

MINUTES

PLANNING AND ZONING COMMISSION MEETING

JANUARY 5, 2017

COMMISSIONERS PRESENT

COMMISSIONERS ABSENT

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

I) CALL TO ORDER

MR. STRODTMAN: Good evening, everyone. I'd like to go ahead and call the Thursday, January 5, 2017, Planning and Zoning regular meeting to order. May we have a roll call, please.

MS. BURNS: Yes. We have nine; we have a quorum.

MR. STRODTMAN: Thank you, Ms. Burns.

II) APPROVAL OF AGENDA

MR. STRODTMAN: Mr. Zenner, are there any changes to our agenda?

MR. ZENNER: No, there are not, sir.

MR. STRODTMAN: Thank you, sir.

III) APPROVAL OF MINUTES

MR. STRODTMAN: Do we have some minutes? I thought I had some. Yeah. But I don't have it on my sheet.

MS. RUSSELL: They were attached.

MR. STRODTMAN: Yeah. But it's not on my sheet. Give me a second here. Can I have the dates?

MR. ZENNER: Oh, I apologize, sir. It is December -- December 8, December 12, and December 15.

MR. STRODTMAN: December 8, you said is the first one?

MR. ZENNER: That is correct.

MR. STRODTMAN: Okay. December 8 minutes were sent out to us in advance.

Commissioners, any changes or corrections needed to the December 8 minutes? I see none. I just need --

MS. LOE: Move to approve December 8 --

MR. STRODTMAN: Minutes.

MR. STANTON: Second.

MR. STRODTMAN: Ms. Loe made a motion, Mr. Stanton second. May we have a roll call, please.

MS. BURNS: Yes.

MS. RUSSELL: How about thumbs up?

MS. LOE: Or thumbs up?

MR. STRODTMAN: We can do thumbs up to make it quicker. Thumbs up. We'll move things a little faster. Okay. Thumbs up? Everybody get that?

(Unanimous vote for approval.)

MR. STRODTMAN: Okay. December 12, any corrections needed to the December 12 notes -- minutes? I see none. Same sign, thumbs up? See if everyone is good with that.

(Unanimous vote for approval.)

MR. STRODTMAN: Everyone is fine. Lastly, December 15 -- minutes from the December 15 meeting. Any corrections needed? I see none. Thumbs up for approval on those? Everybody has approved.

(Unanimous vote for approval.)

MR. STRODTMAN: Thank you.

IV) SUBDIVISIONS

MR. STRODTMAN: I'm going to start off -- I've been asked to -- to read a little statement that I will do. At this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to this specific case, please disclose that now so that all Commissioners have the same information to consider on behalf of this case in front of us. Commissioners?

MR. MACMANN: On 16-145?

MR. STRODTMAN: Yes, sir.

MR. MACMANN: No.

MR. STRODTMAN: No. With that we'll go ahead and move on 16-145.

CASE NO. 16-145

A request by Crockett Engineering Consultants (agent) on behalf of Fred Overton Development, Inc. (owner) for approval of a 29-lot preliminary plat on R-1 (One-family Dwelling District) zoned land, to be known as "Creek Ridge, Plat No. 2", and a variance to Section 2547 regarding street length. The 21.04-acre subject site is located west of the western terminus of Waltz Drive, south of the southern terminus of Heath Court, and is addressed as 5420 Heath Court. (City Council has remanded this item to the Planning Commission for reconsideration.)

MR. STRODTMAN: Mr. Zenner or staff?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff's position on this request remains unchanged from its September 22 presentation for the reasons stated within its staff report. Staff recommends denial of the variance to Section 2547 and denial of the preliminary plat for "Creek Ridge Plat No. 2".

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, questions for staff? I see none. It's not a public hearing, but as in past practices, we will open the floor up to anyone that has information that would be relevant for us to consider. We would just ask that you give us your name and address and then feel free to speak.

MR. CROCKETT: Commissioners, Tim Crockett, Crockett Engineering, 1000 West Nifong. With me tonight is Fred Overton, the applicant for the -- for the proposal. Again, quick overview. It is currently zoned R-1, roughly 22-and-a-half acres in size. We're going to say there's 23 residential lots on this piece of property. There is Lot 24 that's in question. That is the tract of land that we say is going to be conveyed to the park if this approved. In Tract 1, there are 75 buildable residential lots. There are a couple of common lots, as well. So the whole issue with over 100 lots, we are under 100 lots. When the entire development is built out, we're going to have less than 100 single-family residential lots on this piece of property. That is the intent. We're going to commit to that, so I think there may be some confusion, some questions about what is a common lot. Even though it may not have been noted as a common lot, it's still buildable, but it's in floodplain. It was intended to be common space. It is common space, so it's -- we're not going to build on it. The fact is we're going to be less than 100 lots for this -- for this development should this preliminary plat be approved, so I just wanted to clarify that as that was a point that Mr. Zenner brought up. And, of course, then the potential Parks & Rec acquisition. Again, you've seen the preliminary plat. Lot 24 is off on the left-hand side. That is the park piece that's in question. Mr. Zenner brought up an alternative situation with regards to we can acquire a piece of property for the park. All we have to do is take Lot 27B and then come off the end of the cul-de-sac and acquire the rest of the property. The fact of the matter is the property has been discounted in price to the Parks & Recreation Department based on the fact that this development takes place. This development helps to offset the cost that he -- that the developer can further reduce the price to the Parks & Recreation. It was noted as Lot 24 because the original intent was for it to be a large single-family residential lot. However, when the preliminary plat went through the process itself, Parks & Recreation reached out to my client to see if they could acquire a piece of property, this property as well as some adjacent property, for the park system. This was not something that we took to the Parks, tried to get them to buy the ground that we weren't using. It was something that they came to us, came to my client to see if they could purchase the property. That's why it's Lot 24. That's what it was originally labeled, and that's the reason why it was noted as being a residential lot. Again, Parks & Recreation reached out to us to ask for that. Again, the variance request is for a full length of cul-de-sac. We're not adjacent to any other roads. We tried to have access to Waltz Lane. We're barely cut off from that. We tried to have access to Ridgewood Road to the south, however, there's a grudge strip between us and that piece of property. We don't have access. While there's no road built, there's a portion of a right-of-way down there. We don't have access to that right-of-way, so it's a little grudge strip. It does create future connectivity. The idea that this is a permanent situation, this is a permanent cul-de-sac bulb is not accurate. If we were to develop this piece of property in full conformance with the Subdivision

Regulations, meaning that we didn't have to ask for a variance to the cul-de-sac length, we would still be required to stub to the property to the south -- exactly what we're doing here with this -- with this proposal. So I believe the last time the project came through, there was some -- some neighbors to the south that said we don't -- we'll never develop our property. We don't want the stub street. The fact of the matter is the Subdivision Regulations require us to stub to the properties -- to our adjacent properties on the undeveloped portions. That's exactly what we're proposing to do here and that's what's going to take place. It does not create an unsafe situation. I know Mr. Zenner has talked about, well, it's -- it's up to -- it's the maximum grade that we have for -- for City streets, and he's correct. We design 10-percent grade streets all over Columbia on a routine basis. We never have any issues with them. I specifically talked to the fire department with regards to this project, and they have no concerns as long as the 10-percent grade is not through a cul-de-sac. Well, again, our subdivision -- or, excuse me -- our street standards don't allow for that. So this is in the middle portion of the development, and they didn't have any problem with that. I personally live at the bottom of two 10-percent streets on both sides. We never have any problems with emergency vehicles, so I do not believe it creates an unsafe situation in this case. And, again, at the very end, we have two locations in which to turn around; the eyebrow that's a permanent street, as well as a temporary turn-around that would be extended in the future should the piece of property to the south ever be extended. Again, here is just a quick little overview. Park acquisition. The ultimate park acquisition is what's shown in green, not just Lot 24, but a substantially larger piece of property is identified in green. The darker green is a section that's adjacent to our lots. It's going to be in common space. That's going to contain some of storm-water features for the development itself, but, again, it's going to be in conjunction with the parks as a piece of green space. It does go out to -- out to Old Plank Road, as Mr. Zenner indicated. However, Parks & Recreation has indicated to us that they do not want to have access, their primary access from this park from Old Plank Road. They want it internal to the development, thus the reason -- the importance for this roadway connection. The price of the property has been -- has been basically on the fact that the property can be developed and there's some additional income that can be brought in that helps offset the reduction in cost for this piece of property that has been substantially reduced in price. Again, here's another just overview with -- with the aerial -- with the aerial shot. Developments like this I don't believe are uncommon. The last time I was before this Commission, I gave several examples, and I won't go through those again tonight, but there -- this is not uncommon, I don't believe, where a development takes place, you extend to the back of the development, and it's asked, you know, for it to be extended in the future. With that, like I say, if you -- in your staff report, Mr. Councilman Trapp, after the Council denied this, he reached out to Mr. Griggs to ask Mr. Griggs opinion on it. Mr. Griggs said it was an important factor in this park -- in acquiring the park. Mr. Griggs asked for -- for the street. He wanted the street. It's important to them. Mr. Trapp believes that, as well. That's the reason why he asked for the remand for this project to come back through the process. So with that, I'm happy to answer any questions the Commission may have.

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

MS. LOE: Mr. Crockett, I believe last time we spent a lot of time discussing the problems connecting to Waltz.

MR. CROCKETT: Yes, ma'am.

MS. LOE: I'm wondering why you haven't stubbed out closer to where the 50-foot road easement is shown for -- is it Ridgeway?

MR. CROCKETT: For -- for Ridgewood?

MS. LOE: Ridgewood. Thank you.

MR. CROCKETT: If you see here, Ms. Loe, and I apologize, the pointer doesn't work on the -- on the monitors. The -- there is right-of-way all the way through there. The intent is for the right-of-way for Waltz to connect to Ridgewood at some point. I believe it may have done it in the past. We don't know. There's a lot of questions on how that ever took place. The fact is is we don't have access to Ridgewood at any point through this entire piece of -- this piece -- entire piece of property. However, there is right-of-way on the property to the south of us. So the thought there is is, at some point, Ridgewood would tie to Waltz, would tie to this street, as well. All of them would basically happen under probably a single or two-step process. So whether we stubbed at the location we have shown here or further to -- to the west, it would still take place in the future.

MS. LOE: My understanding was there was additional complications with the Waltz -- is it Street or Drive -- that it would stop short. There wasn't clarification. You had reached out to the County.

MR. CROCKETT: Right.

MS. LOE: You hadn't gotten that clarification.

MR. CROCKETT: Correct. That is correct.

MS. LOE: It looks to me like the Ridgewood one does butt up against the property line, whereas Waltz does not.

MR. CROCKETT: Ridgewood, there is a gap. There is a grudge strip.

MS. LOE: A gap on that side, as well.

MR. CROCKETT: There is -- there is a -- correct. There is a -- and it's a -- I don't want to say purpose built gap, but there is a very clear gap between the right-of-way and the property line. Furthermore, there is a substantial section of road that goes across someone else's property that we don't -- that we don't own. Now, the right-of-way may or may not be there. It's still kind of questionable. But the fact is, even though the right-of-way is there, we couldn't build the road within the right-of-way itself due to grading and storm water. We'd have to get onto the private property, which, I think, indicated no desire for that. So, at some point, I think that will be extended. It's just something that will have to do with another -- in connection with another project, and we simply don't have -- we have no connectivity to that right-of-way.

MS. LOE: Right. I think we went through that in pretty good detail last time.

MR. CROCKETT: Yes, ma'am. Yes, ma'am.

MS. LOE: It's just -- I was wondering if we had explored it more on the Waltz side than the Ridgewood side.

MR. CROCKETT: We have explored the Waltz -- we have explored the Waltz access --

MS. LOE: It sounds like you did more --

MR. CROCKETT: -- every which way. We have explored that with the County many times, and we spent many hours with the County representatives, and it's simply just -- I believe it's a matter of feet is how short it is.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Thank you. Mr. Crockett, you had spoken at this evening's presentation that the situation on this proposed replat is not permanent and connectivity could most likely happen; is that --

MR. CROCKETT: That is correct.

MR. MACMANN: All right. And to follow up on Commissioner Loe's point, it sounds as if there are a variety of property issues involved to the south, and whether we approve this plat or not, those problems will still exist or do exist.

MR. CROCKETT: When you say property issues --

MR. MACMANN: Well, you just spoke of there's a -- a section of private property from the terminus of your -- the property in question to the proposed or the potential right-of-way to Ridgewood. And then you said there is a matter of the short bit of distance, and we went over this last time, with Waltz. It would seem as if, whether this is approved or not, you're still going to have, whoever develops this property will still have connectivity issues to the south either on Ridgewood or Waltz that are not rectified. And it sounds like there's -- there seems to be some problems there.

MR. CROCKETT: Well --

MR. MACMANN: I don't want to fill this up with what those problems are.

MR. CROCKETT: But the -- once the piece of property to the south -- and I don't want to say south of the entire development, but to the southeast of this property, which is the large undeveloped piece of property. When that piece of property, if and when that piece of property would develop, that would rectify a lot of the issues because then they would have access to Waltz and they would have access to this proposed development, and then they would also be required to -- to grant additional right-of-way similar to what we have done here for the extension of Waltz, as well.

MR. MACMANN: Well, let me -- may I follow up on that?

MR. CROCKETT: Sure.

MR. MACMANN: To your knowledge, and Mr. Zenner or anyone else, is that in the works?

MR. CROCKETT: I have no -- I have no knowledge of anything on that piece of property in the -- development on that piece of property in the works.

MR. MACMANN: All right. That -- those -- that's -- I just wanted to clarify the situation here.

MR. CROCKETT: Right.

MR. MACMANN: Thank you very much, Mr. Chairman.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Mr. Crockett, just to clarify one other point. Did you state that Parks & Recreation were interested in having the access to the park off Heath Court and not off Old Plank?

MR. CROCKETT: That is correct. And Mr. -- Mr. Snyder can -- can talk more intelligently on that, but it's desire -- it's my understanding it's their desire to have the access off -- from the park off of Heath Court and not off of Old Plank Road.

MS. LOE: Thank you.

MR. STRODTMAN: Commissioners, any additional questions? Mr. Crockett, do you know where that access would be proposed to the park?

MR. CROCKETT: Toward -- toward the bottom of the hill. You can see in the green section where it ties out -- goes out close to Heath Court.

MR. STRODTMAN: To the road with the --

MR. CROCKETT: That is the lot stop. That is correct. We also -- they would also have access across the southern portion where we are granting -- where we would grant half of the additional right-of-way for Waltz Lane. That would also have access through that undeveloped portion of right-of-way from the southern terminus of -- of Heath Court all the way back to the park ground, as well.

MR. STRODTMAN: Thank you. Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Any additional speakers like to come up and speak on this case? I see none. Commissioners? Mr. MacMann?

MR. MACMANN: I have a question for Mr. Snyder, if I may.

MR. STRODTMAN: Sure. Mr. Snyder, would you please come up here and give us your name and address, please.

MR. SNYDER: Mike Snyder, Park Development Superintendent.

MR. MACMANN: Thank you, Mr. Snyder. Could you explain to me a little bit why Parks & Rec doesn't want to have access off of Old Plank?

MR. SNYDER: Well, we are definitely interested in future access of Old Plank Road. When Old Plank is developed further in the future, there will be sidewalks that have lots of connectivity to other neighborhoods. Currently, it's a -- it's a very --

MR. MACMANN: Undeveloped.

MR. SNYDER: -- undeveloped road. But this land that we're looking at here, we envision it to be a neighborhood park. There is no neighborhood parks that serve this part of town currently. Neighborhood parks basically design -- are designed to serve those within walking distance of -- of the park. We have neighborhood parks all over Columbia, and if you don't live near them, you don't even know they exist because if you're going to get the car and drive to a park, you'll go to Albert Oakland Park or Cosmo Bethel Park or Stephens Lake Park, one of the larger parks that has parking lots and more amenities. But neighborhood parks are just designed to serve those within about a quarter-mile walking

distance. And so we like to have as much access to them as we possibly can to serve as many people as we possibly can. Just looking at the current development in this area, it looks like the best access right now is off of Heath Court. In the future, certainly when Old Plank is improved and there's pedways up and down Old Plank, this will definitely be a connection to other parts of town as they develop. You know, the south of this is -- is county. Eventually it'll be City some day and have neighborhoods that will also utilize this -- this park -- or future park.

MR. MACMANN: That's it for right now, Mr. Snyder. Thank you.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: I have a question. The applicant has indicated an inability to connect with Ridgewood, but you would be proposing a roadway going basically along that same line to Heath Court?

MR. SNYDER: Well, we're not proposing a roadway.

MS. RUSHING: Okay.

MR. SNYDER: Pedestrian access. So very similar to Oakwood Hills Neighborhood Park or I'm trying to think of some other examples. We have similar examples where you have -- Rollins.

MS. RUSHING: So a trail?

MR. SNYDER: Yes. Just walkways that -- that connect into the park from -- from multiple points. Kind of into an internal trail system. It's hard to say exactly what would occur in this park. I would envision it to be more of a natural park with natural trails very similar to Oakwood Hills Park if any of you are familiar with that. But we don't have development money for this park at this -- at this time. When we do have development money, we always have a public input process, and we go and ask the neighbors that live in the immediate area what they want the park to be, and so we would go through that process when we have development funds in the future.

MR. STRODTMAN: Ms. Rushing, are you done? Ms. Rushing, are you good? Mr. Toohey?

MR. TOOHEY: So what made the Parks & Rec Department reach out to the owner to -- to use his land for a park?

