



# City of Columbia, Missouri

## Meeting Minutes

### Planning and Zoning Commission

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Thursday, October 27, 2016  
6:00 PM

Speical Public Hearing

Council Chambers  
Columbia City Hall  
701 E. Broadway

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#### I. CALL TO ORDER

**Present:** 9 - Tootie Burns, Dan Harder, Sara Loe, Joy Rushing, Lee Russell, Anthony Stanton, Rusty Strodtman, Brian Toohey and Michael MacMann

#### II. APPROVAL OF AGENDA

MR. STRODTMAN: Before we -- before I turn it over to staff, just so everybody kind of knows, we did the first two sections last week and our attempt is to get through three, which is M-DT, which staff will give us a presentation here shortly. And then our hope is to get through Segment Four this evening also, which is the Form and Development Controls. So that is our hope and we're going to try to make -- wrap it up as quickly as we can later this evening, so we don't want to be here in the morning like we were last week. We have no work to occur after this, so once this portion is completed, then we're done for the evening. There is no other work being taken action of this evening. So with that, I'll turn it over to staff and we'll get our first presentation.

#### III. SPECIAL PUBLIC HEARING

##### Case # 16-110

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

##### SEGMENT THREE

##### FORM AND DEVELOPMENT CONTROLS (CHAP 29-4.2 M-DT FORM-BASED CONTROLS

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

Department.

MR. STRODTMAN: Thank you, Mr. Teddy. Commissioners, any questions specifically for Mr. Teddy on his portion? I see none. As we have done in previous, we'll turn it over to public input. **PUBLIC HEARING OPENED**

MR. STRODTMAN: We would ask that you would come up and give us your name and address, and then limit it to five minutes and then -- and try to limit it to specifically what is just in the 4.2 section of the M-DT. So please come on up. Mr. Meyer?

MR. MEYER: Jim Meyer; I live at 104 Sea Eagle Drive in Columbia. I think many folks tonight will ask specific questions about this section. I would just like to start with a couple of general questions, and just ask you to consider what is private property, why does it exist, and what is it for. My answer to that question is it exists to serve the private purposes of the private owners. In going about their purposes, property owners may pursue improvements to property, but that's secondary. It's not necessary. A property owner can leave a property in an undeveloped condition for future development and that's entirely within his rights and entirely appropriate. Or if he chooses to erect improvements on his property, those improvements may have certain architectural details. That's a tertiary issue that should entirely be within the control of that property owner. There will be a streetscape that's formed from all of these choices of these various property owners that people will perceive as they walk down the street. That is quaternary issue far removed from the private property owner's primary purpose. What this ordinance does is it inverts those priorities. It puts tertiary or quaternary issues before primary issues. I think that this is wrong as a matter of political philosophy, and then I think -- and I think it will lead to aesthetically displeasing results. Now, our country was founded on the principle that we have certain unalienable rights, among those life, liberty, and pursuit of happiness. Thomas Jefferson's phrase is a paraphrase of John Locke. John Locke said we have natural rights that include life, liberty, and property, and property was very important in that formulation. And Thomas Jefferson did not mean to exclude property, he meant to include it in a larger concept of pursuit of happiness. So the fee simple property rights are fundamental, they're broad, and they're general, and they're fundamental to our system. The police powers of local government are supposed to be limited exceptions to these fee simple rights to protect public health, public safety, and public welfare. The building codes address public health and public safety, so we're concerned here primarily about what is public welfare. That's admittedly an elastic phrase, but it's not so elastic that that exception should be allowed to swamp the fundamental rule. Questions like facade composition, building size, building height, street walls, window angle, private or public open space, those are choices that should

be left to the private property owner. The building form standards in particular and this draft Code in general place too many restrictions on the fee simple property rights of the owners -- of our citizens. If you enact this Code as currently proposed, you're going to drain the meaning of the private property rights from our -- our system of law. You'll leave just sort of a legal fiction remaining with no vitality or life. We are not subjects of a sovereign city government. We're supposed to be citizens with individual liberties participating in our own self-government. This is to be a limited government and it must respect our individual liberties and proceed with due process. Whether we look at this draft Code from the perspective of American constitutionalism or even the older tradition of the Anglo-American common law, it overreaches. This Code is far worse than the current zoning ordinance that it seeks to replace and I urge you to throw out this UDO completely and simply consider what changes, if any, need to be made to the current zoning Code that we already have. Thank you.

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

MS. ESSING: Good evening, Commissioners. My name is Katie Essing; I'm the executive director for the Downtown Community Improvement District. My office is at 11 South Tenth Street. And tonight I would just like to give a few comments that refer back to the feedback we provided to your June meeting. And if it's helpful, I brought that letter that I can hand out again that you might refer to, so I'll hand that to you guys. I first of all want to thank you for all the hours and time that you have all spent working through this Code. And tonight I'd like to just give a reminder to you and then the public that we did invest in testing the Code with Winter & Company, which hopefully has been a helpful tool as we review the Code, and the intent was to look at the clarity of the Code, the ease of use, and also see if there's any potential cost to the development, how that might impact things. So the testing was -- looked at a series of different development scenarios within the M-DT -- the downtown area, ranging from large scale new developments to small redevelopments and additions. And I think it bears sharing again that the overall findings were that the Code represented sound principles of city planning and design, but there are a few areas of opportunity to refine the Code, overall just to avoid unintended consequences that might impact the smaller developments downtown. And we found a few with the revised Code, just a few details we want to bring to your attention to look at again. The first comment that we had recommended was to have a small project exemption for less than quarter-block projects, and also to look at properties that are registered with the National Registry of Historic Places to make sure they can come into compliance. We do appreciate your help with the open-space requirement, but when you

get to your discussion part of the meeting tonight, we would like to hear more of your thoughts on why we couldn't expand this to exempt all the quarter block or the smaller lots. Second, we ask for a clarification on facade composition and we appreciate those revisions, so thank you. The third was the street wall. I know you spent a lot of time talking about street wall. Thank you for those changes and we ask for one more tweak to make it less prescriptive. It was rewritten to say ornamental metal picket and we'd recommend it be more broad to allow more creative options that could be used. And then for the build-to requirement, we just noted that there was a figure that looked like it needed to be updated to reflect the new language. 4.2-8. It looks like it could be edited. And also we'd love to hear more of your thoughts on the Providence Road five-foot required building line. We think that could be too close for some uses and would like to hear your thoughts on that. Thank you.

MR. STRODTMAN: Thank you. Commissioners, any -- yes, Mr. MacMann?

MR. MACMANN: Hi, Ms. Essing. How are you?

MS. ESSING: Very good.

MR. MACMANN: Could you explain to me just a little bit more what you mean by the quarter-block exemption?

MS. ESSING: The concern is that the smaller projects, many of our downtown developments are redeveloped properties, and the concern is that it could be difficult for smaller projects to come into compliance with all of the new Code requirements. And the hope is that we don't end up losing the smaller projects because it might be easier for a larger development to -- to come into compliance.

MR. MACMANN: Let me just ask one follow-up question, if I may. Would you be suggesting that developments smaller than one-quarter of a block be exempt from all the M-DT?

