

MINUTES

PLANNING AND ZONING COMMISSION MEETING

MARCH 8, 2018

COMMISSIONERS PRESENT

COMMISSIONERS ABSENT

**Mr. Rusty Strodtman
Ms. Tootie Burns
Ms. Sara Loe
Ms. Lee Russell
Mr. Anthony Stanton
Mr. Dan Harder
Ms. Joy Rushing
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, March 8, 2018, Planning and Zoning Commission 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, is there any changes to our agenda this evening?

MR. ZENNER: There are no changes to the agenda this evening, but we would like to inform the Commission that one of the design adjustments for your first case, 18-41, has been withdrawn. We will go into greater depth of that as that case is presented. Other than that, that is the only change to the agenda.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, any changes to the agenda? I see none. Thumbs up for approval of the agenda. Unanimous.

(Unanimous vote for approval.)

III) APPROVAL OF MINUTES

MR. STRODTMAN: February 22, 2018, was our last regular meeting. Are there any corrections or notations needed to those minutes? I see none. Thumbs up. Approval on minutes? That's approval unanimous.

(Unanimous vote for approval.)

MR. STRODTMAN: Thank you.

IV) SUBDIVISIONS

MR. STRODTMAN: Moving on to our first subdivision case. At this time, I would ask any Commissioners who has had any ex parte communications prior to this meeting related to Case 18-41, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

Case No. 18-41

A request by A Civil Group (agent) on behalf of Delta Tau Delta Association of Columbia, Missouri (owners) for approval of a replat of La Grange Place to be known as La Grange Place Plat 4, and design adjustments waiving the requirement that subject property have direct access to public sewer and to reduce the amount of right-of-way dedicated with the plat. The replat combines Lots 3 and 4 of La Grange Place into a single lot. The .58-acre site is zoned R-MF (Multiple-Family Dwelling) and is located at 506 Rollins Street. (This item was tabled at the February 22, 2018, meeting.)

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

Staff report was given by Rachel Bacon of the Planning and Development Department. Staff's recommendation indicates the proposed replat has been reviewed by staff and found to comply with the provisions of the UDC with the exception of the requested design adjustments. As described, staff cannot support the second design adjustment. The plat may be approved by the Commission without the approval of one or both of the design adjustments and recommends the following:

1. Approval of the final plat for La Grange Place Plat 4.
2. Approval of the design adjustment to Section 29-5.1(c)(4)(ii) regarding the dedications of road right-of-way.
3. Denial of the design adjustment to Section 29-5.1(g)(4) regarding the sanitary sewer design.

MR. STRODTMAN: Thank you, Ms. Bacon. Commissioners, are there any questions of staff? Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. Ms. Bacon, the RE, the right-of-way, the design adjustment, the neighbors, if we give them the 25 feet that they request rather than the 33, that will match what the neighbors have currently with their new construction?

MS. BACON: So there --

MR. MACMANN: The west, specifically?

MS. BACON: -- is a varying -- varying right-of-way up and down the corridor.

MR. MACMANN: Okay.

MS. RUSHING: I think the portion --

MR. MACMANN: To the west, they have -- do we know what the current -- the new building to the west was given?

MS. BACON: I don't know that offhand, but you can also see here where the parcel lines are shown in purple.

MR. MACMANN: Uh-huh. Yeah, but --

MS. BACON: So it's probably pretty close.

MR. MACMANN: That's what I was thinking. That's what -- I was just trying to verify that. Thank you.

MS. RUSHING: That was what -- we were addressing the same issue, so -- yeah. It doesn't look like the property to the west has -- would have significant room or sufficient room to make that dedication if it were required to.

MR. STRODTMAN: Commissioners, any additional questions of staff? I see none. This is not a public hearing, but as in past practices, we would allow anyone that's in the audience that is here for this case, you're welcome to come forward and speak upon Case 18-41. We would just ask for your name and address before you start.

MR. DARR: Hi. I'm Cody Darr, at A Civil Group, engineer; offices at 3401 Broadway Business Park Court, representing the owners of this lot. I don't have too much to add. I will answer any questions you have specifically. But regarding Mr. MacMann's question about the right-of-ways, what's triggering us to actually dedicate this right-of-way in the first place is the UDC requirement that redevelopment over a lot line requires subdivision platting. To the -- to the east and to the west and to the north on the other side have all been redeveloped recently, but they did not have to plat, so they were not triggered to -- they all still have the substandard 20-foot half-width along that whole area. And when you take into consideration the recent improvements that the City did for Providence, which the CATSO Plan has not taken into account, in my opinion, which has a full-access intersection at Turner, it actually makes traffic more likely to -- to go at Turner instead of Rollins, which is now right-in/right-out. So it's not as likely that Rollins in the future would be a collector -- you know, function as a collector. And I think that's what City staff was agreeing with us that -- and if it wasn't a collector, it would be required to be a local residential-type street, which would require a 50-foot half-width, or 50-foot width and a 25-foot half-width, which is what we are providing. So that's kind of where we got to the five feet additional as opposed to the 13 for a collector, which we didn't think this road -- it does -- it definitely doesn't function like that now and with the improvements and the routing of traffic more towards Turner, wouldn't be in the future either. Does that answer -- if you have other questions?

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

MR. MACMANN: Real quickly. This is just a replat in the -- this is a paperwork shuffle. Do you guys plan to do any construction on site, any other changes?

MR. DARR: Yeah. We're going to tear down an existing building and build a brand-new building.

MR. MACMANN: Okay. I was getting into the parking -- the driveway.

MR. DARR: Oh, the drive -- the existing driveway?

MR. MACMANN: Uh-huh.

MR. DARR: Yeah. There will be an existing driveway where the one is right now, and then there will actually be another driveway.

MR. MACMANN: It wasn't really related. I just wondered because that driveway is terrible.

MR. DARR: Yeah. It'll be rebuilt.

MR. MACMANN: All right. Thank you.

MR. STRODTMAN: Thank you, Mr. Darr.

MR. DARR: Thank you.

MR. STRODTMAN: Thank you. Anyone else like to come forward to speak on this matter? I see none. Commissioners, any further discussion, questions, motion? Ms. Loe?

MS. LOE: Well, the last speaker did bring up the issue that the representation of Rollins on the CATSO plan may not be accurate, and that was mentioned in the report. I was wondering is there -- are there any further comments from staff on -- the report says a separate action to revise the roadway classification shown on the CATSO plan for Rollins may be warranted? I mean, if it -- if it is misrepresented or if we are making decisions based on a representation that's different or a use that's different than how it's represented, I think I would agree with that.

MR. ZENNER: And I think you are. Either the point -- the response that I can give you, Ms. Loe, and to the Commission is that CATSO has a Technical Committee and they have a Coordinating Committee that is -- is charged with the responsibility of monitoring our road infrastructure planning. As this project has come in after we have done the improvements to Providence, relocated the traffic light from Rollins, basically, to Turner, it has not come to their attention yet that we may need to consider a reclassing of this roadway. That's why it's structured as a separate action in the staff report. We wanted to -- we wanted to acknowledge the fact that, yes, the Commission's action here would be contrary to what is designated on the CATSO plan, however, is supported from our traffic engineering division as well as our staff that given the changes and the unlikely nature of additional redevelopment potentially further east, which is where we would likely then receive additional road right-of-way, the action is supported given the context in which this piece is being proposed to be redeveloped. So the Board -- the CATSO Coordinating Committee would have to have its Technical Committee recommend that this map -- this road classification be reclassified. It is possible we, staff, our Community Development Department does staff CATSO, and it may be an item that we will take up with our senior transportation planner to bring to the Technical Committee should they feel that they need to do some cleanup to the map itself. I think this action really at this point is one of the -- one of maybe less than a half a dozen properties that are left to maybe redevelop. The parcels that are directly across the street from this are really the only remaining ones that may. Therefore, when you look at the utility of any additional right-of-way, given what CATSO requires, it just doesn't seem to -- in our mind, there is no real benefit. Getting it to the half-width, which we really should have, should the road function at a lesser standard, is what the applicant is proposing, and that's what our traffic engineers and we, from a staff perspective, believe is the most appropriate dedication needed in order to accommodate the flow of traffic and that would also accommodate a revision in the CATSO plan.

MS. LOE: Right. I mean, I think the arguments made sense and we shouldn't have to go through the same exercise should the remaining properties --

MR. STRODTMAN: Change.

MS. LOE: -- go -- yeah. Need another revision. So I wasn't sure if you needed anything from us to take that forward. All right.

MR. ZENNER: I think your -- if your desire as a Commission is to support the request for the variance -- or the design adjustment, that sends a message forward to CATSO or that our senior

transportation planner can take to CATSO Tech indicating that the Commission is acting this way. We probably need to consider modifying the map.

MR. STRODTMAN: Thank you.

MS. LOE: Thank you.

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

MS. RUSSELL: Do you need this to be two separate motions, or can it be one?

MR.ZENNER: Dependent -- it depends --

MS. RUSSELL: Depending on what I want?

MR. ZENNER: It depends on how the Commission is feeling tonight. If you would like to probably take two separate actions, that would be much cleaner probably as it moves forward, even though they will come together to the Council.

MR. CALDERA: More efficient.

MR. ZENNER: More efficient as one is what I'm being told by our attorney. So if you're inclined to approve -- approve as a joint motion. Otherwise, make your motion clear as to what your intention is.

MR. STRODTMAN: So one motion is okay?

MR. ZENNER: One motion will be fine.

MR. STRODTMAN: Ms. Russell, would like to try that one motion?

MS. RUSSELL: Oh, sure. I'd like to move regarding Case 18-41, approval of the final plat for La Grange Place Plat 4, and approval of the design adjustment to Section 29-5.1(c)(4)(ii) regarding the dedication of the road right-of-way.

MR. STRODTMAN: Thank you, Ms. Russell. Do we have a second?

MR. MACMANN: Second.

MR. STRODTMAN: Thank you, Mr. MacMann. Commissioners, we have a motion that has been made and has its proper second from Mr. MacMann. Is there any discussion needed on this motion? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

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

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns.

