



City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, July 21, 2016
6:00 PM

Regular Meeting

Council Chambers
Columbia City Hall
701 E. Broadway

I. CALL TO ORDER

Present: 7 - Tootie Burns, Dan Harder, Sara Loe, Joy Rushing, Lee Russell, Rusty Strodtman and Michael MacMann

II. APPROVAL OF AGENDA

MR. STRODTMAN: Any changes to the agenda, Mr. Zenner?

MR. ZENNER: Yes, Mr. Chairman. We have had a request -- I do have it formally submitted electronically. Unfortunately, it was received during our work session -- for Case Number 16-137. That is the preliminary plat for Kitty Hawk Manor, Plat Number 6. They have requested that it be tabled, and I will read that tabling letter into the record. But that is the only change that we have to the agenda this evening.

MR. STRODTMAN: Okay. So as we have done in the past, we would move that item to the front and we're going to discuss it after we do our minutes. We'll -- yes. Okay.

MR. ZENNER: Yes, sir.

MR. STRODTMAN: So we'll make note of that and we'll address it as soon as we get done with the approval of the minutes.

III. APPROVAL OF MINUTES

Approved by voice vote (7-0)

V. SUBDIVISIONS

Case # 16-137

A request by Crockett Engineering Consultants (agent) on behalf of Manor Homes, LLC (owner) for approval of an 8-lot preliminary plat to be known as "Kitty Hawk Manor, Plat No. 6". The 3.80 acre subject site is generally located at the southwest corner of Northland Drive and Parker Street. **(This**

item was tabled at the July 21, 2016 Planning and Zoning Commission meeting)

MR. STRODTMAN: As Mr. Zenner mentioned earlier, there has been a tabling request. Was there a specific date, Mr. Zenner, in mind for that tabling yet, or do we know that?

MR. ZENNER: That was to the August 18th agenda.

MR. STRODTMAN: Moving that to the August 18th agenda item. As we had, is there anybody -- it's not -- since it was a published item on today's agenda, is there anyone from the audience that is here to speak on that specific item? If you are, you're welcome to come forward if you would like. As I see none, we'll close that part. Commissioners, any discussion, comments on tabling this matter to August 18? We will need a roll call, Ms. Loe, please.

MS. LOE: Yes, Mr. Chairman. So, Case 16 -- do we need a motion to move -- or motion to table?

MR. ZENNER: Yes, please.

MS. BURNS: I'll make a motion to table Case 16-137, a request by Crockett Engineering Consultants on behalf of Manor Homes for approval of an eight-lot preliminary plat, "Kitty Hawk Manor, Plat No. 6," three point --

MS. RUSHING: Second.

MS. BURNS: Sorry. Oh. I'm finished, go ahead.

MR. STRODTMAN: Thank you, Ms. Burns? Anybody have a second? Ms. Rushing, second? Ms. Rushing.

MS. LOE: All right.

MR. STRODTMAN: May we have a roll call please.

MS. LOE: Yes. So Case 16-137.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms.

Russell,

Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Strodtman, Ms. Rushing.

Motion carries 7-0.

MS. LOE: We have seven votes for, none against. Motion carries.

MR. STRODTMAN: So that item will be tabled.

Motion to table Case 16-137, a request by Crockett Engineering Consultants on behalf of Manor Homes for approval of an eight-lot preliminary plat, "Kitty Hawk Manor, Plat No. 6" to the August 18, 2016 Planning and Zoning Commission meeting.

Yes: 7 - Burns, Harder, Loe, Rushing, Russell, Strodtman and MacMann

IV. PUBLIC INFORMATION AND COMMENT

Case # 16-110

A request by the City of Columbia to adopt a Unified Development Ordinance (UDO) governing subdivision and land use regulations throughout the City of Columbia's corporate limits as requested by the City Council and supported by the City's 2013 comprehensive plan entitled "Columbia Imagined - The Plan for How We Live and Grow." The UDO will replace Chapter 25 (Subdivisions) and Chapter 29 (Zoning) of the City Code as well as incorporate provisions from Chapter 12A (Land Disturbance), Chapter 20 (Planning), Chapter 23 (Signs), and 24 (Streets, Sidewalks, and Public Places) into its contents.

MR. STRODTMAN: May we have a staff --

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

MR. STRODTMAN: Thank you, Mr. Zenner and Mr. Moehlman, for those presentations. Commissioners, is there any questions for staff? Yes, Mr. MacMann?

MR. MACMANN: Yeah. Mr. Zenner, as you were speaking about nonconformities, transitions, changes, it's still pretty broad, and I'm running through -- I live on the west side and I'm downtown all the time. I notice Ms. Essing was also paying a lot of attention because both of us deal with nonconformities all -- I mean, we have -- there are lots that are bizarre. I look -- I guess I'm saying I'm looking forward to you adding those detailed pieces, and I'm just wondering -- and forgive me because I wasn't on the Commission then -- when we tested -- I know this is kind of a strange question. Did we test any nonconforming things? I mean --

MR. ZENNER: I don't believe we did.

MR. MACMANN: Okay.

MR. ZENNER: I don't think that was part of what we were looking at. We were looking at the application of the Code to new development, not to old. The nonconforming provisions, as it relates to MDT, those specifically may need to be more addressed as to how do you deal with nonconformities. I would suggest to you, unless Mr. Moehlman is going to correct me, the expansion of a building that does not comply with the UDO - or does not comply with the MDT requirements is going to have to seek a Board of Adjustment variance if it's going to proceed forward. The intent of the UDO - and this is a question that has come up -- you know, you have a 25 percent expansion, and the question that specifically came up and it has been addressed, which prompted me to go back into the nonconforming section, is, you know, what do you do about buildings that go beyond the 25 percent. Currently, anything that is nonconforming has to seek a

permit -- has to seek an authorization for a permit from the Board to begin with. Anything over 25 percent goes into variance criteria.

MR. MACMANN: Yeah.

MR. ZENNER: So -- and we -- I can speak to two projects that we have recently taken through that had expansions that were less than 25 percent, were in the MDT, and were construction that was not two-story. We have the Jiffy Lube that is down on Providence that was looking at adding about 100 -- 100 square feet onto its showroom or its seating area as a single story construction. Two things had to happen at the Board. One, the Board had to authorize the construction of the 100 square feet and grant the height variance -- or not the height variance, but the exception to the two-story requirement in the MDT based upon the scale of it, and that was, I mean, a minimal expansion of their footprint, but it still got the Board authorization and permit approval. Staff -- it is a protective facet of the way that the Code is set up, the administrative authority. It shields us from criticism as it relates to granting permits for buildings that are nonconforming. We require the Board to issue that permit and, basically, that burden on the Board to review the evidence and then, basically, make that decision. The second project that was in a similar situation was Lifestyle Furniture. If any of you have driven out on Broadway, you will notice that there is a new addition that took a portion of their parking lot that I believe is for furniture storage. As part of their showroom space, they were probably storing more furniture out on their showroom floor. That was another project, nonconforming -- had to get a permit to do an expansion. It is also in the MDT and it was -- it would have been required to have had two-story construction.

MR. MACMANN: Okay. Let me pop back to residential for just a moment. Referring back to the west side, we've got a lot of nonconforming lots, oddballs, you know, under 60 feet, well under 5,060. And we face a demolition crisis and we face an affordable housing crisis. I'm trying to avoid getting in the situation whereby any upgrades code bringing up to isn't -- isn't viable. Do you understand what I'm saying?