MS. ESSING: That is -- well, not the M-DT, but from the -

MR. MACMANN: (Inaudible.)

MS. ESSING: Right. That is the hope. The open space definitely helps, so if that's not possible, perhaps we can work through some of the details that are still difficult for the smaller projects.

MR. MACMANN: That's all I have. Thank you.

MR. STRODTMAN: Yes, Ms. Loe?

MS. LOE: Which are the other requirements besides the open space in that --

MS. ESSING: Part of it, the open space helped quite a bit. It could be the parking setback line. Some of the projects, like one of our examples were what if you were to redevelop the Café Berlin site and for that come into compliance, it would definitely be a

little more difficult to get that building to comply and might go over the parking spaces that are used, so that was an example that we thought could impact a smaller project.

MS. LOE: You're talking about parking for residential use if it was developed residentially?

MS. ESSING: No.

MS. LOE: Because I don't believe there's a parking requirement for commercial use.

MS. ESSING: No. In that case, it would just be for that property. It's a restaurant use and for that specific development.

MS. LOE: So there would not be a parking requirement.

MS. ESSING: In that area, no. I don't think it falls under that.

MS. LOE: Is there a different example?

MS. ESSING: I think it's more the -- to be feasible from a development standpoint if you're using it, having that flexibility. But we can definitely look at other examples if that would help.

MS. LOE: Yeah. I guess I'm struggling a little bit with what you're asking to be flexible from, so if you do have more specific details --

MS. ESSING: Got you.

MS. LOE: -- that would be helpful.

MS. ESSING: All right.

MS. LOE: Thank you.

MS. ESSING: Okay.

MR. TOOHEY: I've got a couple.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: So with the report that you submitted from Winter & Company, they did a cost analysis. And can you kind of sum up, did they basically insinuate that there was going to be a lot higher cost implementing this new Code?

MS. ESSING: That was part of it, yeah. The -- depending on the type of project, to come into compliance could increase the cost, especially with parking structures, and it could impact the feasibility of it.

MR. TOOHEY: Did they make any comments on what type of current uses would be able to afford those types of cost increases?

MS. ESSING: That's a great question. The testing did include looking at the financials and in the studies that were tested, one example that was feasible was if you had parking and you could put apartments above it, just taking advantage of that space.

MR. STRODTMAN: Any additional questions? Thank -- yes, Ms. Loe? Sorry.

MS. LOE: I believe that the report also said, though, that despite some cost

increases, that the overall uniformity and increase in aesthetics would increase property value?

MS. ESSING: Well, that's true. The -- one of the big findings of Winter & Company was that it -- there were sound principles that would hopefully enhance the overall value, so that's a good point.

MR. STRODTMAN: Yes, Mr. MacMann?

MR. MACMANN: Just one quickie. Street wall more open; is that what your street wall definition -- definitions more open, less restrictive; is that what you're asking about?

MS. ESSING: Yes. And the street wall was much enhanced. Thank you for your work on that. It was just the -- the language might be interpreted a little too prescriptive, so -- and I'm not sure if that was the intent.

MR. MACMANN: The intent, I think --

MS. ESSING: It had middle --

MR. MACMANN: -- I got from our discussions was to open that up, and you're saying it could be more -- allow more architectural creativity.

MS. ESSING: Well, it had a middle --

MR. MACMANN: Is that what you're going --

MS. ESSING: Correct. Yes.

MR. MACMANN: All right. Thank you.

MS. ESSING: Yes.

MR. STRODTMAN: Thank you. Additional questions? Ms. Loe?

MS. LOE: Just one last question. On the fencing or street --

MS. ESSING: For the street wall?

MS. LOE: -- can you just reiterate what exactly you were asking?

MS. ESSING: Yeah. We -- get you the page for that. It is on page 187, and it has an example, or it's written to say ornamental metal picket, and we just wondered does it have to picket or could it be other types of material. We just thought it might be too prescriptive. And I -- I think your intent was to open it up. We just -- we're fearful that it might be too prescriptive the way it's written.

MS. LOE: Thank you.

MR. STRODTMAN: Any additional questions? Thank you, Ms. Essing.

MS. ESSING: Thank you.

MR. WATERS: Hi. I'm Andy Waters; I live at 300 Lindell Drive. And I have a few points that I want to add to the -- what the Winter & Company study pointed out and some other points that the -- that the committee looking at this for the CID Board brought

up. And again, thank you for some of your changes. It's clear that you're listening to feedback and I appreciate that. You know, one of the things that Katie was just questioned about had to do with costs added to a project. And, you know, there are -- there are costs all over the -- you know, all throughout the Code that can add to the cost of a project and, you know, they include things like the open-space requirement does, you know, affect the efficiency of the building that goes on a site, and that was, you know, played into the per-square-foot value of the project. You know, in some cases, you know, an addition, if it reaches a certain threshold would, you know, potentially require the whole site to come into compliance. So, you know, if you have, you know, a small addition -- a relatively small addition that you're trying to make, but it's -- it's over a certain threshold, you know, does it require a two-story -- is it a two-story minimum kicking in at that point? Do you have to build a street wall around the whole site? You know, do some of the open-space requirements cut into the parking that you're able to utilize on that site and does that make the existing use less feasible and, you know, does it have any economic impact on the projects. And the overriding concern is that, you know, these -- these incremental costs are much harder for a small business owner, small property owner to absorb than for a large developer. So the potential is that, you know, it -- and great irony is that you might have a situation where you're trying to preserve the character of downtown, which is the stated purpose, but, in fact, you're actually creating conditions that favor a large project. You know, it makes it little difficult to do a small project, so you might, you know, as a small property owner, or small business owner be better off selling to a large developer who is aggregating lots and can build a big project. And right now the market is for -- for big projects is student housing. And, you know -- and wouldn't it be ironic if what we're trying to do is avoid that type of development and what we're doing is actually encouraging that type of development. That's a real concern that, you know, folks have with what's proposed here. Some of the other points that I wanted to make, one of them has to do with the open-space requirement and the parking setback, and we would ask that you revisit the CID Board's recommendation that the space between the parking setback line and the required building line be allowed to be used and count toward the open-space requirement. Right now, it basically creates a dead zone. And, you know, I'm not sure what can be a useful function that serves the public in that 24-foot buffer that would be created by the parking setback line, and wouldn't it be better if that space were able to be used as an amenity and, you know, maybe landscaped a little better, you know, added seating for the users of the site and count toward the open-space requirement. I don't see what the drawback would be for that. Another question is -- and maybe just a request for clarification -- has to do with a