V) PUBLIC HEARINGS AND SUBDIVISIONS

MR. STRODTMAN: At this time, I would ask any Commissioner who has had any ex parte communications prior to this time -- prior to this meeting related to Case 18-47, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

Case No. 18-47

A request by the City of Columbia (owner) to annex approximately 47 acres of Boone

County R-S (Single-Family Residential) zoned land into the City and apply R-1 (One-Family Dwelling District) as permanent zoning. The subject site is located southeast of the intersection of I-70 Drive S.W. and Strawn Road, and is addressed as 840 North Strawn Road.

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

MR. ZENNER: Before we start in with the staff report, you will notice today in the audience, we have more than our normal attendance. This is a tied case to 18-48, which is subdivision platting action on property that has been donated to the City of Columbia. As Ms. Bacon, as well as Mr. Palmer, will present tonight, Mr. Teddy is here as the applicant on behalf of the City. Council directed our City staff to process this annexation request, as well as to prepare the plat that you're seeing this evening. They, however, in the course of giving direction to City staff, also asked that we engage the public in an activity in order to determine what the future uses of this site may be. So this evening you may have representatives of the public come up and speak to you about particular uses that would potentially be desirable on this land that are not accommodated possibly within the requested R-1 zoning district. The City Council has not made any decisions as to how this property will be developed at this point or with what uses. So the public's comments this evening are -- should be received in light of what future zoning actions you may anticipate coming or what may need to be considered from the development prospective if future subdivision action may need to occur. So as I have pointed out in the last couple of meetings that we have had as we have previewed this case coming forward, this is a little bit different than what we would typically take to you as an annexation/permanent zoning request in a subdivision of action. You're going to get a little bit of additional public comment that is more geared towards what the future of this property may be. And in order to facilitate some of these future uses, you will likely see the same property come back, possibly in different configurations that are smaller for parcel rezoning requests. We are trying to keep the zoning as proposed at this point as consistent with the County's classification given the Council's noncommitment to any particular use at this point on the land, and that is why it is zoned R-1. It is being requested to be zoned R-1. It is not being requested to be zoned something else, a commercial zoning classification that may accommodate a particular use or some other type of zoning class. So with that overview of what you may receive through public comment and what you may hear through our staff reporting this evening, I'm going to go ahead and I'm going to turn the floor over to Rachel and let her present on the permanent zoning component of this and the pieces that go with that. We can take public comment, as well as a vote as it relates to that item and then we can move to the zoning action and handle that separately. Mr. Teddy is here, of course, to answer any questions, and I'll cut off with my commentary at this point.

Staff report was given by Rachel Bacon of the Planning and Development Department. Staff recommends approval of R-1 zoning as permanent City zoning upon annexation.

MR. STRODTMAN: Thank you, Ms. Bacon. Commissioners, any questions of staff at this point? I see none. We'll go ahead and open up the public portion of it.

PUBLIC HEARING OPENED

MR. STRODTMAN: As I mentioned earlier, as you come up, we would just like to have your name and address before you speak. Also, there's a large group. Based on public input that we have received already, there's probably several of you from the -- potentially from the Central Missouri Humane Society, and we would suggest that maybe if you have one representative that would like to come forward to speak to us on that, we would welcome it as opposed to all the board members, but you're welcome to speak also. We're just trying to move it along this evening. So we'll go ahead and welcome you to come forward.

MS. DRAINER: Thank you very much. I'm M. Dianne Drainer; my address is 5351 East Hayes Road, Columbia, Missouri, and I am here to speak on behalf of the Central Missouri Humane Society. I'm the treasurer on their board. And you do have in your packet our comments that we presented on February 13, and we also presented at that time -- gave you the packet of our project proposal. And, in summary, because I know you have so much going on this evening, as you'll see in the comments, we basically said that on December 18th, the Central Missouri Humane Society presented the City of Columbia Council our projected proposal for a land swap to go from our current facility that's on City land and to build a new facility on the Strawn Road land. Based on what I've heard from staff this evening, I know it's a process and your first thing is to annex plat in R-1. Our -- our intent is to put forward what we wish to have and that it would have to then be rezoned in that area to commercial. So we just wanted to put as much information out to all of you so you would have it for the future. And as you said, we have other board members and our executive director and associate director here this evening, and so I will speak on their behalf. And that really is basically, since you have the information, what we're asking for consideration. Also at the December 18th meeting, as was stated, the City Council directed their staff to move forward with the platting and the annexation platting and zoning, and also directed their staff to work the Central Missouri Humane Society on a memorandum of understanding for the land swap. So we are in that process so that once this is in place, we can have a memorandum of understanding come before the City Council that has been put together to do the land swap for a new facility to enable us to then move forward with that. I'm happy to answer any questions if there are any from you.

MR. STRODTMAN: Yes, ma'am. Thank you. Commissioners, are there any questions of this speaker? I see none. Thank you, Ms. Drainer. Oh, sorry. Ms. Loe?

MS. LOE: Ms. Drainer, just to clarify. So is there anything about the current proposal that you're commenting on or asking us --

MS. DRAINER: Well, we would like to see the -- the rezoning to commercial and because I'm new to this process, we had -- and I'm an economist, so I thought for efficiency, if had come forward and we could have had at least that section rezoned. But from what I was hearing this evening, that's a little bit different process. So, respectfully, we're just getting the information to you. And I could just ask that other board members stand, just so you can see that there is not just myself standing here this evening. So -- and our executive staff.

MR. STRODTMAN: Thank you.

MS. DRAINER: So -- so we won't take more of your time, but we very much will appreciate your

consideration and your consideration as you go forward looking at how -- and you'll see from our project proposal. You have that and that's been submitted. It's a matter of public record, so you can see what the overall plan is. It's -- it's going to be great.

MR. STRODTMAN: Any additional questions for this speaker? Ms. Rushing?

MS. RUSHING: Is your development going to occupy the majority of this property?

MS. DRAINER: Oh, no, ma'am. It will take -- we've already worked with the City staff and -- and from the site, it's only going to be up on the very corner of that northwest where the two roads meet and it would only be a four -- a little over four acres.

MS. RUSHING: Okay.

MS. DRAINER: So it is a small part of the overall.

MR. STRODTMAN: On the next case, you'll be able to see that kind of distinction.

MS. DRAINER: Okay. Yeah. Thank you very much.

MR. STRODTMAN: Thank you, Ms. Drainer.

MS. DRAINER: Thank you.

MR. STRODTMAN: Anyone else like to come forward from the audience and speak this evening on this matter? I see none.

PUBLIC HEARING CLOSED.

MR. STRODTMAN: Commissioners, discussion? Additional information needed from staff on Case 18-47 regarding annexation? Ms. Loe?

MS. LOE: Just point of clarification. I believe it was mentioned in the report that this zoning is being proposed because it is analogous to what it was in the county, but rezoning may occur based on whatever project is being proposed for the final use.

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

MS. LOE: Thank you.

MR. STRODTMAN: Any additional discussion, Commissioners? A motion? Ms. Loe?

MS. LOE: Case 18-47, move to approve the R-1 zoning and permanent zoning upon annexation.

MS. BURNS: Second.

MR. STRODTMAN: Sorry, Commissioners. We have a motion that has been and has received a second -- its proper second. Is there any discussion needed on this motion? I see none. When you have a chance, Ms. Burns, for a roll call.

MS. BURNS: Yes.

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

MS. BURNS: Motion carries nine to zero.

MR. STRODTMAN: Thank you, Ms. Burns. Our recommendation for annexation and permanent zoning -- R-1 permanent zoning will be forwarded to City Council for their consideration.

Moving on to our next case, at this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to Case 18-48, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

Case 18-48

The City of Columbia (owner) is seeking approval of a two-lot final plat to be known as "Strawn Road Subdivision." The 46.86-acre parcel is located at the southeast corner of Strawn Road and I-70 Drive S.W., and is addressed as 840 North Strawn Road. The annexation and rezoning of the property is being processed concurrently with this final plat, under Case No. 18-47.

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 "Strawn Road Subdivision" Final Plat.

MR. ZENNER: And if I may, before you -- to add to Mr. Palmer's comments. I just want to go back to the graphics that we have provided here. The purpose for identifying certain features on the plat and then providing the supplemental exhibits is to ensure that we are affording any future user or City Council the opportunity to understand where these features exist on this land even though they did not direct our staff in preparation of the plat to formally identify them as would generally be required. So as Mr. Palmer pointed out, the tree preservation line or the tree line that exists on the plat is this line here, which represents the exterior boundary. So first and foremost, we at least know where the trees are. And then as we move forward, we're defining what would be necessarily required in order to meet compliance, so any future purchaser or user of this property through whatever mechanism the City Council were to choose would be aware that we can't develop potentially in this particular area based on this graphic because this is part of the required tree preservation area to meet the 25 percent. Council, should they upon receiving this information, like the Planning Commission, could direct our staff to produce the appropriate revisions to the final plat to identify these areas on the plat itself and avoid potentially them having to be culled out separately. But again we haven't been asked to produce that at this point. We felt that it was important that we identify for the Commission what we would have typically required for a developer, not the City, to have had to comply with and what we, as the City, owning this property and controlling it, are producing, but with these graphics, we are providing the public advance notification of what may be required of them by a future Council action. Again, if the Commission is inclined to include within its recommendation after we have presented this material to you advice or guidance to Council as to the opinion of having these areas mapped prior to the approval of a final plat, incorporate that in your recommendation if you so desire. Council ultimately will make a decision on what they direct our staff, since it was produced in-house, to finalize, but if it is of the Commission's opinion after you've heard discussion and had discussion amongst yourself that these features should be mapped in advance so we avoid possibly some omission in the future, incorporate that in your recommendation, we would not be at all opposed to you doing that. We are making a recommendation based on the plat that Council directed staff to produce. We find it compliant with the omissions, realizing the omissions could be corrected as

the City determines what it wants to do with the property, either by itself or through a third party.

MR. STRODTMAN: Thank you, Mr. Zenner and Mr. Palmer. Commissioners, any questions to staff? I see none. This is a subdivision, but as in past practices if there is anyone in the audience that would like to come forward and speak on this matter, you're welcome to do that at this -- at this point. I see none. Commissioners, any discussion? A motion? Mr. MacMann?

MR. MACMANN: Real quick follow-up on what Mr. Zenner just said. I think it would benefit us future users or future council members if we were to include the stream buffer and the tree preservation on what went to Council just so they can see it and we could be consistent with issues that we're trying to address right now.