MR. SNYDER: We have a Council approved neighborhood park master plan, and in that plan, we indicate all the parts of Columbia that are not currently served by neighborhood parks. And whenever a development comes through -- I do reviews of all proposed developments and whenever one comes through where there's a large chunk of land suitable for a neighborhood park, I make the recommendation that we would like to talk with the developer to see if we can acquire some land. There is not a lot of available land in this part of Columbia, and certainly not at -- you know, this much acreage for the -- the amount of money that the developer is asking. And that's why this is a really, you know, important parcel for Columbia Parks & Recreation.

MR. TOOHEY: And another question. So if we were to go ahead and approve this, I know you don't have the money for it now, but would this --

MR. SNYDER: Money for acquisition. We don't have the money for development.

MR. TOOHEY: But if we went ahead and -- and approved this, would that speed that process up?

MR. SNYDER: For development?

MR. TOOHEY: Yes.

MR. SNYDER: Likely, what it would do is that -- and this is just based on, you know, past experience. Usually we acquire with one park sales tax ballot issue, and then the following one, we set aside or we ask the public to vote on and support development money in the following ballot issue.

MR. TOOHEY: Okay.

MR. SNYDER: That's the likely situation.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Mr. Snyder, who owns Lot 77A currently?

MR. SNYDER: I believe it's a communal -- it's a part of a community space for the --

MR. ZENNER: It's a common lot. It's a common lot to the subdivision at this point still, Ms. Loe.

MS. LOE: Would that be transferred to Parks & Rec?

MR. ZENNER: It would have to be part of an authorization for acquisition or donation by City Council. That would be -- I believe Mr. Snyder can speak to that, but that is part of what conversations with Mr. Overton have included is 77A plus this approximate nine-acre tract of land here in Creek Ridge 2.

MR. SNYDER: The end goal is for about 20 acres of parkland.

MS. LOE: Mr. Zenner, when are improvements along Old Plank Road proposed in the schedule; any idea?

MR. ZENNER: They are not within the ten-year window, if I am correct. And I'd like to point out, and the reason I brought the aerial up, Mr. Crockett asked that we at least clarify that Ridgewood, which is the road that is ending here, is not constructed along this southern portion of the property line as it showed on the -- so if any of you had not been out there, it does not exist. It physically does not exist as an improved road. It may be a trail today, but that's about it. And then if you look here on the aerial photograph, this is the extension of Stonehaven. That is what we have taken up at our last Planning Commission meeting with the alternative, instead of bringing Stonehaven south, having a pedestrian connection with the sidewalk construction along Old Plank Road which may, as Mr. Snyder and I were talking today, bring sidewalks to this particular area along Old Plank sooner than later. Again, there is no money associated with that at this point in any capital budget, but as we start the ball rolling, you may end up identifying funding sources that may allow us to create connectivity to come back here to Forum and to the -- to the pedestrian -- to the pedway that exists here and then that actually is a requirement to be brought into the first phase of Creek Ridge as part of its original approval. So, I mean, there's some -- there's some activity that may be precipitated due to some other improvements within this particular area. Ultimately, however, the combination of the nine acres to the acreage that is in the front, which would be about 11 or so, would obviously make that 20-acre park that Mr. Snyder is referring to. If it was a platted

lot today -- if the subject site were a platted lot today, you could convey through an administrative platting action, because we're creating no more residential lots, the Old Plank frontage plus the piece that's the park property. It would require a replat if you were to only take the nine acres. This particular southern portion of this project again, as we have pointed out, is extremely challenging to get to due to the fact that you have to come down the slope. You have no southern access into this developable pocket that is down there. And that really is where we, from a staff, believe that subdividing it to create the additional lots, and we do not want to stand in the way of an acquisition that may be favorable from a -- from an acquisition perspective. We just believe that it is inappropriate to create the additional lots with such a limited access infrastructure and an infrastructure, in our opinion, that is -- is contrary to a lot of our other principles within our -- our -- our comprehensive plan and the Subdivision Regulations, for that matter. The reason for the remand is to have this discussion, and you -- you may or you may not be struggling with that discussion. We do not have any dog in this fight as a staff. Whatever you choose based on the new information that's being presented from the folks that are here this evening is your choice. We're just providing you our objective perspective and what the Code would require.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. Mr. Zenner, just to quickly clarify and to make sure I have this correct in my point -- in my head. Mr. Snyder, you can help me, too. Currently, there is no money till at least 2021 to develop this property, though there is money to acquire it. Currently, there is nothing in the CIP to do the requisite improvements despite what we've done at Stonehaven along Old Plank.

MR. SNYDER: Correct.

MR. MACMANN: All right. So we're looking at four years to ten years. To follow up on Mr. Toohey's point, this may kick start the process somewhat, but we still end up -- and I want to make sure I'm correct here. We still end up with an access issue. Even if it is all acquired, there's still a problem with -- we still have a 1,500 foot stub and no good clear way to get there other than the 1,500 foot stub. Am I -- is that -- is that the situation as I've portrayed it?

MR. ZENNER: That would be the situation, and I think you have pretty well summarized it. You have a 1,500-foot-long street segment and no further southerly connection.

MR. MACMANN: All right. Let me clarify one extra point. If we look at the subject site to its west and immediately west-northwest, we see what appears to be a -- a valley that's has a serpentine creek going through it and marshlands and is somewhat -- Mr. Snyder, that's a sensitive area, and that's one of the reasons why no one can really build on it. It would be a park. So that's not necessarily a viable access option without bridges and a lot of dirt work and money?

MR. ZENNER: That would be correct. And it's -- the area that is Lot 77A is the most severely impacted property of this collection at this point. That is one reason why it was identified as a common lot as part of Creek Ridge 1. It was not a viable development lot, so -- due to the creek and the other environmental features with it. Yeah, you are correct in that respect. Running northwest out of this

particular segment of the development really is not viable. Short of the ability to connect to Waltz, which is really what we -- this project was delayed significantly in coming to the Commission originally because we were looking at which way to Sunday to be able to figure out how to resolve the Waltz Lane connection or the Waltz Drive connection, and that just was not possible. And that is the most viable possibility to create the secondary extension short of the property immediately to the south developing, which, as Mr. Crockett has indicated, he has no knowledge of any development activity on it, nor do we. And it is County property at this point, if I recall correctly, as well.

MR. MACMANN: This -- and one last point, and thank you for your forbearance, Mr. Chairman. And you all can help me remember that I seem to recall that the individuals who live on Waltz Lane were opposed to this development because of the excessive -- Waltz Lane is not -- I have been there. It's really not much of a road at all. Without extension and widening, it would be a problem. Okay. I'm just trying to resolve these connectivity issues in my head and getting them all on the record. Thank you, Mr. Snyder. Thank you, Mr. Chairman.

MR. STRODTMAN: Any additional questions, Commissioners, for this speaker? Thank you, Mr. Snyder.

MR. ZENNER: If I may, Mr. Chairman, just while Mr. Snyder is up there, and it's a question, I think, of clarity. Mike, is it correct to indicate that you're wanting as a neighborhood park pedestrian connectivity. Is it -- is it a correct statement to indicate that if Lot 24 -- if this were only created into two lots, each of which would have frontage on Heath Court, a pedestrian connection from Heath Court would still meet Mr. Griggs' desire to connectivity to the property. You weren't looking for vehicular connectivity or vehicular frontage. Correct?

MR. SNYDER: No. Just -- just pedestrian access. And, you know, like I said, typical of all neighborhood parks, you know, there is no parking provided. There's usually no electricity. There's no -- you know, no amenities. They're much less developed, so just pedestrian access is what we're looking for.

MR. STRODTMAN: Thank you, Mr. Snyder. Commissioners, any additional?

MS. RUSSELL: Just a question for Mr. Crockett.

MR. CROCKETT: Yes, ma'am.

MS. RUSSELL: The alternative plan that the City staff came up with, is the owner in agreement with that or were you guys involved in that?

MR. CROCKETT: We have not been involved with that. That was something that staff had put together. The concern that we have is what I previously -- previously indicated --

MS. RUSSELL: Okay.

MR. CROCKETT: -- was we would have to renegotiate with the Parks & Recreation Department for the purchase price of the piece of property. What it -- what this development allows us to do is to give that steep discount for the main portion.

MS. RUSSELL: Okay.

MR. CROCKETT: If it was left in large pieces of property, we have two options here. First of all, we can sell larger pieces of property for a substantially higher value, which we had been approached with a couple of times back there. And, secondly, it becomes a situation where the piece of property may be better suited if -- if it were to be denied, my client may hang onto it for future development and, therefore, not go the parks route. Without that income of the development, then they'd have to negotiate with a much higher price for the park ground.

MS. RUSSELL: Okay. All right.

MR. CROCKETT: And so that's -- that's where we're at with that.

MS. RUSSELL: Thank you.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Commissioners? Ms. Burns?

MS. BURNS: As much -- I like parks, everybody likes parks, I just feel like the connectivity issues and the lack of connection at the Waltz Drive issue makes this very difficult for me to support.

MR. STRODTMAN: Thank you, Ms. Burns.

MR. MACMANN: Clarification. Have we closed -- are we discussing amongst ourselves?

MR. STRODTMAN: We are. There was no -- it's not a public hearing matter, but we did close it for the portion that we were opening it up. So we'd be looking for a recommendation, for a motion or further discussion.

MR. MACMANN: I just wanted to comment on -- and I -- sorry, Mr. Crockett, I don't need you. I'm just thinking aloud here. I appreciate his situation that he's been approached or they have been approached for Lot 24 for development. But it seems as if whoever purchases Lot 24 for development is going to have at least as many connectivity problems as Mr. Overton has right now, if not more, if they're not in cooperation with Mr. Overton and the County.

MR. TOOHEY: I supported this when it -- when it came through last time. And to me, I -- I think it makes sense to have a park there and, you know, it's not the current owner's fault that -- with the connectivity problems. I mean, that's something that will be worked out in the future, I think. And then also with the way that we required the property owners with those two lots off Stonehaven last time to actually have a pedestrian walkway there. That pedestrian walkway is going to lead to this -- to this new park. So there are more -- more people who will be able to enjoy this park based upon that connectivity that -- that we required those property owners to provide at our last P & Z meeting.

MR. STRODTMAN: Would you like to make a motion to that?

MR. TOOHEY: Sure.

MR. STRODTMAN: Thank you.

MR. TOOHEY: In the case of 16-145A -- or 145, a request by Crockett Engineering Consultants on behalf of Fred Overton Development, I make a motion that we approve -- do we need to make two motions for this?

MR. ZENNER: You can approve them as one motion.

MR. TOOHEY: Okay.

MR. ZENNER: But you will need to note the variance if you're going to approve it, as well.

MR. TOOHEY: Okay. On behalf of Fred Overton Development for approval of a 29-lot preliminary plat on R-1 zoned land to be known Creek Ridge Plat No. 2, and a variance to section 2547 regarding street length.

MR. STRODTMAN: Thank you, Mr. Toohey. Do we have a second?

MS. RUSSELL: Second.

MR. STRODTMAN: Ms. Russell, thank you. Commissioners, we have a motion and a second. Is there any discussion on this motion? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Harder, Mr. Strodtman, Ms. Russell, Mr. Toohey. Voting No: Ms. Burns. Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Rushing. Motion denied 5-4.

MS. BURNS: Five to four, motion is denied.

MR. STRODTMAN: Thank you, Ms. Burns. Any additional discussion, Commissioners, on that? Okay. That recommendation will be forwarded to City Council. Moving on. At this time, I would ask any Commissioners who have had any ex parte communications prior to this meeting related to Case 17-27, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Is there any Commissioner? I see none.

Case No. 17-27

A request by Brush and Associates (agent) on behalf of their client, Niedermeyer LC (owner) for approval of a one-lot final-minor plat to be known as "Mikel Subdivision, Plat 3". The 0.89-acre plat combines parcels addressed as 703, 707 and 709 Sexton Road, and 602 Jackson Street into a single lot for future redevelopment.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the final-minor plat for "Mikel's Subdivision - Plat 3".

MR. STRODTMAN: Thank you, Mr. Palmer. Commissioners, any questions of staff? Ms. Loe?

MS. LOE: Mr. Palmer, you have in the notes here that the R-2 portion cannot be used for accessory functions of the R-3 portion. Can you just describe what that means, what can it not be used for?

MR. PALMER: Well, since the -- since the larger portion of this lot will be zoned R-3, it was kind of assumed that the redevelopment would be a multi-family structure or some type of residential development there. But the reason for having this other access point or this other piece of the lot abutting a separate street, it was just assumed that it would be an access point. And there's a section of Code -- I forget what it is -- Section 2927A states that a more restrictive parcel cannot be used for an accessory

use on a less restrictive parcel. So, in effect, you can't access an R-3 lot through an R-2 lot or you can't use the R-2 lot for parking. So if they were to do that, and there is no indication that that's their intent as of yet because we have no -- no plan for this, but if that's their intent, they would have to be -- they would have to rezone that other portion to R-3.

MS. LOE: So just to clarify, they cannot use the Jackson fronted lot for parking or access for the R-3 portion?

MR. PALMER: Correct.

MS. LOE: Thank you.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: Could we go back to the aerial photograph, please, Mr. Palmer?

MR. PALMER: That one or --

MS. BURNS: Yeah. That. I'm just looking at surrounding development because I noticed in the staff report, there was no public comment or no interested parties that gave information regarding this.

MR. PALMER: I received no -- no public comment.

MS. BURNS: Thank you.

MR. STRODTMAN: Mr. Palmer, could you go back to the area that had the zoning classifications. What -- to -- to the -- I guess it would be to the north along the same side as the R-3, what -- there's -- it goes R-2, then what is all --

MR. PALMER: Yeah.

MR. STRODTMAN: Everything else is C-P?

MR. PALMER: The panhandle shaped piece here, that's C-P, and then I believe this is C-3. Yeah. So it becomes a commercial block --

MR. STRODTMAN: So we're kind of down to 606, 604, 600, 603 Mikel that are still -- and 711 West Sexton that are -- would be R-2. Right? Everything else is zoned higher density?

MR. PALMER: Yeah. R-2. Correct.

MR. STRODTMAN: Thank you. Commissioners? Ms. Rushing?

MS. RUSHING: I had a question. Once this is a single lot, how many units can be built on that parcel?

MR. ZENNER: Without running the calculation, Ms. Rushing, we wouldn't know. Maximum theoretical density on a R-3 parcel is 17.4 units per acre. It's all subject to what the bedroom mixture is based upon what your parking demand may be. And without having any formal site plan or any redevelopment proposal submitted, we have no idea what could or could not realistically be placed on the property without potentially having to use the Jackson Street lot as something that may be able to accommodate off-street parking to support the principal use on R-3.

MS. RUSHING: But they could do that if they rezoned that?

MR. ZENNER: That would require a separate -- yes. A separate action in order to consolidate or to rezone the R-2 Jackson Street frontage to R-3.

MR. STRODTMAN: Clarification for us. Commissioners, this is not a rezoning matter as much as a plat matter.

MR. ZENNER: That is correct. And as the staff report read, there is nothing within our Subdivision Regulations that prohibits the ability to create a split-zoned property. We generally dissuade folks from doing so because it does create these types of unique issues where we have potentially uses that may gravitate over a property line or accessory features that may end up on a less intense zoning parcel.

MR. STRODTMAN: Thank you. Commissioners, any additional questions? Mr. MacMann?

MR. MACMANN: Thank you very much. Mr. Palmer, this -- are there other R-3 properties nearby of the rezone? This is mostly all R-2 to the --

MR. PALMER: It's mostly R-2, yeah. I'm -- there might be some spot zoned areas that are --

MR. MACMANN: Well, it's spot zoned then. And what's the -- the R-3 section of this subdivision, what are the rough dimensions there? Those are three lots that's what, 140 by 130, something like that?

MR. PALMER: Yeah. I'd have to look a little closer. I'm not sure.

MR. MACMANN: I'm just thinking of the rough -- those tend to be nonconforming and tend to be too narrow. I'm getting to Ms. Rushing's --

MR. PALMER: I can -- I can tell you. Just a moment.

MR. MACMANN: I'm having a hard time seeing. I'm sorry. I don't --

MR. PALMER: They're 60-foot lots.

MR. MACMANN: Okay.

MR. PALMER: So it would be 180 by about 170, total.

MR. MACMANN: So around 30K, so 12, so 48 beds could go in there?

MR. ZENNER: That would be the maximum theoretical. You have to take up --

MR. MACMANN: Yeah. And I appreciate that, if someone could make that work, 2,500 per unit.

MR. ZENNER: Yeah. Twenty-five hundred square per dwelling unit, so -- and if you had all four-bedroom dwelling units, it would be -- you would have to have two and a half parking spaces per unit, if four bedrooms, plus one for every five. It would be full redevelopment. It would require storm water. No -- if it's under an acre, it would not require storm water, so it is redevelopment under an acre at that point. But you -- I mean, you still have parking. You'd still have parking that you would have to accommodate. And if that's just dealing with the R-3 parcel, if you look at -- and this was the conclusion. I would have preferred to have not used the word assume. We concluded as we evaluated the -- the plat and the situation as to the Jackson Street frontage, that is a standard conforming 60-foot-wide lot. It makes for a very nice double-loaded parking facility potentially in the future. Given its length, it could possibly accommodate a significant amount of parking in order to allow for access to be coming in, circulating around the building, and going back out. That was the conclusion. And I know Mr. Brush is here this evening, the surveyor for the property. He has been contacted. We were contacted directly by the press, as well. We do not have any information.