MR. ZENNER: And I --

MR. MACMANN: We end up -- what's happening is we're getting this cascading demolition thing going --

MR. ZENNER: Uh-huh.

MR. MACMANN: -- and most of them are nonconforming. The three current ones aren't -- well, at least two of them are nonconforming lots. And for the person who might own one or two rental properties doesn't want to go through the Board of Adjustment dance. I -- what I'm trying -- I'm trying to think of -- I'm trying to think of how to keep some of this housing stock without them hitting some threshold and you guys are, like,

look, there's nothing we can do. It's got to come down or it can't be reoccupied, which is a daily --

MR. ZENNER: And I think what we have --

MR. MACMANN: Mr. Teddy is shaking his head. This -- this is a daily thing. We run into this.

MR. ZENNER: And I think the way that we would probably want to approach this, again, is (A), we have to have -- we have to have better information as where we believe that these lots will exist and in what zoning district. And I think what you look at is if -- if a zoning district potentially allows a mixture of uses, and that mixture of uses -- let's just say it's an M-N --

MR. MACMANN: Okay.

MR. ZENNER: What will be future neighborhood commercial, a replacement to our C-1, in that district we do allow residential development. So if you take a nonconforming M-N lot and **you want** to -- and albeit residential may not be the objectionable use.

MR. MACMANN: Uh-huh.

MR. ZENNER: It may be the fact that you could put a commercial use on that and carving out or creating any additional waivers from having to meet the standard regulatory process may end up unintentionally creating a greater impact to that property because of the district's spectrum of uses. In a residential setting, it is possible that you could carve out an exception as it relates to particular site aspects, possibly access. We may be able to have something that could deal with how do you obtain access if it's a substandard -- legal substandard lot. But we have to look at what is the particular unique zoning district that that may be in and what's the collection of uses that are allowed in it because the way that the provision is written, you can use that nonconforming lot for any permissible use in the district. Well, when you say any, that's pretty broad in certain zoning districts and that is where the safety valve, if you've got to go through the Board, you may not be able to get that real objectionable use that's allowed because you can't meet the other standards, whereas a use that may be more in keeping can happen because you could.

MR. MACMANN: I'm with you. I'm just trying to avoid the -- as I said, the cascading effect of what -- kind of what haven't we thought of and, at the same time, developers are tearing -- I mean, the home property owners are tearing these houses down and we're losing housing stock, and we need housing stock. It's just this great -- you know, we are going in opposite directions here. And a lot of them are nonconforming.

MR. MOEHLMAN: All right --

MR. MACMANN: This needs more research and more understanding, because I --

these -- these are almost all a case-by-case basis, because some of that's -- what I'm talking about, some of it's one, most of it's two, and there's some three.

MR. MOEHLMAN: I think the -- the code is draft --

MR. MACMANN: All right.

MR. MOEHLMAN: -- the proposed code and the nonconforming lot section creates an opportunity to reutilize small lots with new construction, and I think that may be part of the problem is when -- and under the current Code, where you have a substandard lot that is too small of an area and -- and in frontage, there is nothing that you can really do with it except for demolish and then combine with other -- other lots for larger development. I think this creates an opportunity to use the substandard lot as it exists. I've kind of jokingly called this -- this is our -- this is the way we get the tiny houses.

MR. MACMANN: Well, I hope so, because that's --

MR. MOEHLMAN: -- which --

MR. MACMANN: -- some of these, that's all we can really do on them unless they were replatted.

MR. MOEHLMAN: Yeah. So -- so I think -- I think it's an increased opportunity for reuse of substandard lots.

MR. MACMANN: Okay. All right. We need to visit this some more in the future and I'll -- that's what I have right now. Thank you, Mr. Chairman.

MR. STRODTMAN: Thank you, Mr. MacMann. Any other questions or comments from Commissioners? Before I open it to the public comments section part of it, I'd like to make a couple of quick reminders. When you come up to speak to us, please give us your name and address so that we can track that. And also we are here for comments related to the UDO, so if there's anything outside of the UDO, we would hope -- we would have that at a later meeting. So, with that, I'll open the public comment and please come forward and give us your comments.

PUBLIC HEARING OPENED

MR. WADE: Hi. Good evening. My name is Tim Wade, and I reside at 2104 Bluff Pointe Drive. I'm a nonresident homeowner of 1513 Buschelle Avenue, which lies within the boundaries declared by the East Campus Neighborhood Association. I do have some media I would like to load real quickly. I'm here tonight representing a petitioned majority of East Campus Neighborhood Association owners -- parcel owners in regards to the East Campus Overlay as it pertains to the UDO draft being proposed right now. My -- my purpose is threefold: To present documentation of illegal and unethical actions by the ECNA leadership on behalf of the City with regards to the overlay and the UDO; to summarize our East Campus majority members' fruitless efforts to engage both the

ECNA leadership and the City's Sixth Ward Council member, Betsy Peters, in participative representation with regard to that overlay and the UDO; and, third, to present a petition, along with its companion task force proposal that we've entitled, East Campus Majority Task Force Overlay Proposal for the East Campus Urban Conservation District. So you're aware of this meeting we had on July 7th to summarize our concerns toward Ms. Peters regarding the East Campus Neighborhood Association's illegal and unethical efforts to reclude [sic] us from their process on this overlay. We met with Ms. Peters on July 18th to summarize some of those issues and hear her responses. At that meeting, we presented documentation of an illegal meeting held May 26th by the East Campus Neighborhood Association. It basically states that advance notification was not given within the guidelines of the bylaws. Many members of the East Campus Neighborhood Association, who are nonresident homeowners, were not notified of the meeting and it was publicly posted to a Google website the day before the meeting was held. Following the meeting, one of our nonresident land -- homeowners who was at the meeting asked the East Campus Neighborhood Association leader for an understanding of what had happened at the meeting in terms of who might have been appointed to a unknown task force, and this was the response that we get, that three landlords or -- have been appointed to the East Campus overlay revision as per the motion passed at the May 26th meeting. Okay. Now, what -- what we essentially found from that meeting was that, you know, as we took our concerns to Ms. Peters, we -- we sort of were looking for inclusion in the process and trying to insert ourselves into a participation, but she indicated that the secret, nonrepresentative, unethical, illegal task force would continue without her intervention, and we were quite disappointed in that response, and many of us were -- were quite insulted. In fact, at that meeting with Ms. Peters on July 18th, eight members of the original revision committee from 2000 through 2003 were at that meeting and had asked to be included and were turned away. Many of those committee members are here tonight and representing us. So we feel like we've taken the appropriate steps to engage ourselves in the process through the ECNA and through the Sixth Ward Council member, Betsy Peters. We've done things legally, ethically, and in good faith. We're -- we're proud of these efforts. Having been denied representative voices, we, the East Campus majority, submit this petition, and its companion overlay proposal. This petition signed by 212 parcel owners within the ECNA boundaries states, We, the property owners in the East Campus neighborhood reaffirm our support for the existing East Campus Urban Conservation District overlay and the democratic process of consensus between resident and nonresident property owners that created it. We strongly oppose any additional restrictive changes or property limitations to the current overlay dated