MR. STRODTMAN: Ms. Loe?

MS. LOE: I agree. I think understanding restricted areas of the site is useful in understanding how the site might be used.

MR. STRODTMAN: Yeah. It's a pretty large chunk of it. Is there a motion in the group? Mr. MacMann?

MR. MACMANN: I'll make a motion.

MR. STRODTMAN: Thank you, sir.

MR. MACMANN: In the case of 18-48, 840 North Strawn Road, final plat for the City of Columbia, I move to approve with the following addition. Mr. Zenner, Mr. Caldera, how are we going to add on those easements in the motion?

MR. ZENNER: My recommendation would be a recommendation of approval with the plat and advising Council that said tree preservation area be added prior to authorization to record. We will -- we will present the information to them. We will present your comments as discussed here this evening as part of the Council report along with the maps that you have just seen here tonight with your recommendation, approval subject to the addition of the tree preservation area. That would be how I would probably state it.

MR. MACMANN: State that again, please.

MR. ZENNER: Approval of the final plat subject to inclusion of the tree preservation areas as shown on the attached exhibit.

MR. MACMANN: Thank you. Comma, subject to the approval with the stream buffer and the tree easement -- tree preservation easements as demonstrated on this included.

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

MS. LOE: Second.

MR. STRODTMAN: Thank you, Ms. Loe, for the second.

MR. ZENNER: And, Mr. Strodtman, if I may. Again, through the advice of our attorney, a process that we don't frequently use is conditional approval, and this would be a -- the plat would be being recommended for conditional approval, so that's the term that we would like to use, subject to the addition of those tree preservation areas. So you're recommending conditional approval of the plat subject to Council adding the tree preservation area.

MR. MACMANN: I'll accept that clarification. Ms. Loe?

MR. STRODTMAN: Ms. Loe, are you okay with that, conditional use?

MS. LOE: I accept those revisions, yes. Conditional use.

MR. STRODTMAN: Thank you. Additional discussion, Commissioners? I see none. Ms. Burns, when you're ready for a roll call.

MS. BURNS: Yes.

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

VI) PUBLIC HEARINGS

MR. STRODTMAN: At this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to this case, Case 18-51, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

Case No. 18-51

A request by Christine Gardener (applicant) on behalf of a group of homeowners for approval of a request to rezone 33 parcels from R-2 (Two-Family Dwelling District) to R-1 (One-Family Dwelling District), four parcels from R-MF (Multiple-Family Dwelling) to R-1, and one parcel from R-MF to R-2 generally located within the boundaries of the West Central Columbia Neighborhood Action Plan.

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the requested rezoning to R-1 and R-2, as listed in the included table.

MR. STRODTMAN: Thank you. Staff -- Commissioners, is there any questions of staff? Mr. Toohey?

MR. TOOHEY: So I will agree this is very confusing. So, procedurally, I guess I have question on how we're able to bring all these through at the same time with one even asking for a different zoning classification when we don't allow -- you know, if we had an owner who -- who was asking for two commercial or two -- two properties to be changed that are commercial zoning that are within a half-mile of each other, they're not able to bring those two requests together. So why are we able to allow 38 properties to come forward together?

MR. SMITH: Yeah. The -- the answer to that is we've -- we've actually been given specific direction by Council to help facilitate group downzonings exactly as what we're looking at tonight. They have basically waived fees so that all individuals can be processed as one application. We have received 38 separate signed petitions from each property owner -- separate property owners, so we do have

authority from each individual property owner to do so. As far as the processing goes, that is -- that does go back to Council's direction that their specific direction to -- to make this an easier process for individuals to do in bulk.

MR. ZENNER: And I would like to further add, Mr. Toohey, the provisions with the Code do allow a single property owner to bring multiple parcels in under a single application. The way that this is handled at the Council level is is these -- every one of these 38 parcels will be listed individually within this ordinance to downzone. So the legal description for each parcel is going to be culled out separately. That is part of the requirements of the downzoning app. So that has been addressed with the law department and our City surveyor to ensure that the legal descriptions that we're using are identified ones. In some respects, this is from a consolidation perspective for efficiency purposes, putting these all into one application. To have 38 different applications for you to act on this evening, it would be an inefficient activity. So while the Code would allow an individual property owner in your instance where a commercial owner wanted to rezone two disparate locations, he could do that today. And given what Council has authorized us to do or has given us the power to do, that's why we're going these downzonings this way. This isn't -- this is the second or third one that I've been engaged in. We have refined them to the point now where you have the spreadsheet in front of you, so we can cull out, if there is concern about that individual parcel, should the Commission desire to do so. In my time that we've worked on these, I haven't seen that happen yet.

MR. STRODTMAN: Any additional questions, Commissioners, of staff? I see none. This is public hearing, so I will go ahead and open up the public hearing.

PUBLIC HEARING OPENED

MR. STRODTMAN: I would like to just lay out a couple of ground rules. Obviously, there's at least 38 individuals -- potentially 38 individuals here that would like to speak to us this evening, and you're welcome to speak to us. We'll take all 38 of you. The recommendation would be if Christine Gardener would like to come forward and speak to us as the applicant and maybe speak on behalf of all 38, that would be lovely. If not, that's fine. And we would ask for your name and address first. And also there's a little red light right there on the podium right there. When you get to a -- when you get to about three minutes, you'll see a little red light start flicking. That's your time to stop, so we get to that part, that's why a little red light might be flicking at you. So with that, we'll go ahead and open it up. Just give us your name and address and let's get rolling.

MS. GARDENER: Good evening. My name is Christine Gardener; I live at 112 Anderson Avenue. I am the signature to all of these and will be speaking. Now, I understood that I had five minutes because I'm speaking for a group.

MR. STRODTMAN: We'll let you speak -- if you -- if you are speaking on behalf of the group, then you'll have six minutes.

MS. GARDENER: Thank you.

MR. STRODTMAN: And then everyone after that will have additional -- will have the three minutes.

MS. GARDENER: Right. I would like to thank the staff. They have been very helpful through this process, particularly at the end where we were dealing with a lot of little details and trying to get them all prepared for you. But the process is long and complicated and difficult, and citizens, owners, are at a disadvantage here. Hundreds of hours have been spent by the staff and by citizen organizers, so right from the get-go, I'm going to ask that you waive the advertising fee because this is all based on reversing a really bad decision that was made in the past, before we were even here, but that doesn't mean that it wasn't a bad decision doesn't need to be corrected. The history of this project really came about from this. This is our Central Neighborhood Action Plan. I had it printed out because I -- my -- I live in this area and we were going through the process. After reading it, my notes say what in this plan addresses gentrification and loss of housing for low-income and mid-income families? Two, lack of infrastructure upgrade to handle more density. No additional green space, parks, community garden areas, and I remember thinking and there are no teeth to this thing at all. So I was worried. And when it became apparent that if we wanted to save the character of our neighborhood, the suggestion was right from this, the plan recommendations, priority number one, neighborhood character, create an urban conservation overlay district to preserve single-family character. Well, that took seven years for Benton Stephens to do. The other suggestion is support downzoning from R-2 to R-1 where single-family homes are the predominant dwelling type and create an urban conservation overlay district in areas supported by neighbors. And nothing was ever said that we were against ADUs. We were told that if the best idea of -- of trying to save our neighborhood was to downzone. We were told this, and we did it. Nobody has a problem with ADUs, but R-1 does not allow ADUs. So that was a miscommunication, I guess. So now, as intended, it is mostly still single-family homes, actual use, R-1. We're diverse, probably more diverse than most areas of Columbia. We have low to moderate income and a cultural mix. We're eclectic and tolerant of eccentricity. We're somewhat walkable with problems -- serious problems with infrastructure and traffic. We're short of green space and play areas for children, and we have significant wheelchair traffic that needs to be addressed. So what's to be the future? To be decided, isn't it? But since this action plan was created, we've continued to see growing imbalance of owner-occupied rental occupancy in the neighborhoods, increased student rentals, four-bedroom, and four-bath, and they are a serious problem. We are all really upset about that. We're -- still have increased infrastructure and traffic problems, and within this neighborhood action plan, there are six traffic circles planned, two on Broadway, two on Worley, and two on Ash. If this goes into place, I don't know if you're going to be able to go north and south across any of these streets because of the constant traffic. So this brings us to trust issues, because of this recent and past history of injustice. So I'm challenging you to do better by us, particularly our minority and immigrant populations that are within our boundaries. We need to see changes, positive changes not negative changes. Something I've learned is that some people see their house as a home. It's their comfort place; it's their safe place, while others see it as an investment to be maximized, and I had somebody say this to me. I have to maximize my investment. No. It's your home. It's your home. It's your safe, comfort place. And then there are some people who would like to rent us our homes and will cheat us out of them to do it, and that has happened in my neighborhood. So we could wind up with a

totally unattached population, everybody is just renters moving around at the whim of whatever, but not us, because we love our homes. So I would like people within here who are within our group to either stand or raise your hands now so that you could see them, knowing that any one of them can come up here and address you because we love our homes. Thank you. So I'm asking for a yes recommendation for all of these tonight. And there's already a next project organizing and if there are anyone here, would they raise their hands, because we want to save our neighborhoods and we love our homes. Thank you very much.

MR. STRODTMAN: Thank you, ma'am. Commissioners, any questions for this speaker?

Ms. Loe?

MS. LOE: Ms. Gardener --

MR. STRODTMAN: Ms. Gardener, would you give us a couple minutes, please? Thank you.

MS. LOE: Were you at the work session?

MS. GARDENER: Yes.

MS. LOE: Yes. So you heard some of our discussion about the frustration we're having with affordable housing and the issues you were bringing up tonight. I'm just wondering if there were a zoning classification that was sort of an R-1 modification that did allow ADUs, is that something you think your neighborhood --

MS. GARDENER: We never had problems with ADUs.

MS. LOE: But is that something you may have considered as an alternative?

MS. GARDENER: Of course. You know, we're not against a little more densification, except that you could hardly drive through there without being hit by a car now, and it's only going to get worse. And if you look at the -- the map, there's no -- excuse me -- there is no place for the traffic to go -- Broadway, Ash, and Worley.

MS. LOE: Uh-huh.

