four-way stop at an intersection which has more -- 300 or more vehicles per hour?

MR. STONE: We would do that analysis. And, yes, that -- there's a -- what we call a warrant level for all-way stops, and what we want to do is avoid creating a lot of those situations where we would get into those.

MS. RUSHING: Well, I'm looking at the area where I live. So we have streets going east and west and streets going north and south.

MR. STONE: Uh-huh.

MS. RUSHING: So I guess -- they are mostly two-way stops then. Okay.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: With this -- that Green Meadows Forum is a really busy four-way stop. If that was being built according to this, it would have to be a roundabout?

MR. STONE: The original -- yeah, the original development would have put that in. Yeah. That's correct. Depending -- that happens a different way. That's not normally done with an entire subdivision or something like that. That particular one, it may have been. Yeah. This is generally in reference to, like, internal streets to a subdivision creating that. There could be situations where a street would be platted out towards a -- you know, a major collector or something like that and we would have to analyze that at that time if you had a big enough subdivision. Kind of -- I can give you a couple places to kind of picture in your mind. One would be Vanderveen, if you've been up in that area. Providence Road and Rain Forest Parkway, that's currently an all-way stop. That would be a location that we kind of want to avoid. But there has been other subdivisions -- Arbor Point and several subdivisions have incorporated roundabouts in their design in order to sort of avoid that -- that all-way stop conflict. That's kind of what we are going for here.

MR. STRODTMAN: Commissioners, anything additional on this specific topic. While, we have -- Mr. Stone, I would like to bring up on page 226, the transportation impact analysis. And I'll be the first to admit that I've not dove into the UDC administration -- administrative manual. Can you kind of explain to me what the process would be for the transportation impact analysis based on the UDC administration manual? I mean, it sounds like to me now in the past -- in the past the applicant's engineers would come and work with you guys and come up with a plan as to what you're trying to accomplish with your transportation impact analysis, and then they would go back and get their -- the consultant to generate that scope of work. Is that the same kind of outline laid out in the UDC administrative manual that kind of tells them what their -- what you're looking for, I guess?

MR. STONE: Exactly. It's -- it's essentially putting into words sort of our standard practice that -- that we --

MR. STRODTMAN: So the -- the applicant would be able to go to the administrative manual and

see that they are looking at two miles out or whatever the -- you know, how far out they have to study the -- or to have an analysis done that would spell that out.

MR. STONE: It gives them the framework of what the report would say. There would still be a scoping meeting to make sure that what they are analyzing and what we would want to see are the same.

MR. STRODTMAN: So that would take place prior, so they would still have the opportunity before they gave incorrect directions to their consultants?

MR. STONE: Correct.

MR. STRODTMAN: Okay.

MR. STONE: That's -- that would still occur, but it would give sort of that baseline of this is about where you are going to need to do something like that is what the --

MR. STRODTMAN: And obviously you take more, but that's a minimum of what you would accept or what you looking for to--

MR. STONE: Correct.

MR. STRODTMAN: -- consider it an acceptable analysis.

MR. STONE: Right.

MR. STRODTMAN: Thank you.

MR. STONE: And the idea there is -- those questions are going to be asked at this level and at Council more than likely. So we want those answers before we get to you.

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

MS. LOE: Did we actually make an amendment on the four-way stop sign?

MS. RUSSELL: No.

MR. STRODTMAN: No. We just talked about it.

MS. LOE: Did we want to make one?

MS. RUSHING: Well, I liked the language he suggested, although I'm not entirely sure exactly where -- where he was going to soften the language somewhat by saying it would be a roundabout unless authorized -- a four-way stop was authorized by the director of public works.

MR. STRODTMAN: In my opinion it kind of already is because it says all four-way intersections of local streets must be reviewed and approved by the director of public works.

MS. RUSHING: Right. But it --

MR. STRODTMAN: In other words --

MS. LOE: But the next sentence --

MS. RUSHING: Then it says there will be a roundabout.

MS. LOE: Will be platted and constructed as roundabouts if they are identified as a four-way stop.

MS. RUSHING: Uh-huh.

MR. STRODTMAN: Right. But in my -- my interpretation of that is it is going to be a roundabout unless the director of public works gives an exception to that.

MS. RUSHING: But that's not what it says.

MR. STONE: I think --

MS. RUSHING: That was -- I'm sure --

MR. STONE: -- you're all right.

MS. RUSHING: -- that's the intent. Yeah. I'm sure that's the intent.

MR. ZENNER: We probably need to flip the sentence --

MR. STONE: Yeah.

MR. ZENNER: -- is what needs to be done. If we were to reverse the sentence, I believe the absolute is first. All four-way intersections will be platted and constructed as a roundabout unless otherwise approved by the director of public works. And that would be -- the idea -- and again, as Mr. Stone was referring, this is dealing with local streets. So when we get outside of a residential neighborhood, you're going to have a different street network. You're not going to have a local street. You may have a neighborhood collector; you may have a major collector and arterial. This is dealing with four-way intersections inside a residential development, so the local street does need to be left in whatever we revise this to because it has that context at that point because we go through a different -- as Mr. Stone pointed out, you go through a different capital project process if we're going to be putting roundabouts out on neighborhood collectors or arterials or other types of streets within the system.

MS. RUSHING: How about I'll make a motion all four-way intersections of local streets will be platted and constructed as roundabouts unless otherwise approved by the director of public works.

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

MS. RUSSELL: I'll second that.

MR. STRODTMAN: Ms. Russell, thank you for that second. A motion has been made and seconded to change (K) on page 225. Do we have some additional discussion on that motion? I see none. May we have a roll call, please.

MS. BURNS: Yes.

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

MS. BURNS: Eight to zero, motion carries.

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

MS. LOE: We discussed the housekeeping for the 10,000-square feet lot size pursuant to landscaping. We didn't discuss the housekeeping for the M-DT parking requirement. So I just wanted to make sure that was on the agenda and that we can pick that up also when we get the language back in.