new provision in the Code that talks about -- it refers to an exemption for properties from the open-space requirement that are less 10,000 square feet in gross floor area. Now, the question is, is -- at one point, it refers to 10,000 gross square feet for the whole project. In, you know, a couple of paragraphs down, this is on page 196, it refers to a 10,000-square-foot project. What's the intent there? Is the intent to exclude projects only if they're 10,000 square feet in -- you know, in gross building area? Our preference would be to exempt projects that are a 10,000-square-foot footprint. You know, in keeping with what Katie was saying about the request to exempt all projects less than a quarter block from all the form standards, this seems like a little bit more of a reasonable threshold. A 10,000-square-foot building, when you're talking about multiple stories like this Code requires is not a very big project and especially with the other provision that there's a, I think, a 25-foot frontage. The third question that I have has to do with the height of buildings adjacent to single-family lots with single-family usage on them. And the Code now says that for -- you know, any time you have this situation in M-DT, there's a 20-foot setback from the common lot line and a maximum of 30 feet building height, which Mr. Teddy reference earlier. I would point out -- well, first of all, I'm not sure that this is serving the purpose that is intended. For example, if you have a section of R-3 zoned property, you know, clearly there's anticipation that that's going to be a more dense use than it might be today. You know, you might have a row of single-family houses on that, but if, you know, at some point, somebody decided -- you know, determined that, you know, R-3 was appropriate for that area, there is, you know, density likely to occur in the future. So, you know, with this requirement that you, you know, limit the height and limit the density of the development that's occurring next to it, you're really prohibiting, you know, what would be an appropriately dense development from occurring, you know, when that time comes that the whole area becomes more dense, because if you're building a big project and you have to, you know, leave part of it no higher than 30 feet, then you're really missing out on some density that otherwise would be appropriate. So I would ask for you to reconsider that -- that setback and also point out that in other parts of the Code --

MR. STRODTMAN: Mr. Waters, I hate to interrupt you, but you've run past your time, so --

MR. WATERS: Okay. I'm sorry. But there are different use districts that have different standards that are much less restrictive than what you're proposed for M-DT, and these are in, you know, mixed-use neighborhood districts. There's mixed-use corridor districts and even the -- the manufactured home district has a less stringent standard than what we're proposing for M-DT.



MR. STRODTMAN: Thank you.

MR. WATERS: Thank you.

MR. STRODTMAN: Commissioners, any questions of this speaker? Yes, Ms. Tootie -  
Ms. Burns.

MS. BURNS: Am I understanding, Mr. Waters, that you would -- it would be acceptable to you to have a 10,000-square-foot building trigger versus a quarter-lot trigger?

MR. WATERS: I would prefer the quarter-lot trigger, but if you're talking about 10,000 square feet, I would prefer a 10,000-square-foot footprint as opposed to a 10,000-square-foot gross building area.

MS. BURNS: Okay. Thank you.

MR. STRODTMAN: Additional questions? Thank you, Mr. Waters.

MR. MOORE: My name is Allan Moore; I live at 550 South Rangeline Road, Columbia, Missouri. I'm a member of the Downtown CID Board. I'm also a downtown property owner, realtor, and real estate appraiser here in Columbia with a business downtown. First, I guess I'd like to split my time since I get five minutes, and do half of it on -- for the CID's behalf and half of it on my own personal opinions. A couple of things that we saw, just to elaborate on what Mr. Waters and Ms. Essing have already said. In the -- I think it's on page 187, it's talking about the parking setback line and it says Ninth and Broadway, and I'm not so sure that doesn't mean strictly in the urban storefront district versus all of Broadway which encompasses three different -- would that be right?

MR. TEDDY: Are you talking about the parking setback?

MR. MOORE: Yes.

MR. TEDDY: And how it applies to multi-story?

MR. MOORE: Yes. Versus -- in urban storefront versus urban general, and it just says Broadway -- Ninth and Broadway.

MR. TEDDY: Yeah. Yeah. That's a good observation. I probably misspoke on that.

MR. MOORE: I don't think you said it, I think it's in the Code.

MR. TEDDY: Right. Right. And I failed to point out that it -- that setback at the upper-story levels, the way the Code is written, does apply to those two streets, not necessarily to the storefront only.

MR. ZENNER: However, not in their entirety. It was not intended to apply in their entirety on Broadway.

MR. MOORE: Right.

MR. ZENNER: The way that the Code should have been amended, because it was a

provision that I had actually added, the prohibition on -- if I recall correctly, the prohibition was supposed to be on the urban general storefront requirement, which is most of Ninth, where you could not have parking forward of the 24-foot parking setback line ground through roof, and then I believe it was only intended to apply to the urban shopfront on Broadway because all of the other orange-designated streets would allow you to pull forward your parking on upper levels, just not on the ground store area. And if it's not worded --

MR. MOORE: Okay. I just -- I just thought it was maybe a typo or something.

MR. ZENNER: It may be, and I'm trying to find it, Allan, so I apologize.

MR. STRODTMAN: It's in A. It's mid --

MR. ZENNER: Page number?

MR. STRODTMAN: On page 187 -- page 187.

MR. ZENNER: One eighty-seven. Thank you.

MR. STRODTMAN: The first blue square.

MR. MOORE: I can go on while he's looking at that.

MS. LOE: Uh-huh.

MR. MOORE: The next item that I was looking at was on the solid waste plan. I think that's good that that's in here now. One thing that, as the CID has noticed, is that we're having issues with also changes in use, as well as new development from scratch where, let's say, you have -- this would be an extreme example -- where you had a building that's existing downtown that is an office, and then it becomes a restaurant bar, and you go from having very little solid waste generated to having a lot. And in that situation, you know, it's -- it's -- it's not a new development, it's probably a building-permit request, but I don't know if that would be an existing building and a renovation versus a new construction. And it would be nice if that could get included in this somehow, as well, where it's more of a use change versus just a new construction, how are you going to handle your solid waste. What if you come in and say I'm going to remodel this building and change the use the significantly, how are you going to handle your solid waste. On page 195, it talks about the three-foot elevation minimum above the ground floor in urban general, and we had a little bit of concern about that and whether or not you could actually comply, especially with smaller properties, with ADA requirements with ramping or whatever, even though you can have it inside a lobby or some other part, it doesn't have to outside. I'm not an architect, I don't know how this might work, but it seems like, you know, it could take a lot of feet to get up to that three foot. Maybe you know, it's like 36 feet or something. And on a small property that's maybe only 24 feet wide or, you know, they're only -- you know, it could take up a lot of interior space

possibly building ramps or something. And I know you changed that on the townhouse so that it could be a ground floor. It's just something to talk about and think about maybe.

MR. MACMANN: If I may, Mr. Moore, I believe the commercial is 18 and the residential is 36 inches; is that what we -- Mr. Teddy, to you remember that? You just went over that a bit ago.

MR. TEDDY: If -- I'm going to start --

MR. MACMANN: I just want to make sure that we're on the right -- same page.

MR. MOORE: Right.

MR. MACMANN: And you're referring to a commercial or residential or both?

MR. MOORE: Well, I was really referring -- I think they changed it on the residential.

MR. ZENNER: The --

MR. MOORE: I'm referring to the urban general.

MR. ZENNER: -- standard -- the standard that is in the M-DT in the urban general, and the urban general shopfront, if you do have -- and you cannot have residential in urban general shopfront at the ground level. In urban general, which would be all of the orange area, if you put residential on the ground floor, it must be elevated a minimum of three feet above the adjacent sidewalk, period. Maximum elevation, I believe, for a commercial structure, I believe you are correct, Mr. MacMann --

MR. MACMAN: Is 18 inches.