MS. GARDENER: And there is -- I don't hear anything about how people living in these neighborhoods are going to handle it when you've already fixed Stewart. Stewart got a lot of attention for their wheelchair use when you never see anybody in a wheelchair on Stewart. You see wheelchairs on West Ash. That's what I'm concerned about. I'm concerned about the inequities that have gone on for too long. And I don't have any trouble with changes, but I'm tired of -- I've lived here for over 30 years. And for a long time, it was benign neglect, you know. We were R-2 and it didn't matter, but, right now, if you go through our neighborhood and you see these four-bedroom, four-bath ugly blocks and they're everywhere. Go through these little streets and you see people trying to fix their houses up and you see people trying to save their houses, and they are scared, and this is why. Because we haven't had good action in the past, so if you can show us some positive changes, we will once again renew our trust, but I don't think that low and moderate income people in Columbia have had trust of the powers that be for as long as I've lived here because there's never been any attention given. Happy to take any other questions.

MR. STRODTMAN: Anything else, Ms. Loe? Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. Ms. Gardener, just a quick clarification point. You had mentioned your -- as a disclaimer, I've lived on the west side for a huge chunk of my life, but everyone

up here knows that. You had mentioned that you have long-term, long-running infrastructure issues -- sewage, storm water, et cetera. Do you see this action that you all wish to take as a potential path to help rectify that or mitigate that in some way?

MS. GARDENER: When this plan was going forward, I brought up the infrastructure issue and was told there is no money for that. I don't know if that's changed. We were getting recommendations of things like the traffic circles, although that's a ways off, but also kind of foolish things like branding our neighborhood with a gateway sign. And we're like we don't -- we want storm drains and sewers.

MR. MACMANN: All right. I just wanted to clarify that -- that particular point on sewers and open water. I don't have any other questions at this time.

MR. STRODTMAN: Any additional questions, Commissioners? Thank you, Ms. Gardener. Appreciate your time. Anyone else like to come forward this evening?

MR. SMITH: Mr. Chairman?

MR. STRODTMAN: Yes?

MR. SMITH: Quick point of clarification. The previous speaker to bring up fees, that's a Council issue, so you don't need to worry about.

MR. STRODTMAN: Right.

MR. SMITH: And also ADUs, that did change with the UDC adoption. ADUs were not permitted at all in R-1 before, now they are a conditional use, at least.

MR. STRODTMAN: So, thank you, Mr. Smith, for clarifying that. All yours.

MS. KESSELL: I'm Donna Kessell, 715 Lyon Street, asking for downzoning to R-1. Yeah, storm water, I've never had any problems with storm water except when my neighbor built cement -- cemented in what was overgrown area behind the house, and then I had to make ditches around to -- to make it sideways. But if he does what he wants to do, which is have developments built all around me, I will have storm-water problems, so -- and I have two -- two children who walk to Jefferson Junior and Hickman High School, and it's my home and I want to maintain that, and I want the ability for the children who live across the street from me to do that same thing and not be surrounded by -- college students are not bad, but not totally. We have a really mixed group in our neighborhood and -- and the housing that's being built is for college students, even though they live right across from Jefferson High School, and I see that as a real waste for a neighborhood school. So, thank you.

MR. STRODTMAN: Ma'am. Commissioners, any questions for this speaker? Mr. MacMann?

MR. MACMANN: Just a point.

MR. STRODTMAN: Ms. Kessell.

MR. MACMANN: Thank you, Ms. Kessell. I just want to clarify. Ms. Kessell has a lot that's zoned R-MF, and if your lot is 3,000 square feet, I would doubt it. It's quite small. Some of these other zones, without combination, because we couldn't do anything with your -- your lot. I just wanted to make that very clear. Thanks.

MR. STRODTMAN: Any additional questions?

MS. KESSELL: Right. And so, the protection for me would also be more setbacks if -- if and

when. I've owned the house since 1979, so --

MR. STRODTMAN: Thank you, Ms. Kessell. Thank you.

MS DE ARAUJO: Good evening. My name is Zandra De Araujo; I live at 304 West Boulevard North. I am the current president of the West Ash Neighborhood Association, and I helped coordinate the efforts to downzone with our neighbors on this one. I just wanted to give a little bit of the history of this effort with our neighborhood association and the neighbors around it. So the West Central Columbia Action Plan was brought to us in, I think it was, like, early 2015, and that's when we first were told of the downzoning. And since that time, the neighbors have been working towards this, trying to figure out the steps involved in it. And as Christine mentioned, it is a lot of work and it's labor intensive to try to figure out everything. And the City has been really good in helping us figure out how to navigate all this, because, like we said, we're just citizens. We don't know all the ins and outs of how to do this. I've learned a lot. So I just wanted to say that in the plan, they also had a suggestion that under priority one for land usage, that you concurrently adopt an overlay to allow ADUs for the R-1 zoning. But as we learned from Benton Stephens and their neighborhood association, the overlays are really, really complicated to develop and they take even more time. And so we decided to start with the downzoning to the R-1 as a stopgap to address part of the plan with the acknowledgment that we did want the ADUs to come through. And we do have plans to eventually do an overlay, but we don't know how to do that, and it took us two years to get to this point, so we imagine it might take a couple years to get to that point as well. Hopefully not, but we're learning from Benton Stephens and other neighborhood in the action plan of how to do this. So I just wanted to clarify those points, but thank you for your time tonight.

MR. STRODTMAN: Thank you. Ms. Loe?

MS. LOE: So Mr. Smith pointed out -- reminded us of is that the new Code does make the ADU a conditional use in the R-1.

MS DE ARAUJO: Uh-huh. Right. I think --

MS. LOE: So that means you can request it.

MS DE ARAUJO: Sure. And I think that it -- the requesting might take extra steps for citizens and neighbors, though there's probably a way that -- to create a down -- or an overlay so that we don't have to go through extra steps with Council or P & Z or whatever to go through to get the approval, and it could be kind of easier to get as you would in an R-2 situation.

MS. LOE: So the question I brought up previously was, if there was a subzone that was sort of an R-1/ADU, you would be interested versus creating an overlay?

MS DE ARAUJO: So I -- I, individually, yes.

MS. LOE: Okay.

MS DE ARAUJO: I don't -- I can't speak for all 38 of my --

MS. LOE: No. No. No. I'm just -- we're kicking around ideas.

MS DE ARAUJO: Yeah. No. I think anything that would be easier to increase density in a way -- I mean, like, our lots are really narrow, so duplexes don't really make a lot of sense, and the infrastructure is just, like, not great in the West Ash neighborhood. We've had many sewer issues. And so as we build

these really high density, like the -- the duplexes that are very large, like eight bedrooms or eight bathrooms, whatever, that taxes our infrastructure and our storm water, but ADUs would help for mother-in-law suites or things like that that people tend to use in our neighborhood. And that's why some of the neighbors didn't downzone in this go-around because they were concerned that if they had a mother-in-law suite or something like that, they might. So we would have larger numbers had we had assurance that we could get ADUs painlessly accepted.

MS. LOE: Thank you.

MS DE ARAUJO: Yeah.

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

MR. STANTON: Just a comment. Don't be discouraged with -- I mean, conditional use -- right? Conditional use just keeps us -- you know, sometimes it might be a good thing, sometimes not. So don't let that scare you. I think it's a little faster than an overlay.

MS DE ARAUJO: Yeah. I mean, I think something that would be helpful for us is to -- so now we have this process down, so it's not -- if other neighbors want to do this, we are very clear on it. We think there's a precedent. We would have to figure out the steps and as long as we could share that information with people that might not have technology -- a lot of our neighbors don't have Wi-Fi, don't have computers. So I was on the website pulling all that information for them, so I think about, like, I can't do that for everybody that wants conditional-use zoning and things. So anyways that the Commission can make things easier for our neighbors in low-income areas that don't have access to computers, like, they have cell phones, but you can't access many of those City documents with cell phone very easily, that would be really helpful, or just really clear steps because we want to follow the Codes, it's just we don't know what the Codes are and some of the language is really confusing. So Clint's staff has been very helpful in helping us decode all the forms.

MR. STRODTMAN: We find it confusing, too, so don't feel bad.

MS DE ARAUJO: I mean, I have a Ph.D., and I found it confusing so --

MR. STRODTMAN: Any additional comments? Thank you, ma'am. Thank you,.

MS DE ARAUJO: Thank you.

MR. ZENNER: Mr. Chairman, if I may. This is a rezoning action for 38 properties. As the new Code has conditional uses under the purview of the Planning and Zoning Commission, and with final approval by City Council, if it would be the desire of the Commission, as well as acceptable to the applicant, the applicant could be requesting the conditional-use approval at this point for ADUs be added as part of this request, thereby taking care of the issue of having to create an overlay and granting authorization for these 38 properties to be able to proceed forward should they meet the regulatory criteria to be able to have an ADU as an option without having to come back. Creating an overlay process specifically for ADUs will be very cumbersome from an administrative perspective, and to create an additional zoning district, as Ms. Loe has pointed out, seems to go contrary to the purpose of why we simplified our zoning code by reducing from 26 to 13 classifications. So I point out that technically speaking, you are going through a rezoning action. This would be no different than if somebody wanted to

rezone their property from R-1 to M-C, our commercial zoning classification, and ask for approval for a conditional use at the same time. It would be a consolidated, combined application. So that offers the opportunity potentially to address what we're hearing as we want something simpler. We want to be able to have assurance that we could have an ADU as an option here in addition to our single-family home. Procedurally, it can happen. It is dependent upon what the applicant's desire is to proceed forward with this actual application at this -- on this track and potentially what the Commission's thoughts may be on that opportunity.

MR. STRODTMAN: So, Mr. Zenner, you're saying that we can do that even though we didn't post it, we --

MR. ZENNER: Not at this point. We'd have to basically readvertise to add that as a condition, and then move forward to render a decision at a future meeting.

MR. STRODTMAN: So we couldn't move forward as is today?

MR. ZENNER: No.

MR. STRODTMAN: But we could move forward as is, but if we change it and add the over -- the ADA --

MR. ZENNER: ADU.

MR. STRODTMAN: -- or ADU, then we would have to move it forward to a next -- a future meeting?

MR. ZENNER: We basically suspend discussion at this point, table it, allow for readvertising to include the additional use, and then act on it at a future meeting.