MR. ZENNER: Or we -- if you would like, we can just go ahead and we can add that language. Because really what it is, it's in the exception section on page 233. And it should be -- the text that needs to be added is residential development -- well, let me read this -- I'll read it first. Residential development and redevelopment in the M-DT district shall provide one quarter of a space per bedroom and -- never

mind. We'll do this -- let me -- I've got to look at the text specifically. I apologize. Really what we're adding though, for the purposes of clarity, is the one quarter space per bedroom back into item (B). And when we bring you the text back -- we'll bring this back, I believe, with the M-DT section, just so it's cleaned up as part of that discussion, even though it is here in this segment.

MS. LOE: That makes sense.

MR. ZENNER: We'll go ahead and get you that revised text. But that's really what the change will be. The issue here where this quarter mile -- the one quarter mile and the footage should really be dealing with where the parking structure for that off-site parking is going to be located to support the one quarter space per bedroom standard.

MS. LOE: Okay. The only other housekeeping perhaps I had was on 223. This goes back to the 30 units on a street without additional connections. And this identifies dwelling units. So that includes multi-family. I just wanted to reconfirm that that is correct.

MR. ZENNER: And again, there's -- we're talking about two different things here between the two sections.

MS. LOE: Uh-huh.

MR. ZENNER: The section that has lot development access, which was the amendment that failed. That is development access. So this is -- this provision here on page 223 deals with you're already inside the development and no single street segment shall have more than 30 lots or dwelling units on it without an additional street connection. It's dwelling units, which would be inclusive of both and in a multi-family scenario, unless you are platting townhouses, you're not going to have roadways. You're going to have a parking lot. So it won't really apply. This is really for residential subdivisions or developments that has got individual lots. And the idea is, again, just to create that connectivity index with internal within the developments so there is better circulation inside the project and greater walkability. Standards are tied together, so -- they are tied together to an extent, but if, in fact, you have a development that has just 30 lots because you're only going to build it on a small acreage, that single street segment would be able to have 30 units on it as well.

MS. LOE: Correct. I guess where it bogs down for me is the multi-family scenario where you could easily have more than 30 units with --

MR. ZENNER: If you are platting, however -- if you're creating a multi-family development, generally a multi-family development is not accessed off of private -- public streets, they are accessed from -- internally from a development parking lot that the buildings are built around. And I'll -- again, unless you are creating a townhouse product, which would be residential on lots that you are dividing or attached single-family, you're going to have roads at that point -- public or private, not necessarily a common parking environment.

MR. STRODTMAN: Are you good with that?

MS. LOE: I'm good.

MR. STRODTMAN: Okay. Commissioners, other comments? I'm trying to find one. I'll have one as soon as I find this section -- the loading docks. Okay. Here it goes. On page 256, on table 4.4-5,

before I make a motion, I would like to see what your thoughts are. I would like to strike "that if a development has a common loading dock, that they're -- that they don't have to provide the one space regardless". So that only applies for the developments that have their own common loading dock. For example at the mall, we would not want to give up a parking space to a vendor. We would require that vendor to park that vehicle in our loading dock and not take a parking space up. Now, if I didn't have that loading dock, I think that that is different. But if a loading dock is provided, I don't think that we should have to provide a space in addition to that loading dock. So if there are any comments on that or I could make a motion and --

MS. LOE: Can you reiterate what you're modifying?

MR. STRODTMAN: So any development regardless of their size, if they provide a common loading dock, if it is provided, then the restriction to have the requirement for the one space for off-street loading is required would be waived. They are already providing that truck dock for deliveries. They wouldn't need the additional space.

MR. MACMANN: So your amendment would just be --

MR. ZENNER: Yeah. It doesn't read that way --

MS. RUSHING: I think that it just says --

MR. ZENNER: -- Mr. Strodman. A building of 50,000 square feet or greater is going to have a requirement for at least one off-street loading space. If you're building -- if you have a 100,000-square foot building and you have a loading dock, you will not be required to provide a second space. That loading dock counts --

MR. STRODTMAN: Right. But I don't --

MR. ZENNER: -- for that.

MR. STRODTMAN: But I don't want to provide any spaces outside of my loading dock.

MS. RUSHING: Your loading dock is your space.

MR. ZENNER: That's -- what Mr. Strodman is asking for is not what is written. So you want your loading dock to count for all of your required spaces?

MR. STRODTMAN: For -- for loading, yes.

MR. ZENNER: For loading?

MR. STRODTMAN: Yes.

MR. ZENNER: So -- okay. Okay.

MR. STRODTMAN: Because now my loading docks, I don't have stalls striped within them, so they don't count with my compliance with City parking requirements. If I could stripe my parking docks -- my loading docks, I would like that because it would give me more parking. But that's not reasonable because no one is going to park in those. To me, that one space should be left for the customer to park in and not an off-street parking requirement because I already am providing that with a loading dock.

MS. BURNS: May I ask a question? If your loading dock is occupied and somebody else comes to unload, where do they park?

MR. STRODTMAN: They have to wait.

MS. BURNS: They have to wait.

MR. STRODTMAN: Our number one requirement for parking is for the customer, and everybody else takes second priority. So the trucks would have to wait for each other to unload and not take up a parking space for a customer. Or I could make that one space as far away as possible from the building in no man's land, but what's the purpose of having that stall? I'm not going to give up front parking space to a vendor when it is made for the customer.

MR. ZENNER: Would the clarity -- would the clarity that if the loading dock is present -- I guess the question I would ask -- we reduce this from two spaces to one, and then gave the option for anything over 50,000 square feet, if you had the loading dock, to not require any additional. So let me ask the question: If you -- if we were able to clarify that at a minimum one space is required, but if you have a loading dock, that loading dock may count for that --

MR. STRODTMAN: For that one.