MR. ZENNER: -- is 18 inches. And the rationale behind that is that if you are sitting in your living room in a residential structure along one of our primary walking streets, you don't want somebody looking directly into your dwelling unit. At one point, there was consideration of removing that standard in the urban general. After further review and discussion, it was decided to have it retained. It was removed in the urban general west because the urban general west is not as pedestrian oriented an area within the M-DT boundary. And then in the townhouse, small apartment, it was never there. So -- because that is actually intended to be a residential. I don't believe it is.

MR. TEDDY: Townhouse was amended --

MS. RUSSELL: We did.

MR. TEDDY: -- and we --

MR. ZENNER: So --

MR. TEDDY: We did reduce that to allow at grade for ground-level residential.

MR. ZENNER: That's the rationale behind it, 18 inches commercial, 36 inches elevation minimum for residential in the urban general.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I would just request that we recognize that we've taken Mr. Moore's time, and I did that, and I'm sorry. So I would not -- I hope he's not docked for that.

MR. MOORE: No. That's okay. I just -- I just wanted you all to discuss it and consider that. You know, I mean, it would be really expensive if you've got a -- you know, a small, 20-foot building that you wanted to do some residential on in the lower level, and you have to put in an elevator to get that three feet or something. I mean, it would be -- and I'm -- and as I say, I'm not an architect or an engineer, so I don't know. Well, I guess I'd like to change and say I'm not speaking for the CID at this point. You know, I went through with a couple of properties that I own today, going through from start to finish with the M-DT, figuring out what I could do, what I couldn't do. You know, it's -- it's -- it's very complicated for somebody that has some experience with zoning. I'm not a zoning lawyer and I don't pretend to understand this completely at this point. But it seems -- you know, I was okay up through part of it. As we got up to -- when it started talking about fenestration and building heights and that kind of information, it is very complicated, very confusing, and I don't think any layperson can understand that. And I do think that, as our code testing talked about, it is going to be more expensive to build these buildings. They may be nicer in some respects and conform more with the rest of downtown, which may have a positive effect on property values. Nobody really knows, and I don't think anybody really knows how much more this is going to cost. But as I was going through this on my properties, I got to the point where, you know, I was kind of looking at it, saying, well, a lot of restrictions. There's -- it's very complicated. And I think that, you know, the whole focus of this, if -- if we can minimize some of that, if we can, you know, simplify some of this, when you have the opportunity, as you guys look at this tonight, I think that would be good. I think the CID's idea about the exemptions for certain size, if 17 is too much, maybe that's one thing to talk about. If -- you know, I do think that the smaller the buildings are, the harder it's going to be able to comply with these things and it'll just be more expensive. And, you know, you would hate to see people not be able to afford to do business in downtown Columbia because they can't afford to remodel a space or pay the rent that it would take to get these things done. So as far as that exemption goes, I think, in my opinion, that's part of the reason that some exemptions would be good. I agree with Mr. Waters about the 10,000-square-foot gross footprint. I thought that's what it meant when I read it, and if that's not the case, I think it should be that. And so I would just ask, you know, any -- any consideration you can give to trying to minimize some of these restrictions and make it less complicated would be good. I think there's a lot of things in it that are good. And I

would also offer that I noticed the other night, you guys were talking about the office space and the urban general storefront. You know, anybody, Katie, or anybody from the CID would be glad to come up later when you guys are discussing these thing, if you just ask and try to answer questions if -- if we can be of assistance then, would be glad to do so.

MR. STRODTMAN: Any questions for this speaker? Mr. MacMann?

MR. MACMANN: I have one. Your -- let's take your example of conversion from an office space to, say, a bar and restaurant. And you would like the solid waste provisions to be more stringent, increased, something of that -- is that where you were headed with that?

MR. MOORE: Right.

MR. MACMANN: Do you have any suggestions for that?

MR. MOORE: Just -- just for the -- that's part of the plan when they come in for the building permit of the -- because I don't know as that falls under when they're just building new. I mean, I don't know.

MR. ZENNER: Change of use and the change of intensity of a particular structure would have to be -- it would be reviewed as part of the building permit process, as we do with any other use if it weren't inside the M-DT. For example, you do a change of use, and you have inadequate parking because you had an office use and you're changing to a retail business somewhere outside of downtown. We would require you to put in the requisite amount of parking to make up for that. Likewise, if your waste stream is going to be significantly different, it is possible that the solid waste utility would want to have that addressed. I would tend to agree with Mr. Moore that it may not be clearly enough defined that when that change of use that increases the waste stream occurs, some type of provision has to be identified. That addresses many of the concerns that we have heard from Mr. Ott and from others that in downtown that are concerned about trash collection in our alleys and other locations. Unfortunately, I think, in listening to Mr. Moore and not trying to increase costs to small redevelopment operations such as that, you may have an inverse impact. If you're wanting waste to be identified and collected internal to a renovation, that may make it less opportune, unless what I'm misunderstanding is is he wants it exempt.

MR. MACMANN: That's where I was going, Mr. Moore. You have your 24 -- 25 -foot-wide building, and it changes from an attorney's -- Sara's -- it changes from Sara's firm to a restaurant. And I understand your provisions, the ADA concern, you know, the step-up. And now we have internal waste collection. And I'm with you and I'm with Mr. Ott. I'm downtown all the time. It's a thing. If you all at the CID could maybe ponder

that, too. The CID thinks about -- I mean, the solid waste thinks about this. Mr. Teddy and Mr. Zenner think about this all the time. It's a -- in an old urban core with narrow everything --

MR. MOORE: Right.

MR. MACMANN: -- it's a thing. So maybe if we're going there, think about thresholds, think about management techniques, something like that.

MR. MOORE: Right. Yeah. I've been thinking about it.

MR. MACMANN: And I know everyone has because it is -- is a thing. You know, I know the CID pays to pick up, they pay individuals to go up and down the street and pick up random trash and I -- and I appreciate that.

MR. MOORE: Right.

MR. MACMANN: But we're going to need some -- I think more input is better --

MR. MOORE: Yeah.

MR. MACMANN: -- you know.

MR. MOORE: Well, and I'm -- I mean, I'm not trying to make it more restrictive. I just think that if -- as long as you're considering solid waste in this deal, also consider it for change in use somehow or give that some thought. I mean, I don't have the answer off the top of my head, but -- but, I mean, I've seen it happen recently, so something to think about.

MR. STRODTMAN: Any additional questions? Mr. Zenner, so the process of solid waste would not flag that in today's review of that use change? Would they not flag that the waste stream is going to increasing so there would need to be something done to address that or no?