MR. STRODTMAN: Commissioners? Mr. MacMann?

MR. MACMANN: That's a great idea except it's not fair to ask them right here, right now.

MR. STRODTMAN: I agree.

MR. MACMANN: They can always -- we can go forward with -- a point of order here. We can go forward with this and do this, and if these folks want to reintroduce a very similar action in three cycles, whatever -- however many cycles it takes for us to do that, you all can do that, but it's not fair for us to do that right now. It's not fair to you.

MR. ZENNER: And I would advise, though, given the nature that we do not have an application waiver approved by City Council as it relates to a conditional-use approval process, this is the most economical means by which the applicant could potentially incorporate it.

MR. MACMANN: As a point of order, it may be economical, but it's not democratic, and that's -- and it's -- it's a great idea coming in, like, for the future, but -- and I'd like you guys to be able to have that. I just -- I think we've skipped a whole process if we go forward with that. I'm done with my point.

MR. STRODTMAN: Additional questions? Mr. Stanton?

MR. STANTON: So we could ask the applicant to come back up here. Correct? And discuss this with the applicant and see if they're willing to -- the way I'm looking at it, we could table this one, put it on the next -- what would be the soonest we could get back on the agenda?

MR. STRODTMAN: It would have to be publicly advertised. Right? So it wouldn't be the next --

MR. ZENNER: We have to -- we have to publicly advertise; however, I would -- I would recommend that in order to address the democratic procedure that Mr. MacMann is raising, that we likely not only readvertise for a public hearing, but we also readvertise for a public information meeting to make clear that this has been added as a use as part of the application. You may have a different set of comments that may get made by adjacent property owners, which is why this use is a conditional use. It may not be considered acceptable by all adjacent property owners that may or may not be proposing to downzone their land. So it is a conditional use for that reason. However, if we follow what our regular procedural standard would be for a rezoning request, that would be to have it submitted, public information meeting held, and then it advertised appropriately, that would, in my opinion, address the issue of fairness to all those that may be impacted by it under the new advertising. So what Mr. Smith has previously sent out is 440 notices. Those same 440 notices would be redistributed with the addition of a conditional-use request attached to the rezoning request. We'd basically hold a PI meeting. We would advertise accordingly. At a minimum, we'd probably be two meeting cycles away in order to be able to handle this, so it would be probably the end of April that this would come back to the Commission for consideration.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: I know we're in the middle of a public hearing and I suspect there are probably a few others that want to speak. I personally am here listening to the issue that the applicant has brought forward, and as we offer content to it, I'm not sure if that's what the applicant wants. So I'm hoping that we can concentrate on the issue that we're discussing tonight and move forward with that, and then pursue the ADU issue at another time.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: And I would agree to proceed with their application as they presented it, and as they have acknowledged, if individual property owners then want to come back for the conditional-use permit, they can.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: The issue I have with the ADUs, though, is their testimony or their public comments for their argument to downzone is that they already have infrastructure problems. Adding more density because of the ADUs will just increase that potential problem.

MS. RUSHING: But we wouldn't be addressing that issue today.

MR. TOOHEY: I know. I'm just -- I'm just saying, though, that that's what's been used as the argument to downzone today. And then, also, if you're going to add a bunch of ADUs to this area that they're downzoning, isn't it just redundant to downzone to R-1 and then add ADUs?

MS. RUSHING: I think the ADU was brought up because of a comment in work session. I don't think it was brought up as part of their application today, because the comment was made that there was a perception they wanted to downzone to avoid ADUs. And so the response before us tonight was no, that's not why we want to downzone. So I -- you know, I don't think the ADU issue is before us right now.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: We're talking on -- I wanted to hear if the applicant is up or down with that. Do

you want to -- I heard a lot about ADU, and I heard about the process. We've opened up our option to where we could fix that, or do you just want to leave it alone?

MR. STRODTMAN: You have to give us your name and address again.

MS. GARDENER: Okay. Christine Gardener, 112 Anderson. At this point, we have not discussed ADUs with any of the people that are on this -- in this process, and I have no idea if any of them are interested in ADUs. What I would suggest is that if you could go ahead on this, and we know another group is coming, and maybe if someone wanted to slip in, they have gone down -- downzoned, but they want to get an ADU, they could join that group. It's still to be decided, but I think what I'm sensing from the group is that we want to go forward with this now. We've worked hard to get here.

MR. CLARK: Is the public hearing still open?

MR. STRODTMAN: Thank you. The public hearing is still open, yes. We're asking for anyone else who would like to come forward. And due to the number of speakers, Mr. Clark, we do have a time limit.

MR. CLARK: Oh, good. Well, and you've made it ten minutes for me, haven't you?

MR. STRODTMAN: Oh, right. Minus seven.

MR. CLARK: Because I'm going to have so much good stuff to say. My name is John Clark; I live at 403 North Ninth Street. I'm an attorney, a CPA, and I'm on the list that's for the downzoning. Actually, I'm mainly interested in getting clarification. If I understood what Mr. Zenner said, hypothetically, if all 38 people wanted to have a conditional-use opportunity to have the ADU, assuming that they met down the road all of the other requirements, the problem with doing it then is there's a process right now for downzoning that allows the sharing of the advertising costs and to -- and to spread those. There is nothing in our current Code that applies that to applying to, say, a group of people who wanted to apply together for conditional uses, say, for 17 properties.

MR. ZENNER: That's correct.

MR. CLARK: Is that -- that's what you were getting at, and that's what you said about the economics. So just to make clear, the big advantage of somehow or another doing it tonight would be that if everybody was already in agreement, and we didn't want to divide this group up, it would save a bunch of people shared costs by sharing costs to do that. Otherwise, that's -- that's a whole -- frankly, that's a whole another process, and I'm not sure -- I'm not probably interested at all in stopping this process. Suppose another group of people, who are not here tonight, applied for downzoning, and other people, who have already been downzoned, and that group had decided they wanted to get the -- go the conditional route as part of their application. Could people who are in this current group join them and, by that route, be involved in the sharing of the advertising costs?

MR. ZENNER: Given there is no explicit provision within the Code to permit that, no.

MR. CLARK: Okay.

MR. ZENNER: That would be -- it would be a separate application process for those conditional-use applicants.

MR. CLARK: I've got it. So I must admit, I think it's too confusing to bring that issue up at this

date. So as one of the applicants, I think we should go ahead and proceed with this and -- and actually the people who might be interested in ADUs and so forth, that's a real other education process for this group of 38 people and other people as well, and this was a very good process to understand this that will end up being, I think, the best way for everybody to proceed, so I hope you go ahead and approve this tonight. Thank you.

MR. STRODTMAN: Thank you, sir. Any questions for this speaker? Thank you, Mr. Clark.

MR. CLARK: I turned my back before -- was there any?

MR. STRODTMAN: There were none. Thank you, sir.

MS. QUINN: My name is Christiane Quinn, and I live for more than 20 years at 719 West Broadway. I want to share a story with you. When I purchased my house, I did not know that I was buying a famous place in town, as I came to find out, because I was out of state. When people asked me where do you live, I explained where, and then followed one or two comments. Oh, the house with the tree on the roof, or, oh, the Donnie Stamper house. I was very puzzled about that. I did some research and I found out that there was a tornado in town that hit the supermarket Gerbes on Broadway, not that far away from my property. The result was a large oak tree that fell on the roof. The house got the front page of the Tribune on July 3rd, 1992. Of course, I have a copy of that. And I heard the people from all over town drove by just to see it. Donnie Stamper, who is that? I bought the house from him, but I did not know who he was. Usually do not ask those kinds of questions on those transactions. What's your job or what do you do. Right? Anyway, the famous county commissioner live in my property for only three years. And believe it or not, it's still after 20 years being there, people refer to my -- the Quinns' residence, as the Stamper house. So sometimes I think that I should run for some kind of office so I can place a big sign on my yard with my name on it to see if that would change one day. Hey, that's Columbia. Yes. I am the one-acre lot right on West Broadway, the house with the big windows on the corner of Anderson, the one right in front of the Taylor house, the old bed and breakfast totally restored from the previous owner, and two houses down from the current county commission, Fred Parry. Yes. I moved there before all those people. I moved there when it was surrounded by all those as rental properties. The Taylor house was a three apartment. Next door was an older home from a couple that lived there for over 40 years. Fred's house was not as glamorous as it is now, and there was even a condemned house across the street. Yes, all that changed. Now, people like to drive the street and admire those beautiful homes and especially our yard. We planted over 100 trees on our property. We have a vegetable garden. We have an orchard, and my daughter sells peaches to the neighbors. Friends come over to -- grapes to make wine. We were able to designate West Broadway a historical street, and this is part of the history of the City. Of course, I joined my neighbors with the petition to rezoning, and I want to thank Christine Gardener for her initiative. And, of course, I want to see houses around me and not apartments. I want to see grass and not cars or parking lots. Tonight I would like to ask this Commission to accept, support and move forward with the rezoning request. There are plenty space where developers can focus on it, not by single historical homes, put them down because they are close to downtown or worse, because they're on the north side of Broadway. Yes, I also heard that a lot. Your property is nice, but you're on the wrong

side of the street. It's time for Columbia to get over that. Let's support the property owners that want to keep the neighborhood as a single-family place in our town. We are community and we can work together, and thank you very much for your service to the City.

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

MR. NORGARD: Peter Norgard, 1602 Hinkson Avenue. And tonight I will -- I represent the Benton Stephens neighborhood as their president. I wanted to make a couple of brief comments, and I want to look back about a year and a couple of months ago when you all approved our downzoning in Benton Stephens, and I wanted to thank you for that in a public forum because I think you need to understand how much of an important thing that was for our neighborhood. As Christine Gardener's group is finding out, they have cohered as a neighborhood around a single common cause, and I think that's something that's worth pointing out because too often people feel disenfranchised from the City. And so this is a -- this is one of those few processes that's really bringing people together for a good thing and we're not angry about it. The other thing I'd like to point out, in our neighborhood since the downzoning, we've had a total of three new people move in, two of whom are homeowners who are restoring their homes, and a third is a -- a landlord who is restoring an old home. So I believe at least in part, the downzoning and the sense of community that we've developed is helping to foster a stronger community. And so I think that if you were to accept this, you would be sending a clear message to the neighborhood and to the City at large that this is a neighborhood that values their -- their space, and hopefully it works out well for them. Thank you.