MR. ZENNER: -- space.

MR. STRODTMAN: Yes. And if you don't have a loading dock, then you have to have your one space --

MR. ZENNER: Have to have-- that's I guess what I'm driving at. So that's the -- that's how you want the text revised. I can't -- I'm looking at what we've got written here and I can't think of a clean way of just spitting out to you right now how that should read to get to what you want, but I know what you are looking for. We basically want the loading dock to count as the one required space for the first 50,000 square feet, if it's present.

MR. STRODTMAN: Or any use size of square feet if I have a loading dock. Because it is going to be up to me as a property owner to manage that process as we do every day with parking. It's no different. We just don't want to give up good parking that is for customers to a vendor that can wait and/or go into a loading dock.

MS. RUSHING: Could you just take out "is greater than 50,000"? Does that --

MR. STRODTMAN: Or you could just put "one space for each 50,000-square feet of gross floor area in the structure or part thereof shall be provided. If a common loading dock is present" --

MS. RUSHING: No additional loading/unloading spaces.

MR. STRODTMAN: -- no -- no additional parking -- no separate stalls are required for off-street parking requirements.

MS. RUSHING: Well, somehow that quite doesn't do it either.

MR. ZENNER: I think you have to make sure that what you're trying to get here is two pieces. It will need to be left in two because you need to make sure that once that loading dock is present for a building over 50,000 square feet, you're -- you're clarifying that that loading dock is basically accommodating --

MS. RUSHING: Everybody.

MR. ZENNER: -- is accommodating everybody, regardless of the building size.

MR. STRODTMAN: Correct.

MR. ZENNER: And that is what the second sentence in this deals with. Basically, it's saying that if you have that kind of a loading dock but you've got 100,000 square feet, you don't need to provide any additional designated off-street parking. If the Commission would -- if the Commission would allow the opportunity for me to go back and revise the text based on I believe what Mr. Strodtman is asking for, I can come back to you with a solution. I just need to have an opportunity to look at it. And we can bring that back to you --

MR. STRODTMAN: Can we just -- Mr. Zenner, not to -- can we just eliminate the "additional"? If a common loading dock is present and the GFA of the structure is greater than 50,000 square feet --

MR. ZENNER: No loading --

MR. STRODTMAN: No loading/unloading spaces are required on site.

MR. ZENNER: I would say if -- I would say you would have to strike -- and again, this is where I think the challenge is. You would have to strike "and the GFA of the structure is greater than 50,000 square feet". You would have to strike that clause out of there because what you are trying to get out then would be -- the second half of that would be if a common loading dock is present, no designated --

MR. STRODTMAN: Off-site street --

MR. ZENNER: No designated off-street loading/unloading spaces are required on site. That would be -- that would get to your point. But then if you don't have -- no, that would -- that would --

MR. STRODTMAN: It still would because you -- if you didn't have a loading dock, you would still have to -- have to --

MR. ZENNER: You would still have to have the one space, and for each 50,000 square feet, you would have to --

MR. STRODTMAN: Yeah.

MR. ZENNER: So you have a 200 -- you have a 100,000-square-foot building that doesn't have a loading dock to it, it's going to require two off-street spaces. However, if you have the loading dock, you're not going to have the requirement of -- of off-street loading or unloading spaces required on the site. Okay. That would make sense. So if I understand how this may read, one space for each 50,000 square feet of gross floor area in a structure or part thereof shall be provided. If a common loading dock is present, no -- no off-street loading or unloading spaces are required on-site. Is that correct?

MR. STRODTMAN: I believe so. If --

MS. RUSHING: But off-street and on-site, aren't those mutually exclusive?

MR. ZENNER: Off-street and on-site being mutually -- on-site in the context of this is meaning the parcel in question. Off-street is referring to the type of parking space. We have an off-street parking space that is on-site.

MS. RUSHING: Okay.

MR. STRODTMAN: It's not a public --

MR. ZENNER: Yeah.

MR. STRODTMAN: So, yes, I think we would strike out "the GFA of the structure is greater than 50,000 square feet" no -- "the additional" would be striked. So it would basically read "one space for each

50,000 square feet of gross floor area in the structure or part there of shall be provided. If a common loading dock is present, no loading or unloading spaces are required on-site." I'm sorry.

MS. RUSHING: Yeah. You take --

MR. STRODTMAN: No loading or --

MS. RUSHING: -- out the additional. I agree.

MR. STRODTMAN: "No off-street loading or unloading spaces are required on site."

MR. ZENNER: Correct.

MS. RUSSELL: Is that a motion?

MR. STRODTMAN: I would make that as a motion. Yes.

MS. RUSHING: Second.

MR. STRODTMAN: A motion has been made and seconded by Ms. Rushing. Do we have some discussion on this? Mr. MacMann?

MR. MACMANN: Just a clarification. You did say common loading dock. Right?

MR. STRODTMAN: Common loading dock?

MR. MACMANN: Yes.

MR. STRODTMAN: Yes.

MR. MACMANN: All right. I just wanted to make sure everybody could use it. That's all. Thanks.

MR. STRODTMAN: Additional comments? I see none. May we have a roll call, Ms. Burns, when you are ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Ms. Russell, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann. Voting No: Mr. Toohey. Motion carries 7-1.

MS. BURNS: Motion carries seven to one.

MR. STRODTMAN: Ms. Loe?

MS. LOE: On page 249, since you brought up parking, we've -- we've discussed this in work session quite a bit, which was the maximum parking limit. But we're getting comments on it still, so I think we need to look at it a little bit more. One of the recommendations brought forward tonight was increasing the limit of 120 -- that we set at 125 percent to 150, thereby increasing the amount of parking that could be approved by the director with justification to 150 percent to 200 percent. And if you go over 200 percent, then it would go to the Board of Adjustment. So essentially increasing the percentages we had come up with earlier. I think I would like to make a motion to amend the -- I won't think. I'm going to make a motion to amend Section 29-4.4(f)(ii) -- (f)(1) -- sorry.