MR. TEDDY: They're going to work with the business on frequency of pickup, for example. If you go from retail to restaurant, that's going to need more frequent pickup or more volume or both. So yeah. They'll work with --

MR. STRODTMAN: But -- but they wouldn't come to you and -

MR. TEDDY: Not necessarily. And we could write into -- and it's not captured in the paragraph that was written. That really contemplates new building or, you know, an expansion of the building. But it could be written that in cases of shifts in kind of broad classes of uses, like from retail, where it's a lot of white paper and that kind of thing, a lot of recyclable materials is the waste stream to restaurants where there's a large volume of food waste and such, that then a management plan has to be presented to set aside more space or pursue some kind of cooperative agreement, you know --

MR. STRODTMAN: Because in the past --

MR. TEDDY: -- in a management agreement, not all these are going to be buildings.

MR. STRODTMAN: -- it's always -

MR. TEDDY: Some of them might be an agreement to share a receptacle or something like that.

MR. STRODTMAN: Correct.

MR. TEDDY: Or use common --

MR. STRODTMAN: But -- but in the past, we've really not had a lot of -- that's always been more of a solid waste department --

MR. TEDDY: Right. They -- yeah. That's correct.

MR. STRODTMAN: -- topic and not as much with us.

MR. ZENNER: That's correct.

MR. STRODTMAN: Okay. Thank you.

MR. MOORE: Part of the problem the CID has is we have no enforcement authority. This has kind of fallen in our laps and we have no enforcement authority to do anything about it.

MR. STRODTMAN: Right. Right. Yeah.

MR. ZENNER: If I may, in addressing Mr. Moore's question as it related to the parking setback line along Ninth and Broadway, in its entirety. The Clarion memo from November -- or from -- was it from January, November, whenever Clarion did their memo in 2015 -- it would have been November of 2015 -- the -- the sidebar note that is here in the Code reflects what Clarion had recommended. It was based on a comment that said in the -- in the M-DT district, loosened parking setback requirements to apply only to ground story of a parking structure. That was the comment that was provided to Clarion. And the recommendation that Clarion that offered, which is what's captured in the proposed code, first said no -- says no change recommended along Ninth Street and Broadway, inclusive. Along other streets, the parking setback can be revised to apply to first floor only, which is how the text reads right now. So it's all frontages except Ninth and Broadway may have second-story -- second-story parking up to the required building line. So as it is written, it is correct. It is consistent with what Clarion recommended with Ferrell Madden as the revision. So if the Commission is desirous to narrow down that band to the urban shopfront frontage-type only, which is the red area on the map that you see, that would need to be an amendment as part of this particular section. It would be inconsistent with Clarion's recommendation and given the -- given the desire to not generally have second-story and above parking along our principal retail corridors, which would be Broadway and Ninth, is why the standard is written the way it's written. We want, in essence, a liner building that separates the street facade and the frontage from the parking that may be being integrated into a structure that's being constructed. There

are many ways to possibly, if you waive that requirement, through design to address the appearance of parking along those two frontages that are outside of the urban shopfront, but I definitely would tell you that urban shopfront needs to be preserved. It is our principal retail corridor or retail areas and there is an integrity issue there to ensure that we can maintain that -- that intensity of retailing and to allow parking to be brought forward really probably would have a negative impact.

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

MR. MOORE: Thank you all.

MR. TRABUE: Good evening, Commissioners. My name is Tom Trabue; offices at 1901 Pennsylvania. I'll jump into this because I've got several items. The first is on page 185, and it goes along with what Mr. Waters talked about with regard to zones -- zoning versus uses, and the buffers that are required. The City of Columbia adopted Planning and Zoning in 1964. The purpose was to guide orderly and appropriate development. This has served to protect property owners from inappropriate development on adjacent properties that would impact their rights and property values. These protections and responsibilities apply equally to all property owners -- residential, commercial, industrial, et cetera. Within each of the zoned districts and overlays, there are allowed uses in the Code. A property owner knows with some degree of certainty how they will be able to develop the property and how properties around and adjacent to them can be developed. Even conditional uses provide a mechanism and process for attaining that conditional use so that the property owner knows what's going to occur there. The ordinance also provides methodology and a public process for changing the zoning classification to allow for different uses if an owner so chooses. For the most part, there is a great deal of clarity in the ordinance, whether or not a property owner or a developer agrees with the provisions, again the rules are laid out. He or she can invest in a property with a high degree of certainty of what they will be allowed to do. This ordinance, however, has introduced in my mind and others a very troubling twist. Specifically, if a property is in a commercially zoned district, there are several instances where in the ordinance, additional requirements are placed on the developer if the adjoining use, not the zoning, is residential -- additional setbacks, screening, et cetera. This is being presented as a neighborhood protection and who can argue with neighborhood protection. Neighborhood protection is a good thing in transition areas between zoning districts. This is not necessarily appropriate between properties in the same zoning district. Just as a commercial developer must work within the rules and guidelines of their particular zoning district, someone building a house on a commercially zoned property must work within



the rules of that zoning district. They do not get to choose their neighbors or dictate their neighbor's use of their property so long as it is a conforming use in accordance with the ordinance. All conforming uses within a commercially zoned district should adhere to the same rules within that district, whether it be a commercial building or a house. A community recreation center and a bar may not be the best neighbors, but they are both allowed uses. A residential use on a commercially zoned piece of property is a conforming use. It's not conforming in the M-DT district. The adjacent commercial developer must accept that possible use as a conforming use whether it benefits their commercial property or not. When a house is constructed on a commercially zoned piece of property, it does not automatically change the underlying zoning to residential. If that property owner of the residential use wants the protections of residential zoning, it would seem appropriate that they should go through the public process of rezoning their property. If a single-family residential use requires special protection, is it appropriate to be a conforming use in the commercially zoned district? And just so there's no misunderstanding, I believe that residential uses in the commercial zones are appropriate. I just don't think that they're appropriate to enact special provisions or screening or other buffers for the commercial property adjacent. I believe that it's not appropriate to provide conditional exceptions or, in this case, increase burden on a commercial development because someone has chosen to build a conforming use of a seemingly lower impact on the adjacent commercially zoned property or, as Mr. Waters indicated, an adjacent property that's zoned R-3 perhaps. I do not believe that it's appropriate for a property owner to enjoy the increased value of a commercially zoned property and, at the same time, be able to negatively impact their commercially zoned neighbor with increased setbacks, buffers, et cetera. This is an economic development issue. The development of commercial properties are critical to the economic prosperity of our community. The development of commercial properties is critical to the vibrancy and activity of the district. Putting additional restrictions on the development of conforming commercial properties in commercial districts does not promote forward thinking economic development in our community. If this stands as written, this additional layer of uncertainty is another risk that people who invest in commercial property must consider. Notwithstanding the potential additional cost, this uncertainty and risk will impact commercial development. I ask that you reconsider and strike these projections for use and let neighborhood protections be based on transitions and zoning districts. This is much more certain and I think much easier to defend. This will likely result in a discussion about scenarios, as it did last time. I don't think the scenario matters. Whether the residential use is there currently or not, this ordinance as written

impacts the ability of the owner of a commercially zoned property to develop that property consistent with other properties in the same zoning district, and I don't think that's fair.

MR. STRODTMAN: Thank you. Questions for this speaker? I see none. Thank you,

Mr. Trabue?

MR. TRABUE: Do I have any other time? Or did I run out of time?

MR. STRODTMAN: You ran out of time.