MR. STRODTMAN: Thank you, sir. Commissioners, any questions of this speaker? I see none. Thank you sir. Anyone else like to come forward this evening? I see none. We'll go ahead and close this public hearing.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, regarding Case 18-51, additional information, discussion, questions to staff, comments? Ms. Loe?

MS. LOE: If there's no discussion, I'll make a motion.

MR. STRODTMAN: We will take that motion.

MS. LOE: In the Case of 18-51, West Ash and other area downzonings rezoning, recommend approval of downzoning of 33 parcels from R-2 to R-1, four parcels from R-MF to R-1, and one parcel from R-MF to R-2.

MS. RUSHING: Second.

MS. RUSSELL: Second.

MR. STRODTMAN: Ms. Rushing. Thank you, Ms. Loe, for that motion, and Ms. Rushing, I will give you credit for that second. Commissioners, we have a motion that has been made and received a proper second. Is there any discussion needed on this motion for approval? Mr. MacMann?

MR. MACMANN: Real quick on it, I'd like to thank Mr. Norgard. He brought up something about how their neighborhood came together. And even though I am for all this, I think it's wonderful, I have not

even thought about that, and I just wanted to comment that that's a wonderful thing. Thank you.

MR. STRODTMAN: Ms. Burns, when you're ready.

MS. BURNS: Yes.

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

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Secretary. Our recommendation for approval for downzoning of those 38 properties will be forwarded to City Council for their consideration.

VII) SPECIAL ITEM

MR. STRODTMAN: At this time, I would ask any Commissioner who has had any ex parte communication prior to this meeting related to Case 18-83, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

Case No. 18-83

A request by the City of Columbia to amend Section 29-5.1(b) of the Unified Development Code as it relates to avoidance of sensitive areas, land analysis mapping, and preservation of sensitive areas.

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

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

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, any questions of staff on this topic? I see none.

PUBLIC HEARING OPENED

MR. STRODTMAN: If there is anyone in the group that would like to come forward. Matt, come on down.

MR. CREEDY: Good evening. My name is Matthew Creedy; I'm with Engineering Surveys and Services, and you have my letter now, as I understand, and you probably have had a chance to read through it and all, so I don't want to belabor too much, but I want to get an opportunity to run through some of the reasoning and thoughts of the suggested amendments that -- that we made. First off, I'm just looking for potential issues that might be developed by the language that's in there, particularly with the existing development and other scenarios that, you know, were manmade, and continue to try to avoid creating variance scenarios or confusion or other conflicts with other sections of the ordinance. And with the letter, I have provided a letter describing the reasoning and then actual proposed text. I'm trying to make this as -- hopefully, as easy as possible, in that kind of first thing, on the sensitive area map, you know, early on. I think probably best in terms of an initial consultation with City staff, that we look at it as a potential aspect and not already be deeming something as a sensitive area. And I -- to me, I would just get concerned of misconstruing what was actually being presented, what the point of that is, and that way you can look at all of these items that are on here and then really make that assessment. On the steep-

slope section, again concern lies there of broad interpretation of what's defined in there, from everything from a roadside ditch that has a two-to-one side slope that well exceeds the requirement here to a curb and gutter section that has a vertical curve. There is no restrictions on what might be manmade, what might be a natural condition, and I think the addition of some comments or some language that this is a natural condition in the slope would help clarify that, which I believe is the intent of the ordinance to -- to protect the natural condition, not a manmade slope. And in many cases previous, lots have been developed or created for development with three-to-one slopes or sometimes even steeper in between lots. I don't think it's our intent to try to preserve, you know, manmade slopes. Furthermore, in terms of the -- the -- what that slope is, how steep that is, just a little background on Boone County soils, what's typical stability that you might see and, you know, really anything two to one is going to be stable and, you know, quite a bit steeper than what we've shown as a -- as a sensitive area here. That's about, you know, 50 percent, 40 percent, you know, you're going to have nearly 100 percent of soils in this area are going to be stable in their natural condition. So I think to look at something about 33 percent would encompass most all of those soils and then, you know, look at some height restrictions, as well, because I don't think anytime we have a one-foot drop, we're intending to try to preserve that slope. Again, just to avoid that broad interpretation, so we suggested a ten-foot vertical elevation change, topographic change. And then and just again back to the intent, you know, kind of the first paragraph of the -- of the sensitive area is focusing on the safety, health, and general welfare, and I want to see that continue on through the ordinance that, you know, that the whole point of this preservation is to, you know, protect general welfare, health, and safety. And I believe if there are areas that are potentially sensitive, that if, you know, proper safety is put in place, design tools are put in place, and no threat is there for public health and safety, that, you know, those should not be considered sensitive areas long term. And then just a few items in terms of recognizing other FEMA action that might have occurred in terms of the letter of map revisions that may have occurred, things that don't show on the map. Those are -- those still should be recognized. And again it's just a worry about a real stern interpretation that might occur in the future, that, you know, even those actions are no longer valid despite the fact that, you know, updates have been made to what really is the floodplain. And then the preservation bonus. I think this -- the bonus that's provided, I think, is good in a residential scenario to help encourage preservation of floodplain, but it really provides nothing of any sort of encouragement for some nonresidential-type use; office, industrial, whatever it may be. And we suggested looking maybe at some reductions in internal landscaping islands and parking lots or something like that that would allow some increased density to pull you away from the floodplain. I suspect there's other possibilities, as well, but that's kind of my -- my initial take on it. But I wanted to make sure that encourages all development. And kind of lastly in terms of the development within floodplain, when you've got development that's already there, and even in flood way, and that does exist in Columbia, that an ordinance that strictly says no development in there will limit the, you know, rights of that property owner to develop and continue to use that property as they have for years. Wow. Yeah, I would agree. Always best to try to work that development out of it, and I think these -- these incentives will help work towards that as -- as time passes. So I think we're moving in the right direction with these revisions

and kind of getting some of these conflicts worked out in the ordinance. And with that, I'll be happy to answer any questions you all might have.

MR. STRODTMAN: Thank you, Matt. Any questions for this speaker, Commissioners? Mr. MacMann?

MR. MACMANN: Yes. Thank you, Mr. Chairman. Mr. Creedy, I was looking at your last amendment and you were just going over that.

MR. CREEDY: Uh-huh. Yeah.

MR. MACMANN: As an engineer, we reduce the number of tree islands in the parking lot, does that give us a permeability problem, we have less absorption of water? I mean, it's not just aesthetics.

MR. CREEDY: I think it's probably more of an aesthetic issue. As you reduce those islands in the parking lot, the storm-water management requirements in the ordinance in 12A and then the design manual are still going to be in play. While there's provisions in the ordinance that say, you know, you're trying to drain your impervious area across those islands and get a little bit of disconnection in the impervious area, I think that loss can fairly easily be mitigated by the addition of, you know, whatever other storm-water treatment you might have, whether it be a bio-retention or some sort of proprietary system to meet the ordinance. So the aesthetic values would be more the concern, and that's why I didn't go even to -- I didn't talk about buffers or screening or anything of that nature where I think it would affect a neighbor or visibility from, like, a roadway, what it might look like.

MR. MACMANN: Let me follow up on that just a little bit, well, along the same thing, I'll come back.

MR. CREEDY: Uh-huh.

MR. MACMANN: You had suggested also that we add 12 feet to R-1 or R-2 that could be looked at, and that's -- I'm sorry?

MR. ZENNER: Except R-1 and R-2.

MR. MACMANN: Oh, okay. All right. That's -- when I just read that again, I was very confused. I'm glad -- what are you doing there, Matt. That's why -- in this -- and this is another -- this is a question for an engineer. Do you think the flood fringe areas have greater needs -- I don't know if I'm going to couch this correctly. Would it be a concern of yours as an engineer if we keep stacking, building stuff up in the flood fringe? Does that give you any pause at all?

MR. CREEDY: Well, with proper engineering, no. You know, the impact can be mitigated. And just -- just the addition in the floodplain doesn't necessarily cause detrimental harm when properly designed and mitigated. You know, for instance, you could add a building and -- of 10,000 square feet in a floodplain and impact, you know, let's say 10,000 square feet of the floodplain and offset that same impact in another area so that, you know, the net loss in the floodplain is zero, and then that rise is zero. You know, that -- that can be worked out and allows you to work with the land and the existing conditions in a maybe a better fashion.

MR. MACMANN: Okay. Do you think we have the enforcement and the regulatory mechanisms in place to do that?

MR. CREEDY: Absolutely.

MR. MACMANN: All right. Because that's not -- I am not an engineer, and I am not a lawyer, but you do realize in Columbia there are people that think the opposite of what you just said. You understand that. Right?

MR. CREEDY: Absolutely, I do. You know, it's -- it's -- from my own perspective, a lot of past sins, you know, and we pay the price for that.

MR. MACMANN: Yes. Yeah. Yeah.

MR. CREEDY: But the regulatory mechanism is much stronger than it was, you know, 20, 30, 40 years ago, and -- and the review process that's gone through is much stronger. You know, I don't see that continue to be a problem, you know. But it's got to be the right situation, you know. As it says in here, you've got to justify it, you know. You're not just going to be able to blindly go in and -- and disturb it or -- and to make changes, you know. You've got to have reasoning for it.

MR. MACMANN: Yeah. Well, just -- Commissioner Loe and I and others had a great concern of this going forward, and you just -- you might have just noticed we talked to 38 people who were neglected in a regulatory fashion for a very long time, and we're trying to rectify situations that some of them should have never happened in the first place.

MR. CREEDY: Yeah. Uh-huh.

MR. MACMANN: And we're trying to fix this ordinance, but we're trying not to create unintended consequences going forward.

MR. CREEDY: Correct.

MR. MACMANN: So that's why I'm asking some engineering questions here on the record.

MR. CREEDY: Oh, no. Feel free.

MR. MACMANN: And I'm not going to come back and ask for your license or anything. I'm just trying to educate myself and the public at the same time.

MR. CREEDY: Always happy to answer any more questions you have, too.

MR. MACMANN: Thank you, Matt. Thank you, Mr. Chairman.

MR. STRODTMAN: Ms. Loe?