March 17, 2003, Ordinance No. 17627. Two hundred and twelve, this is an organic document. It's still growing. By our count, there are 393 parcels in the East Campus Neighborhood Association boundaries and only 108 resident-owned parcels. So we've created our own task force and created our own overlay revision. It's simply the current overlay as per the petition suggests, and we have added some editing and comments such as, you know, areas where new language would have to be updated. If a potential UDO draft were brought in, we could simply put that language in. We were not afforded the luxury of City resources to integrate this document into the proposed UDO, so we don't know what that language is, but we would certainly entertain advances by the City if they would like to include themselves in our efforts. In summary, you know, this is basically a document that maintains the current overlay as it's been created. I would say that when we look at the history of the East Campus Neighborhood Association and the East Campus area, you know, it should be noted that the East Campus was zoned R-3 in 1953. That was 66 years ago. All of the current residents of the neighborhood were aware of that zoning when they purchased their homes. The City planners created the R-3 zoning in 1953 in East Campus for a reason, to expand the qualities and the characteristics of the neighborhood to accommodate the lifestyles of both University students and established professionals so they might enjoy living and learning and leisurely pursuits alongside one another. That was the City's vision in 1953. There are several false narratives regarding East Campus. These false narratives are generated by the minority and assumed by people who are new to Columbia who are not -- who are not familiar with the day-to-day realities of that neighborhood. One false narrative is that it is a problem neighborhood with problem tenants and problem absentee landlords. That condescending narrative is not only false, it is insulting. We owners have integrity and take pride in our housing and the care that we provide for our residents. This neighborhood has no more problems than any other neighborhood. It simply has a wider variety of problems due to its wider variation in owner and resident demographics. A second false narrative that -- is that this current overlay has serious problems and it's harmed the character and quality of the neighborhood. That presumptuous narrative is not only false, it is elitist. The current overlay has improved the neighborhood and broadened the qualities and the characteristics of the neighborhood by providing guidelines on how the 1953 R-3 zoning should evolve. The current overlay continues to reinforce that 1953 vision, to accommodate the lifestyles of both University students and established professionals so they might enjoy living and learning and leisurely pursuit along one another. Any questions?

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

Loe?

MS. LOE: Mr. Wade, I appreciate that you may be looking at your ordinance again, but tonight we're really taking comments on the UDO. So, I guess I just want a clarification. If the majority task force considered any of the proposed UDO language to be creating more restrictive requirements for the conservation district?

MR. WADE: We are not familiar with any -- any UDO language that we would need to include in this current overlay, as we have petitioned to maintain it.

MS. LOE: I'm asking the reverse. Is there any UDO language that you consider to be making more restrictive requirements on you?

MR. WADE: Not at this point.

MS. LOE: Okay. Thank you.

MR. STRODTMAN: Any other questions? Thank you, Mr. Wade. Anyone else like to come up and speak? Come on up.

MS. CRAWFORD: What do you -- my name. Elizabeth Crawford.

MR. STRODTMAN: Name and address.

MS. CRAWFORD: 2220 Shepard. I think just to clarify on that. I think in the current UDO, there is just a heading -- am I correct, Mr. Zenner?

MR. STRODTMAN: Ma'am, we missed your name.

MS. CRAWFORD: Elizabeth Crawford.

MR. STRODTMAN: Elizabeth Crawford. Thank you.

MS. CRAWFORD: In the current UDO, there's just a heading that says East Campus Urban Conservation Overlay, and it -- there's a blank. And so, we don't know what's going to be in it; is that -- is that correct?

MR. ZENNER: What would have been in -- what would have been in that section or what is intended to be in that section is the existing East Campus overlay with editing changes to ensure that its integration into the UDO had been made. That would be inclusive of making section reference changes that deal with particular elements that already exist. There would not have been any substantive text changes made to the existing provisions other than those necessary for integration. Initially, it was not intended that we were -- initially, Clarion's effort was not inclusive of bringing in the overlays into the UDO. They were going to leave them as freestanding ordinances out as a separate document. As we moved through this process, we felt that if we were going to create a unified development document that included all of the requirements as it relates to property throughout the corporate limits, the actual overlay ordinances should be within the content of the UDO as they were actually written. Now, the Benton-Stephens overlay, they had requested the opportunity to make changes to it. Those changes were

submitted. They went through a formal process to submit those to us to incorporate into the UDO and that is why they show up there and that is why they are actually referenced as an amended version of their initial approving ordinance. We would have done the same or will do the same as it relates to any substantive revisions that may be being offered by either the majority property owners group or by a group that would have otherwise submitted us any revisions -- the other group that you referred to. We have received nothing. We have received nothing to add and we would, as part of the final public hearing draft, have included the existing ordinance approved with the minor changes that we needed to make. So if there is a document that you would like staff to look at and to potentially have contact with your group on, please submit the document to staff so we have an opportunity to be able to evaluate the document, make sure that the changes that you desire are compliant from a legal perspective, and then we will basically be able to put that out in a public form so those that are interested, not just those that live in East Campus, have an opportunity to look at what changes are being proposed.

MS. CRAWFORD: And that's what we proposed tonight.

MS. LOE: That's -- but this is not the forum for that tonight.

MS. CRAWFORD: Okay.

MR. ZENNER: It is not. We need the document so we can do public notification properly to allow the public to have full open access to the documents that are being worked on. And that's -- that's part of what we're -- this is an opportunity for you to express this is what you want to do. Now what we need is we need to see a document so we can produce something for another public session, and that's where we can have a more thorough debate amongst the sides, which we would prefer not to. That is why the way that your ordinance is structured is you're supposed to have a committee that works on it and you bring to this body and ultimately to City Council a document that is generally agreed on. There is obviously going to be pieces that you won't agree on and that's what the authority -- the governing authority, City Council, has to wrestle with at the end. But we need to go through a public process first to where everybody that may be interested in this document has the opportunity to see the changes that are being proposed.

MR. WADE: There are no changes.

MS. CRAWFORD: I guess, we're proposing the current overlay as it was written. The only changes that would need to be made to make it -- as far as we know. We're not UDO -- we're not Clarion or, you know, UDO writers. But in the event that you guys recommend or the Council adopts the UDO, if -- if that gets that far, that -- that we recommend that the current overlay be inserted. The only differences should be updating

the zoning -- the zoning to -- from R-3 to RMF or whatever. The changes would be so minor, there might be -- they're so minor, it's -- but we would be happy to sit down with you or Pat or whoever -- whoever knows how to write that.

MR. STRODTMAN: It's -- we still -- it still needs to be submitted so that we can properly go through the process.

MS. CRAWFORD: Okay. I guess our best effort was submitting what -- the current overlay. Maybe that's --

MR. ZENNER: And to that extent, Mr. Chairman, what I would suggest is if what this group is requesting is is that the overlay, as it is written, with the technical changes that need to be made, be added, that would have been staff's intention and that's what we would have done. Now, we will share that document with Mr. Wade to share it with his group once we have made the technical changes necessary for compliance purposes.

MS. CRAWFORD: That's what we're asking.

MR. ZENNER: Anything beyond that will not be made without, as I have previously said, a formal public hearing document being submitted in advance and being able to be reviewed in a forum like this because we're not -- it will not be rolled into the final draft and only the final draft. If there are more substantive changes than the technical changes necessary, that is a -- that -- those will have to be handled as a separate hearing item.