MR. MACMANN: On plan or anything like that.

MR. ZENNER: We have made an educated conclusion based on our professional judgment and what we have seen in the past in similar situations. We do not want to cast any dispersion upon the property owner and what they are attempting to do with it.

MR. MACMANN: I'm just trying to understand. It's a bit of an oddball --

MR. ZENNER: Yes.

MR. MACMANN: -- and, again, Mr. Palmer, Ridgeway is usually pretty good about responding to things in their neighborhood. They have no -- Ridgeway Neighborhood Association had no response to this whatsoever?

MR. PALMER: No. I received none.

MR. MACMANN: Huh. All right. That's fine. I just find that a little odd because they tend to be -- at least have some input.

MR. PALMER: Yeah. I agree. They usually do.

MR. MACMANN: All right.

MR. STRODTMAN: Commissioners, any additional questions for staff? I see none. As -- as in past practice, this is not a public hearing, but if there is someone in the audience that would like to come forward and give us information that would be relevant to this case, we would welcome that. Just ask for your name and address.

MR. BRUSH: My name is Dan Brush with offices at 506 Nichols Street. I'm the surveyor who prepared the plat, and I really have no additional information to give you, but I would be happy to answer any questions you might have.

MR. STRODTMAN: Thank you, Mr. Brush. Commissioners? Ms. Loe?

MS. LOE: Do you have any idea -- no?

MR. BRUSH: The conversations I've had with the owner is that this is more for estate purposes for future -- future plans that he probably will not see come about, but that his children might. They have no plans in the immediate future to go ahead and -- and do anything on this parcel. But as staff has said, I would imagine that something in the future. If I looked at it from a professional standpoint, you would probably see some sort of a rezoning request come back in to go ahead and -- and do something on it. This area is all in transition, as you can see from the adjoining zoning to the west or, as I would call it, the southwest. The -- I think that's Lindsey Rental across the street, and you've got commercial happening.

MR. STRODTMAN: Commissioners, any additional questions for this speaker? Mr. Brush, thank you.

MR. BRUSH: Thank you.

MR. STRODTMAN: Any additional representative like to come forward? I see none. Commissioners, additional questions, comments, discussion needed? Not all at once. New year. Ms. Loe?

MS. LOE: I -- I'm not clear as to why the request is being made because it does seem a bit incongruous to combine the R-2 and R-3. And if that proposal came for rezoning that R-2 piece came through, given that all the surrounding parcels are R-2 currently, I'm not sure I'd approve it. So I just wanted to put that out there that putting these together is not going to make me more inclined to make that Jackson parcel an R-3. But given that it appears the owner has no plans on developing it, this merely seems to be a technical exercise. I see no reason not to approve it.

MR. STRODTMAN: Would you like to make a motion to such?

MS. LOE: I'll make a motion to approve.

MR. STRODTMAN: Thank you, Ms. Loe, for volunteering.

MS. LOE: In the case of 17-27, Mikel Subdivision Plat 3 final-minor, move to approve the Mikel Subdivision Plat 3.

MR. STANTON: Second.

MR. STRODTMAN: The motion has been made by Ms. Loe and seconded by Mr. Stanton. Commissioners, any discussion needed on this motion? I see none. Ms. Burns, when you're ready for a roll call, please.

MS. BURNS: Yes.

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

MS. BURNS: Motion carries 9-0.

MR. STRODTMAN: Thank you, Ms. Burns. That recommendation will be forwarded to City Council for their review. Moving on. At this time, I would ask any Commissioners who have had any ex parte communications prior to this meeting related to Case 17-31, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. I see none.

Case No. 17-31

A request by Engineering Surveys and Services (agent) on behalf of Alpha Phi Sorority (owner) for approval of a one-lot final plat to be known as "Alpha Phi Subdivision" and an associated variance to Section 25-43 regarding right-of-way widths. The 0.66-acre subject site is located on the east side of Providence Road, approximately 150 feet south of Burnam Avenue, addressed as 906 Providence Road and 911 Curtis Avenue.

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

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the plat and variance, subject to a minor technical revision to comply with the State Surveying rules, if necessary.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, any questions for staff? I have a question and it's -- I mean, it doesn't really specifically relate to this, Mr. Zenner, but has MoDOT

referenced any discussion about restricting access to Providence at any future point; i.e., would either one of their entrances long term maybe be discussed eliminating it for any reason? Does MoDOT --

MR. ZENNER: I am unaware of anything. I believe that the Bingham access may be restricted as part of the Providence Road improvements, potentially to a right-in/right-out only. I don't believe there are median improvements that are proposed on Providence in this location. Ms. Burns may have a better understanding due to her personal interest in the roadway.

MS. BURNS: Yes. I believe you are right, Mr. Zenner, that right-in/right-out both on -- and Mr. Farnen also knows about this. The right-in/right-out on Burnam and -- or on Brandon and Bingham, with the light moving from Rollins south up to Burnam.

MR. ZENNER: Burnam. That's correct.

MS. BURNS: But were you asking about a median, Mr. Strodtman?

MR. STRODTMAN: No, not necessarily. I was just asking if -- it was kind of to your point is, you know, what was MoDOT's plan for Providence and how would that potentially -- and it doesn't really relate to this matter at this moment. It was just more of a question to staff.

MS. BURNS: I do know that Kentucky has a sign that says no left turns out of it so that you can't head south onto it. Sometimes that's observed, sometimes it's not.

MR. STRODTMAN: I understand. Thank you, Ms. Burns. Commissioners, any other additional questions for staff? I see none. This is not a public hearing, but we will, as we have in past customs, if there's anyone in the audience that would like to come forward and share some relevant information with us that would be helpful, we would appreciate it. Just give us your name and address.

MR. REED: Good evening. My name is Tim Reed with Engineering Surveys and Services. We prepared this plat for the Alpha Phi Sorority just as Mr. Zenner explained, and I don't have anything further to add. I'd be happy to answer any questions.

MR. STRODTMAN: Thank you, Mr. Reed. Commissioners, any questions for Mr. Reed? I see none, but we appreciate you coming up here. Thank you, sir. Any additional folks like to come forward? I see none. Commissioners, discussion, questions, a motion? Mr. MacMann?

MR. MACMANN: I'd like to make motion.

MR. STRODTMAN: Yes, sir. Please go ahead.

MR. MACMANN: In the case of 17-31, a request by Engineering Survey and Services on behalf of Alpha Phi Sorority for approval of a one-lot final plat to be known as Alpha Phi Subdivision and an associated variance to Section 25-43 regarding right-of-way widths, I move for approval.

MR. STRODTMAN: Thank you, Mr. MacMann. Do we have a second?

MS. RUSSELL: Could we add something to that? Subject to the minor technical revision to comply with the state surveying rules, if necessary.

MR. MACMANN: To comply with state surveying rules, as necessary. Thank you.

MS. RUSSELL: Then I'll second that.

MR. STRODTMAN: Thank you. We have a motion from Mr. MacMann and it has been seconded by Ms. Russell. Any discussion, Commissioners, on this motion? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

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

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Our recommendation for approval will be forwarded to City Council.

V) PUBLIC HEARINGS

MR. STRODTMAN: At this time, I would ask any Commissioner who has any ex parte communications prior to this meeting related to Case 17-32, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. I see none. Thank you.

Case No. 17-32

A request by Americare Senior Living (owner) for approval of an amendment to the "Americare at Heritage Village - OP Development Plan". The proposed amendment seeks to allow an additional monument sign along the development's Sinclair Road frontage. The 8.21-acre property is located at the southeast corner of Sinclair Road and Southampton Drive, approximately 3,000 feet south of Nifong Boulevard.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the revised O-P development plan dated November 10, 2016.

MR. STRODTMAN: Thank you, Mr. Palmer. Commissioners? Ms. Russell?

MS. RUSSELL: Is there any lighting involved in this sign?

MR. PALMER: I believe so. It's actually not on the plan. Would that be -- it would have to be externally --

MS. RUSSELL: Any direct or a backlighting or any lighting involved that's going to affect the neighbors?

MR. PALMER: Not that's on the plan. It would have to be direct light, I think. So it would block its own light from -- it would be facing the sign and it would block it from the neighbors, if that makes any sense.

MS. RUSSELL: From -- from the ground? It would be from the ground just --

MR. PALMER: Yeah. There is nothing to indicate that this is backlit or anything like that.

MS. RUSSELL: Okay.

MR. PALMER: So it would have to be from the ground. Maybe the -- the representative from Americare can shed some light on that issue.

MS. RUSSELL: Okay. Thank you.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: Could we go back to the other examples of signage this company has used?

MR. PALMER: Yeah.

MS. BURNS: Okay. It looks like there's some landscaping involved also. I didn't know if that was part of it or perhaps the representative can share more information about that.

MR. PALMER: Yeah. It wasn't included on these plans, but, I mean, these are kind of a different situation where they're placed within a plan -- an existing planting bed, and I think out on the roadway there's a little -- little difference in the scenario, but I'm -- you know, they have existing landscaping there, too.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just real quickly. It's beyond the 25-foot setback. Where it sits, that's a common area -- where the sign --

MR. PALMER: I'm sorry?

MR. MACMANN: Where the proposed sign will actually be connected to the ground, that is commonly held ground then?

MR. PALMER: Yes. The -- generally, the -- the development is commonly held and small individual envelope lots for the -- for the individual homes.

MR. STRODTMAN: Commissioners, any additional questions for staff? I see none. This is a public hearing, so I'll go ahead and open our public hearing portion.

PUBLIC HEARING OPENED

MR. STRODTMAN: Anybody that would like to come forward and speak on this case, please do so. Please give us your name and address, and we'll limit each speaker to three minutes.

MR. COOK: Good evening. My name is Robert Cook; I'm here representing Americare Senior Living. This was a sign that came about after we finished construction. We've been open now for about nine months in this location. The facility is doing quite well. We're very pleased with it, but our staff had asked that we could approach and get this amendment approved so that we could construct another sign along Sinclair. One, obviously for advertising purposes for us, and also as they have noted traffic along Sinclair has been increasing, and they would like something along there to help provide people with direction. When they call the facility and ask for directions, that gives them another point to point out and find that facility and make it more identifiable along that area. In answering a couple of the questions I heard earlier, is the sign lighted? It is direct -- those signs, and especially the one -- if you could flip back to the pictures.

MR. PALMER: We saw that.

MR. COOK: The one with Mill Creek Village, the cottages on it. That sign does have direct lighting on it. If you go out there at night, quite honestly, it's a spotlight shining on the -- on the brick face. There is no backlighting on these signs. It's not something Americare is interested in doing. We're not trying to light up the -- the area around it. We just want to make the sign identifiable as you drive by at night.

MR. STRODTMAN: Questions, Commissioners, for this speaker? Ms. Loe?

MS. LOE: I notice that you have it located about midpoint on the property line along Sinclair, it looks like, but that's also the lowest point, it also looks like, at about 62 -- 662 elevation. Having you considered moving it at all closer to the corner?

MR. COOK: That was a consideration at one point in time, but we're trying to -- in viewing the site, what we looked at in the location was center it on that detention basin that's to the east, trying to provide people, especially ones coming from the south, see that sign where they can turn before -- know they've got to turn before they get to our street. Then also coming from the other direction, it's quite visible long before you get there. So centering at that location. Being right on the corner just -- it was not appealing to us. Also there's some other, I believe, infrastructure and stuff right in that area that might have made that a little tight to make that sign fit in that location.

MS. LOE: I'm just thinking about the views and the neighbors. In the photograph we were shown with the sign pasted in, we can pretty clearly see the houses behind that, so, I mean, it's not a tall sign. It's not big. But when you're in a residential community, just adding signage to --

MR. COOK: But it's not any bigger than the sign, I believe, that is at that corner to provide identification of that subdivision. I don't have a good picture and, unfortunately, I didn't take one while I was out there doing -- doing these, but --

MS. LOE: So you think those signs are less than seven feet tall or not more than seven feet tall, as well?

MR. COOK: Yes.

MR. PALMER: It's actually in the photo there, if I'm --

MS. LOE: Uh-huh.

MR. STRODTMAN: You're talking about the other subdivision sign?

MS. LOE: Yeah.

MR. PALMER: I believe that's what he's referring to, yeah.

MR. STRODTMAN: In the background?

MR. PALMER: Yeah. The -- the -- yeah. It's hard to see from the big screen, but the screen in front of you, you should be able to -- you should be able to make it out there.

MR. STRODTMAN: Any additional questions for this speaker? Yes, Ms. Loe?

MS. LOE: Can you just tell us what concessions you may have -- I mean, besides considering making it the same size as the signs to that subdivision, what other concessions you may have made to make it more appealing to the residential neighborhood?

MR. COOK: I'm not sure I understand your question.

MS. LOE: Neighbors have called in with some concerns about seeing the sign from their houses or backyards. Was that a consideration when you placed or designed the sign?

MR. COOK: Well, obviously, that is one of the concerns. Also, you know, it's got to be visible along the right-of-way for it to be beneficial to us, as well. Now, from a --

MS. LOE: I understand.

MR. COOK: -- from the home --

MS. LOE: That's why I'm asking you what concessions you made for the neighbors' benefit.

MR. COOK: Well, we weren't aware that there were --

MS. LOE: Okay.

MR. COOK: -- any questions from any of the neighbors.

MS. LOE: Okay.

MR. COOK: If that becomes a large issue, quite honestly, we've got several hundred thousand dollars in landscaping out there now. I don't think adding a couple more trees to screen those couple of houses off from the sign would be an issue that we would -- we would step back from.

MS. LOE: Thank you.

MR. COOK: Thank you.

MR. STRODTMAN: Anybody -- Commissioners, additional questions for this speaker?

Mr. Cook, I thank you.

MR. COOK: Thank you.

MR. STRODTMAN: Anyone else from the audience like to come forward? I see none. We'll go ahead and close this portion of the public hearing on this case.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, discussion, questions?

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

MR. STRODTMAN: We'll take a motion.

MS. RUSSELL: Okay. In regards to the Case 17-32, I move to approve the revised O-P development plan dated November 10, 2016.

MR. TOOHEY: Second.

MR. MACMANN: Second.

MR. STRODTMAN: I'll -- Mr. Toohey was maybe a little louder, so Ms. Russell has made a motion, and seconded by Mr. Toohey. Commissioners, any discussion on this motion? Questions? I see none. Ms. Secretary, whenever you're ready.

MS. BURNS: Thank you.

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

MS. BURNS: Motion carries 9-0.

MR. STRODTMAN: Thank you, Ms. Burns. Recommendation for approval will be forwarded to City Council for their consideration. Moving on. At this time, I would ask any Commissioners who have had any ex parte communications prior to this meeting related to Case 17-34, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. I see none.

Case No. 17-34

A request by Crockett Engineering Consultants on behalf of Burlington Vandiver, LLC (owner) for approval of a C-P (Planned Business District) development plan known as "CenterPointe Hospital of Columbia C-P Plan". The 12.1-acre subject site is located on the northeast corner of Rangeline Street and International Drive.

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

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of the C-P development plan and Design Parameters, subject to Public Works Director waiver of the required traffic study requirement identified in the 2001 ordinance which rezoned the subject site to C-P.

MR. STRODTMAN: Thank you, Mr. MacIntyre. Commissioners, any questions of staff? Mr. MacIntyre, can you kind of -- it looks like access, these are right-in/right outs out along Rangeline and then a full access off of International Drive; is that correct?

MR. MACINTYRE: That's correct.

MR. STRODTMAN: And International Drive and Rangeline today does not have a signalized intersection. Correct?

MR. MACINTYRE: Correct.

MR. STRODTMAN: And based on that then, City traffic engineers do not believe that that's necessary to address at this point?

MR. MACINTYRE: That's correct. The nature of the use is relatively low traffic impacts associated with it, whereas as if it were a larger -- say a 50,000 square foot retail facility, I think that might change the situation. So --

MR. STRODTMAN: And this is a traditional hospital, if there is such a thing?

MR. MACINTYRE: I'll have the applicant speak on that, but my understanding from a basic Google search is that it's a behavioral health facility, so they do treatments of psychological disorders and dispense medications. There's some --

MR. STRODTMAN: Something that has to have approval from the State?

MR. MACINTYRE: I believe so, yes.

MR. STRODTMAN: Thank you. Thank you, Mr. MacIntyre. Commissioners, any additional questions of staff? Mr. MacMann?

MR. MACMANN: Thank you very much for following up on that, Mr. Chairman. If this is an approved facility, do you know if they have that? They need a certification if --

MR. MACINTYRE: I would need the applicant to verify that.

MR. MACMANN: All right. I'll wait till then. Thank you very much.

MR. STRODTMAN: The suspense is going to kill you, isn't it?

MR. MACMANN: It is. It's tearing me up.

MR. STRODTMAN: Any additional questions, Commissioners? I see none. This is a public hearing, so we'll go ahead and open it to the public. We just ask for your name and address and each speaker will have three minutes.