MR. TRABUE: Okay. That's all right. The other stuff is important, too, but --

MR. JOHN: My name is John John; I'm a realtor here in Columbia. I have offices at 33 East Broadway. I spend a lot of time downtown. I probably walk to lunch downtown two or three days a week from 33 East Broadway, which is still inside your M-DT district to other places all along the way. This -- you have the City of Columbia, the politicians, the bureaucrats, everybody has the right -- has the authority to take the use of land for the betterment of the community, for the welfare of the citizens. You have the authority, you have the right. You do have to compensate them for that taking. This is a broad down zoning of property. I have talked to several owners, I have talked to several developers who have looked at Columbia, looked at buying property in Columbia. The estimate is an average of \$1 million per half block. That is a taking. The bankers in this town loan money against those properties based on their values. The value is based on what you can do with it today. When you take away what you can do with it today and say you can't do that tomorrow, you're taking away their value. These families bought property, ran businesses, have lived here, their families still own property. They're counting on the citizens -- the City of Columbia to be fair, and that's it. Just to be fair. You take a half million dollars out of their pocket, a million dollars out of their pocket, that's not fair. I am hoping that before this goes to much further down the pike, that someone in City will go, hmm, I wonder how much we might be sued for if we don't -- aren't willing to compensate, because that is what it comes down to. You can take it, it's a down zoning. It's just like taking right-of-way for a street or whatever. But you have to agree with the owner of how much, or they have to take you to court or you have to take them to court to take it. There's a lot of things, and I listened to all of the, well, what about this and what about that. Every time you add a layer of bureaucracy and layer of, well, we want it to look like this, this, and this, and we won't be the architectural police downtown, some city planner, as well meaning as they may be, some elected official, as well meaning as they may be, gets to choose whether you made enough changes in the front of your building to make it look right. I go back to 1929 when the Tiger Hotel was built and built ten stories, well above anything in town. Would this kind of Code have

been in place to say, oh, no, we can't have anything, because the Tiger is a ten, and we have to stop at ten now. The Tiger is a ten. What if everything had to be stopped at five, like the building -- other buildings in town were? Oh, you can't build the Tiger. All of a sudden, the iconic downtown building, the building that everybody points to, almost 100 years later, getting on it, is not built because it can't be built. All of a sudden, some state organization -- state being government organization -- decides how a building must look, how it must stand, and how -- how big it can be. A lot of this talk was about, you know, well, what about small stuff, what about big -- you are -- the unintended consequences -- I was listening and writing down the unintended consequences on many of these projects, and I'm going, like, you have no idea the mess you're -- this ordinance will make. The exact things that became concerns, because the market got hot, the University was growing, we needed housing. People came to town and invested \$40, \$50 million in our town, and all of a sudden, they're the devil and we're going to stop it. Go ahead. Urban sprawl is a bad thing, but if you don't allow buildings to be built downtown, where are buildings going to be built -- on the outside of town. What happens when you build buildings on the outside of town? You have more traffic, you run longer sewer lines, it's more expensive. You really want a downtown to be built densely and high because that's the only way you get density. One of these apartment buildings going downstairs - - downtown, if it was built to the current codes of, ah, we don't like more than nine units per acre because that's -- that's kind of dense for us out on the limit, on the perimeter, would have taken 40 acres. It would have taken all of downtown to build almost. Another 40 acres of streets that the City has to maintain, another 40 acres of sewer lines that the City has to maintain, another 40 acres of water lines that the sewer -- that the City has to maintain because one person built one building downtown, they don't have to maintain those. The millions of dollars that have been built downtown, the coffers of the CID are swelling with the taxes that were starting to come on next year. The appraised values of these properties are going to swell the -- and the people that are downtown now shopping. I love the comments from people -- oh, we don't go downtown, it's not -- there's nothing down there. We can't -- I -- I decided when I was walking downtown a few months ago, to count parking spots. Now, I'm walking at lunch when it's the most traffic time. There was a parking spot in every block. If you can't walk a block, you -- or at the mall people walk much more than a block to get into the front door of the mall and then walk two or three blocks inside the mall because they're inside and they think, gee, I didn't walk anywhere. It's -- it's easy to walk downtown. I see my time is up. Thank you for your time.

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

Mr. John.

MR. WAHRENBROCK: Hi. Mark Wahrenbrock, 2400 Hillshire Drive. I'm the current vice-chair of the City of Columbia Historical Preservation Commission. I have a brief, but general comment about the differentiation between urban general and urban storefront, and that is that as currently drawn, the urban storefront doesn't even take in today what is -- what would fall into the category of urban storefront, and would like to encourage the expansion of that zone to include those other areas that are currently operating a storefront now.

MR. STRODTMAN: Thank you. Any questions of this speaker? I see none. Thank you, sir.

MS. FOWLER: I have some handouts.

MR. STRODTMAN: Yes, ma'am.

MS. FOWLER: Good evening. My name is Pat Fowler; I am -- I live at 606 North Sixth Street, in a beautiful north-central Columbia neighborhood, and I am active both in my neighborhood association and a neighborhood representative to the Historic Preservation Committee. What I'm handing out is a list of the upper and lower addresses on each of the downtown streets where urban storefront currently exists. I want to follow up on Mark Wahrenbrock's comments. I drove those blocks and then I used the City map. It took me a little while. I may have made one or two mistakes, but I highlighted for you where urban storefront currently exists in an effort to persuade you to expand that, because let's keep the downtown in downtown. Not only is it a place where students live and some young professionals, but it's an employment center. It's where professionals earn a good living. It's where young people start out in working in restaurants. And there's both a mixture of low-paying jobs and hopefully much better paying jobs, but we have to work hard to maintain that mix, particularly with the pressure on high-end single-purpose residential housing. It also creates a perverse incentive if there's more places where residential can be on the first floor. You know we have a beautiful historic downtown, and I don't want us to create an opportunity to lose those storefronts because they add to the economic value, not only of the University of Missouri, but of the business that operate so vibrantly downtown. From -- I'm going to move to my more written remarks there. Regarding the parking requirements in the new down [sic] residential appear to be too low given our lack of a comprehensive approach to car storage and minimal parking coordination with the University. Please raise those minimums unless and until a coordinated and likely to succeed plan is in place to address the needs of surrounding neighborhoods. When insufficient parking exists downtown, you drive away the grown-ups like me who would like to spend our money downtown and create all kinds