MS. CRAWFORD: The main concern that -- I guess, one of the main concerns is we have been told that there was task force working on rewriting this overlay. We have tried since May 20 -- whatever it was -- 26th, or what have you, to be included in that process, and we have been denied. And so, we followed -- if you read the current overlay. In the current overlay, there is the way that the overlay -- everyone agreed in 2003 on how that overlay can be changed. And it says 50 percent of parcel owners need to want it. You can -- that's not exactly -- obviously not, but -- and -- or there needs to be a representative task force with equal number of nonresidents and resident property owners. And we have been told -- we asked to be involved in this process. We've been told we cannot be involved in this process, and that the process will continue and that we won't know what's going to be in that secret -- secret -- secret proposal to you until it may be too late, is what we were -- we were afraid of. And so, you know, we thought, you know what, let's follow the rules. Let's go with -- with what was put in that current overlay that everyone agreed on and spent two years meeting and developing. And so that's why we -- we said, you know what, we're not going to change it. Everyone agreed on this, everyone agreed on how it gets changed. This is -- this is it. And so we didn't have any other options. We tried multiple avenues. We tried the ECNA. We've tried, you know, going to Council people. We've tried a lot of different things and we didn't know what else

to do. So we decided, you know what, we're coming here, here it is. You guys -- you know, the City staff or whoever can help us update it to the UDO, but that's our proposal, so --

MR. STRODTMAN: I understand. Thank you. Is there any questions to this speaker? Thank you, Ms. Crawford.

MS. CRAWFORD: Thank you.

MR. STRODTMAN: Next speaker, please.

MR. FARNEN: Good evening. My name is Mark Farnen, 103 East Brandon Road, Columbia, Missouri. I want to thank you for your warm reception even though we don't need any more heat compared to the outside temperature. This has been a good process. And I know this is number six of the big number of meetings that we've been having, but this has really gone pretty well, I think, so far, and you have accorded us the luxury of time and interaction and thanks for doing that, but I do think it's going well. I have -- I have found myself confused, and ask -- ask for your help tonight. And partly that's because this deals with legalities and that kind of thing, so I may need to refer to you tonight for expertise. I am -- as I read through this part with the -- the rules of conduct and of business and enforcement and that sort of thing, I -- I have a tangential interest in what the previous speaker discussed. I looked through there and I could see where different bodies are accorded different powers and some things have changed over time and maybe something that used to go to Board of Adjustment now goes to Planning and Zoning and that sort of thing. And I, too, looked at the overlay part and I saw the one from Benton-Stephens and then didn't see the overlay from East Campus and I, too, thought that that should be included in here somehow. And then I thought that I should also see the Historic Preservation overlay and the Scenic Road overlays and -- and then there was a line that -- that directed me that way. And it said that if we wanted to see the language -- or that I wanted to see the language, if I wanted to see the part that deals with the Historic Preservation Commission, which this also dealt with powers of commissions. It also dealt with overlays. It dealt with all this stuff. If I wanted to see what were the powers of the Historic Preservation Commission, that I should go to Section 20-5.1(D). And when I went there, it said 25 -- 29-5.1, part D, the membership terms, powers, and duties of the Historic Preservation Commission are listed now in 29-2.3, Part C, Part 2 of the Historic Preservation Overlay District, so I went there. And it says nothing, because footnote 5 on that same page says, "Provisions for the Historic Preservation overlay have been deleted since those were contingent on Council establishing a Historic Preservation Commission and Procedures," which has not happened. Historic structure designation and protection should be conducted through

that process, which was not done according to the footnote, not through the UCO. Similarly, provisions for protection of scenic roads were not carried over because those cannot be -- those can be protected through the SRO. So, where is it? I can't find it in the Code. And it refers me specifically to other parts of the Code, and so I don't know what's in that anymore as it is being proposed to be changed. And this may be my inability to distinguish between a commission and an overlay, but the two seem to be intertwined to me. And, specifically, I wanted to know if the powers of the commission of the Historic Preservation Commission were being amended the same way that the powers of the Planning and Zoning Commission and the Board of Adjustment were being amended, and that is this amendment that was applied to those two, that they shall adopt the rules for the conduct of their business that are consistent with the purposes of the commission and the requirements of this ordinance which shall be approved by Council ordinance. Current -- the current rule for the Historic Preservation Commission does not have that last phrase, which shall be approved by Council ordinance and they make their own rules. So if they are a commission and if Planning and Zoning is being asked to comply with the new zoning change rule which was intentional, and it applies to Planning and Zoning and Board of Adjustment, does it also apply to Historic Preservation because I think that would be consistent and fair, but I can't find it.

MR. ZENNER: And do you want me to respond? I mean --

MR. STRODTMAN: If you have that information.

MR. ZENNER: Well --

MR. STRODTMAN: If you don't, then we can --

MR. ZENNER: And if I can -- if I can understand what Mr. Farnen is referring to, in Section 29-2.3, paragraph C, which is actually -- or section C, which is the Historic District -- the Historic Preservation Overlay District --

MR. FARNEN: Right.

MR. ZENNER: -- it talks about the purpose of those districts and then it talks -- in paragraph 2 of that particular section, it talks about the Historic Preservation Commission and its makeup: its years, how they elect, their powers and their duties.

MR. FARNEN: Is that in the new one?

MR. ZENNER: It should be in the May 2016 draft.

MR. FARNEN: I got it from the May 2016 second line update piece website --

MR. ZENNER: Okay.

MR. FARNEN: -- that says this is the -- the special --

MR. ZENNER: Oh, no. That would be the special -- no. No. No. It would have been in the main body. The special -- the special supplement was for only the

Benton-Stephens overlay. That was -- the special update -- that's probably why you're confused.

MR. FARNEN: Well, there you go -- that's the -- we're getting there.

MR. ZENNER: So -- okay. And that is -- that is the special supplement was just their overlay because it came in after we had released the main chapter. So if you look at the main chapter of what was covered for that May 19 meeting.

MR. FARNEN: Instead of the thing that says the update addition to. I thought that replaced what -- okay.

MR. ZENNER: I will go back and I will make sure that we have the website more clearly defining that.

MR. FARNEN: No. No. Well, that would be good, but I -- okay. So I get it. So then that -- so then this will be easy. You will be able to look this right up. Does it have the rule that was applied to the Planning and Zoning Commission and to the Board of Adjustment that says in its -- in its responsibilities and -- and its powers, adopt rules for the conduct of its business that are consistent with the purposes of the commission and the requirements of this ordinance which shall be approved by Council ordinance, because in the old one, it doesn't say it that way. It says they can adopt their own bylaws and procedural regulations provided that such regulations are consistent with this chapter, other ordinance of the City, and the Revised Statutes of the State of Missouri. The Revised Statutes of the State of Missouri clause in the original code has been replaced by approved by Council. So I think to be fair we ought to do that to the Historic Preservation Commission --

MR. ZENNER: It reads -

MR. FARNEN: -- if we're going to do it to this body because these are the three bodies that have a D anywhere in the -- in the chart that says the decision-making, and they decide on certificate of appropriateness.

MR. ZENNER: I'm going to read to you what the Section 3, item I, reads.

MR. FARNEN: Okay.

MR. ZENNER: And just follow along with what you just read for the Planning Commission.

MR. FARNEN: Got you.

MR. ZENNER: It reads -- begins, The Historic Preservation Commission shall have the following powers and duties: (1) to adopt its own bylaws and procedural regulations provided that such regulations are consistent with this Code, other Codes, other ordinances of the City and State law.

MR. FARNEN: And shouldn't it then put the phrase in, which was intentional, that

was applied to Planning and Zoning and to the Board of Adjustment which also says which shall be approved by Council ordinance.

MR. MOEHLMAN: I can address that. I was -- I was responsible for that particular amendment and not -- not adding that to the Historic Preservation bylaws provision is an oversight.

MR. FARNEN: Okay.