PUBLIC HEARING OPENED

MR. CROCKETT: Mr. Chairman, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. And Mr. MacMann, I'm sorry I'm going to disappoint because I have -- I do not have the answers to your questions, either, so you have to wait just a tad bit longer, and I apologize. With me tonight is Travis Parker; he's with Johnson, Johnson, Crabtree. He's the architect for the project, as well as we have some representatives from the owner as well who can speak to that -- to that record. I would like to start off by saying this -- this C-P plan was submitted by and completed by Ingram Engineering, who is a topnotch engineering -- civil engineering firm out of Brentwood, Tennessee. I'm acting on their behalf as a consultant for them tonight, as well as the project in general, so I worked with them for several months getting this project through the process. Again, the current zoning of the property is C-P. It's a little over 12 acres in size, a single-story facility with about 156 parking spaces. It's at the access -- it has access from International Drive and 763 and, again, over 60 percent of the site is in green space. The one issue that was brought up was -- Mr. MacIntyre did a good job of explaining it -- was with regard to the traffic impact study. When this whole property was zoned several years ago, none of the infrastructure was in place. I don't believe 763 was improved, International Drive was not installed. I believe there as very little infrastructure with regard to roadway network had been installed in this area. So the provision was put on all these tracts that as each tract came through, a traffic study would need to be completed. In this case, it's been several -- several years since that took place, and a lot of roadway infrastructure has taken place. International Drive is a fully improved local nonresidential street, as well as 763. So that's the reason for the variance, and I believe that's the reason why the staff is in agreement that we don't need a traffic impact study for this use. This piece of property had a previous C-P plan approved, and I believe that the Commission will remember several years ago Columbia Safety, which was an industrial type and retail user, had a lot of larger trucks and a lot of additional traffic during the day, was approved on this site and, again, they got a waiver for the traffic impact study, as well. We anticipate substantially less traffic on this site. Again, the C-P plan, again, the right-in/right-out, that is being permitted by MoDOT. MoDOT has been contacted and they're in agreement that a right-in/right-out is acceptable at that location. The City traffic engineers agree and concur with that assessment, as well. The other access will again be off International Drive for the property. It's a pretty straightforward request, we believe. Here's a couple just real just basic architectural renderings of the site. They kind of illustrates the modern building style that they're -- that they're promoting here. And we believe it's a great

facility for this location, for this area. It's -- you know, it's shielded from the residential residences in the area. There is some multi-family right behind us, but there's a substantial amount of screening between us and the multi-family, and then, of course, the single-family further out than that. So with that, I'll be happy to answer any questions. Again, Travis Parker with the architect is here, as well as some owner representatives to answer the question with regard to permitting through the State.

MR. STRODTMAN: Commissioner -- oh. All the hands are up. We'll start in front. Ms. Loe?

MS. LOE: Mr. Crockett, this relates back to certificate of need, so maybe it needs more information, but I noticed on the C-P plan that the parking identifies 76 spaces, but the certificate of need application for this project identified 72 beds. So I'm just -- has there been a change? Are we looking at the same project or --

MR. CROCKETT: I'd let the owner refer to that.

MS. LOE: Okay.

MR. CROCKETT: We have substantially more beds just based on the need of the -- of the number of spaces that we need, so our -- our spaces that we're proposing exceed the 72 or 76 based on prior project that they have and simply the need that they're going need. So we exceed both of those, but I have -- make -- as to proper --

MS. LOE: Right. No. I agree that parking overall exceeds, it was just how many beds are we talking about at this facility.

MR. CROCKETT: Right. We'll let -- we'll let the representatives answer that specific question for you.

MS. LOE: Okay.

MR. CROCKETT: I apologize.

MR. STRODTMAN: Ms. Loe, okay? Ms. Russell?

MS. RUSSELL: Is this an inpatient and an outpatient facility?

MR. CROCKETT: With regards to the type of facilities, again, I'll let the owners representatives talk. I think I know, but I won't talk intelligently, so I'll let the folks that have the answer for you, Ms. Russell, answer that question. I apologize.

MR. STRODTMAN: Knocking them down quick.

MR. CROCKETT: Yeah, I know.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I'm going to wait for the owner's rep.

MR. CROCKETT: Thank you. I -- I will sit down because I have no answers.

MR. STRODTMAN: Any additional questions for this speaker? Mr. Crockett, thank you.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Any additional speakers -- owner representatives, architects, anyone?

MR. PARKER: Hi. My name is Travis Parker; I'm an architect with Johnson Johnson Crabtree Architects. Speaking to the CON process, we have been granted a CON by the State. We plan to

execute on that CON for a 72-bed facility in 55,000 square feet on this site. The parking that I believe that you addressed earlier was -- we were required to have somewhere around 66 -- or sorry -- 70 spaces for this facility. We are, I think, doing 168 spaces.

MS. LOE: It's just the sheet identifies it. It's doing spaces for 76 beds, so there seems to be an incongruous or disconnect between the CON and the drawings. So you're confirming that it's a 72-bed facility?

MR. PARKER: Yes.

MS. LOE: Thank you.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: Inpatient and outpatient?

MR. PARKER: Inpatient and outpatient.

MS. RUSSELL: Is there an involuntary unit in this facility?

MR. PARKER: No. This is all voluntary.

MS. RUSSELL: Okay. Okay. And is there some common ground outdoor activity area set aside?

MR. PARKER: Yes. Yes, ma'am.

MS. RUSSELL: Okay. Thank you.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I believe my questions have currently been answered. Thank you.

MR. PARKER: Love it.

MR. STRODTMAN: Commissioners, any additional questions for this speaker?

MR. ZENNER: Mr. Chairman?

MR. STRODTMAN: Yes, Mr. Zenner?

MR. ZENNER: If I may ask, is there a possibility that the certificate of need may be increased to include 76 beds?

MR. PARKER: At this current moment, 72 is all that they have granted us.

MS. LOE: That's all that was applied for.

MR. ZENNER: And occasionally --

MS. LOE: But I'm not aware of the State involuntarily increasing that number, yes.

MR. ZENNER: Occasionally, and the reason I ask that -- occasionally, we do have applications and authorizations that vary from what is shown on the plan --

MR. PARKER: Uh-huh.

MR. ZENNER: -- and that is normally a standard practice that we generally deal with especially as it relates to square footage of a structure. They were approved only for 55,000 square feet. This is a 56,000 square foot, unless it shows 55 on the plan, we always normally incorporate some level of expansion in case there is variation in the plan set to avoid the need to come back for a major amendment. That is the reason I asked the question. However, their certificate of need is going to

determine how many beds they can have and that could be easily corrected on the site plan. That was the reason for my question.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: As far as you know, are there any plans to include an involuntary unit in this facility?

MR. PARKER: No, ma'am.

MS. RUSSELL: Okay. Thank you.

MR. STRODTMAN: Just for clarification, sir, is it no, that you're not aware of any plans, or no that they're -- they're not going to do that?

MS. RUSSELL: He said --

MR. PARKER: They are not planning to do any.

MR. STRODTMAN: They are not planning on it. Mr. MacMann, did you have a question?

MR. MACMANN: Just a question on certificate of need. And you may know this and I don't know. How much can you expand? I see there's 1,000 extra square feet in there. How much can you expand before you have to amend your certificate of need with the State; do you know?

MR. PARKER: I think that you would have to amend the certificate of need before you do -- prior to the expansion or prior to the licensure of --

MR. MACMANN: Prior to the licensure. How long is that process; do you know?

MR. PARKER: I could not speak to that.

MR. MACMANN: I just wondered if there was a normal lag time. That's all. Thank you.

MR. STRODTMAN: Commissioners, any additional questions for this speaker? Thank you, Mr. Parker.

MR. PARKER: Thank you.

MR. STRODTMAN: Anyone else like -- wishing to speak on this matter? I see none. We'll go ahead and close the public portion of this case, Case 17-34.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, discussion, questions, comments? Ms. Russell?

MS. RUSSELL: I'll do a motion.

MR. STRODTMAN: Yes, ma'am.

MS. RUSSELL: In regards to Case 17-34, I move to approve the C-P development plan and design parameters subject to the Public Works Director waiver of the required traffic study requirement identified in the 2001 ordinance which rezoned the subject site to C-P.

MS. RUSHING: Second.

MR. STRODTMAN: Thank you. A motion has been made by Ms. Russell and has been seconded by Ms. Rushing. Is there comments, discussion on this motion? I see none. Ms. Burns, when you're ready.

MS. BURNS: Thank you.

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

MS. BURNS: Motion carries 9-0.

MR. STRODTMAN: Thank you, Ms. Burns. Recommendation for approval will be forwarded to City Council for their consideration.

MR. ZENNER: Mr. Chairman, five minutes?

MR. STRODTMAN: We were going to try to maybe go through one more.

MR. ZENNER: Okay.

MR. STRODTMAN: Is everybody good with that? Yeah. Moving on. At this time, I would ask any Commissioners who have had any ex parte communications prior to this meeting related to Case 17-23, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Mr. MacMann?

MR. MACMANN: Just FYI, and I think you all caught the gist of it, but just to be clear. Ms. Fleischmann contacted me with a question she was going to pose to Mr. Zenner, which I passed that question along to him. The question was regarding what happens if an existing property burns down, and Mr. Zenner was going to answer that question. And that's the contact, I had and you guys were present when I got that.

MR. STRODTMAN: So the question was what would happen if a property was --

MR. MACMANN: A current structure were to burn and be completely destroyed.

MR. STRODTMAN: So a natural disaster?

MR. MACMANN: Correct.

MR. STRODTMAN: Any additional, Commissioners? Ms. Loe?

MS. LOE: We received -- a couple of us received a communication from Ms. Fowler, which I forwarded to Mr. Zenner, but I believe it came -- it was today, so it's not something that was shared with all the Commission. I didn't have time to read it all myself, but I believe it was regarding this case.

MR. ZENNER: There are additional -- there is distribution of material that we did receive today as it relates not only to --

MS. LOE: Okay.

MR. ZENNER: -- this pending request, as well as the next request for the UDC, and Ms. Fowler's comments are incorporated into those that are related to the UDC. And in essence and summary, they have to deal with she is supporting -- asking that you support the request to downzone these 35 properties as a means of preserving the neighborhood character of this particular and unique area.

MR. STRODTMAN: For the Commissioners, I also received that e-mail from Ms. Loe, and it is attached in your packet. It's the stapled page and it's the very last page of that stapled document from Pat Fowler, 606 North Sixth Street, so you do have it in your packet, as well as the other two that are specifically related to this case. Any additional items, Commissioners?

Case No. 17-23

A voluntary request by owners of property within the Benton-Stephens neighborhood to rezone 35 parcels of land from R-3 (Medium Density Multiple-Family Dwelling District) to R-1 (One-Family Dwelling District) and R-2 (Two-Family Dwelling District.)

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

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of the proposed rezoning from R-3 to R-2 and R-1.

MR. STRODTMAN: Thank you, Mr. MacIntyre. Commissioners, questions for staff?

MR. TOOHEY: I've got a question.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: So correct me if I'm wrong, but, typically, when there is a request to rezone a property, the City goes and puts a sign up on that property. Were there signs put on all of these properties?

MR. MACINTYRE: No. And that would have been an impossible task. The notification via signs is a courtesy that we do try to extend where feasible and reasonable. However, in this case, we do not physically possess enough signs to do such a notification. Instead, we sent out a detailed advertisement and, of course, notifications via letters to all surrounding property owners and notified neighborhood associations and homeowners associations within 1,000 feet. So virtually the entire neighborhood was noticed at both the public information meeting level and for this public hearing tonight, but no signs were posted.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: I just have a procedure question for Mr. Zenner when he's finished. Mr. Zenner, when we get ready to do the motion, do we have to list every one of the properties?

MR. ZENNER: You will notice that we -- you will notice that we did not identify them in the reading for Mr. Strodtman. I would probably reference as exhibited within the report.

MS. RUSSELL: Okay.

MR. ZENNER: That would probably be the easiest way to do it, so you do not have to list every single individual parcel address. And just to make sure that, Mr. Toohey, you're clear, Mr. MacIntyre explained that correctly. We are statutorily obligated only to notice in the newspaper. We are not statutorily obligated to provide property owner notification nor posting of property on a pending rezoning action. That is done as a courtesy and as part of our -- part of our just general activity. Signage is one of those areas where we are only capable of doing that when it is feasible. Property owner notification, however, we rarely will ever not send out as a result of an action such as this, and that's just how we operate.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Yes. Thank you, Mr. Chairman. Mr. MacIntyre, you said that there currently exists no conflict between any R-1 -- any proposed R-1 in this situation, or R-2. We do have that one situation -- and R-3 under the new Code. That's a correct -- that is a correct statement?

MR. MACINTYRE: Correct.

MR. MACMANN: Okay. Then the only conflict would come in if a neighboring R-3 were to be redeveloped or be rezoned and then it would have to meet the new Code, if that Code were to be adopted?

MR. MACINTYRE: I'm not sure I'm following you now.

MR. MACMANN: You said there's no conflicts as things exist right now with the new Code. Yes?

MR. MACINTYRE: Maybe that's uncertain as to what you're meaning is.

MR. MACMANN: Well, as in no one is going to -- no one who owns a current R-3 property will have to do anything if the Code is to be adopted as things currently stand to meet the new Code standards?

MR. MACINTYRE: Well, certainly the new Code is not adopted, it's not in place, so there's no --

MR. MACMANN: Yeah. I am making a conditional statement. That's --

MR. MACINTYRE: Okay.

MR. MACMANN: Where I'm going is the only time those protections would be -- would kick in, so to speak, were the Code to be adopted, is if there's a redevelopment or significant change in development in a neighboring R-3 property?

MR. MACINTYRE: Correct.

MR. MACMANN: All right.

MR. MACINTYRE: There is -- there is no impact existing or proposed that basically -- yes. I think I understand what you're getting at now is --

MR. MACMANN: Okay.

MR. MACINTYRE: -- there is no requirement for an existing nonconforming residential structure, multi-family structure to come into compliance --

MR. MACMANN: To do anything.

MR. MACINTYRE: -- based on existing or future proposed Code, yes.

MR. MACMANN: It would be based upon new or redevelopment R-3 vis-a-vis proposed R-1?

MR. MACINTYRE: Correct.

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

MR. MACINTYRE: Or the existing structures on these proposed downzoning sites that are already there.

MR. MACMANN: All right. That's where I was going. Thank you very much, Mr. MacIntyre.

MR. STRODTMAN: Ms. Loe?

MS. LOE: But to clarify Mr. MacMann's point, this rezoning -- should the new Code move forward, this rezoning, whether or not it goes forward, if an R-3 were redeveloped next to a property be it used as R-1, even if it's zoned R-3, would still need to meet the requirements of neighborhood protection.

MR. MACINTYRE: Correct.

MR. MACMANN: Correct.

MS. LOE: So this rezoning will have no impact if it's an R-3 property being used as an R-1.

MR. MACINTYRE: Correct.

MS. LOE: Right. I had a question for staff. Mr. MacIntyre, I don't think it's been explained to me during this process why the City rezoned -- upzoned all this area in 1957. So before we renege on the -- or roll that back, I would be interested in knowing why that action was taken.

MR. MACINTYRE: Well, I've come very close to discovering that answer.

MS. LOE: Oh.

MS. BURNS: That means he doesn't have it.

MS. LOE: But not quite?

MR. MACINTYRE: The answer may be in microfiche which have not yet been thoroughly examined, at least not to the point of finding any discussion from that 1957 Council meeting, although I have scoured minutes and other means. It does appear that it was a result of the consultants -- I believe Hare and Hare at that time -- updating the entire zoning regulations and the zoning map at that time and a sweeping approval perhaps not with any discussion at all -- perhaps. But I -- I have not yet been able to completely verify that.

MS. LOE: So there is not a history of some strong argument or persuasion of what some intention was in that neighborhood that we're now rethink-- it's something that's been lost to Microfiche?

MR. MACINTYRE: Correct. At this point.

MS. LOE: Okay. All right. Thank you. Disappointing, but thank you.

MR. STRODTMAN: Opportunities for research for you, Ms. Loe.

MS. LOE: Yes. Yes.

MR. STRODTMAN: Any additional questions, Commissioners? I have a small one, Mr. MacIntyre. Have we -- we, as in the City, to your knowledge, have we ever turned down a request for a downzoning in -- you mentioned the 60 -- that would be 60 other downzoning requests. Are you aware of any that we've -- the City has denied?

MR. MACINTYRE: No, not to my knowledge. And in this -- in uncovering the ordinances in the case files for those 60, those records are much more accessible than the 1957 records. No. There -- there was no opposition. Most of those requests, by the way, were to downzone to R-1 with --

MR. STRODTMAN: And I -- and I assume of them are one at a time or --

MR. MACINTYRE: No. There was a large one I think with 24. That was the largest one, somewhere around there. And then a number of smaller -- three, five, seven.

MR. STRODTMAN: Do you, by chance, remember the year the 24 or approximate on the date?

MR. MACINTYRE: I think that was -- that may have been the '90 -- 1996 once. Interestingly, there has been a request in East Campus Neighborhood in past, I want to say, three or four years to upzone and restore a previously downzoned parcel from R-2 to R-3, and that was denied. The rationale and I understand that spot zoning has been raised as a potential concern by opponents to this type of request in the past, but the rationale associated with accommodating and supporting individual parcels such as this is that they do act as functional roadblocks, if you will, to parcel consolidation and larger-scale developments, which would run counter to the intent.

MR. STRODTMAN: Thank you, Mr. MacIntyre. Mr. MacMann?

MR. MACMANN: Just a clarification. You opened your presentation by saying that this process is part and parcel and flows from a Council resolution that is aimed at revitalizing and stabilizing these single-family areas; is that correct?

MR. MACINTYRE: That is correct. And that is the precise language in that resolution.

MR. MACMANN: That's revitalize and stabilize, so we're flowing directly from the will of the Council -- this procedure seems to go direct -- right down that path; am I correct?

MR. MACINTYRE: Yes.

MR. MACMANN: All right. Thank you.