of negative consequences for our students and commuters as they look for car storage options which often overhang my driveway and my neighbor's driveway. Our historic places of worship are also at a disadvantage. They are historic structures built before the common usage of the automobile and they have trouble on the mornings of their worship finding places for their parishioners and members to park so that they can come to services. I'm going to open an old wound by saying that those portions of the M-DT that would permit single-floor use should be upgraded to two complete full stories. I think that given the fragile nature of downtown and the infrastructure -- I know we're working on it, but there are many vulnerabilities down there. We don't want to create an opportunity for continued redevelopment of a single-store structure because it does traumatize the infrastructure and the landscape. Now, we have two sections here. We have neighborhood transitions that are part of the conversation now, and later on, we'll have neighborhood protections, and I will return with much more expansive comments about neighborhood protections at that time. I am a neighborhood advocate. I own my own small footprint home, and my investment in that is an example of how affordable housing can work for citizens of modest means in our community, something that we have neglected for decades. So protecting our mixed uses downtown is a transition to our neighborhood. I'm concerned, first of all, that the current uses along Park Avenue that we celebrate and enjoy the Rose Music Hall and the Koonse Glass building which is under redevelopment, have not been included as permitted uses. Please fix that. We love the fact that our neighborhood is mixed use. It's the reason I bought down there. It's the reason I walk to places instead of use my car. It's the reason why for nine years, I could ride my bike or walk to work when I worked at the University of Missouri. We have the most mixed-use neighborhood. It deserves your protection for a variety of reasons. We house things that many other neighborhoods would rather not have in their neighborhood, including transitional living programs and senior centers and places for people who are -- are the least, the lost, and the left behind. We embrace everyone in our neighborhood. It's not anything goes, but all are welcome there and it is worthy of your protection. In scale, as you transition from downtown into our neighborhood is the key to success. North-central works because our uses are in scale. And when we get to neighborhood transitions, I will discuss the comments made by both Mr. Waters and Mr. Trabue about R-3 and increased density. My house has been there for 95 years. And despite all the things that happened to it when the Flat Branch Creek floods and ends up in my basement, it is a solid house and it has always been single family, and I don't want to be displaced from my current use and neither do my neighbors. The central city benefits from small footprint homeowners, and we need to protect them. We moved there

because we knew that was part of the benefit of helping our city grow is to stabilize our downtown central neighborhoods. Scale matters. We have 774 affordable addresses. Please, in every change that you make to this Code, particularly as you transition to neighbors -- neighborhoods, you think about whether or not you are encouraging or discouraging the availability of owner occupied small footprint housing in neighborhoods adjacent to downtown because that's truly how all of our citizens advance together. I don't have the money to invest and make my money work for me, but I have the ability to buy a house and be a good neighbor and contribute to our community and that needs to be encouraged in an affordable way. Thank you.

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

MS. LOE: Ms. Fowler, how do you feel the urban general zoning threatens the storefronts that you listed?

MS. FOWLER: Well, it allows for -- for first-floor residential. And we've known -- you know, we lived with the consequences of what happened when Brookside came into our neighborhood. It -- it is, obviously, a revenue generator to go to an all residential structure first adjacent to downtown, and now downtown, I don't object to many of the developments, but I don't want to create an environment where by making that possible, we knock out the beautiful historic facades, whether they be one-store or two-story along Broadway in favor of a more lucrative use. None of us knows what's going to happen in the future about single-purpose residential, but right now, we don't have a good pattern where we're developing owner occupied options downtown. We are building for a single demographic, and I think that puts our historic structures at risk.

MS. LOE: Is that the only difference between the two areas that you feel threatens --

MS. FOWLER: Between urban general and urban storefront?

MS. LOE: -- general and urban storefront?

MS. FOWLER: Well, I want to make sure that the downtown stays in downtown, that there's business activity everywhere, and urban storefront enables that in those areas that we consider to be personal services, now expanded to include banking and other things. And a vibrant downtown is when people are able to get all their business done in one location, and we have that now. I mean, with the advent of a grocery store downtown, literally, you can do almost everything downtown if you are a citizen of my age. Let's not disrupt that pattern in favor of single-built, single-purpose housing, which seems to be the pressure right now.

MS. LOE: Thank you.

MR. STRODTMAN: Yes, Ms. Burns?

MS. BURNS: I had a question when you talk about historic storefronts and historic

churches.

MS. FOWLER: Yes.

MS. BURNS: Are these designated historic, or are you more meaning unique and special?

MS. FOWLER: We have, I believe, 177 properties on our City designation list of most notable properties. Most of our downtown churches, the ones that predate the automobile, are on that list. And so I'm talking about their traditional historic function. They were built before all these other things happened, and they're really being squeezed both in, as you know, the churches and places of worship depend upon parishioners as they age being financially generous to them. If we drive away that established body of churchgoers and worshipers and -- from these historic structures, we undermine the financial stability of those organizations because, in essence, they have to take in money, too, in order to continue to thrive. So we have many of our other properties downtown are also listed on most notable properties and we also have some most -- we have some most -- some historic districts where buildings are contributing structures. So they do have some, although it's not a protection, they do have some identification and that is in the City record. I'm sorry. That was wandering answer to your question. I so apologize.

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

MS. FOWLER: Thank you.

MS. WESTERFIELD: Thanks for allowing us to come tonight and make some comments, and thank you for all your work. This is truly a commission that puts in a lot of time. It's very obviously. My name is Khaki Westerfield; Khaki Lang Westerfield, and I live at 101 South Glenwood, and I'm here with my cousin, David Lang, who lives down the street a 309 South Glenwood. We are two of the owners of properties that are in part of a partnership on Providence Road just north of Locust. And those properties are currently a gas station/convenience store right there on the corner, and next to that then is Nine Round. We're long-time Columbia residents, and our families have owned these stores -- I'm sorry -- these properties since the 1960s, and we've had a lot of association with the City. Anytime the City has asked for an easement, we've granted that gladly, and that includes part of our -- the use of our property for the construction for Flat Branch Park. Just as an aside, my dad was Howard Lang, who was a former mayor and a person for whom a nice award has been named, and David's dad was Arthur Lang, who, as a returning vet -- wounded vet from World War II, was one of the very first employees of MFA Insurance Company. The concern that we want to bring you tonight has to do with the setback, the five-foot building area. We understand that's appropriateness for an

area, for example, such as Ninth and Broadway, but the Providence Road corridor is just an entirely different animal. It's a four- to five-lane corridor thoroughfare that just doesn't lend itself to that sort of a situation. David?

MR. LANG: I'm going to follow up with what Khaki said. Thank you for serving as -- on the Planning and Zoning Commission. There are a lot of oxes to be gored and you get a lot of different opinions. Our interest is in the five-foot built for new construction to be within five foot of a roadway on the Providence Road corridor. And as Khaki mentioned, our properties are the -- the gas station that's on Locust, the next door, the Round Nine area, that little three-lot area is what we're talking about. We just can't envision any future commercial structures that are going to be successful at this location with some of the guidelines that are being presented in this -- in these proposals. These are very narrow lots that we're talking about. The back of these lots are a cliff that goes down to the Flat Branch Park area. In fact, we gave some of the -- as Khaki mentioned, some of that land to Flat Branch. We feel that the current usage of these properties is really at its highest and best use the way it is right now. And we're looking at -- we were looking at some of the guidelines that are in your proposals here on page 192 of -- of your guidelines. They show some examples of some buildings that are in what -- what is called the urban west area, and they show structures that simply, we don't think, work in the Providence Road area. Providence Road, we feel, wasn't meant to accommodate department stores. It's mainly a northwest thoroughfare. But, in addition, let's look at the five -- five-foot -- putting new structures within five feet of the roadway. Let's take the Phillips 66 gas station. If they wanted to remodel or expand that structure, how does it efficiently reconfigure by taking 35 percent or more of its building within five feet of Providence Road? Would one have to dig up the existing gas pumps that are in front of the building and place them on the side? Would this affect vehicular traffic in and around the building? Is it even feasible to have this five-foot restriction? We would also be concerned with the safety of customers by placing a structure like that convenience store and the Nine Round building within five feet of a busy thoroughfare on Providence Road. So certainly, we feel this five-foot rule should be modified for this narrow area and indeed perhaps for all small businesses that are on Providence Road. We ask that Planning and Zoning Commission reconsider this five-foot rule and at least look how it adversely affects these three lots on Locust -- north of Locust along Providence Road. We thank you for your consideration. Any questions?