MR. MOEHLMAN: The intention -- the intention is to have that consistent and I think that's something that we're going to have to take up as to whether or not that is something whether we are going to require or not, but for each of those decision-making bodies, it should be consistent.

MR. FARNEN: And I know I got pretty far in the weeds there, but I thought I had to. Okay. Thanks. Here are a couple of more. I -- I think that the rule -- and I'd like to go on record that it's been significantly reduced, the subdivision plat -- preliminary plat that expires after three years instead of seven years is too -- I think that's not enough. The rationale that I have heard from people about why we would do that is so that we can accommodate change as it occurs when somebody first gets a preliminary plat and then it starts to do something and then we change. I think that is dealt with in a different part of that where it says each final plat for land included in the preliminary plat application shall comply with any new technical or engineering standards, et cetera. So you've covered yourself there and wouldn't need -- for that reason, you wouldn't need to reduce the time frame from seven to three. But then tonight I believe that it was -- the phrase was something like we're trying to protect against people biting off more than they can chew. The problem is is that there is no -- the additional restriction doesn't give any concomitant benefit to someone who does put things at risk and it's not just a builder or somebody who wants to subdivide a piece of land, it's also lenders who are put into an odd place when they don't have an assurance that all of a project will be -- when they don't have assurance that they would have the time to be able to build out a project to get to the place where they make a profit on a subdivision, which usually comes at the last 20 percent of the build-out. I think seven years is a reasonable amount of time. I think three is not. There was no financial impact study done on this part. And I can't tell you what the differential and cost would be between and three-year and a seven-year idea, but I can tell you it won't be cheaper because you have to go through a lot more hurdles, additional representations, possibly a different additional engineering, and some additional requirements for replatting. Some you would have to do anyway just to keep up with current code, but the artificial expiration of it, particularly when it says if you do

not submit a final plat for any portion of it, not just that you started on most of it, that doesn't count. If you don't -- if you don't submit a final plat for any portion of that, the whole thing is invalid. I also -- it's not clear to me in the language if someone has already been granted a preliminary plat prior to the time of the enactment of the new code, whenever that may be, if they -- if it's a four-year-old preliminary plat, is it automatically invalidated or is it grandfathered because I didn't see that in the discussion of nonconforming tonight, and so I have that question and it's probably something that ought to be debated. I don't like that rule and I -- I want to go on record as -- as that. I also wonder about the -- there has been discussion about the interpretation of the powers of the boards and how you may assign those -- those powers to different groups, whether it's administrative, whether it's this decision-making or recommending body, and that how state law applies to the powers of commissions and how those shall be reviewed. And I know that City staff has provided at least one interpretation of that. I know that there are some people who believe there is a competing interpretation of state law. I would hope that before we pass this, based on one or the other, that we get a pretty ironclad decision on what is -- does it say and how does that affect what we will do in a new code. And I would encourage that and I think that should be done before the issuance of a public document that is based partially on that interpretation that is disputable at this time. I would also like to see that manual, and I know that you have addressed tonight, the administrative manual and what's in that. Everybody wants to see it, and I'm sure it will give us 300 more pages of enjoyable reading. I had one other thing that I would like to bring up -- and thank you for the clarification on that other part that I could not find. I can't find it. I'm sorry. I'll -- I'll send it to you. Sorry I can't find it tonight. That's the majority of what I had to -- to talk about. Thank you for your -- your time. I'm sorry I went just a little bit longer than I typically do. This looks like John Clark's notes, but they're mine. I did not copy them. That shows on a different channel tonight.

MR. CLARK: Would you like to say that louder? I missed it.

MR. STRODTMAN: Are there --

MR. FARNEN: So thank you, and I would happy to answer questions or clarify why I asked what I asked.

MR. STRODTMAN: Are there any questions? Ms. Burns?

MS. BURNS: I just wanted to say thank you for being our constant companion in this, Mr. Farnen. You continue to raise issues that we need to think about, and I think you've raised some important ones tonight as far as commission responsibilities and who does what when, and I'm -- and I appreciate it because it's making me think about what my responsibility on Planning and Zoning is and how it relates to other commissions.

Other commissions should be thinking about that, too.

MR. FARNEN: Well, thank you very much. And I -- I appreciate that comment and it's a long old slug, and you guys do it, too, so I --

MR. MACMANN: Don't --

MR. STRODTMAN: Mr. Farnen, don't leave just yet.

MR. FARNEN: Yes, sir.

MR. STRODTMAN: We're not done with you.

MR. FARNEN: I'm sorry.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Good evening, Mr. Farnen, how are you?

MR. FARNEN: I am fine. How are you this evening?

MR. MACMANN: Outstanding. I wanted to return to your expiration concerns.

MR. FARNEN: Yes.

MR. MACMANN: Okay. You had described the three-year as artificial, which implies the seven-year is not. Let's move to the bank piece -- the banking piece, the financial piece.

MR. FARNEN: Right.

MR. MACMANN: While seven years is certainly more fluid, three years is certainly more sure, is it not?

MR. FARNEN: More sure?

MR. MACMANN: Yeah. In the planning phase. You go -- you come to a banker and you've got to pitch your concept.

MR. FARNEN: Yes.

MR. MACMANN: They've got to like that, don't they?

MR. FARNEN: Seven years is just as sure as three because it's -- it's a defined number.

MR. MACMANN: Okay. So --

MR. FARNEN: I mean, if we go to the bank--

MR. MACMANN: Uh-huh.

MR. FARNEN: -- and we say we have -- and I think that the -- the example that was used tonight was what if you do 100 acres in a subdivision. A lot of people do that, and they do do it in phases or they'll come in with a plat or a preliminary plat.

MR. MACMANN: Uh-huh.

MR. FARNEN: And then they expect to be able to accomplish that over time. There are some people who can't even get the whole thing going after the issuance and the guarantee of a preliminary plat for two years. If you expect that then to be completed and

done and completely envisioned within three and no part thereof can be exempted from that, and it expires, what -- what is the benefit? What's the benefit to that except on certainly an additional cost? So if you leave it at seven years, no harm, no foul, because the people who will be coming in, even if the rules change during that time that are passed by the Council or the building codes change --

MR. MACMANN: They have to do that anyway; that's your point.

MR. FARNEN: They have to do it anyway in part 3 of that same section.

MR. MACMANN: All right. Would there --

MR. FARNEN: So I'm against it.

MR. MACMANN: All right. Let me redirect a little bit. Would a midpoint maybe address some of the staff's concerns and is five years enough?

MR. FARNEN: I talked to some people about that and there are some rules of some things that do go at about five years, but we didn't see the rationale for the reduction at all, and so it's hard to say that there ought to be a compromise on the piece where the rationale to us was not clear at all because we think it's already dealt with in another part, so I'll stick with seven. But -- but is -- would five work? It would be better than three, I guarantee you. And the lenders who take a lot of the risk in this, they're 80 percent out because you don't make your money back till the last 20 on so many of these deals. I would think it would give greater comfort to people throughout this town about the investments that are made and that are reasonable and well-planned developments, and I -- so I'm looking for that. I'm looking for the rule the way that it is now, and I don't see the reason to change it.

MR. MACMANN: All right.

MR. FARNEN: But may I? If it goes to six, look, I think it's arbitrary any way you do it. Somebody picked seven out of the hat, somebody picked three.

MR. MACMANN: Well, I'm going to follow Ms. Burns here and I'm going to thank you for encouraging me. I have coffee with bankers every morning, and we're going to talk about this very thing.