MS. LOE: As long as we're putting questions and unintended consequences on the record, what about heat island, if we start removing trees from parking lots. I think that's one of the reasons they were introduced.

MR. CREEDY: Yeah. Yeah. And certainly that's -- that's going to have a possibility of increasing a little bit. I think it's fairly marginal when you -- when you look at how often are we going to have a floodplain prevention -- you know, prevention of impact to a floodplain causing a parking lot to be a little less covered in trees. I think that's pretty -- it's going to be a pretty limited circumstance, first off. Second, you know, we're weighing the benefit of what we're having for the floodplain preservation along with maybe what habitat might come along with that versus maybe a little extra heat off a parking lot. And, yeah, you've got consequences both ways and -- and, you know, I would tend to weigh to the heat island saying that's probably a better scenario in that case. But really what I'm looking for, even if it's not this

scenario. I'm not locked into this one, but something that's going to encourage an industrial development or a residential -- or a commercial development to also stay out of the floodplain or, if they're in it now, to get out of it because without the incentive, you know, you're going to put -- you know, it's going to be pushed to the max, and I think that will help, you know, mitigate that impact.

MS. LOE: Thank you.

MR. CREEDY: Uh-huh.

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

MR. CREEDY: Thank you.

MR. STRODTMAN: Appreciate your time. Anyone else like to come forward and speak to us this evening?

MS. DOKKEN: My name is Dee Dokken; I live at 804 Again Street, and I'm speaking for the Osage Group of the Sierra Club. Didn't realize the battle of the amendments had already started. When the Unified Code was first being discussed, I think it was presented as the max -- the sensitive slope would be 15 percent, and then there were these 33 percent amendments, and we ended up with 25, and it was kind of left hanging. And I've been expecting this to come up again, and I didn't realize it was coming up so soon. But I would just like to say, well, the Sierra Club recommends 15 percent as originally was -- was in -- proposed by the Planning Department. And also I would like to -- I think you should be very conservative about flood ways, flood fringes. Columbia has just started a climate change adaptation process plan, and that is definitely going to be one thing they're looking at is these old floodplains and flood ways are going to be increasing probably with climate change. Thank you.

MR. STRODTMAN: Thank you, ma'am. Commissioners, any questions for this speaker? Thank you. Anyone else like to come forward?

MR. NORGARD: Peter Norgard, 1602, representing myself. And I was supposed to tell you the last time I was up here, I save you some tears from Rita because she wanted to come up and cry. After listening to Pat's description of the -- the Code change, my -- my understanding and interpretation of what's trying to be done here has changed a little bit. One of my hang-ups here, though, is that this density bonus, you know. A reduction in 25 percent of your lot is an increase in 133 percent of your impervious surface. So for every 25 percent you reduce your lot size, assuming everything stays proportional, you're still increasing your impervious surface. And so I have some concerns that homes living in the fringes of floodplains may be at -- at greater risk as we continue to build additional housing. So essentially what I'm understanding is that you would like to put more lots in the same tract of land that is outside of the floodplain that's in the flood fringes, I suppose. And so an increase in density is just going to increase the water runoff, and I think, you know, that water goes somewhere. It goes into the drainage system, and that drainage system is the Hinkson Creek watershed. And so if you start populating all of the little rivulets of the Hinkson Creek watershed with more and more of these impervious surfaces, you're going to end up with significantly more water runoff than I think the engineers are willing to admit. And I would respectfully observe that the City of Houston was built up by engineers and Planning and Zoning Commissions that didn't take this into consideration and, you know, they had a massive water event this

year and it's costing them billions. I would also point out in St. Louis, we had similar problems in 1993. The City of Chesterfield currently is building in a floodplain. This was land that was six feet under water during the great flood, and now, you know, Again Street is yet another problem here in Columbia, which is costing Columbia money. So I guess I'm really confused by the need to increase the density for a developer. And let's be honest, it's developers that are going to buy this land and take advantage of this bonus density so that they can squeeze a little bit more money out and -- and they're going to spin off that risk to the homeowner who's not going to know that they're living in floodplain necessarily until their house is two feet under water. And at that point, they have no recourse. They can't sell their home because nobody is going to buy it, and they're not going to be able to get insurance. And so I'm just confused about the intent of that particular clause.

MR. STRODTMAN: Thank you, sir. Commissioners, any questions for this speaker?

MR. TOOHEY: Mr. Norgard, so Houston doesn't have zoning, so they don't have a Planning and Zoning.

MR. NORGARD: Okay. Well, that may be true. However, people did build in a reservoir, put concrete in a reservoir, decreased the impervious area.

MR. TOOHEY: Right. I'm just letting you know they don't have -- they don't have zoning down there.

MR. NORGARD: What do they have?

MS. RUSSELL: Nothing.

MR. TOOHEY: Right.

MR. NORGARD: Oh.

MR. TOOHEY: The other thing I would ask, when it comes to purchasing the house and there is financing, and it is in a floodplain, there are issues that come along with that. It's not just that someone is just going to go buy a house in a floodplain.

MR. NORGARD: In a floodplain, but in flood fringe, I'm not -- I mean, I don't -- I haven't --

MR. TOOHEY: I'm just giving you the information.

MR. NORGARD: Sure.

MR. TOOHEY: Based upon your comments.

MR. NORGARD: I understand that there are implications for the sale, but I think that what we're defining as the floodplain may be too conservative because as you start to increase the density, at some point, that floodplain changes. Right? You're adding more water and it's got to go in the same way. It's got to leave the same -- it's going down the same pipe. So if you're putting more water in the pipe, then the pipe has to be bigger.

MR. TOOHEY: Right. And that's why those maps change based upon changes in the environment and changes --

MR. NORGARD: Right. But the houses don't move. So if you build in an area that's currently safe and now we've added all this additional density because we're permitting it, then the map moves, but the house doesn't. And so how is the homeowner in that particular case protected?

MR. STRODTMAN: Any additional questions, Commissioners?

MR. MACMANN: No.

MR. STRODTMAN: Thank you, sir. Anyone else like to come forward this evening?

MS. FLEISCHMANN: My name is Rita Fleischmann and I live at 1602 Hinkson. Many of these people have addressed the issues of, like, the floodplains and everything, but it -- in the -- after the flood -- the great flood of '93, I was involved in a research study from the Rural Sociology Department here at MU that looked at Glasgow and Brunswick and how the flood affected the mental health of the people in the townships and how it destroyed people, how it -- like, people who had lived there in all their lives. And, you know, maybe there won't be a problem. Maybe it'll be 30 years and people will raise their family in these developments and then there is a flood, and they lose their families and they go into therapy. They start drinking. They become destructive to their spouses. It's more than just the water. It's the mental health of a community. It's the mental health of the development. We need to look far beyond just the perimeters of what we're building, but we're building communities that should be vibrant and should be made to last. That's all I have to say.

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

MS. FLEISCHMANN: Thank you.

MR. STRODTMAN: Thank you.

MR. CLARK: John Clark, 403 North Ninth Street. Actually, I was involved with Dee Dokken and others years ago. We fought back the City's attempt to create a concrete channel for storm water through Again Street Park. If that had been allowed, the County House Branch to the south of that and all the houses on it would just be not there in many ways. Their land would have been eaten up. What I gather from the discussion I hear is that you're being asked and the City is asking you to approve a lessening of the restrictions to allow more density. I think you should listen to Mr. Norgard's comments, to Rita Fleischmann's comments. In the comprehensive plan and following that, the UDC, since we have no restrictions and no goals in terms of our population growth, we're left with -- and they're left with saying where are we going to find enough space to fit generally within the city limits for all these people when we continue to grow at 2 or 2-and-a-half percent a year. And we should never have put ourselves in that place. We should have addressed and targeted a reasonable growth rate of 1-and-a-quarter to 1-and-a-half percent down there. But you can't ignore this pressure, and that's where some of this pressure has come from, in this case, supported by the development community. What I hear and, of course, floodplains are changed and they look at all these kind of things, I doubt that the people who are arguing for lessening these restrictions are looking at a long enough time period and the range of outsized events and so forth that can cause all kinds of havoc to make this judgment. And I'll call attention and I'm going to cite that great American architect of the 2008 meltdown, Alan Greenspan. Alan Greenspan was a wonderful conometric student and, for that brief period of time after this when he apologized and he thought, oh, well, greed would control everything, his serious work said all of my research looking for trends and what could be highs and lows and swings really looked at the period from 1940 forward. I

should have been looking from 1850 forward. They dramatically expanded the range of time when they're considering varieties of fluctuations and the impact and he said if I had done that, I would be -- have been much more forceful in the kind of regulation I supported. He basically identified the study methodology by which people said, well, how big is the risk and how small is the risk and so forth. You're being asked to loosen regulations that, as far as I can tell, were well thought out and put in place, and you have not thought about the appropriate time frames. Mr. Norgard, in particular, Ms. Fleishmann -- you need to reject this and think about this much, much more, and reject -- and I do not believe it is Mr. Zenner's goal and so forth personally, but the outcome of the comprehensive plan is a certain force to actually get people to think about how can we increase more density -- a population density in our various properties. You need to be aware that that's the bias in the comprehensive plan and you need to restrict it in considering these things because you're putting a whole bunch of people at risk. And it doesn't matter what are in real estate contracts and on the disclosures and so forth. That won't matter. Please table this, get rid of it, or reconsider it. I don't think you have adequately studied it and the people are making the recommendation to you have an adequately unbiased and broad enough perspective certainly in time to really be supporting this -- these proposals. Thank you.

MR. STRODTMAN: Questions for --

MR. CLARK: I don't think you want to ask me about Alan.

MR. STRODTMAN: We're not going down that road.

MR. CLARK: Okay.

MR. STRODTMAN: Any questions for this speaker? Thank you, Mr. Clark. Thank you, Mr. Clark? Anyone else? I see no one else.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, further discussion, comments, anything that we've learned from this evening that we would like to discuss? Mr. Zenner, are you hopeful that we would make a recommendation for a text change? Is that kind of the outcome -- the direction?