MR. ZENNER: Ms. Loe, it is (e).

MS. LOE: Sorry. (e)(1) from 125 percent to 150 percent, (e)(2) from 150 percent to 200 percent, and (3) -- (e)(3) to 200 percent -- from 150 percent to 200 percent.

MR. TOOHEY: Second.

MR. STRODTMAN: A motion to amend has been made by Ms. Loe and seconded by Mr. Toohey. Do we have some additional discussion or comments, Commissioners?

MR. ZENNER: Just to clarify, if I may?

MR. STRODTMAN: Yes, Mr. Zenner?

MR. ZENNER: In (e)(1), on the bottom of page 248, we will capture the increase there at the last -- second to last line on 248. However, if you flip the page, then on the top of page 249, is the intention to increase the maximum allowed across the board -- or the established maximum without modification everywhere to 150? Because the M-DT has -- while it does not have a parking requirement for nonresidential uses, if you do provide parking, there is the restriction there on the top of page 249 that is at 125 percent. Consistency - for consistency purposes, I would say you would make the amendment --

MS. LOE: Huh-uh.

MR. ZENNER: -- at the general level consistent. So it would be 150 for buildings over 50,000 square feet -- single-user buildings over 100-- over 50,000, and then in the M-DT, when you provide parking, its maximum is 150 as well.

MS. LOE: Correct.

MR. ZENNER: If you'll amend --

MS. LOE: No. I had missed that -- the first 125 percent.

MR. ZENNER: Okay. So it is the intention then to amend your motion to 150 as the maximum without director approval as administratively, and then BOA approval at the next grade?

MS. LOE: Correct. So item (2) would just go to 200 percent.

MR. ZENNER: Yeah. Two hundred, and then anything greater than 200 is BOA.

MS. LOE: Correct.

MR. ZENNER: Okay. So it's 150 -- the 125 percent on the top of page 249 goes to 150 as well.

MS. LOE: I guess comments on this is we've had several requests to provide some adjustment without the additional layers of review, which is something we are trying to avoid. And we've also had several comments to the effect that this is going to be self-controlled due to cost of parking, and I tend to agree with that. So I don't think people are going to be building parking for the sake of something to do with their money.

MR. STRODTMAN: So for clarity, Ms. Loe, then anything up to 200 percent is up to the director, and then anything over 200 percent would go to Board of Adjustment?

MS. LOE: Correct.

MR. STRODTMAN: Okay. Additional comments, Commissioners?

MS. BURNS: I got it.

MR. STRODTMAN: Ms. Burns, whenever you are ready. No rush.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Voting No: Mr. MacMann. Motion carries 7-1.

MS. BURNS: Seven to one, motion carries.

MR. STRODTMAN: Any additional -- Commissioners, any additional motions for amendments needed? Are we good on closing this item out?

MR. ZENNER: If I may, Mr. Chairman?

MR. STRODTMAN: Yes, Mr. Zenner.

MR. ZENNER: As I am coming back through our landscaping provisions, on page 268, there is a clarification and a cross-reference that needs to be added in order to provide relevance to a particular provision so an individual knows what we are talking about. Under item (d) on page 268, (i), which is landscaped strip within private yards, we referred to landscaped strip when, in fact, it should be being referred to as a buffer. So the heading of (i) should be buffer. Landscaped strip is referenced in the text below (i), then should also be referred to as buffer. And then in order to add clarity as to what that buffer is supposed to be improved with -- this was an observation made by staff -- we really probably need to tell you where you need to go to look to how to landscape that buffer, which requires the addition of the following language after -- after where it says strip right now in the second line -- the end of the second line, should basically -- "strip" is going to be replaced with "buffer" and then after that, it should read "which shall be improved in accordance with the provisions of Section -- or of 29-4.5(e)(2), that is the landscaping plant -- or landscaped plant material provisions. So that's why we are adding that. It's a clarity for cross-reference to this section of the Code that talks about the plant material. And the changes in this particular proposed amendment would be basically (i) would be referred to as "landscape buffer within private yards", and the text would read in whole "all paved areas with more than 40 feet of length within 25 feet of a street right-of-way shall have at least a six-foot wide landscaped buffer which shall be improved in accordance with the provisions of Section 29-4.5(e)(2) within private yards separating parking areas from abutting street right-of-way.

MR. STRODTMAN: Does somebody need to make an amendment -- a motion for that?

MS. LOE: Can you repeat that?

MR. STRODTMAN: We're just saying that one of us needs to make a motion for that amendment, and we were looking for your --

MR. ZENNER: I'll repeat it for you again -- (d)(i), "landscape strip" to be replaced with "landscape buffer" in the heading; text to be added within the text below the heading would be to change "landscape strip" in the second line to "landscape buffer"; and the following text to be added "which shall be improved in accordance with the provisions of Section 29-4.5(e)(2)".

MR. STRODTMAN: Commissioners, would anybody like to make a motion -- that motion that Ms. Burns has now captured?

MS. BURNS: I will move that --

MS. RUSSELL: Thank you, Tootie.

MS. BURNS: Changing "landscape" to buffer -- "strip" replaced with "buffer" shall be in accordance -- oh, gosh. Sara, did you get this? "In accordance with 29-4.5 (e)(2) within private yards abutting street and right-of-way".

MS. LOE: Mr. Zenner, can you tell us what this is accomplishing?

MR. ZENNER: What this is accomplishing is indicating in -- how the buffer strip -- this landscape strip that is required between the public road right-of-way and a parking area is to be improved. 29-4.5(e)(2) is the actual plant material specification requirements that indicates what is required to be within a landscape buffer area. So that is why we are referencing it. Right now, it does not indicate how that buffer strip is actually intended to be improved anywhere within the Section. It was an observation that we had identified as we went back through preparing for the meeting.