MR. FARNEN: Well, good.

MR. MACMANN: But I really do appreciate hearing it, yeah.

MR. FARNEN: Well, no. No. I think it's an important one to talk about. And it -- yeah. I'm taking a contrary position, something to -- maybe something that was recommended at different times and that's okay. We can do better.

MR. MACMANN: And I do -- I do appreciate it, Mr. Farnen. Thank you very much.

MR. FARNEN: Thank you.

MR. STRODTMAN: Any other questions? I see none. Mr. Farnen, as always, we

do appreciate your time.

MR. FARNEN: Thank you.

MR. STRODTMAN: Pat?

MR. ZENNER: Before Mr. Farnen leaves, let me -- let me respond.

MR. STRODTMAN: We're still not done.

MR. ZENNER: Let me respond to something, and I will apologize to the public as well as for the public record. The provision that Mr. Farnen refers to which is all within the same section, obviously, and you would have had to have turned the page in order -- as Mr. Farnen has, because he's very thorough in his analyses of this code.

MR. FARNEN: I copied and pasted it and then -- yeah.

MR. ZENNER: Yes. So he has -- he has clearly identified the fact that, yes, Item number 3, which is corresponding to this three-year reduction, in a subsequent phase, if you have a multiphase project and you only seek to get one phase approved and those construction plans are approved under one set of regulations, the subsequent phases are going to have to meet the regulatory requirements at the time that that final is submitted. So that is -- that is what item number 3 says and that is correct. We've triggered everything -- we're rolled everything from seven to three years. What I misspoke is that that preliminary plat approval goes away if you haven't recorded everything within three years. That is not factual. What is factual is the fact that if a subdivider does not submit a final plat; i.e., meaning he does not submit a final plat within that three-year period, the preliminary plat is void. I know this for a fact because I insisted that the provision be added because what we have is, we have projects that wait, record one final plat, and then without the prior provision of needing to upgrade to the right regulatory standards, that property may sit for ten years before the second phase is developed. And it may take them five years to develop that property because the market fell apart, they lost their financing.

MR FARNEN: Right.

MR. ZENNER: There is no purpose in our mind that if you're trying for such a big project that you can't even get it put together to do a small piece of it within three years, that the seven or the three is an arbitrary number, yes, but at three years, there's a whole lot less, in our mind, issue with a project that may or may not ever occur going away and having to start all over again. So if you record a plat within that three years, that preliminary plat's design, its original layout, all of that is going to stay in place throughout the rest of the development. And I remember Mr. Moehlman explaining this to help me understand to some extent that idea. We may change our regulatory standards, we may change the pavement width, our right-of-way width. We may require 50 feet and in three

years we may say no, we want 25-foot-wide roads. Well, if that developer has already gone out and done his design engineering for a 50-foot-wide road, we're not going to tell him, well, we're not going to take your 50-foot-wide road. It was on the approved preliminary plat.

MR. FARNEN: Right.

MR. ZENNER: But that 50-foot-wide road is going to be designed to the standards that exist at the time that he comes in with that phase. So the design element of what he's gotten his approval on and what he may have gone to the bank to get approved is protected in the preliminary plat sense --

MR. FARNEN: For three years.

MR. ZENNER: No. After you've recorded -- if you fail to record anything, you lose it. If you record, you do have the plat being maintained. The preliminary plat is maintained, not -- you're not being locked into the design specifics, and that's what the prior section reads, and that's the clarification that's made. As I had indicated, there's always been a confusion as to, well, do I get to develop my project that I got approved ten years ago even though I recorded a phase under the old design standards. No. That's what the first provision corrects. You're always going to develop your next phase under the then existing design requirements. Your preliminary plat, however, expires if you've done nothing with it for three years.

MR. FARNEN: Or any portion thereof.

MR. ZENNER: Yeah. You can always record either a part or the whole. So if you record a phase, which would be a portion, the rest of that preliminary plat is secure as long as you're meeting with each subsequent submission the design requirements that exist.

MR. FARNEN: I don't think that's what this says.

MR. ZENNER: That is -- that is what it is intended. We do not -- there is no way reasonably, I believe, that you can expect large acreage tracts that come in that want to do comprehensive land planning up front --

MR. FARNEN: Right. To be able to attend.

MR. ZENNER: -- to be able to be built out within a three-year period of time. You can't expect them to be built out within a seven-year period of time. I will point to Philips Farm. It was approved in 2004 and where are we now? It's still not developed and they're still changing it. At least as they're changing it, we're going through a formal process to change and we're requiring that they meet the current design standards. What this basically is saying is if you've got your preliminary plat approved and you designed it, you're good. Your road layout, your network, your street alignment, your lots, all of that's

going to stay. But your design requirements that are required for the technical standards are those things that have to be kept current.

MR. FARNEN: Right. But -- okay. Let me be --

MR. ZENNER: Now, this may need a clarification, Mr. Farnen, and that's -- that's fine. I'm more than happy to do that, but I know for a fact what we were trying to avoid here was projects that just came in and because it had seven years, the neighbors who fought to not have that development occur or were selling their properties because they were afraid of an impact, and this project doesn't exist seven years after that occurred, they've been negatively impacted. And part of it was we wanted to reduce the amount - - intrinsically, we wanted to reduce the size of development proposals to something that was more meaningful.

MR. FARNEN: But why does that come within the purview of the zoning code?

MR. ZENNER: It comes --

MR. FARNEN: Why -- why is the size and the --

MR. ZENNER: It's from a management -- it's from a management and a maintenance perspective is what part of that is driven by. As the infrastructure systems -- if you decide that you want to record a final plat, we don't tell you that you have to start at the very beginning. We don't tell you you have to start at the street. You could start all the way in the back of a 200-acre tract of land and have public infrastructure running all the way back to that parcel that never gets developed.

MR. FARNEN: Right.

MR. ZENNER: We wanted development to occur in a more logical and incremental process. If you're ready to go to town and you know you've got a market to meet it, go ahead.

MR. FARNEN: But that -- that -- that infrastructure, for the most part, is paid for by the people who do the subdivision.

MR. ZENNER: And then we maintain it. And that is part of what the concern has been. And we are trying to ensure that there's a balance between what we, as a municipality, have to receive after the developer is done and long-term maintenance costs associated with that and how quickly development is actually being brought into the system so it is more incremental. There may be a revision here that may be needed for clarity purposes.

MR. FARNEN: Okay.

MR. ZENNER: But what I can tell you is is your -- your assessment of what the first clause is is, yes, we are protected, because we will always have current design requirements being implemented.

MR. FARNEN: Right.

MR. ZENNER: The other is if you do not record anything, the preliminary plat approval that you got, because we may have in three years changed our subdivision regulations, you no longer get to rely on and you have to come back and plat.

MR. FARNEN: It says -- I think it says that if you -- does not obtain a final plat for any portion of, does that mean -- does that mean this? Does it mean I can just do a little bit of it and I'm okay?

MR. ZENNER: It means --

MR. FARNEN: Or does it mean if I have omitted anything, I don't get any of it?

MR. ZENNER: No. If you did not -- if you record a phase, a small portion of that larger tract of land, that is what any portion. We don't refer to it as a phase. We could have referred to it as a phase. And, I mean, if you refer to it as a phase, it may be more clear, but I don't know. It's any portion, so, I mean, you have a 50-acre tract of land and you only plat ten acres of it because that -- you only wanted to put ten lots on it --

MR. FARNEN: Okay.