MR. ZENNER: I don't know if I want to say anything. Greater temerity, I would tell you we -- we have, in order to meet our regulatory or our statutory requirements for advertising, this has been advertised for a public hearing for the 22nd's meeting. While it has been advertised and would be likely published for the 22nd's agenda, it could be tabled at that meeting, as well, to allow for additional review. Given the direction that we received this evening from the Commission as to consider the comments that have been submitted tonight in a final version of this text change, we would have anticipated bringing it back to you on the 22nd for consideration. But to point out again and for points of clarification, the option to get a density bonus within -- a density bonus is if you preserve both flood sensitive features and the floodplain, flood fringe. Right now, the way that these regulations read, and I think the Commission is very well aware of this -- I'm doing this more for the audience -- there is no protection for the flood way -- or the floodplain. I apologize. The floodplain. It is a fully developable area, a free-for-all according to our provisions that exist within our floodplain development permitting process. We are encouraging people to step back as part of their development proposals and consider preserving that area. Right now, without a

density bonus, we would be asking somebody to stay out of an area that they don't have to stay out of regulatorily. The net increase of density on this property will not be any greater than if they had developed in the floodplain. We, however, would be preserving the floodplain to allow for expansions of flood waters in the expansion of the flood way over time. Otherwise, we basically lose the floodplain through a regulatory process that is already in existence and that we have, as a Planning Commission and a staff, no regulatory authority to deny. So that is basically what this amendment is designed to do. It is designed to try to permit and protect the floodplain through a carrot. Otherwise, we don't have protection. We have the exact same development pattern that we have had in the City of Columbia, albeit we have much better regulatory processes that exist to ensure that when development does occur within these areas, runoff, drainage, and all of the other features that go along or all of the other impacts that go along with development are addressed. They're addressed through our regulatory processes. As Mr. Creedy pointed out here this evening for you, they are far superior to what they were 40 years ago. The sins of the past cannot be borne on the future. We have corrective provisions -- we have created corrective provisions within our Code to address those, and we will continue to probably evolve with newer standards as issues arise and as technologies become more available. This text change was designed, obviously, as we talked in work session, to try to remove the confusion associated with the conflict. It is the Commission's prerogative to do what you want with it. If we take and we review these recommended changes that have been offered by Mr. -- by our speakers this evening, as well as Mr. Darr, and bring them back. You choose what you want out of them. The discussion as it relates to slope, which was not what was being proposed as part of our discussion, as you all who sat through the UDC process are very well aware of, we started at 33 percent. Well, we started -- we started at 33, we ended up at 25 because the current Code was 15, and so we're in the middle. We chose -- choose the middle, and that's where the 25 came from. I -- again, I would have to talk with our storm-water management staff, as well as our other professional engineers we have on staff, to determine what is the appropriateness of the proposed change. And then, of course, it's left up to you as the Commission. I do not disagree with what has been suggested by Mr. Creedy, that we may need to deal with something that better defines what did we mean. Was it natural features or was it any slope across a property. I would suggest to you that the way it is written, is confusing. So I think there are some things that have been provided to us this evening in these comments that are worth investigating and bringing back to the Commission. Again, we have advertised for the 22nd. If the Commission, when it comes up on the agenda, determines that it wants to table to allow for additional public discussion and review of the proposed change as modified, I'm more than happy to do that. But at this point, we do have it on a course to get to the next meeting and we have the ability to basically roll it back if we so choose at that point.

MR. STRODTMAN: Thank you, Mr. Zenner, for that clarification. Commissioners, discussion? Mr. MacMann?

MR. MACMANN: A thought, and just a clarification. I guess this is a Jose question. We can always table the decision. We can have the hearing and the discussion and take additional input, and always table voting. Right?

MR. ZENNER: That's correct.

MR. CALDERA: That could be -- that could be an option.

MR. ZENNER: That would be -- it is our -- it's our application. We can do with it as the Commission desires. So if you want to take the public input at that point --

MR. MACMANN: Well, I just -- we have a meeting scheduled. It seems that some other -- people want -- still want analysis and discussion.

MR. STRODTMAN: Ms. Loe?

MS. LOE: I think some valid points were brought up and I would like to anticipate that we have discussion and I like the idea that we may not have a vote on it. We may need to table it further. I'm fine with that.

MR. STRODTMAN: We'll get our in-house counsel here.

MR. MACMANN: This is where he says no and nothing else.

MR. STRODTMAN: Anything different, Mr. Zenner?

MR. ZENNER: The suggestion is as long as we advertise -- since we -- if we place it on the agenda, we're -- we will make notation on the agenda that additional public input is welcomed and a final vote may or may not occur. The item may be tabled. Just so the public understands that you have the option, it is being advertised for the public hearing. You have the option to vote, but within your toolbox of actions, you also have the ability to table. And we'll make that clear as we produce the agenda, since the public advertising has already gone out and run. It ran on Tuesday of this week.

MR. STRODTMAN: Commissioners, everybody okay with that, that we'll -- staff will take the -- some of the comments that we received this evening into consideration and come back with a revised document potentially at the next session and we'll treat it accordingly? Mr. MacMann?

MR. MACMANN: I have one small tweak, and I think Mr. -- I hope, Mr. Zenner, can you do this? Could you give us a small graphical representation of the amendment, like five or ten spots. It doesn't even have -- you know what -- do you understand what I'm saying? What it would look like?

MR. ZENNER: I believe we can. I'll have to confer with our GIS staff to make sure that that's possible.

MR. MACMANN: I think it is possible. I just -- I think it might be very useful for everyone involved, Commission and public, if they can see what that looks like.

MR. ZENNER: Now, let me ask a clarifying question to that. Are we talking about --

MR. MACMANN: What does the piece of land look like; is that what you're asking me?

MR. ZENNER: No. Are we talking specifically about the principal focus of what the amendment was meant to resolve and that's the floodplain issue? To try to illustrate steep slopes --

MR. MACMANN: I really don't want to get into steep slopes.

MR. ZENNER: You don't want to go there. Okay. That's what I wanted to make sure -- I believe --

(Multiple people talking simultaneously.)

MR. MACMANN: An example, and this is what was in my head -- mind as you were speaking.

You have -- we have a five-lot development, five R-1 houses, and part of this property is on a flood fringe, old way, new way.

MR. ZENNER: That, I think we should not have a problem with.

MR. MACMANN: And that's -- then people can see that.

MR. ZENNER: It gives me a project to work on along with my staff.

MR. MACMANN: And you need something to do. Keeps --

MR. ZENNER: Ms. Loe, I need your drawing technique, so -- you know.

MR. MACMANN: Is that okay with everyone? I think -- I think that would --

MR. STRODTMAN: Yes. If it's doable. We're not going postpone meetings and things, but we can definitely -- if it's doable.

MR. MACMANN: No. No. I just thought a little graphical representation.

MR. STRODTMAN: So, Mr. Zenner, you're clear on the direction for --

MR. ZENNER: I'm clear on the direction and the Commission is clear on how we will handle your -- your publication for it.

MR. STRODTMAN: Yes. Thank you.

MR. ZENNER: That, and is there any other discussion or questions of us?

MR. STRODTMAN: No, I don't think so. No.

MS. BURNS: We don't need an action on this item then?

MR. ZENNER: No. This was a discussion item only.

MR. STRODTMAN: No.

MR. ZENNER: And the discussion has been quite robust this evening.

MR. STRODTMAN: Sounds good.

VIII) PUBLIC COMMENTS

MR. STRODTMAN: This is the opportunity for public comments. If anyone from the public would like to come forward and speak to us, you're welcome to.

(There were no comments from the public.)

IX) STAFF COMMENTS

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: We've got a meeting, so it is coming up on the 22nd of March. And unlike popular notice that was put out with your counsel or your packets for your upcoming meeting on the agenda, it is actually at 7:00 p.m. for our main event. Next week, inadvertently, I had put 5:30 on the published agenda, but your regular meeting is at 7:00 and our work session will occur at 5:30 as usual. And at this point, we will figure out what we're going to put on that agenda for you. On the next agenda for the 22nd, you have four items. One plat, this is CPS Waugh and Locust. It is a final plat with a design adjustment. And then we have three public hearing items. The Colonies Liberty Bridge, Lots 101 and 102, this is a statement of intent revision in The Colonies, a development for just this specific building and these two lots to add a use that would be more consistent with the office designation through the Code change and the nature of the statement of intent that exists on this property. The particular use that's desired was just

left out or didn't exist at the time that the statement of intent was approved back in the late '80s. We have a rezoning request off of North Old 63. This is a request on a vacant parcel that is somewhat to the northwest of the hospital -- the Landmark Hospital. It is a request for three lots to be rezoned from R-1 to M-OF, the Benton Stephens Neighborhood Association has been involved. There has been a number of residents that have attended public meetings in regard to this. This potentially will have some significant public engagement, I imagine, when we have the meeting. Proposed use is for an office building on the M-OF, the proposed site to be rezoned. And then, of course, the discussion we've had this evening as it relates to the UDC amendment. This may or may not be voted on at this meeting, but, as I have indicated, it's advertised for a public hearing. Your maps for the upcoming items, the Waugh-Locust. This is actually Lee Elementary, the expressive arts school, for CPS. We're doing a consolidation of the parcels. The design adjustment has to deal with road right-of-way waivers along College, which is somewhat consistent with the other right-of-way waivers that we have had presented to us, and the purpose for the plat is, in essence, to consolidate the lots that exist here in order to accommodate a potential -- the future expansion of Lee Elementary. On the right-hand side, you have The Colonies parcel. As I said, this is a single just statement of intent revision to affect that one lot to allow for a use that is not currently permitted. And then this is the 701 North Old 63 parcel. Landmark Hospital there in the lower right-hand corner. And then to the north of the property, just north of McAllister, is where we have the ambulance repair business, the old landscape center, what's been used in the past for the homeless shelter during the winter, as well. So this area is -- it's a mix of uses along the corridor here, and the proposal is for mixed-use office. That is all we have on the agenda for this evening. I thank you very much for your attention.

MR. STRODTMAN: Thank you, Mr. Zenner.

X) COMMISSION COMMENTS

MR. STRODTMAN: Commissioners, any comments?

XI) ADJOURNMENT

MR. STRODTMAN: Ms. Loe?

MS. LOE: Move to adjourn.

MR. STRODTMAN: Do we have a second?

MS. RUSSELL: Second.

MR. STRODTMAN: Have a nice evening. We are adjourned.

(Off the record.)

(The meeting adjourned at 9:31 p.m.)