MS. LOE: I'll second.

MR. ZENNER: And it's for purposes of clarity.

MR. STRODTMAN: Ms. Loe, is that your second?

MS. LOE: Yes, it was.

MR. STRODTMAN: Ms. Burns made a motion for an amendment and Ms. Loe seconded it. Commissioners, discussion on that amendment? I see none. Ms. Burns, when you are ready.

MS. BURNS: Yes.

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

MS. BURNS: Motion carries eight to zero.

MR. STRODTMAN: Commissioners, additional discussion? I'd like to throw one out there on Page 273 (f) (2). I think Mr. Trabue brought this to our attention, and I did not catch this, but I think it is worthy of discussing. I am concerned about the paved areas shall be designed lower -- I'm sorry -- the landscape area should be designed lower than the paved area so that the storm water from the paved parking area shall flow into the landscape areas. I do see that lowering of that parking lot being a challenge to one, create when they are building it, but two, I see that being a hazard -- from a trip hazard, I see it accumulating water, during a freeze/thaw situation, that area would probably get a lot of salt thrown on it to keep that area from turning into ice when it's melting -- freeze/thaw cycle, which is probably detrimental to the landscaping that you are trying to water by throwing salt in there to keep it from, you know. Because once that pavement gets slick we have to treat it so it's not a slip-and-fall, and we're -- you know, we are obviously throwing salt onto a landscaping area that does not want salt. I see the advantage of having the water run into that area, but I think it's not always going to be feasible to maintain. I would kind of envision striking "and shall be designed lower than the paved areas so that the storm water from the paved parking areas shall flow into landscaped areas." I mean I think the intent would be to design it so that it would flow into them, but not to lower the pavement specifically for that reason.

MR. MACMANN: So what would you --

MR. STRODTMAN: I would strike --

MR. MACMANN: Would you strike "lower"? Is that -- how would you achieve that?

MR. STRODTMAN: Yeah. I would just -- I don't think it needs to be lowered, designed lower. I

don't think that landscaping should be designed lower because as that water sitting there, we are going to throw salt on it to keep it from freezing, and that salt is going to sit there with the landscaping.

MR. ZENNER: Well if it's a landscaped island area, Mr. Chairman, why would you be throwing salt on? It is an area that that's meant to be for storm water management. It may be for snow storage. It's --

MR. STRODTMAN: Because that water is not all going to go away at the same time, so you are going to have water that sits there because that island is saturated in the winter time especially. And it's going -- you know, if it's lower it's going to puddle water.

MR. ZENNER: Or if it's designed as part of your storm water system, it's going to -- it will either percolate or it will be captured within a catch basin and discharged elsewhere on the site. That it would be a design side in that -- this is like a bioretention area in this instance that would be created. It's the general intention; it's a design solution. What I understood Mr. Trabue's concern to be is just with sites that have grade related issues. Depressing these island areas creates possible design challenges because if you are trying to keep your parking surface level -- you are either going to have to exacerbate your grades and your parking area. I don't know necessarily --

MR. STRODTMAN: But you're not going to go from a level parking lot and then your landscaping is right here. There is going to be a transition, I envision --

MR. ZENNER: In front of your wheel stops basically --

MR. STRODTMAN: Right. Which means I am going to be treating that with salt because it's -- it's accumulating water. No?

MR. ZENNER: It would be the design though the -- and I'd love Mr. Trabue or an engineer deal with this, but as I understand what the intention is here is the pitch as it relates to your parking, instead of draining it off to the corners of the parking lot into a catch basin, it's being drained first into a bioretention swale, which means the edge of your parking spaces where your wheel stop would be located is actually, so the parking is going slightly into -- at an angle into the center island. And then it is going to collect any of -- collect in a catch basin or percolate through and discharge from the site. I think the issue has to deal with when you deal with stepped sites possibly that have grade changes on it, and how you are able to accomplish that.

MS. LOE: And I agree that it's probably going to be better addressed in a case-by-case basis and maybe not being overly prescriptive in the requirements may be beneficial. So maybe simply stating that the landscaped areas shall facilitate drainage of the parking areas and leave it up to the civil engineer to determine how best it might be used because you may have some bermed areas within those landscaped areas. Not all of it may be lower than the parking area.

MR. ZENNER: That helps to deal with the overburden that you may have within the parking lots variation.

MS. RUSHING: And I think there may be safety issues involved with requiring. I mean when you look at the parking lots that have trees, they're almost always raised. They're bermed. And I think there may be safety reasons for doing that.

MS. LOE: I think providing some flexibility so may be simply indicating the intent that they aid in that, but not require all of them to be treated identically.

MR. STRODTMAN: And I would be good with that.

MR. MACMANN: So how would that wording go? Rather than lowered it shall -- you'd have to cut out two or three words -- shall facilitate, is that what you are trying to enter in there?

MS. BURNS: Landscaped areas shall facilitate drainage from the paved areas.

MS. LOE: Paved parking areas -- or paved areas would be -- let's leave it at paved areas.

MS. BURNS: Is that your motion?

MR. STRODTMAN: I was just talking about it, but Ms. Loe made a motion.

MS. RUSSELL: I think it's a good motion.

MR. HARDER: I think in discussion of it -- I mean, it's kind of quite a bit different than you see in Columbia. Everything's almost always raised to the curb, and that water always is going to flow down, you know. Why not give it a chance to maybe try to make it end in the dirt, and if it doesn't --

MR. MACMANN: Well it's -- these standards are new. I'm sorry, I interrupted your thoughts.

MR. HARDER: No. That's all right. And I've seen them in some other cities and you look at it and you think there is something missing here, you know. Where is the curb? You know, why is there just a hole here? But then you start really thinking about it and it's like, well, all of the water kind of all flows in there. I don't know if it is possible, I don't know if you can kind of do a permeability test to see, you know, is it just clay and it's just not going to hold anything, you know, who knows? But yet it would be nice -- it would be a try though to kind -- it would kind of create kind of a, you know, catch basins within a parking lot so instead of sending it off to another area, you know, maybe try to have it -- but in the winter time it's slick everywhere, so, I mean,, I don't know.