MR. STRODTMAN: Any additional questions of staff, Commissioners? I see none. This is a public hearing, so we'll go ahead and open the public hearing portion of this case discussion. We just ask that you give us your name and address and three minutes each and come on down.

PUBLIC HEARING OPENED

MS. FLEISCHMANN: Hi. My name is Rita Fleischmann; I live at 1602 Hinkson. I am personally downzoning six of my properties. I really appreciate the historical documentation and the questions there that lie in because, at one point in time, this was single-family dwellings, and we are just trying to make them what it once was -- what it was intended to be before somebody came in and waved a wand and took it away maybe with no hearing, maybe with no interaction, but they just zoned it. These participants are willingly and knowledgeably acknowledging -- excuse me -- acknowledging that they are willing to, like, maybe take a loss on their properties, maybe take a gain on their properties, but they are doing it willingly with heartfelt dedication to the community of Benton-Stephens to keep it unique, independent, and a special part of the community of Columbia. And I appreciate all of your efforts and applaud you all and I wish you all a Happy New Year, and I hope you don't have any questions.

MR. STRODTMAN: Commissioners, are there any questions?

MS. FLEISCHMANN: I will answer them.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. Ms. Fleischmann, you had mentioned that some of these homeowners faced a potential loss. And just to clarify something, they would face a potential loss if they wanted to sell their properties to let's call them an R-3 or an R-MF developer. Correct?

MS. FLEISCHMANN: That's a hypothetical question.

MR. MACMANN: That's a hypothetical. Let me go to the other side of that. But if they wanted to sell to someone who wanted to live in a small footprint single-family home, they might be protecting some of their value, wouldn't they -- would they not be?

MS. FLEISCHMANN: Absolutely.

MR. MACMANN: All right. That's where I wanted to go. Thank you, Ms. Fleischmann. Thank you very much.

MS. FLEISCHMANN: You're welcome.

MR. STRODTMAN: Commissioners, any additional questions? I see none. Thank you, Ms. Fleischmann.

MS. FLEISCHMANN: All right. Happy New Year.

MR. STRODTMAN: Happy New Year to you.

MR. NORGARD: Good evening. My name is Peter Norgard; I live at 1602 Hinkson also. I brought handouts, but Rita spoke and she didn't cry. You apparently received Pat Fowler's e-mail in your packets, so I don't have to give them to you. I'll just say you guys all hit on major points already. I don't know what more to say other than we do feel like given the status of the UDC and redevelopment issues within our neighborhood, we, as single-family residents, don't really have a lot of tools and options available to protect us. In fact, I would argue this might be the only tool that we have, so I'm going to do something I've never asked you to do before and vote in favor of this downzoning effort because it does -- it's the only tool that we're going to ever have to protect ourselves just even a little bit from redevelopment pressures and, hopefully, we don't have to have such vicious fights in front of you in the future.

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

MR. NORGARD: Thank you.

MR. PRIVITT: My name is Donald Privitt, and I own a six-plex apartment at 407 North Ann. And I highly recommend that you rezone this down.

MR. STRODTMAN: Thank you. Commissioners, any questions for Mr. Donald [sic]?
Mr. MacMann?

MR. MACMANN: You say you own a six-plex?

MR. PRIVITT: Six-plex at 407 --

MR. MACMANN: So your property is currently zoned R-3, is it not?

MR. PRIVITT: Oh, it's zoned R-3.

MR. MACMANN: All right. And this potential change in value doesn't bother you?

MR. PRIVITT: I don't think it'll be changed in value because it's still going to be a six-plex apartment.

MR. MACMANN: So you don't see any true effect to your personal property?

MR. PRIVITT: I -- I -- I absolutely do not see any down --

MR. MACMANN: Any downsize.

MR. PRIVITT: Losing any money on the property.

MR. MACMANN: Okay. Do you see any upside for you, financially or otherwise?

MR. PRIVITT: I'm sorry?

MR. MACMANN: Do you see any upside for you financially or otherwise with the downzoning?

MR. PRIVITT: No.

MR. MACMANN: Any positive net effect?

MR. PRIVITT: No. In fact, I would prefer that it be residential instead of 34 more apartments built in there. No. I feel like 407 North Ann is just four blocks north of Broadway and Boone Hospital. It's a good location for apartment buildings, and I've owned it since 1973.

MR. MACMANN: You've owned -- if -- help me here a little bit. Your property runs perpendicular to Ann, does it not? It runs in a row. We have six -- they're like brick faced?

MR. PRIVITT: No. No. It -- it faces Ann Street, but it runs back.

MR. MACMANN: We are on the same piece of property. All right. I thought that was you.

MR. PRIVITT: Yes. Yes. Yes. It's a red brick.

MR. MACMANN: All right.

MR. PRIVITT: Yeah.

MR. MACMANN: Thank you. I have no further questions for Mr. Privitt.

MR. STRODTMAN: Commissioners, any additional questions? Ms. Loe?

MS. LOE: Mr. Privitt, so your interest in supporting the downzoning is because you appreciate the character of the neighborhood with the mixed single-family and multi-family?

MR. PRIVITT: Yes, ma'am. I -- I appreciate. It is a neighborhood that is very quiet, doesn't have a lot of activity in it, and it makes a good -- for my tenants, they like it because it's not a lot of traffic and a lot of, well, crime. And I -- I see no reason why my apartment would lose money for downzoning.

MS. LOE: Thank you.

MR. STRODTMAN: Any additional questions? Mr. Privitt, I have a question. Just curious. Who is typical renter? Would it be a student or it be a medical occupation with Boone Hospital?

MR. PRIVITT: Most of them are occupation. I do have some disabled veterans in there. And I -- sure, you get a graduate student. As you know, on a one-bedroom -- they all are one bedroom, and the State and Columbia, you can only allow two people in the one bedroom. And that -- that appeals to people. And right now, it's only single -- six single people living in there, and they have various jobs and occupations.

MR. STRODTMAN: Thanks. But no students -- typically, no students?

MR. PRIVITT: Well, I have rented to graduate students. A lot -- in fact, I even have one professor, a university professor in there now, been there for eight years.

MR. STRODTMAN: Love those.

MR. PRIVITT: Yeah. Yeah.

MR. STRODTMAN: I see no additional questions, so thank you, sir. Appreciate your time.

MR. SHANKER: Good evening. I'm Rick Shanker; I live at 1829 Cliff Drive in East Campus. I have a property in Benton. I support this downzoning also, and I wanted to lend my support to these people that have brought this to your attention. Thank you.

MR. STRODTMAN: Commissioners? Mr. MacMann? Mr. Shanker?

MR. MACMANN: Mr. Shanker, just real -- real briefly. Do you see yourself facing any loss of value that concerns you?

MR. SHANKER: Like Mr. Privitt, it's -- it's a great neighborhood, and I think this effort will keep it the way it is and improve it. Single-family dwellings are very important to the neighborhood for renters and I this will be -- do nothing but enhance it.

MR. MACMANN: So you -- just to follow up on this, Mr. Privitt and you have both said that having this type of situation present where we have the mixed use R-1, R-3, R-2 is a selling point for you all?

MR. SHANKER: I think so.

MR. MACMANN: Think so?

MR. SHANKER: Yes.

MR. MACMANN: So it is a value thing. Thank you very much, sir. Thank you, Mr. Chairman.

MR. SHANKER: Thank you.

MR. STRODTMAN: Thank you, Mr. Shanker.

MS. MEIER: Amy Meier, 906 Sandifer. I'm the very top property on the map there. My situation is a little bit more unique. I support the proposal to downzone to R-1 simply because there is a lot of R-3 zoned homes on the corner of Paris and Sandifer there that have a nebulous use of a business and not residence, and they've continued to purchase homes along Paris Road at the R-3 designation and use it as a day care, which causes problems, including parking, lighting, things like that. And I have very good appreciation for Peter for helping us in alleviating some of those problems. But my husband and I have spent the last 12 years and thousands of dollars and hours improving our home that was formerly a rental and we own now. It's our first home and we hope that we can continue to provide, when we do decide to sell, that to residents who want to have a single-family home for a young couple or a young family wanting to start their lives. So having it be R-1 would be, I think, ideal and affordable for people looking for, you know, a nice first home.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just -- just real quick then. From the value perspective, you hope to -- I mean, you're all going to upgrade, so to speak, at some point, and you hope to sell it to someone else who wants a starter home. Right?

MS. MEIER: Sure. And even if it becomes a rental, we only would like residents living there, and not -- not to be part of a business.

MR. MACMANN: So it's -- in your view, it's saleable type of --

MS. MEIER: I'm sorry? Excuse me?

MR. MACMANN: In your view then, this fits with your future sale plans, if you were to sell?

MS. MEIER: Yes.

MR. MACMANN: All right. Thank you very much.

MS. MEIER: Absolutely, and it preserves the character. We love the neighborhood.

MR. STRODTMAN: Commissioners, any additional questions for Ms. Meier? I see none. Thank you, ma'am.

MS. HAMMEN: Janet Hammen, 1844 Cliff Drive in East Campus. And I just also am speaking in favor of the downzoning. East Campus neighborhood has downzoned more than 60 properties since this ordinance first came into being. I would guess 68 properties. And we do feel that it helps stabilize neighborhoods. Thank you.

MR. STRODTMAN: Commissioners, any questions for Ms. Hammen? No. Thank you, ma'am.

MR. RAHAMAN: Hello. I'm Lenny Rahaman; I live at 612 Paris Court, one of the properties requesting to be downzoned. I simply want to add to my written request a personal request that you grant this -- approve this downzoning.

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

MR. BEIGER: My name is Peter Beiger; I live at 1411 Pratt Street. And I wasn't intending to get up, but I just wanted to emphasize that this is -- Benton-Stephens is a very, very unique neighborhood in this city. It's historic. It's special. It's a real neighborhood. It's priceless. And we are on the edge of losing it for one reason or another, like the -- the passing of time, the -- the change of the population of the city. Its location is fabulous. I mean, it's incredibly attractive to all people. But I want to recommend that you do what's right because you don't want to lose this neighborhood, you know. The -- just want you to know how much -- I came here with my wife and daughter in 1971 and moved into the Benton-Stephens neighborhood. And I'm an actor by profession and a teacher by trade and worked at Stephens College in their professional theater company. And in those days, it was so beautifully balanced. And I've been in the Benton-Stephens neighborhood for -- off and on, since '71. And I love the Benton-Stephens neighborhood. I love it. I love what it means. I love its potential. You know, the broken mirror theory, you know. And we're getting into the trashed streets theory. More and more rentals. If it were up to me, I'd declare the whole neighborhood an historical neighborhood that cannot be destroyed any further. If you walk through the neighborhood, if you live in the neighborhood, I've had a -- I've had an Adopt-A-Spot for 15 years. And you know, after a while, you're picking up the garbage on Walnut there by Old 63, and it was a garbage dump for years, and I was out there picking things up. And, you know, people would look at me and now they pay mind. They realize that there's a reason why this neighborhood is special and -- and they recognize the effort that goes into that. And I hope you can do -- do the -- do what's right. Do what's right. You won't regret it. You won't regret it. This is an incredible neighborhood and it means so much to so many people, and it really hurts to see the drug raids, the garbage on the streets, and it's -- you know, it's being -- it's being degraded. And something like this will really, really add to its potential and -- and hope for all of us who just love this neighborhood and are dedicated to it.

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

MR. BEIGER: Thank you.

MR. FARNEN: Good evening. My name is Mark Farnen; 103 East Brandon, Columbia, Missouri. I had a few remarks, but I have more questions now that I heard the testimony that was given by staff and -- and the speakers. I think that it would be prudent to -- let's answer a few questions and -- and I don't know the answer to these. The first one is that if there is no change in how this would apply under the new UDO to nearby properties, then what is the purpose of the downzoning? And if it is a tool in the kit, how will it be used as a tool in the kit? What does it do? If it does nothing, then it won't matter if this passes or not. If it does something, what is that something that it invokes? And I don't know the answer to that because I thought differently that the way that it was described by the staff. And I understand exactly what his point is, so now I don't understand it because I thought that the letter that applied for this said that this would take advantage of the neighborhood protection standards and that that's what they were hoping for in the future UDO. And so, if that could be clarified or discussed, I think that would be important. The second thing that I never thought of until tonight was if -- if these homes or structures are currently nonconforming as R-3 and they're rezoned as R-1 and still are nonconforming, can a nonconforming lot or use be used to invoke the future UDO standards? It's nonconforming, so I don't know if it legally then has status or maybe it does, but I never even thought of that until tonight. I do wonder about the spot zoning that has been addressed. I do wonder about that because, as I look at the map that is on the screen, it looks like maybe ten of them or a few more may be that case and maybe those ought to be split out and discussed separately somehow. Some of them are adjacent, some are not. Some are catty-corner, some are not. Some are across the street, some are not. And so just because they're all turned in in one application doesn't make all the properties the same. Then finally, and this might actually be something for discussion during the UDO and would need to be fixed probably before this is done. I think that people are counting on the fact that under the neighborhood protection standards in the new proposed Code, I think we think that if your -- that if an R-1 or R-2 zoned property or R-1 or R-2 use property is next to something that is not that, that these neighborhood protection standards then apply. I think that's what we mean and have meant in all these discussion, but I kept reading it for the last several days and I don't think it says that. This might actually help Benton-Stephens to get this clarified. I think it says that when it's next to a commercial property. If a non-R-1 or R-2 is next to something that is commercial, then it says adjacent to, and gives that clarification, but I don't think there's anything that actually invokes it for residential next to other residential. And it may, but I didn't think that -- I kept reading it over and over and over again and I thought we ought to clarify that one for sure just to make sure that it is what we think we meant. And so that's what I'm trying to do. I think it's in that first -- very first part where it says these shall apply to all properties, but then it never has the invocation of it. It doesn't ever say this is how it's going to be used. It does on the commercial ones, but not on the residential -- I think.

MR. STRODTMAN: Ms. Loe?

MS. LOE: So it says these standards apply, so I'm on page 291.

MR. FARNEN: You're on the right place.

MS. LOE: 29-4.A. I'll take us all back there. Remember three weeks ago? B(1) to all lots in the R-MF district that contain a principal use other than single- or two-family dwellings.

MR. FARNEN: Right.

MS. LOE: So that would be all uses other than one- or two-family in R-MF --

MR. FARNEN: Right.

MS. LOE: -- commercial or otherwise.

MR. FARNEN: Right. So then in the next part, it specifically talks about if an R -- non-R -- if an R-1 or an R-2 use or zone is next to a commercial that is adjacent, you made the -- you made the amendment to make the word instead of along or abut --

MS. LOE: Contiguous.

MR. FARNEN: Contiguous, yes.

MS. LOE: No, I added contiguous, but this is to all lots located in any zoned district other than R-1 and R-2 districts that share a side or rear lot -- contiguous side or rear lot line with one or two.

MR. FARNEN: I thought was in relation to the commercial -- okay. I thought that was in relation to the commercial part only.

MS. LOE: Huh-uh.

MR. FARNEN: Because of its position in the Code. Okay.

MS. LOE: There's never any specific commercial --

MR. FARNEN: No distinction. Okay.

MR. STRODTMAN: Any zoning outside of.

MS. LOE: Yeah.

MR. FARNEN: I got it. I got it. I was challenged on that myself today. I'm saying, oh, that's not what they mean, and I kept reading it and I couldn't figure that one out.

MR. STRODTMAN: I think you're reading it too much.

MR. FARNEN: I am. I am. I have. So those are -- those are the things that I -- that I didn't realize I was going to talk about, but as I thought about -- and would be happy to answer any question about any of those, particularly that weird one about can a nonconforming lot be used legally to prevent something happen on another lot.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I will ask Mr. Zenner that question in just a minute. I think we're going to create some legal nonconformities.

MR. FARNEN: Right.

MR. MACMANN: I think that's what we're going to do. To go back to your original point of why do this, and I think I tried to address that with Mr. MacIntyre and I think these kind folks in Benton-

Stephens have addressed this also, and I'm just going to toss this out here. This is about the future, about redevelopment. As it exists, as Mr. MacIntyre says, what's there now, everybody is good. But as we move forward, then we address these issues with redevelopment or planned rezoning and stuff like that. And then we have some screening standards and some stepdowns, and that's it. And this is to protect the revitalization and support --

MR. FARNEN: But if they don't need the zoning to do it, if they can use a use, then -- then wouldn't -- then this is --

MR. MACMANN: Well, this -- what this does is it adds -- and I believe Mr. Norgard -- this is my understanding and I'm saying this for our discussions later.

MR. FARNEN: Okay.

MR. MACMANN: This adds an additional level of protection. Someone comes in and buys up six or seven lots, they're going to have to apply for a rezone if they want to combine them.

MR. FARNEN: Right. Right.

MR. MACMANN: Yeah. And that's -- that's a protection. That's a neighborhood-wide protection. That's not something that I don't see it as one protection.

MR. FARNEN: Oh, okay. I get your point better. Okay.

MR. MACMANN: Do you see what I'm saying?

MR. FARNEN: Yeah. I get it.

MR. MACMANN: It's for future, for the entire neighborhood, not just this property owner vis-a-vis this property owner.

MR. FARNEN: So you would have to go back and up -- re-upzone and that's not something that typically happens.

MR. MACMANN: Oh, it certainly can. We have that procedure basically.

MR. FARNEN: Oh, I know. I know. But that's right, it wouldn't --

MR. MACMANN: And I just -- I didn't -- I don't -- Mark, I don't want go down the road too far.

MR. FARNEN: Yeah. Yeah. No. No. No. That's all right.