MR. ZENNER: You're okay.

MR. FARNEN: How about this? How about this part? What if we didn't say it in the negative? Maybe I could understand it better. It says if the subdivider does not submit a final plat for any portion thereof. What if you said if a subdivider does submit a final plat for any part of it, they're cool?

MR. MACMANN: Thank you, Mark.

MR. ZENNER: That's captured in the minutes and we'll take that under advisement, Mr. Farnen.

MR. FARNEN: All right. Thank you. All right. Thanks. Thanks everybody. I didn't mean to take all the -

MR. STRODTMAN: Thank you, Mr. Farnen. We're definitely going to spend more time on this topic, so -- thank you.

MR. COLBERT: Caleb Colbert, 601 East Broadway. I just had a couple of questions for Pat. I'm going to keep picking on him while he's on the hot seat.

MR. ZENNER: Oh, geez. It's not about MDT tonight, is it, Caleb?

MR. COLBERT: Oh, it is. So going back to the Jiffy Lube project. So under -- if the UDO was in effect, would they then -- would that expansion trigger a requirement to build the street walls to comply with the private open area?

MR. ZENNER: As it's currently written, I would tell you yes. As it may be rewritten, no. That is an item that we will be taking up.

MR. COLBERT: Okay.

MR. ZENNER: I think the improvement -- and this deals with other related requirements as well as to the nonconforming features of a site and tying them back to the -- to the scale of the reconstruction or the improvement. I think you have to look at it from that respect. If you had to go to the Board anyways, though, and you knew that that would become an issue, what we would likely advise the applicant as to what are all of my issues I'm going to have to deal with, we're going to probably tell you up front you need to not only deal with the issue of getting permission to expand the nonconformity, you're going to need to ask for the variance from the street walls based on the fact that what's being created probably doesn't justify it if that provision existed. I can't tell you right now that it will ultimately. I mean, the open-space issue is out on the table at this point. The street walls is out on the table, I would suggest, as well, to potentially either make it into the final document or be modified accordingly. I will tell you it will not exist in its current format.

MR. COLBERT: Got you. Well, it just seems to me like that has the potential to, if you have to bring everything into compliance, I think that creates the potential for sort of freezing some of those small expansions, so there should be --

MR. ZENNER: And I would suggest, as I think was offered at the July -- the June 23rd meeting when we were talking about MDT, as you relate to small-area lots and exceptions, specifically, the small-area lots, there may need to be threshold criteria associated with those types of minor incremental improvements that may or may not trigger a particular element that's not within the UDO at this point that, basically, takes us to a -- to a juncture. I will indicate -- I will state that in answering questions from that June 23rd meeting, though, as we were going through the issue spreadsheet, and the idea of creating and carving out special exceptions beyond what already exists within the code has a tendency to potentially -- you know, it's death by a thousand cuts. If we ever want to achieve the objectives of the general Code and what it's trying to achieve within the MDT, to continue to whittle away at granting exceptions for things that just don't seem to be appropriate by right, not going through the Board who should be looking at things, hopefully, from a much more global perspective, may not be the appropriate direction either. And I think we have to come to understand what a reasonable compromise may be as to what triggers -- what should trigger, what shouldn't trigger. And the other thing is, as well, you may have an opportunity, and we may look at what the minor modification process is to allow for that to be incorporated there as well as an administrative relief possibly when it's of a certain size or a certain -- certain impact.

MR. COLBERT: Got you. And just to be clear, I mean, none of the -- no strictly interior redevelopment -- remodeling would trigger any obligation in the MDT district to

bring that site into compliance.

MR. ZENNER: The only thing, as was discussed at the June 23rd meeting again, and it was -- the Neidermeyer building was used as the example, an interior renovation generally will not. We have to, however, look at what that interior renovation is proposing. If you're adding additional bedrooms, for example, you may have to have parking. Now, the Code does provide for parking to be off-site. So if you can accommodate whatever your impact is in another manner that doesn't affect the property, no. You will not have any impact on that site as a result of your interior renovation. But as soon as you have to put parking on your site, because you can't find it, that changes the game.

MR. COLBERT: Got you. Jumping topics now. On the -- the losing your grandfather rights for nonconforming use after discontinuing use for six months. Personally, I would recommend that that be changed back to 12 months. Sort of using the restaurant example in industrial districts -- in the M-1 district. I could see where it would be difficult to -- if a tenant vacates the property, to find a new tenant, remodel the building, and bring that, you know, into compliance within that six-month time period. I think a year is easier to make that happen, and I think six months is just kind of cutting it pretty close. So my recommendation would be to move that to -- back to the 12 months. And that's all I've got for tonight.

MR. STRODTMAN: Any questions for this speaker? Thank you, Mr. Colbert. We're running out of time, so if we could shorten it up and let the others that haven't --

MR. WADE: So if I have a petition, I --

MR. STRODTMAN: You need to please state your name.

MR. WADE: Tim Wade, 2104 Bluff Pointe Drive. If I have a petition in support of the current overlay, I don't have a document to present, but I do have a petition. Shall I present that petition to Mr. Zenner?

MR. ZENNER: That -- that would be appropriate, yes. And included in the record then.

MR. WADE: Thank you.

MR. ZENNER: Thank you.

MR. STRODTMAN: Come on up.

MR. CLARK: Thank you for taking care of one of my things. John Clark, 403 North Ninth Street. Actually, number three on my list was to ask, so, what does this majority group have to do, make an appointment and bring what. That's taken care of. The second thing is I have this old tachistoscopic equipment, you know, for speed reading; do you remember that stuff. You broaden all your stuff. It's in my basement. Maybe for these 300-page things and so -- I can get it out and offer courses. Let me know if it

would introduce [sic] you. The -- the third thing is just to make sure. I have a lot that is 35 feet wide and 100 feet deep, that's less than 5,000, and has less than 60. And so, if I understand, and I have no idea, because I measured that repeatedly, but I've never measured just how far the front porch is from this. So those other kind of considerations that you were mentioning that if it qualified under the less than 5,000, less than 60, it would probably be okay, not replat, not rezone, but as long as I could meet several other kind of requirements and those -- have I got that right? Well, I have to come and talk to you in the eventuality about what those are. Actually, I want to stand -- I thank you for your explanation about the seven years and the three years. I stand -- and I think that's great. I -- I consider the seven years speculative, and I don't think speculation goes with the word development. I understand some of the things that Mark was talking about. And so one of my questions was addressing the very issue about we've got this thing that's up -- and it's 20 years later. Now, we have the same kind of thing in zonings and I believe there's some changes in the UDO to address those things. I don't remember exactly what they are yet. But that idea of stale -- stale zonings, this sounds like that. So I'm going to introduce you to this really great term, the part of law school that I really loved. It's called Article III, Case or Controversy. The federal judiciary. You don't get into court unless somebody is hurt or it really matters. If it does -- if you aren't hurt, if you aren't damaged, if it really doesn't matter, it's too soon. Now, that was not just -- that was back in 1787. In the state courts, they can do declarative judgments. Say, well, what if we did this, what would -- well, that uses up all the resources. So I see and I really applaud the department's case or controversy rationale. We want to basically be looking at projects that are going to get done, not where we're trying to do something so we can go and bank, so we can raise property -- all these kind of things. They have to be reasonable and they have to be soon. And I -- subject to somebody really presenting a less -- and I used to work for land developers. If you -- basically, if I understand this, it says don't come in and apply for your preliminary plat unless you can imagine based on that doing something and bringing it to a final plat stage within three years. Now I must admit if it's something like -- it could be ten square feet. I mean, I can see that going wrong, but the idea is that -- that idea about orderly progression. This is really stuff -- I saw and watched too many speculative zonings where people were coming in -- and they never happened because they didn't -- they ended up not -- with not filing. Well, this is a different thing, but that case or controversy standard, it's a real project. And so it really, to me, says you talk to the developers and actually the bankers will listen when they come -- when they -- somebody goes to them and say we want to do this. And you say so what we really want to make sure that your plans are well enough along that when you

apply for the preliminary plat, you can reasonably expect to be applying for a final plat on that and then moving on on a project for a meaningful portion of this project. I think these are wonderful standards to put out there to help guide the entire orderly development process, not just to make your lives easier, but make all of our lives better. Does -- does that case or controversy analogy make any sense to you? Good. That being the case, thank you, again. It was a good evening tonight.