MS. LOE: So facilitate runoff and control of storm water. I mean I think we are pushing it in that direction. I think what we are trying to do is not get overly prescriptive.

MR. STRODTMAN: Yes. So are you good with that motion?

MS. LOE: It is getting too late to make a motion.

MR. STRODTMAN: If we're close. Plus the game is tied 6-6.

MS. LOE: Still tied?

MR. MACMANN: Top of the 9th.

MS. BURNS: Oh, I told you.

MS. LOE: Okay

MR. MACMANN: They're at the top of the 9th for the long time.

MS. LOE: Read me back what was -- where we left it.

MS. BURNS: The change was "landscape area shall facilitate drainage from the paved areas". You are striking "designs lower than the paved area".

MR. ZENNER: The issue I think you still have -- the "shall" is mandatory in this context. It is not prescriptive -- or it is prescriptive. It is mandatory and prescriptive and with a "shall" in there the option of being able to take into account potential permeability of the soils, grades, or anything else that may be

unique to that site where you may not be wanting to level it or dig a hole to put a parking lot in, but you may want to use the grades, you are not going to be able to accomplish that by simply leaving the "shall" in there. Again, everything up to the "and landscaped area or part thereof", after you get to that it's -- so it's between where that and is and where the period is, because the rest of that paragraph deals with if you are going to use curbs to separate these landscaped areas. The island area is what we need to deal with. I mean, you could -- I think that would be -- that would -- "should" would be more permissive at that point. I do not want to go and I do want to add "where practical" because "where practical" is very difficult to define. "Should" is almost as undefinable. So I -- "should" would be probably be -- "should be designed such that" --

MS. LOE: "Should be designed such that they contribute to the control of runoff" --

MR. ZENNER: Control

MS. LOE: -- "of storm runoff".

MR. ZENNER: Storm -- storm water runoff --

MS. LOE: Storm water runoff.

MR. ZENNER: -- from the paved areas --

MS. LOE: From the paved areas.

MR. ZENNER: Yeah. That would possible work. And should be -- so the way that that would read then --

MS. BURNS: Landscaped areas should be designed --

MR. ZENNER: It would be -- landscaped areas or part thereof -- and should be designed --

MS. RUSHING: I would say to accept runoff from the parking areas.

MR. ZENNER: Designed to -- Yeah. Should be designed to accept runoff -- storm water runoff from the paved areas into the landscaped areas. That probably would be about as good as you get it.

MR. MACMANN: That does allow the design flexibility. Ms. Loe, you have that pained look on your face.

MS. LOE: Yeah.

MR. TRABUE: Can I come up?

MS. LOE: Please.

MS. LOE: Can you give us a good --

MR. TRABUE: Tom Trabue, McClure Engineering. You guys got it. You got exactly what I was looking for. Is -- you can cut out all that other stuff, just don't prescribe that we have to do it. We are designing that way now. Battle High School, different designer, they did a fair amount of that. The new elementary school out at The Vineyards, we have exactly this situation. The storm water ordinance really guides us this direction already. You really don't need it here. So I would just strike everything after the -- well, that whole -- that whole last part of that paragraph I think where Mr. Strodman --

MS. RUSHING: After "thereof"?

MR. TRABUE: Yes. And that would accomplish it completely. We are trying to do the right thing. Storm water ordinances already send us down that path, and I appreciate -- some of this is so

prescriptive, it just ties our hands, and this is a good example of it.

MS. LOE: So Mr. Trabue, just to confirm the storm water ordinance specifically identifies requirements for landscaped areas and parking lots?

MR. TRABUE: It -- no. It represents -- it gives us different options to accomplish the storm water goals for the site. And one of those options is bioswales and those types of things. So at The Vineyards, at that new elementary school at The Vineyards --

MS. LOE: Uh-huh.

MR. TRABUE: -- for example, we had exactly this situation where the grades allowed us to bring the water to a central point that happens to be an island between the parking area and the drives. We are utilizing that as a bioswale -- a series of bioswales that then goes into a rain garden and a detention basin.

MS. LOE: And that was designed in accordance with the storm water --

MR. TRABUE: Absolutely.

MS. LOE: -- ordinance?

MR. TRABUE: Yeah.

MS. LOE: Okay.

MR. TRABUE: We utilized it to get the credits we needed to do for the site. And so the storm water ordinance is really very robust and leads us down this path. We have to look for ways to, you know, to effectively, efficiently, cost effectively design these sites. And this is a great example of how we are able to accomplish that in many places. But it doesn't -- if you --

MS. LOE: I'm all for not duplicating --

MR. TRABUE: -- open this up, it doesn't tie our hands --

MS. LOE: Correct.

MR. TRABUE: -- because it just -- in some places it just won't work.

MS. LOE: Thank you. I completely support not duplicating language between ordinances. So based on that input, I would propose the amendment be -- if I can jump in here, Mr. Strodtman --

MR. STRODTMAN: All yours, Ms. Loe.

MS. LOE: -- that we strike the words after "interior landscaped area or part thereof". So that would leave that caption reading, "Interior landscaped areas to meet the requirements of Subsection (1) above shall be at least ten (10) feet in width, it shall contain at least one (1) tree per 40 linear feet and of interior landscaped area -- of interior landscaped area or part thereof."

MS. RUSSELL: Second.

MR. STRODTMAN: Ms. Loe made a motion for amendment; Ms. Russell seconded. Any questions or comments on this motion for amendment?

MR. HARDER: So basically we are kind of going off of design standards, we are kind of leading this towards this direction but not have the verbiage in there to kind of force it or --

MR. STRODTMAN: Right.

MR. HARDER: Okay.