MR. MACMANN: I've got it up for us for later on.

MR. FARNEN: That's what I was asking -- that's what I was asking about, and I couldn't figure out what then what's the purpose if the staff said, because I had never thought of it that way. And so I get you.

MR. MACMANN: Long run.

MR. FARNEN: Got you.

MR. MACMANN: All right.

MR. FARNEN: Thank you.

MR. STRODTMAN: Commissioners, any -- Ms. Loe?

MS. LOE: I think you're setting yourself up, Mr. Farnen, because didn't you previously -- I'm checking my notes -- have some objection or comment on neighborhood projections next -- using use versus just zoning?

MR. FARNEN: I did.

MS. LOE: Yes. So what this is doing is, right now, we are, I feel, in a position where we have to include use because of the muddle that's been created in the Benton-Stephens and East Campus areas. And what this downzoning is doing is correcting the misalignment of use and zoning that exists on these properties. And once we get it all straightened out, we can get rid of that use factor and then go straight to zoning.

MR. FARNEN: I understand, and I did bring that up, and I lost.

MS. LOE: Right. Because right now -- because right now we -- it's a muddle.

MR. FARNEN: But I understand.

MS. LOE: And this is correcting that because we have misaligned uses and zoning.

MR. FARNEN: I think this is a good discussion and thank you.

MR. STRODTMAN: Commissioners, any additional questions for Mr. Farnen?

MR. FARNEN: Thank you.

MR. STRODTMAN: Mark, thank you. Anybody like to follow up Mr. Farnen? Last chance for discussion? Anybody like to come forward? I'll consider that no, and we'll close the public hearing portion of 17-23.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, discussion? Ms. Russell?

MS. RUSSELL: I think it's impressive that these residents are so in love with their neighborhood and I fully intend to support this for them.

MS. RUSHING: And I agree.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Good chess move.

MR. STRODTMAN: Would someone like to make a motion? Mr. MacMann?

MR. MACMANN: In the matter of Case 17-23, a voluntary request by owners of properties within the Benton-Stephens neighborhood to rezone 35 parcels of land from R-3 (Medium Density Multiple-Family Dwelling District) to R-1 (One-Family Dwelling District) and R-2 (Two-Family Dwelling District), I move that we accept.

MS. LOE: Would you --

MS. BURNS: Add as exhibited in the staff report.

MR. MACMANN: Thank you very much.

MR. STRODTMAN: As -- as defined in the exhibit to the staff report?

MR. MACMANN: As presented in the published staff report as delivered to us by Mr. Zenner on this day.

MR. STRODTMAN: Do we have a second?

MR. STANTON: Second.

MR. STRODTMAN: Mr. Stanton. We have a motion that has been put on the table -- on the floor by Mr. MacMann and seconded by Mr. Stanton. Commissioners, any discussion on this motion -- questions? I see none. Ms. Burns, when you're ready.

MS. BURNS: Thank you.

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

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Recommendation for approval will be forwarded to City Council for their consideration. With that, I would like to suggest we take a ten-minute recess, so we'll be back at 9:00 p.m. for any of the audience who would like to stick around for the UDC-UDO discussion.

(Off the record.)

MR. STRODTMAN: Good evening. We'll go ahead and reconvene our -- I forget even what day it is -- January 5th, 2017 Planning and Zoning public session. We'll go ahead and get started again. At this time I would like to ask any Commissioner who has had any ex parte communications prior to this meeting related to this case, 16-110, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. I see none.

Case # 16-110

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

MR. STRODTMAN: Mr. Zenner, Mr. Teddy, would you like to have a few words?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff is presenting the Unified Development Code for adoption as amended per the UDC Errata Sheet dated December 30, 2016.

MR. STRODTMAN: Thank you, Mr. Zenner. Any questions, Commissioners, of staff at this point so far? Good. With that we will go ahead. We've got six segments that are open, and so I would like to start with Segment One. Commissioners, are there any additional amendments or discussion needed on Segment One? I see none. I would be looking for a motion to close Segment One. Ms. --

MS. RUSHING: I move -- oh, go ahead.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Move to close Segment One.

MS. RUSHING: Second.

MR. MACMANN: Second.

MR. STRODTMAN: We have a motion to close Segment One that was made by Ms. Loe and seconded by Ms. Rushing. Commissioners, discussion needed on this motion? I see none. Ms. Burns, when you get a chance.

MS. BURNS: Thank you.

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

MS. BURNS: Motion carries nine to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Segment Two, Commissioners? Any discussion needed? Amendments to Segment Two? Mr. MacMann?

MR. MACMANN: I move to close Segment Two.

MS. RUSSELL: Second.

MR. STRODTMAN: Thank you. We have a motion that has been put on the floor to close Segment Two by Mr. MacMann and seconded by Ms. Rushing.

MS. RUSSELL: Russell.

MR. STRODTMAN: I'm sorry. Ms. Russell. Sorry. Any -- Commissioners, any discussion needed on this motion? I see none. Ms. Burns, when you are ready.

MS. BURNS: Thank you.

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

MS. BURNS: Motion carries nine to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Segment Three, Commissioners, is open. Is there any discussion or amendments needed for Segment Three? Ms. Loe?

MS. LOE: Yes. If you have -- it's on page 23 of the errata sheet and page --

MR. MACMANN: Page --

MS. LOE: Page 23 of the errata sheet and page 196 of the UDC. I'll give you all a minute to find those.

MS. RUSHING: You're talking about buildable area?

MS. LOE: I am talking about building area.

MS. RUSHING: At the bottom of page 196.

MS. LOE: So it is Item 29-4.2(d)(7)1. We revised the language from private or public open area shall be provided for buildings greater than 1,000 square feet in gross floor area according to the

following schedule. Schedule 2, if you look at the errata sheet, non-residential open space requirements, private or public open areas shall be provided for buildings greater than 1,000 square feet in buildable area according to the following schedule. We had five pages of discussion on this in the October 27th meeting, pages 54-58 if you want to look at the meeting minutes, about how to describe that buildable area. And we had talked about it being a footprint, but we had decided -- moved away from that because footprint is not defined in our definitions, buildable area is. My issue with this right now is that buildable area is defined as the area of a lot, not the area of a building. So I find this to be confusing that it states for building with greater than 10,000 square feet in buildable area when buildable area is defined as the area of a lot. I would like to propose it be changed to "provided for lots with greater than 10,000 square feet in buildable area", which I believe was my original intent when I made the motion.

MS. RUSHING: And which -- on (B) buildable area, is that where you are?

MR. STRODTMAN: (B) 1, yes.

MS. RUSHING: And, to me, it says "gross floor area".

MS. LOE: You're looking at the original language. If you look at the errata sheet --

MS. RUSHING: Oh, okay.

MS. LOE: -- it's been changed. Any comments from staff?

MR. ZENNER: I would tend to agree with you that I believe that that probably is what we wanted, and we may have in five pages of discussion --

MS. LOE: I understand.

MR. ZENNER: -- lost a little bit of it as well. So I think I would tend to agree with you. A building does not have a buildable area per se. If you want to refer to it as gross floor area, which would have been all floors, but that's not what we wanted.

MS. LOE: That's what we were moving away from.

MR. ZENNER: We wanted to look at the lot. So I would tend to agree with where your position is, Ms. Loe, that it would be "public or private open space shall be provided for lots greater than 10,000 square feet in buildable area according to the schedule". And that definitely then makes sense, and I believe you would need to make a similar change to Item No. 2 as well within this same section on page 23 of the errata sheet. Yes.

MS. LOE: Provided for any lot, regardless of its buildable area.

MR. MACMANN: Whereby "building" would be deleted and "lot" would be added? Is that where you're going, Mr. Zenner, in that sentence?

MR. ZENNER: I believe that is correct.

MR. TEDDY: Lots greater than 10,000.

MR. ZENNER: Well, yeah, "shall be provided for lots". I'm looking at No. 2, and we'll get there in a moment. So after -- in that first line -- end of the first line following 4 on page 23, this would be -- the revision to Section 29-4.2(d)(7), Item No. 1, end of the first line of 1, strike "buildings", add "lot", and that would correct the error or the -- resolve the conflict --

MS. LOE: Uh-huh.

MR. ZENNER: -- that exists, so that we're tying a lot greater than 10,000 square feet in buildable area to providing open space in accordance to Items (i) through (vi).

MR. MACMANN: I'll second that.

MR. STRODTMAN: Mr. MacMann. An amendment has been made by Ms. Loe and seconded by Mr. MacMann. Commissioners, discussion on this amendment? I see none. Ms. Burns, when you're ready.

MS. BURNS: Thank you. Yes.

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

MS. BURNS: Motion carries nine to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Additional discussion on Segment Three? Yes, Ms. Loe?

MS. LOE: So similarly then at Item 2 of that same Section 29-4.2(d)(7) 2, strike out "building" at the end of the first line, and replace that with "lot" -- public -- private or public open area shall be provided in any lot, regardless of its buildable area.

MR. ZENNER: No.

MS. LOE: Or --

MR. ZENNER: It should be -- you should strike "regardless of its buildable area", and it would read then "Public or private open space shall be provided in any building which contains four or more dwelling units, according to the following schedule".

MR. MACMANN: Second.

MR. STRODTMAN: A motion -- an amendment has been made by Ms. Loe and seconded by Mr. MacMann. Commissioners, discussion on this amendment? I see none. Ms. Secretary, when you are ready.

MS. BURNS: Thank you.

MR. STRODTMAN: Thank you.

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

MS. BURNS: Motion carries nine to zero.

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

MS. LOE: In the Code, page 188, under balconies, and the errata sheet, page 24. Okay. These don't line up right now, but the added Item 29-4.2(e)(1)(iv)(B) 2 --

MS. BURNS: Could you repeat that, please?

MS. LOE: 29-4 -- I haven't made the motion yet.

MS. BURNS: Okay.

MS. LOE: Okay. Yeah. Yeah. Yeah. 29-4.2(e)(1)(iv)(B). We added the language "Balconies are permitted and may be counted as private open area when their minimum size is eight feet wide and five feet deep. Balconies shall not project more than two feet forward of the required building line, RBL." We added this at the section. It is not added at 188. We added it under the Section 4, urban general or urban storefront on page 199 under building projections. My question -- and I was checking this just because I was looking for that minimum square footage where we count balconies toward open area. Under balconies here, it says, Check -- if you look on page 188, Item (8)(ii), "Where an individual building form standard includes balconies as a method for achieving the required" -- it goes on and it says to check those individual standard forms for those definitions. Urban general/urban storefront is the only section that includes language for balconies. So that means we are not allowing balconies to count toward private open space in urban general west because it doesn't define balconies. And we don't define it in townhouses, except for in a diagram. So my concern is that it is not being uniformly defined, and wouldn't we want it to be counted toward private open space, provided it meet that eight foot by five foot in any of those areas?

MR. MACMANN: You're stating throughout the City, throughout the -- all zoning districts where open space --

MS. LOE: This is M-DT. We're in M-DT.

MR. MACMANN: Okay. All right. I just wanted to make sure how big we were going.

MS. LOE: Urban, urban general, urban -- so if you look at 190, that's where we've added it. And it's under the section, building projections. We don't even have a building projections description under urban general west. And then under the townhouses, we just don't define balconies. So I'm thinking let's just define it on page 188 under "balconies" and say -- where we have all the general requirements for balconies. And can we do that and let it count toward all the other sections moving forward?

MR. TEDDY: If it's identified as a general provision that applies to all buildings, then it's a yes.

MS. LOE: Is there any reason we wouldn't allow balconies in all of the areas and/or let it count toward open space?

MR. STRODTMAN: Within the M-DT?

MS. LOE: Within M-DT. We're in the M-DT section.

MR. STRODTMAN: Yes.

MR. TEDDY: Well, it's a partial allowance. I mean, there's nothing that says you can rely on balconies to get 100 percent of it required, so I don't see --

MS. LOE: We allow residential in urban general west. Right? So I'm thinking if they provide balconies, we would want to allow them to count towards the open space if they are big enough.

MR. STRODTMAN: If they meet this minimum?

MS. LOE: Uh-huh.

MR. STRODTMAN: Yeah.

MR. MACMANN: So procedurally, where would you put that then?

MS. LOE: I'd put it in under balconies on page 188.

MR. MACMANN: Just -- and move that up then so it --

MS. LOE: Moving -- yeah. And delete it on the page 199 simply because if we do it there, we're going to have to define it in each section.

MR. MACMANN: Understood.

MS. LOE: This balcony section is a general overall.

MR. MACMANN: So would you --

MR. STRODTMAN: Where was the -- you said 199, Ms. Loe?

MS. LOE: We added it -- okay. So where we add it in the errata sheet is under Item B on -- at the top of that sheet is building projections. If you look at the errata sheet, we're adding it under that shop fronts may extend -- it's a new Item 2 under that Item B. That's where we have added it. And that's what I'm saying. We've only added it there.

MS. BURNS: So to clarify, we need to add this in the M-DT --

MS. LOE: Or move it.

MS. BURNS: -- or move it. Okay.

MR. MACMANN: We need to move it in toto? Do we need new language?

MS. LOE: I don't think we need new language.

MR. MACMANN: I was going to say, would you like -- what would that sound like?

MS. LOE: Well, if everyone is in agreement, I would propose -- or I would move moving that language "balconies are permitted and may be counted as private open area when their minimum size is eight feet wide by five feet deep. Balconies shall not project more than two feet forward of the RBL", from 29-4.2(e)(1)(iv)(B) 2 to 29-4.2(d)(8)(ii)(D).

MS. RUSSELL: Second.

MR. STRODTMAN: An amendment has been put on the floor by Ms. Loe and seconded by Ms. Russell.

MR. MACMANN: Point of order. Do you want to delete it? Did you mention that specifically?

MS. LOE: Moving it -- oh.

MR. MACMANN: And so --

MS. LOE: Moved means --

MR. MACMANN: All right. All right.

MS. LOE: Yeah.

MR. MACMANN: That's fine. I just wanted to make sure move, slash, delete.

MR. STRODTMAN: Commissioners, discussion on this amendment? Mr. Zenner?

MR. ZENNER: We added on -- and I'm trying to find it here right now, but for some odd reason in my notes, unless I am incorrect, under balconies on page 188, we added a new Item (ii). And that new

Item (ii), I'm trying to find where it would otherwise be here in our errata sheet itself because it's going to show up as a separate -- it's on page 19.

MS. LOE: Okay.

MR. ZENNER: Page 19 of your --

MS. LOE: Yeah.

MR. ZENNER: -- errata sheet under balconies. And this is 29-4(d)(8)(iii)(C). And, in essence, basically we were creating a new section, so we have moved what was (ii), which is what I believe what Ms. Loe was wanting to have amended to add an Item (d), that's now Item (iii) under the revision that is on page 19. So basically we added the projection language that you could not project --

MS. LOE: Right.

MR. ZENNER: The balcony shall not generally -- and this would be the general balcony standard -- shall not project more than two feet forward of the required building line. So that covers, in essence, your -- that covers you in all form standards -- all BFS. Now, what I would question then is given that that amendment has been made, on page 19, the amendment that is now on page 24 --

MS. LOE: Uh-huh.

MR. ZENNER: -- is that amendment necessary given that you have already specified that it is -- you specify the two-foot extension.

MS. LOE: Right.

MR. ZENNER: The question now that is left unresolved is that balcony can count as private open area. That is what on page 24, Item (ii) includes. So if you are wanting to allow balconies in all form standards, i.e. urban general west and then apartment/small townhouse -- or townhouse/small apartment to count as open space -- private space, I believe Item 3 in balconies general does that already. You have to meet these particular criteria or to count as private open space.

MS. LOE: Except it doesn't identify the minimum size.

MR. ZENNER: It --

MS. LOE: And it also -- this is bringing up, which I hadn't noticed before, that it also says that it has to be identified as a means for achieving it, which again in urban general west, I'm not -- I don't see balconies as defined.

MR. ZENNER: I believe that may fall under the ability for a balcony to be able to be used as public or private open space. That would be in a general provision as well.

MS. LOE: Okay.

MR. ZENNER: So I guess we've addressed --

MS. LOE: So I agree we don't -- we can strike the second sentence, but I believe we still need that first sentence under what is now Item (iii) would be Item D --

MR. ZENNER: D.

MS. LOE: -- stating --

MR. ZENNER: Yeah.

MS. LOE: -- it has to be four -- or eight feet by five feet minimum if it's going to counted toward the open space.

MR. ZENNER: And I have come across a reference that originally -- and had had a conflict with it actually. It had to be seven feet and 70 square feet. And that is actually in your open space standards. So let's jump back here. I'm sorry.

MS. LOE: That's except when it's not an individual balcony. It can't be less than seven feet.

MR. ZENNER: So --

MS. LOE: It's all but --

MR. MACMANN: I thought we'd --

MR. ZENNER: And here's -- here's where -- and this is -- this is -- I'm glad we're going through this. So if we -- do you have -- on page 19, we deal with the two foot projection, which is what's on page 24. And then on page 23, under residential open space requirements, we -- this is -- we retitled this section private or public open space. And if you look under 2, Item 2(iii), any private or public open space with the exception of an individual balcony -- okay. So the exception is you can't make an individual balcony. Yes, that would then -- if we add the first half of what is on page 24 (ii), indicating that it must be eight by five, that's fine, or if you would prefer, it may be better to amend Item (ii) -- add -- add that open space standard as a new roman numeral under open space. So it's -- all the open space standards are there, so if you have a balcony, the balcony must be eight by five to count as your private space -- private -- the private open space.