MR STRODTMAN: Any questions for this speaker? Thank you, Mr. Clark. Don't be shy. Come on up if you want to speak.

MR. CLARK: Oh, I'll answer questions.

MR. STRODTMAN: Anyone else? We always enjoy Mr. Clark. Anyone else? I see no one, so we'll close the public comment portion of our meeting.

VI. COMMENTS OF THE PUBLIC

MR. ZENNER: Okay. Are there any comments from the public that you'd like to ask for?

MR. STRODTMAN: Comments from the public? I see none, so we'll go comments for the staff. I was guessing ahead.

VII. COMMENTS OF THE STAFF

MR. ZENNER: That's all right. Your next meeting, given what we have heard this evening and what we have had presented by Mr. Wade and the majority group, we will follow through with what we have originally discussed. We do not have any business items at this point as of today for the August 4th agenda, so we will be canceling the regular public hearing session of the Planning Commission's meeting, meaning the 7:00 p.m. meeting will not occur. However, we will be having a work session at 5:30 on that day and that work session may run late if the Commission desires to do so to get some additional work done, but we will advertise it for 5:30. You will have a standard work session meal and we will discuss the UDO comments spreadsheet, continue that conversation from the prior week, which is when you have your next meeting, which is July 27. Your next regularly scheduled Planning Commission meeting then is the 18th of August. That meeting will start at 7:00 p.m., so it's our regular meeting time. Work session will be at 5:30 as usual, though. So, regular public hearing will be August 18th. Any items that are received, and we have a number of them that are on the agenda, however, should we receive any type of additional information as it relates to East Campus from the other group, it would be included as a supplemental item onto this agenda. And it will be out of our application cycle, but it will be advertised and it will be

made publicly available in accordance to our advertising procedures that we have for the 18th's agenda. I have to follow up or see if we receive anything. If we do not, and it shows up at an agenda, we are not prepared and it is not an agenda item, and we can discuss that further in work session. But what I will tell you is if there is anything received between now and our filing deadlines or our posting deadlines for the Planning Commission's packet and the legal advertising requirements for any public hearing item on that agenda, that item would be included and the public would be made aware of that through our agenda and the notices that we publish for the agenda items. I will tell you that the neighbors that are not being included, while we will publicly advertise it, if they're not being included, we do have the petition and we may be able to reach out to the organizer, Mr. Wade, and have him contact his folks so they can assemble here to make comment if it is published. Up until that point, I really have my hands tied. I don't know what to expect and I don't know when I'll expect it, but I can guarantee you it will not be on an agenda just dropped in without being first advertised according to our procedure. It will be no different than advertising for these amendments that we have just completed, so that just as a purpose of clarification. You've got a laundry list of items here. This is your August 18th agenda. It's like they've all been pent up and now they decide to come out of the woodwork for us. It is a lot of subdivision-related material. A lot of this is final plats, a lot of it is very minor final plats. I will tell you that the Creek Ridge project here is one that may or may not remain on the agenda. We are just not sure yet. There are still some staff-related issues that we are trying to work through with the developer. The Kitty Hawk project, which we tabled this evening, will be on this agenda, as well, so it is the late addition to the subdivisions. And then you have three public hearings, and these public hearings, as you can see, all have a development plan associated with them, so these should be a little bit more meaty. There are going to be combinations of the Mikel's Subdivision, which you will notice here is 140, and Mikel's Subdivision rezoning O-P plan. This is for True Media, the -- and that is the lot that is behind the True Media building that is on the Business Loop. It is a rezoning and then an O-P plan for the parking lot that is to the south of Orange Street right now. Those will be combined under a combination subdivision-public hearing item. Centerstate Apartments, this is a property that is up behind the Menard's, across Vandiver, backing up to some residential neighborhoods to the north. This is a C-P plan and then an accompanying preliminary plat to go along with it. And then ACC OP, this is American Campus Community's Youth Center. There is a major amendment that is proposed to the plan and is not structural in nature. It has to do with signage because there were no sign provisions beyond what the current residential requirements afford the property at the time that it was approved. So

whenever we add signage to a planned district site, it is a major amendment, but it is not a structural modification to the site. So just to make sure everybody is not fearful that they're looking at building another building. Your properties that exist here, the Kitty Hawk, which we just tabled this evening, Mikel, for the subdivision plat again, True Media is here on the northern portion of this lot and this is the current surface parking lot serving the True Media site. You have the preliminary plat for Creek's Ridge, again off of Old Plank Road. The Hendren Hills Subdivision, this is a simple division of this A-1 zoned property in order to separate the existing single-family home from the larger undeveloped portion for establishment of an agricultural use. That has been tabled a number of times. We are finally being able to resolve those matters. Mattingley Subdivision, this is a simple subdivision plat in order to divide up the property, if I recall correctly. And then Ballew Subdivision, again, this is a combination plat, if I recall, in order to be able to bring the two properties and make it a legal lot. And then, of course, we've got Mikel for the rezoning side, same property boundary, and then the Centerstate Apartment project, which the Menard's is sitting right here as this large block and then the red-roofed building is, of course, our outdoor shop. And then we have the ACC OP development which is just relating to the signage. It has nothing to deal with any of the structural plans or structural improvement to be located on that site. As to what we have had for you for this evening, we will continue to update, as I have said, in work session the issue and comment worksheet, trying to incorporate all of the July 7 and July 21st comments into that, and we will be releasing that out as an addendum to you as the Commission, and then publicly we'll be releasing the entire document in its form as it gets updated before the next meeting. That is all we have for this evening for you.

MR. STRODTMAN: Thank you, Mr. Zenner.

VIII. COMMENTS OF THE COMMISSION

MR. STRODTMAN: I see none.

IX. NEXT MEETING DATE - August 4, 2016 @ 7 pm

MR. STRODTMAN: We'll look forward to seeing everyone on July 27th, which is one of our supplemental UDO discussion meeting sessions.

X. ADJOURNMENT

MR. STRODTMAN: Would anybody like to make a motion for adjournment?

MS. BURNS: I move to adjourn.

MR. STRODTMAN: Ms. Burns, we appreciate that. Do we have a second?

MS. LOE: I'll second.

MR. STRODTMAN: Ms. Loe, we definitely appreciate that. And with that, we're

adjourned.

(The meeting adjourned at 8:31 p.m.)

Motion to adjourn

Members of the public may attend any open meeting. For requests for accommodations related to disability, please call 573-874-7214. In order to assist staff in making the appropriate arrangements for your accommodation, please make your request as far in advance of the posted meeting date as possible.