MR. ZENNER: It's non-mandated. What you're doing is you are removing a mandate or you're

removing a design option that basically would require bioretention swales to be built as part of parking lot design in the future.

MS. LOE: This is based on -- do you disagree that this is covered by the storm water ordinance?

MR. ZENNER: The option exists within the storm water ordinance to use a design alternative to meet your water quality standards. It does not always have to be employed. So what you were doing is you were removing a -- you are removing a requirement that in parking lot design in the future that bioswale can design the -- considered as a mandatory feature or, in this instance, we would have lessened the mandatory nature of it and we would've basically indicated that it was permissive. If you used it, here is what you have to do. We are setting a set of standards that are not necessarily covered within, if I am correct, the storm water regulations as to how the design must be accomplished.

MS. LOE: Correct. We are saying we can't prescribe a swale at every landscaped location.

MR. ZENNER: However, I don't believe that the storm water ordinance either as it relates to if you are going to use this defines how you break the curb, how you're protecting, and how you're utilizing this feature, which is what -- what you are eliminating after you eliminated the text that we were trying to amend, is you're eliminating what ends up happening if you are using these depressed areas. And, in essence, you know, if you are going to use curbs, you are going to break them so the water flows into that area, so it is not puddling in your parking lot. Again, you have made your motion, the impact associated with it is we will have to rely upon the industry to design these types of features into parking lots on their own when it may or may not be convenient to them.

MS. LOE: Well, I am going to withdraw the motion. Apparently, I need to do more research on what is included in the storm water ordinance to verify whether or not what I believe is covered is covered.

MR. ZENNER: Water quality features and how you meet the water quality standards is something that if we need to have discussion on that, we can. But that's -- that's where this comes from.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: As many of you know I'm a bit involved with storm water and just FYI I would have voted no on this because I think while it has problems, it is going in the right direction. And I think much closer review of storm water issues as we move forward on many things would be important. Thank you, Commissioner Loe.

MR. STRODTMAN: So Ms. Loe, did you want to remove -- withdraw your motion?

MS. LOE: Motion is withdrawn.

MR. STRODTMAN: Motion is withdrawn. Commissioners, any additional discussion, dialogue. Mr. Harder?

MR. HARDER: I mean, what if you made it to where if they wanted to not do this, then they have to, you know, get approval. I just -- there's some big shopping centers in this town that when it pours, it is amazing. And I don't really think you can do anything to go back and say you guys have to do this, but on some of the new stuff I kind of think it needs to be stepped up a little bit. I mean, just the storm water runoff in Columbia, I mean, I know it is supposedly getting better on -- I think it's Hinkson impaired water way, and it is supposedly getting better. But as you see more growth, I mean, something has to kind of

start to be done I think with water runoff.

MS. LOE: This -- the way we have left it, it is requiring the bioswales.

MR. HARDER: Oh. Okay. I thought --

MR. STRODTMAN: She withdrew her motion that would have -- that would have changed --

MR. HARDER: Oh, okay. I thought she meant that we were going to do a second -- a different --

MS. RUSSELL: She said never mind.

MR. HARDER: -- motion. Sorry. Sorry.

MR. STRODTMAN: She could, she isn't done yet.

MR. HARDER: I'm just -- I wanted to reinforce it though.

MS. LOE: Well, I think we can -- yes, we can bring this back when we do our catch-all. It's just -- it's something that I think requires additional review and discussion before we make an -- make a vote on it.

MR. STRODTMAN: Commissioners, any additional discussion on Segment Four?

MR. ZENNER: Two additional points, and it has to deal with the street buffer graphic that is on Page 269, just for the Planning Commission's knowledge, as well as the public. The numbers that are in the far right-hand side that identifies the landscape strip, and then the width within the distance of the street right-of-way, both of those will need to be revised as part of the final document. It is more of a technical issue; nothing that an amendment is needed on. I just want to point out to you that they are the -- listed within distance is incorrect based on the text. It should have been 25 feet and then the reference to landscape strip will be revised to landscape buffer to match the text that you amended earlier.

MS. LOE: Mr. Zenner, will these modifications be included on the errata sheet?

MR. ZENNER: The amendments to all of the graphics, since there are many of them that will need to be made, will be referenced and we have graphical errors on some of our graphics as they relate to M-DT. We have some graphical errors that need to be corrected as it relates to the zoning districts as well. So, yes, we'll capture all of those. Again, some of that has to deal with changes in location of text, as well potential changes in provisions that just didn't get updated into the graphic when the text changed. We'll back through and make sure all of those match up. And we may have folks tell us that we still have more, so we are always open to extra eyes.

MS. LOE: Thank you.

MR. STRADTMAN: Any additional comments, Commissioners? Mr. Zenner, anything else that needs to be -- housekeeping-wise?

MR. ZENNER: Not at this point. I've -- we've got a couple of things that we can look at and we talk to you a little about at our next meeting -- the M-DT parking issue being the one primary one that we'll do some research on and get your back text.

MR. STRODTMAN: Okay. With that Commissioners comments of the public?

IV) COMMENTS OF THE PUBLIC

MR. STRODTMAN: I see none. Comments of staff? Mr. Zenner?

V) COMMENTS OF THE STAFF

MR. ZENNER: A minute here.

MR. STRODTMAN: We'll give you a second.