MS. LOE: I would accept that.

MR. ZENNER: Okay.

MS. LOE: So I withdraw my previous motion.

MR. ZENNER: And then we can figure out how we are going to craft this next one.

MS. LOE: Well, let's move to strike -- delete the language on --

MR. ZENNER: Page 24.

MS. LOE: -- on page 24.

MR. ZENNER: That would be section -- so the amendment on page 24 that is referenced to Section 29-4.2(e)(1)(iv)(B) -- that is the top amendment. We are going to delete that entire amendment.

MS. LOE: Correct.

MR. ZENNER: Is that a motion?

MS. LOE: Yes. Move to -- what Mr. Zenner said.

MR. STRODTMAN: Would you say that again, please?

MS. LOE: Move to strike the language added at 29-4.2(e)(1)(iv)(B)(ii).

MR. ZENNER: Top of page 24 of the errata sheet.

MR. STRODTMAN: Yeah.

MS. RUSSELL: Second.

MR. STRODTMAN: A motion has been put on the -- on the floor by Ms. Loe and seconded by Ms. Russell. Commissioners, discussion? Questions? I see none. Ms. Secretary, when you're ready.

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

MS. BURNS: Motion carries nine to zero.

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

MS. LOE: Okay. Then to stitch this up, add Item -- page 23 of the errata sheet, Item 29-4.2(d)(7) 2 --

MS. BURNS: I'm sorry. One more time, please.

MS. LOE: 29-4.2(d)(7) 2, add Item (iv) "Balconies may be counted as private open area when their minimum size is eight feet wide and five feet deep." "Individual balconies" -- sorry. "Individual balconies may be counted as" --

MR. MACMANN: Private open space.

MS. LOE: -- "private open space -- open area" -- that's how we have it here -- "when their minimum size is eight feet wide by five feet deep".

MR. MACMANN: Those are set as minimums then?

MS. LOE: Minimums.

MR. MACMANN: Second.

MS. LOE: Minimum.

MR. MACMANN: I'll second that motion if that language is good. Second the motion, excuse me.

MR. STRODTMAN: A motion has been made by Ms. Loe and seconded by Mr. MacMann. Commissioners, discussion? I see none. Ms. Secretary, when you are ready.

MS. BURNS: Thank you.

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

MS. BURNS: Motion carries nine to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Additional motions, discussion? Mr. Zenner?

MR. ZENNER: Point of clarification. Are you also, Ms. Loe, wanting to add that same language under Item No. 1 within that same section as (vii) to ensure that balconies may be permitted in buildings greater than -- for lots greater than 10,000 square feet of buildable area as an option or not?

MS. LOE: So in this case it would be non -- it's nonresidential, so we're considering a balcony off an office -- a private office space or --

MR. ZENNER: That would be -- that would be how it would be interpreted. Yes.

MS. LOE: Correct. People in agreement to add it there? All right. So let's add it there as well. 29-4.2(d)(7) 1, add Item (vii) "Individual balconies may be counted as private open area with their minimum size is eight feet wide by five feet deep".

MR. MACMANN: Second.

MR. STRODTMAN: A motion has been made by Ms. Loe and seconded by Mr. MacMann. Commissioners, discussions, questions? I see none. Ms. Secretary, when you are ready.

MS. BURNS: Thank you.

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

Motion carries 9-0.

MR. STRODTMAN: Commissioners? Ms. Loe?

MS. LOE: I move to close Segment Three.

MS. RUSSELL: Second.

MR. STRODTMAN: A motion has been made to close Segment Three and -- by Ms. Loe and seconded by Ms. Russell. Commissioners, discussion on closing Segment Three? I see none. When you're ready, Ms. Burns.

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

Motion carries 9-0.

MS. BURNS: Motion carries nine to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Commissioners, Segment Four is still open. Is there any additional discussion or motions for amendments on Segment Four? Would anyone like to -- is there any discussion on Segment Four? If not, I would take a motion to close. Ms. Russell?

MS. RUSSELL: I move to close Segment Four.

MS. BURNS: Second.

MR. STRODTMAN: A motion has been made to close Segment Four by Ms. Russell and seconded by Ms. Burns. Commissioners, discussion on closing Segment Four? I see none. Ms. Burns, when you are ready, please.

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

Motion carries 9-0.

MS. BURNS: Motion carries nine to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Commissioners, Segment Five is open with the amended -- motion amendments that we have made in the past. Is there any additional discussion needed on Segment Five? Ms. Russell?

MS. RUSSELL: I just have a correction on page 15 of the errata sheet. I don't think it needs an amendment. The minutes handled that on 12/2.

MS. LOE: 12/12.

MS. RUSSELL: 12/12. On the table 4.8-2, residential use signs, other, the maximum area of an open house sign, I withdrew my motion to increase it to 7.5 square feet. So it should remain 4 square feet.

MR. STRODTMAN: Mr. Zenner, would that require a motion since it was already --

MR. ZENNER: If the minutes clearly reflect that it is --

MS. RUSSELL: They do.

MR. ZENNER: -- and it is an error on my part, we'll go back and re-review --

MS. RUSSELL: Okay

MR. ZENNER: -- the minutes from the 12th.

MS. LOE: Page 10.

MR. ZENNER: Page 10 of the minutes from the 12th.

MS. LOE: Right.

MR. ZENNER: Thank you. We will -- we do not need an amendment on that. That is a scrivener's error on my part.

MR. STRODTMAN: Thank you. Ms. Russell, any other--

MS. RUSSELL: No. Thank you.

MR. STRODTMAN: Thank you. Commissioners, any additional items on Segment Five for discussion?

MS. LOE: Move to close Segment Five.

MR. STANTON: Second.

MR. STRODTMAN: A motion has been made to close Segment Five by Ms. Loe and seconded by Mr. Stanton. Commissioners, any discussion on this motion? I see none. Ms. Secretary, when you are ready.

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

Motion carries 9-0.

MS. BURNS: Motion carries nine to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Wow. Segment Six is open with the amendments that we've made in the past. Is there any additional discussion on those amendments or any additional amendments needed to Segment Six? Mr. MacMann?

MR. MACMANN: I move to close Segment Six.

MS. RUSHING: Second.

MR. STRODTMAN: A motion has been made by Mr. MacMann to close Segment Six and seconded by Ms. Rushing. Commissioners, any discussion? I see none. Ms. Secretary, when you are ready.

MS. BURNS: Thank you.

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

MS. BURNS: Motion carries nine to zero.

MR. STRODTMAN: Wow. Commissioners, we are so close to that finish line. So Commissioners, all of the segments have been closed at this point. Is there additional discussion? Ms. Rushing?

MS. RUSHING: Is each Commissioner making final comments --

MR. STRODTMAN: We can if you would like, if --

MS. RUSHING: Is this the appropriate --

MR. STRODTMAN: -- there is no additional specific information, then we can start. So I will start with Mr. MacMann. So what I would like to do is just give each of you an opportunity to give us any input that you would like before we make our -- before we would maybe consider a motion to approve Case 16-110 as amended. Mr. MacMann?

MR. MACMANN: If it's all right with the Chair, I would like to withhold my comments for just this exact moment for a short time. I may not -- I may not be making any.

MR. STRODTMAN: We'll honor that.

MR. MACMANN: Thank you.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: Yes. I do have a few comments. In the UDO it refers to Columbia Imagined as supporting documentation. I am somewhat concerned that that would be perceived as making Columbia Imagined a regulatory document, so I want to make sure that there is an understanding that that is supporting documentation. I understand that change is hard, and this document will cause a lot of angst in the community. I do believe that initially there is going to be an economic downturn, but I think that will turn around as people get used to the document. We've put in a number of hours -- I think over 40 in just meetings. The hours that everybody has put in has been just huge. I believe we have made the best document that we could to go to City Council. I want to thank City Council for putting up with us and the City staff. We have -- have been demanding, and you have handled it very nicely. Thank you. I want a special thank you to Commissioner Loe. Your attention to detail has been invaluable for all of us. I do plan to approve this document and send it to City Council. I would like the minutes to show that I really encourage City Council to approve this document with our amendments. We have listened to the public. They have hung in there with us. And I'm going to approve it, but I -- I would just like to see the City Council acknowledge that -- the hours of work we've put in. Thank you.

MR. STRODTMAN: So you're suggesting a pay raise?

MR. TEDDY: A thousand percent.

MR. STRODTMAN: With a zero. Double the zero.

MR. MACMANN: I'll just take a doubling.

MR. STRODTMAN: Ms. Loe, any comments?

MS. LOE: I think it has been -- I've enjoyed the process. It has been long hours, but I've enjoyed it. There was one -- there has been some areas that we have received comments on that we simply haven't had the ability to get into in this process. They have simply been bigger than what this process could handle. And I would simply like to make a recommendation for one of those to be carried on after the process, separate from the UDO approval -- is this the right time to make this comment? And that -- the question was about whether or not we were including enough for affordable housing, and what came to my attention in re-read -- working through the Code was that we have bonus densities for single-family or duplex housing where subdivision housing in our cluster density bonus and our solar orientation density bonus, but we don't have one for our multi-family density bonus. And I would like to encourage City Council to develop a density bonus for the multi-family incentive to be developed to incentivize affordable housing.

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

MS. BURNS: I, too, want to thank City staff for providing us with -- I don't know how much time you all must have spent on providing the information that we used to come to our recommendations. And I want to thank the community members who have come forward to share their opinions and their thoughts. And I'm proud of the work that we have done, and I want people to know that have contributed to the process that we looked at every document and at every comment. It might not have been discussed here, but -- and I want them to know that it was done thoughtfully and thoroughly as far as responding to comments that we received -- and whether it was somebody coming to the podium or an email correspondence. And I plan on supporting this document, and I'm proud of this document.

MR. STRODTMAN: Thank you, Ms. Burns. Mr. Stanton?

MR. STANTON: I would also like to thank staff for your outstanding work and tenacity and patience with us. This document, I know there was a lot of protest about change and don't fix something that isn't broken, but apparently, it was broken or we wouldn't have spent the money to get the Code looked at. So I am proud of the work that the Commission has done, and history will show that we made the right decisions. It might not be -- be now, but history will be on our side in the near future.

MR. STRODTMAN: Thank you, Mr. Stanton. Mr. Harder?

MR. HARDER: This has been quite an experience. Like everybody, it has been very busy these last six months. I appreciate all the work that staff has done. The public input as well, too, I think has allowed us to make it to be the best document that it possibly could be. I definitely am going to support it. I think we got it the best we possibly can get it, and I'm glad we're to this point.

MR. STRODTMAN: Thank you, Mr. Harder. Ms. Rushing?

MS. RUSHING: I'm just going to echo what's already been said, I believe. And I did look up the Gettysburg Address, which was delivered in two minutes, not 20. I want to thank the members of the public because I have a lot of respect, even if I didn't agree with you -- with people who came forth and were calm and rational and presented good arguments for their positions. I think that speaks very well for

this community. I also thank staff for their ability to respond to questions to provide us with the information we needed without maybe perhaps saying, oh, no, not that again, but with just being professional at all times. And members of the Commission for their ability to maintain their sense of humor -- and we didn't get in big arguments with one another. It was always arguments of positions and facts. And, again, to Ms. Loe for her attention to detail, which I do not have any of -- and I appreciate that. And also, in just whipping through the minutes, the ability of the Chairman to keep our discussion on track, even though it seemed like we were here forever, when I was reading the minutes, it was really clear that you were trying to keep us on track, and I appreciate that. I came into this process in the middle, and I was very concerned, and I have mentioned this several times. The purpose of the UDC it says is to implement the vision and recommendations of the City and the Columbia Imagined Comprehensive Plan, and yet I saw obstructions to accessibility, which I think we took care of, no attempt to address affordability, which Ms. Loe has proposed that we -- that the City now pursue. The City is taking, I think, the total obligation for providing public space, and I suppose that's the City's decision. And I think some of the residents have mentioned attempts to try and maintain the diversity of their neighborhoods, and I didn't see any particular provisions in the Code right now as proposed that would do that. And I had my own personal concerns about whether or not it's flexible enough. Some neighbors -- I mean, some individuals said it is too complex, but, I mean, it's very complex, but then how do you get around that? And another concern I had was including the overlay districts. What that means to me is that we may be crossing one finish line, but I really see us starting on a whole other process, and that is seeing how this development code is actually going to work. And is it actually going to do what we thought it would, what we want it to? And it's not -- it's not a dead object. It is going to be a living object which the City can change as the need arises. So with that in mind, I do intend to -- even though I don't think it's perfect, I do intend to support it.

MR. STRODTMAN: Thank you, Ms. Rushing. Mr. Toohey?

MR. TOOHEY: I just want to reiterate and thank staff and the public for coming to all of these meetings and staying late. I also want to thank the other Commissioners. I think that it is great that we all have unique backgrounds and varying opinions that we can all bring to the table so we can look at issues from different standpoints and that we are able to enlighten each other from our diverse backgrounds. And I actually think that is one thing that's made a lot of the changes a lot better.

MR. STRODTMAN: Thank you, Mr. Toohey. Mr. MacMann?

MR. MACMANN: I shall be brief. I would like to thank the support staff, our translators, and other folks who are busy copying what we are doing right now, the staff and our fellow Commissioners. And that's all I have to say. Thank you very much.

MR. STRODTMAN: Short and sweet. Well, I guess it's up to me. You know, I'll try not to echo a lot of the comments that I've already heard, but it's hard not to. So, you know, a couple of areas that I would like see us maybe spend a little more time on later after the Council has had a chance is, you know, the neighborhood protection standards. I think, you know, it's a challenge to handle property rights

and neighborhood protection standards. There is a fine line where some people believe that we crossed it or some of us may have thought we crossed the line, but, you know, that's a tough area to deal with at times and I definitely learned a lot related to that. So I think those are a couple of areas that -- you know, our neighborhood protections standards, I would like to see us maybe spend more time on afterwards, if City Council doesn't on their own, and give us a chance to maybe work through a couple of items. You know, historical preservation, we didn't really do a whole lot on. We discussed it, but that might be another area that we could potentially work on going forward. You know, I'll single out Mr. Zenner -- Pat Zenner. I really do think that we would still be on Segment Two right now if it hadn't been for you and the bull whip in the background driving me to drive everybody else to keep going. And, you know, originally I thought that that was unnecessary and unneeded, but it definitely was the case because this is a very huge complex document, even though as Ms. Rushing said, we were trying to make it easier. I don't think you can and do it justice and be fair. I mean, you can, but I don't think you would do it right or better. So, Mr. Zenner, I do appreciate everything you did and -- even if you have less hair, you at least have hair. So, Commissioners, you know, before a lot of you joined -- I guess I'm the most senior -- not in reality, but in time with the -- I'm just going to pull it out. With the Commission, I'm the longest serving person right now, and, you know, in -- before a lot of you joined us, we were having a tough time just getting quorums on our regular meetings at times. We had several times in about a year's span that we had several meetings that we had to cancel in front of the public because we couldn't get a quorum. We met at times two times a week, and we met every week for months, and we never ever, ever had a quorum issue. So that really goes to you guys and your dedication, especially when we were doing a meeting on Thursday and we had no idea that we were having a meeting the next Monday. And, you know, before the night was over, we had a meeting the next Monday, and everybody shows up. So I really want to thank you guys for that because this is definitely in my six years of doing this, this is well above and beyond anything that we have ever tackled, and you guys did it -- and most times we were full house, nine of us, all of us. So I just really wanted to thank you guys for that because it happened in the past, but it never has happened with you guys, so I really do want to thank you. The public, I can't speak enough. You know, I'll reiterate of Ms. -- what Ms. Burns said is you -- even if you didn't see your specific comment in the document specifically the way you had suggested it to us, we, I believe, reviewed every single comment that came from the public. Now, I can't say that's 100 percent because I'm not the gate controller, but I do believe we received 100 percent of the items that were sent in by you and also the ones that came in. So trust me that we did talk about it internally. We used it as a speaking platform to get dialogue going. And as Ms. Rushing mentioned, we may have not agreed on it, we may have not implemented it, but we talked about it. So I don't think anybody's comments went on deaf ears, and we heard a lot of comments. So I think we really did try hard to do that. My last comment I think is, you know, I hope City Council and City staff will work with the general public on this document going forward. I hope there is some flexibility. There might be some unintended consequences that come out of this document, and I just hope that City staff and City Council is not so rigid, and Planning and Zoning is not

so rigid that we won't work through some of those unintended consequences rationally and do it right. So I would assume, as Ms. Rushing said, we're just getting started on another race. It's the implementation potential side of it, and I think it will be just as challenging, but different. So hang in there, and I appreciate everybody's time. With that, unless someone has -- Mr. MacMann? You only get one chance.

MR. MACMANN: I'm sorry?

MR. STRODTMAN: Go ahead.

MR. MACMANN: I wanted to make sure that you were done speaking. I didn't mean to interrupt you.

MR. STRODTMAN: I am.

MR. MACMANN: I'm sorry.

MR. STRODTMAN: All yours.

MR. MACMANN: My apologies. Would the Chair entertain a motion?

MR. STRODTMAN: Would I entertain a motion?

MR. MACMANN: Yes.

MR. STRODTMAN: Do we have a motion -- but, yes.

MR. MACMANN: In the matter regarding Case 16-110, a request by the City of Columbia to adopt a Unified Development Code (UDC) governing subdivision and land use regulations throughout the City of Columbia's corporate limits as requested by the City Council and supported by the City's 2013 comprehensive plan entitled "Columbia Imagined as amended and accepted here this evening, I so move.