MR. ZENNER: I've got to get into a different computer. All right. Your next meeting is going to be on November 10th, and as we know, we have -- this is a regularly scheduled Planning Commission meeting, as we have discussed earlier this evening. The only UDC item that we will be covering is the cleanup of Segment Three with the M-DT standards. And that will be beginning, if I remember correctly, we will be starting this meeting on November 10th at 6:00 pm for the purposes of being able to at least address an hour's worth of the M-DT discussion prior to convening our regularly scheduled business meeting which would have the following Subdivisions, Public Hearings and Public Hearing and Subdivision items on the agenda. And it looks worse than it actually is -- I inadvertently left one additional subdivision -- public hearing and subdivision item, but you have the Fox Lair Plat Number 1. It's a final plat that is on the agenda. That is a regular business item. The Highlands-Phase 8 is a PUD plan revision that was tabled at the October 20th meeting. The Kelly Farms project is at this point tentative to this agenda. There are certain outstanding issues that may or may not be able to be addressed by Friday of this week before we publish the 10th's agenda. And then the last item that would be on the agenda is Item 16-173, which is another development plan amendment down at Discovery Park. The final plat is not a required item to be presented to you, so it is possible that you will only have three business items, one in each of the categories, Subdivision, Public Hearings and then -- or you would have two Public Hearings in essence because we will not have the Public Hearing Subdivision section. Maps, as they are shown, as we generally provide to you the Fox Lair Subdivision Plat is at the end of Dolly Varden. This is basically a reconsolidation or a rearrangement of three existing platted lots of record. The Highlands-Phase 8 at the end of Stonehaven Drive, this is a parcel that was previously approved as a planned district -- a PUD plan that expired, coming back to seek re-approval of that expired PUD plan to allow for the cul-de-sac'ing of Stonehaven Drive and its replacement as it comes out to Old Plank Road by a private 20 foot ingress/egress easement that would be attached to the two adjacent residential parcels, which would then terminate Stonehaven as a residential subdivision street. And you've got the Kelly Farms project, which is near our water tank site up off of Cinnamon Hill just north of the Holiday Inn Express and Suites, and our Discovery Park Project plat 4, which is a C-P/O-P plan revision for a multi-family development, just to the south of the existing multi-family residential development that is being constructed. We have platted Nocona Parkway all the way down to Discovery Parkway, so there is a roadway that it does front on, and there is a concurrent final plat being reviewed with this that would be sent to City Council upon approval of this C-P development -- C-P/O-P development plan to be reviewed and approved by them, given that it is in conformance to the C-P/O-P plan which also constitutes the preliminary plat. As we discussed in work session this evening, we will be having an additional supplemental special public hearing in order to wrap up Item -- Segments Five and Six of the UDC Development Code. That meeting will be held on November 17th with the public hearing starting at 6:00 p.m., your work session being held at 5:00 p.m. And then we will be taking our Thanksgiving holiday, and on December 8th, which would be our next

regularly scheduled planning and zoning commission meeting, we will be having the final public input session for the public, as well as any follow-up requirement -- comments that the Planning Commission may have. So we will be producing an errata sheet with all of the amendments that will have been made through the October -- or through the November, I apologize, November 17th meeting. That will be an agenda item on the December 8th Planning Commission meeting agenda. The public's understanding of this errata sheet, in essence, is to capture all of the amendments by the appropriate Code section references that are in the public hearing draft that was released on September 27th for review prior to that final public comment session that will be held at 6:00 p.m. And it is to allow the public an understanding of everything that you have requested to have amended in the Code. Following that meeting then we will likely not be holding another meeting for the remaining portion of this calendar year, as our next regularly scheduled meeting would be December 22nd. I will need a motion to have that meeting canceled at this point, if I can, when I am done so we can adjust our calendar accordingly and notify any applicants for the November 14th submittal that their cases will not be going until the January 5th meeting. The January 5th meeting, as we have discussed in work session, would be your final meeting as it relates to the Unified Development Code, which would incorporate any amendments and potentially a final recommendation for City Council consideration of the document. We'll be producing a final hearing draft for Council, which would be part of its ordinance that will be produced on or about the January 5th date. It will be having to be submitted to Council prior to them receiving the document with your recommendation. But we will not be producing an amended full Code prior to that date. That is why we will be creating the errata sheet. So that is the schedule for the rest of the month of November, December and then the first meeting in January. I don't have anything else to add. Thank you very much.

MR. STRODTMAN: Mr. Zenner, just for clarification, for the November 10th meeting, will we do the normal work session agenda first before we do the public UDC, or will we do the UDC first and then the normal work?

MR. ZENNER: We will start at 6:00 p.m. We will suspend discussion on the M-DT provisions at 7:00 p.m., which is the scheduled public hearing that we have advertised for. So all of our applicants and any interested parties were provided a postcard as well as proper notification of the 7:00 p.m. meeting for the business items, and --

MR. STRODTMAN: Okay. And then we will pick up --

MR. ZENNER: -- then we will pick up where we had left off with the M-DT after we finish those I believe three to four business items.

MR. STRODTMAN: The business items still occur at 7:00?

MR. ZENNER: That is correct.

MR. STRODTMAN: Okay. Thank you. Anything else for staff, Commissioners?

VI) COMMENTS OF THE COMMISSIONERS

MR. STRODTMAN: Comments of the Commissioners?

MS. BURNS: Did we need a motion to suspend the December 22nd meeting?

MR. ZENNER: To just cancel.

MS. BURNS: Pardon me?

MR. ZENNER: To cancel --

MS. BURNS: To cancel --

MR. ZENNER: -- the December 22nd meeting.

MS. BURNS: I make that motion.

MS. RUSSELL: Second.

MR. STRODTMAN: Motion made by Ms. Burns, seconded by Ms. Russell for cancellation of our December 22nd meeting. May we have a roll call -- or -- thumbs up, everyone? Thumbs up. It's getting late. Thumbs up? Thumbs down? All but one. Mr. Toohey, were you just keeping us honest?

MR. TOOHEY: If I'm going to have these five hour meetings, we might as well meet before Christmas, so --

MR. STRODTMAN: With that, comments of the Commission?

VII) ADJOURNMENT

MR. STRODTMAN: Do we have a motion for adjournment?

MS. LOE: Move to adjourn.

MS. BURNS: Second.

MR. STRODTMAN: We are adjourned.

(The meeting adjourned at 11:03 a.m.)

(Off the record.)