MR. STRODTMAN: Thank you, Mr. MacMann. Do we have a second?

MR. STANTON: I second that.

MR. STRODTMAN: We have a motion to move this case 16-110 to City Council as amended by Mr. MacMann and seconded by Mr. Stanton. Commissioners, discussion? Ms. Russell?

MS. RUSSELL: So are the -- is the errata sheet going to be read to the -- into the minutes?

MR. ZENNER: Read the errata sheet into the minutes, if there is no further discussion.

MR. STRODTMAN: Commissioners, any additional comments, needs, discussion? If not, Mr. Zenner, are you going to be reading in the errata sheet and then Ms. Burns and Ms. Loe -- no, Ms. Burns will make the changes tonight.

MR. ZENNER: I don't believe -- and let me just make sure I am -- I am going to start this. The errata sheet has been amended per discussion. Those amendments are going to be incorporated into what I am going to now read into the public record, saving Ms. Burns the nightmare of having to capture anything. And we will submit the revised errata sheet as an attachment to your motion. That will be how I would prefer to probably do this, so you have the actual items. The other way that this will be done for the public record and for the public, I am going to consolidate same section amendments. I will make reference to, for example, we have a number from Chapter 1, which deal with definitions. They all fall under that same section, but I will read the definition number -- or the definition title, not the full definition,

just so we know that we have made those amendments to each of those particular definitions. Where we have a specific section, and only that section, I will reference just the section number. The actual text, again, will be an addendum to the motion that you will vote on or that has been made. So with that if you have no other comments and there are no other amendments that we need to make to the errata sheet, I will go ahead and I will proceed through the roughly 30 pages worth of revisions.

MR. STRODTMAN: Commissioners, last chance. None? All yours, Mr. Zenner.

MR. ZENNER: So amendments to Chapter 1 - General Provisions: Section 29-1.11, Artisan Industry; Personal Services, General; Front Porch/Stoop; the introduction of a new definition for Gas Station/Fueling Center; and then a revision to Mechanical and Construction Contractors; revisions to the definition of Light Industry; revision to the definition of Heavy Industry; revision to the definition of Group Home, Small. Those are all the revisions to Chapter 1.

Amendments to Chapter 2 - Zoning Districts: Section 29-2.2(c)(4), Permitted Use Table Item (1); revisions to Section 29-2.3 and Section 29-2.3 & 29-2.3(ii)(F).

Amendments to Chapter 3 - Permitted Uses: Table 29-3.1, and that is defined in Attachment A, which is Table 29-3.1: Permitted Use Table; Section 29-3.3(d); 29-3.3(cc); 29-3.3(ee) Item (1); 29-3.3(mm); 29-3.3(oo).

Amendments to Chapter 4 - Form and Development Controls (except M-DT (Mixed-use Downtown): Section 29-4.1(b)(1); Section 29-4.3(b)(ii)(B) - this Section will become 29-5.1(b)(1)(ii); Section 29-4.3(c)(3)(i)(K) - this Section becomes 29-5-1(c)(7); Section 29-4.4(a)(2)(i)(B) - this Section becomes 29-4.3(a)(2)(i)(B); Section 29-4.4(e) - this Section becomes 29-4.3(3); revision to Table 4.4.5 - this Table becomes Table 4.3.5; Section 29-4.5 - this Section becomes 29-4.4(b)(3) and 29-4.4(g)(1); Section 29-4.5(b)(4) - Section becomes 29-4.4(d)(4); Section 29-4.5 (c)(1)(i)(b) – this Section becomes 29-4.4(c)(1)(i)(b); revision to Table 4.5.1 - this Table becomes 4.4-1; Section 29-4.5 (c)(1)(x)(a) – this Section becomes 29-4.4(c)(1)(x)(a); Section 29-4.5 (c)(1)(x)(b) – this Section becomes 29-4.4(c)(1)(x)(b); Section 29-4.5(d)(i) – this Section becomes Section 29-4.4(d)(i); revision to Figure 4.5-1 - this Figure becomes Figure 4.4-1; Section 29-4.5 (e)(2)(iii)(c) – this Section becomes 29-4.4 (e)(2)(iii)(c); revision to Section 29-4.5(e), Table 4.5-4 - this Section becomes 29-4.4(e), Table 4.4-4; Section 29-4.5(g)(3)(i) – this Section becomes 29-4.4(g)(3)(i); Section 29-4.5(g)(3)(ii)(a) – this Section becomes 29-4.4(g)(3)(ii)(a); Section 29-4.8 (c)(1) and (2) – Sections become 29-4.7(c)(1) and (2); Section 29-4.8(d) – this Section becomes 29-4.7(d); Section 29-4.9(d)(1), Table 4.9-1 – this Section becomes 29-4.8(d)(1), Table 4.8-1; Section 29-4.9(d)(1), Table 4.9-2 – Section becomes 29-4.8(d)(1), Table 4.8-2.

Amendments to M-DT (Mixed-use Downtown): And we have multiple amendments to Section 29-4.2. We are deleting in the first reference, Section 29-4.2 Item (4), detached frontage from the M-DT regulations; and then we have a series of amendments to the Regulating Plan map, which is Section 29-4.2(c). Those are shown on the Regulating Plan map and include multiple revisions to the exterior boundary, as well as to the identification of alleys and historic civic structures that are exempt. We also have some reversing amendments within this particular section, and an amendment that was

made as it related to a boundary adjustment on the St. James Street frontage that was retracted and replaced with the original amendment. Again, all amendments to the M-DT Regulating Plan map as defined within the errata sheet are shown on the updated M-DT Regulating Plan, just an attachment to the errata sheet. Section 29-4.2(d)(6)(v) and Section 29-4.2(d)(9)(iii), we have deleted the words “shopfronts” and “bay windows” from both sections; Section 29-4.2(d)(6)(vii), we have adjusted the graphic for rear alley setback from 25 feet to 12 feet -- we have also adjusted the text in that referenced section accordingly to remove “25 feet” and replace with “12 feet”; Section 29-4.2(d)(6)(ix)(B), we have stricken 24 feet and we have revised it no closer to six feet to the required building line -- this deals with siting and the relationship for parking; Section 29-4.2(d)(6)(xii), we have stricken the words “metal picket” and replaced with “material” as it relates to our screening; Section 29-4.2(d)(6)(xii), we have revised the street wall landscaping standard to include a private landscape buffer as an option -- the proceeding language where we eliminated “metal picket” has been carried forward and replaced with “materials”; Section 29-4.2(d)(8), as it relates to balcony projections, that has been amended; and then we have also amended Section 29-4.2(d)(8)(ii)(A), and that section was revised to be (iii)(A), per the amendment that was just made, and we have deleted -- we have deleted “or other means” from that section; and then Section 29-4.2(d)(8)(iii)(C), which has been revised to (iv)(c), per the proceeding amendment, and we have deleted that entire section -- the entire statement; Section 29-4.2(d)(9)(xii), we have revised the privacy height -- privacy fence maximum height to read “eight feet”; Section 29-4.2(d), we have added a new paragraph 12 that deals with Gas Stations and Fueling Centers with Convenience Stores -- we have subsequently renumbered former paragraph (12) to paragraph (13), which deals with solid waste management; Section 29-4.2 (d)(12), that paragraph becomes paragraph (13), and it has been revised to include additional text dealing with all new buildings and/or a change of use shall require -- shall have a plan for management -- collection, storage and disposal of solid waste; Section 29-4.2(e)(1)(iii)(B), we have removed the open space requirements from that section, and we have created a new open space standard section within the Code and retitled (B) to be Buildable and Open Area as the section title, and made the appropriate cross-reference; Section 29-4.2(e)(2)(iii)(B)(4), we have revised the siting section -- the siting requirements, again, changed the title of the subsection to Buildable and Open Area, and then provided the appropriate cross-reference to the new open area requirements; revision to Section 29-4.2(e)(3)(iii)(B), again adding open area to the Item (B), and then providing the appropriate cross-reference; revision to Section 29-4.2(d)(7), this is the new open space requirements as amended this evening at our meeting -- we have added Item -- under Item (1), (ii) -- or (vii) and we have added under Item (2), (iv), and both of those items read balconies may be counted as private open area when their minimum size is eight feet wide by five feet deep; Section 29-4.2 (e)(1)(iv)(b), we have deleted the word “façade” from the particular section, and what is shown on page 24 is the second amendment, which is what we are referring to does not become a new subsection number based on the elimination of the amendment at the top of page 24, so the items that is shown as stricken case in Item (i) will remain, and then Item (ii) based on the elimination of the first amendment on page 24 has been stricken from the

errata sheet; Section 29-4.2(e)(1)(v)(B)(1), we have deleted “or retail uses” from the Upper Stories category; Section 29-4.2(e)(2)(v)(B)(1), again, we have deleted “or retail uses” from the provision; Section 29-4.2(e)(3)(v)(C)(3), we have indicated that on townhome sites, a detached dwelling unit is permitted in the buildable area at the rear of the site or lot line subject to the provisions of 29-3.3(gg)(4), and that has to deal with the specific standards as they relate to an Accessory Dwelling Unit. Revisions to the figures within the M-DT section: Revisions to Figure 4.2-7 and Figure 4.2-11, Figures 4.2-8, 4.2-11, 4.2-15, 4.2-16, 4.2-18; Figure 4.2-12, and Figure 4.2-17 are amended with multiple amendments to deal with open space, the addition of public after private in the open space designation, elimination of elevation requirements where necessary adjustments to the buildable area in order to define the appropriate buildable area. Those amendments to these figures will be represented in the updated document provided to City Council and are currently in the final review. And those are all of the revisions that were to Chapter 4, M-DT.

We are moving now to Chapter 5 Amendments, and these are the amendments to the Procedures and Enforcement Section: Section 29-5.2, Table 5.2-1 – and it becomes 29-6.2, Table 6.2-1, we have added the provisions for demolition permitting, and that is Attachment (b) to the errata sheet; Section 29-5.4(n)(iv)(g)(4) and (5) – Section becomes 29-5.2(c)(3)(ii)(g)(4) and (5), this is a revision as it relates to movement of the procedural requirements for subdivision development, and this particular revision has to deal with a preliminary plat approval and the requirement that one-third of the lots or one-quarter of the lots be approved within the first three years following preliminary plat approval; Section 29-5.5(a)(1)(i)(c) – this Section becomes 29-6.5(a)(1)(i)(c), and this is a revision to the nonconforming use standards to restore the 12 month time limit on a nonconforming use prior to it expiring; Section 29-5.5(d)(4) – Section become 29-6.5(d)4, in dealing with nonconforming use standards and dealing specifically with site features.

And Amendments to Appendix A: In Appendix A, the M-DT Urban Space Standards (d)(3)(ii)(DT Alley) diagram as well as table. The diagram has been amended to reflect the appropriate right-of-way widths, and the table has been up -- revised in order to match the table. As I had indicated, Attachment A has included the revisions that were proposed or requested to add conditional uses for several items, and then Attachment B is the regulatory procedures table, which has been amended to include the demolition permitting process.

Said amendments to be incorporated as an addendum to the motion of the Planning and Zoning Commission as it relates to Case No. 16-110, a recommendation to approve the Unified Development Code as amended as entered into the public record.

MR. STRODTMAN: Thank you, Mr. Zenner. Well done. Commissioners, any additional discussion needed? Any questions on what was just read?

MR. TOOHEY: Can you read that again?

MR. STRODTMAN: Start with the second item and go forward?

MR. ZENNER: I'll read backwards if you would like.

MR. STRODTMAN: We're good. Thank you. If there is no additional discussion, Commissioners, I will ask Ms. Burns to do a roll call, please.

MS. BURNS: Thank you, Mr. Chairman. And, of course, we're talking about 16-112, move to adopt the Unified Development Code. This motion was made by Mr. MacMann, second by Mr. Stanton.

MR. STRODTMAN: 110?

MS. BURNS: Thank you. 110.

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

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: Thank you, Commissioners. Much appreciated. Now back to the actual --

VI) COMMENTS OF THE PUBLIC

MR. STRODTMAN: Mr. --

MS. LOE: Oh, no.

MR. STRODTMAN: Mr. Farnen, come on up.

MR. FARNEN: On behalf of -- to make this longer, on behalf of the public who you guys so warmly complimented tonight on their tenacity, we would reciprocate that feeling. We think you've done a great job. The same thing goes to the City staff, particularly Pat Zenner, who never missed a meeting. We think that this process has been thorough and reasonable, even when things did not always go our way. So thank you for your time. We mean it, and I think just about everybody from every side thinks that. So this is one voice on behalf of 100,000 people.

MR. STRODTMAN: Thank you, Mr. Farnen. Any additional comments from the public?

VII) COMMENTS OF THE STAFF

MR. STRODTMAN: Comments of the staff?

MR. ZENNER: Well, we do have a meeting.

MR. STRODTMAN: I thought we were done.

MR. ZENNER: So we have another one coming up, and it will be January 19th. However, we will allow you all to return to your regular schedules, and our meetings will be on regular time, 5:30 for your work session on the 19th, as well as a 7:00 p.m. meeting for public hearings. And one may say we just don't have enough work to do anymore because it is a light agenda. However, before we started the Code, four items sometimes seemed like a lot. These are your four items. We have one combined version -- a subdivision and a public hearing, and it is for a PUD plan approval on a final plat for Sinclair -- the Sinclair Road property, a PUD plan. And then the final plat for such property -- for said property. We have a rezoning request, an anomaly at best. This is a rezoning request to reduce the intensity of zoned land from M-1 and M-C, which are our industrial zoning classifications, all the way down to R-1 to create an opportunity for affordable housing to be constructed by Habitat for Humanity. This is located off of Brown School Road, if I recall correctly. And this is -- we will show you a map here in a moment. And

then Addison's South. If you like Addison's downtown and you need to get your fix, you may be able to do so soon on the southern end of town just outside of Copperstone. They are proposing a new facility in that general location just to the east of Scott Boulevard at the entrance to Copperstone. So that is a C-P plan zoned property, and we are looking at a major plan amendment on that tract of land, which will afford the opportunity to be able to start construction. Just to familiarize yourself with our locations, these are our Sinclair Road parcels. The diagram that is on your right, or the map that is on your right reflects the entire area of the subdivision plat that will be being considered. We are just jockeying some property lines around in order to get zoning in the right location with the right property. Currently, there is a split zone situation here, and we are looking at through the platting action to correct that between the PUD and the C-P zoning designation. And then the PUD plan would basically be to allow for the construction of a single-family home on that particular property with a development plan, which is a requirement of the PUD process. And then our other two projects, the EMT-4, which is actually Emery Sapp & Sons owns this industrially zoned land at this point, and they are looking at a potential sale to Habitat for Humanity, and Bill View's group of people for R-1, single-family housing development. And if any of you are at all familiar with this, this is at the end of Blue Ridge and Brown Station or Brown School Road there just to the east of -- to the west of 63 and Paris Road, just in that general area. And then our Addison South project, the entrance to Copperstone right there across from Spring Creek, and this is the corner parcel for a future commercial restaurant site. The remaining C-P zoned property to the east -- or to the west is the larger undeveloped former commercially zoned property as well, but we do not have any development plans on it. That is all for the 19th's agenda, and we will be bringing back to you probably at the beginning of February some additional business items that we will need to be discussing for work session, as well as some of the items that we have discussed as we have gone through this process of the UDC. We do have unfinished business as it relates to comprehensive rezonings of properties that are improperly coded at this point that we will need to start to discuss. We will also have some additional information, as Ms. Loe brought up this evening, score carding for the Comprehensive Plan and how we are pursuing meeting those overall goals and objectives is something that we will be discussing here shortly. And least, but not forgotten, is the score card process as it relates to infrastructure cost allocation. We will be brining that back to you all to continue to work through that process to be able to identify and connect the dots as it relates to some of our newer provisions that are proposed in the UDC at this point as it relates to infrastructure and its coordination with development, just as a couple of previews of what we will do in the coming year. But we appreciate your time as well as your attention to the detail of what we have just completed. We cannot succeed without you all participating in this process and being as diligent as you have been. And for that, I greatly appreciate it. I know our Council greatly appreciates it. While you may not hear that very frequently, they have been desiring, but they have also been accommodating and understanding that you are carrying the heavier weight at this point as it relates to the moving the public comment forward. So it is something that we will put the package together and introduce for their February 6th meeting. And at that point, we hopefully will maybe see

some of you at Council meetings, where questions may be asked. You are more than welcome to attend and maybe help us defend what we have just produced. With that, thank you very much for your evening.

MR. STRODTMAN: Thank you, Pat.

MR. TEDDY: I would like to --

MR. STRODTMAN: And --

MR. TEDDY: Chairman --

MR. STRODTMAN: Yes?

MR. TEDDY: I would like to add my thanks as well. You've made great personal sacrifices. I just want to congratulate you on a job well done. It was wonderful to see you all come together on this. Thank you to our public for being so engaged and concerned in helping us in this process. And thank you very much to my consummate professional colleague to my left who did the yeoman's work supporting you. So, thanks.

MR. STRODTMAN: Thank you, Mr. Teddy.

VIII) COMMENTS OF THE COMMISSION

MR. STRODTMAN: Commissioners, comments?

IV) ADJOURNMENT

MS. RUSSELL: I move to adjourn.

MR. STRODTMAN: Do I hear a second?

MR. MACMANN: There's a second.

MR. STRODTMAN: Ms. Burns, seconds and Ms. Russell made the motion. We're adjourned.

Thanks, everyone.

(Off the record.)

(The meeting adjourned at 10:45 p.m.)