MR. STRODTMAN: Questions, Commissioners? Yes?

MR. MACMANN: Hi, Khaki. I -- I knew and really liked your father. I just have one question. What would you like to see? I understand your concerns and I appreciate



them, but can you give us a suggestion on what would be a workable number?

MR. LANG: I guess we see it, the way it is currently, there's some very narrow lots that we're talking about that the best current use -- the current use is probably its highest and best use. Probably, there's -- they're not deep lots. I don't see -- envision multi-story structures going up there. I don't envision them being right next to the roadway. And we're trying to envision how some of the -- this five-foot restriction, if there's going to be some remodeling done on some of the existing structures, how they're going to be able to accommodate being that close to the roadway.

MR. STRODTMAN: Any additional questions, Commissioners? Thank you both for coming up. We appreciate it.

MS. WESTERFIELD: If we have time, I'd like to just add one more point. May I?

MR. STRODTMAN: Yes, ma'am. Go ahead.

MS. WESTERFIELD: Thank you. I'd just like to echo what Mr. Waters said about not forcing the character of the City to change. I do think it's been small businesses that have been vital to the character of this town. And were it to become economically unfeasible for properties to be used as they're currently being used and necessary then to sell to big developers, that would certainly, to me, really alter the character of the town, and I think that would be an unintended consequence of -- of some of these rules. Thanks.

MR. STRODTMAN: Thank you, Ms. Westerfield.

MS. MALEDY: Hello. I'm Teresa Maledy; I am representing Commerce Bank, and our headquarters is at 901 East Broadway. After being here last Thursday and being here tonight, I do have a new found amazement in your dedication and the amount of time that you put in for Planning and Zoning, so thank you. I do want to -- or I've been thinking a little bit about the Columbia Imagined and how that was very aspirational. And I do think it makes a lot of sense for our City to try to encourage attractive and consistent downtown development. But I am concerned, like, Mr. John and also Mr. Trabue, about what it means when property owners lose the versatility of the property that they acquired. It really defeats the reasonable investment expectations that they had when they acquired their property, and it has a definite impact on the value of their property. For comparison, I talked to our real estate specialist that helps me whenever I buy, sell, or lease property. He works for us in five different states where we have different branches. He has read through the material I've provided him, and he feels that this is the most onerous Code set that he will be needing to work with in the future if it's adopted. We also were curious as bankers, because our job is to manage risk, and it's unclear the impact that the Code will have on property values in some cases. So we used an

example where we had an appraisal that was done in 2015. We took that appraised value and had it reviewed in comparison to the new Codes if they were implemented. The worst case scenario was 40 percent drop in value, and 25 percent was the best case. So then if you go back to us managing our risk, the concerns that we would have are a potential and dramatic drop in value on buildings that are already being financed because their collateral value would go down and they might not be, as we go through and renew and have to review appraisals, they might not be considered adequate collateral. Also I have some uncertainty as I read through on the requirements if a building is destroyed 75 percent, then how is the insurance actually calculated and how is it adequately covered. Once again, that's our collateral for a loan, so that adds quite a bit of uncertainty. I feel that we're really, really fortunate to have such a vibrant and diverse downtown district as we do today, and so I really feel like we need to proceed with caution as it relates to the value of the buildings, because, as a citizen, I do have concerns about what might come forward as far as claims of damages to property owners once the Codes are implemented.

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

MS. RUSHING: I --

MR. STRODTMAN: Yes. Go ahead.

MS. RUSHING: I'm curious what contributes to the decline in the value of the property?

MS. MALEDY: Well, it could be that -- I'll go back to Bea Smith's example that she gave last week where maybe it's a permitted use today, and then it's vacant for six months, and then the purpose changes -- or that permitted use is no longer allowed. That could change the cash-flow value that way. But also when an appraisal is done on the fair value, it considers maybe its current use, but also the potential use of that property, and that's going to be dramatically restricted.

MS. RUSHING: Thank you.

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

MR. JARVIS: Good evening. Cliff Jarvis, representing Columbia College, 1001 Rogers Street. And I'm going to zero in on one -- one specific address, one specific location in the downtown M-DT area, and that's at the southeast corner of Sixth and Cherry. Columbia College operates the -- what used to be the old -- the old post office, old Greek revival architecture building, not -- not as an educational facility for us. We have several thousand square feet of classrooms in there and a 30-station computer lab that we proctor exams and hold class in. And so Mr. Teddy alluded to this -- this facility

earlier, and indicated that the Commission had requested that it not be considered a civic structure. So and I -- so I'd like a little clarity on that, what the -- what the rationale was for it not being considered a civic structure. And if -- if that was an oversight on this body's part, I -- my request is that you reconsider that, that it be considered a civic structure and be designated as such on the map on the regulating plan. Those are my comments.

MR. STRODTMAN: My understanding is is that it -- you know, there were some buildings left off the original map that were -- should have been qualified as the civic structure. And so that would be one that we will look into or they will look into to make sure that is the case.

MR. JARVIS: Okay. Super. Thank you.

MR. STRODTMAN: Is there any -- is there any questions of this speaker or --

MR. STANTON: I'm sorry. What is the actual address of that building again?

MR. JARVIS: 608 --

MR. STRODTMAN: The question was, what was the address?

MR. JARVIS: 608 Cherry.

MR. STRODTMAN: 608 Cherry?

MR. JARVIS: Yes, sir.

MR. STRODTMAN: Thank you. Any additional questions? Thank you, sir.

MS. STEVENSON: Hello. I'm Carol Stevenson, 3212 Shoreside Drive. I am so impressed by the speakers here tonight, and the tenacity that you guys display on following through in your discovery about these -- about the UDC. I am here to speak against the Form and the Development Controls, and reiterate many points the previous speakers have already made. These UDC controls are an abrogation and even a theft of property rights. The UDC is a 400-page Dostoyevsky novel, a nightmare of bureaucratic roadblocks, potholes, and dead ends. The property owners who do the maintenance, who take on the liability, and pay the mortgage, the insurance, and the taxes will be stripped of their rights and options. As noted by previous speakers, forecasters suggest that the central-city properties will lose value, and any local owner who has an idea will not be able to take that idea to fruition. All bureaucratic red tape will make it too manifestly expensive. In sad contrast, only a big, out-of-town developer will have pockets deep enough to proceed. Another forecast is the ODC - the UDC will give rise to contentious neighborhood discussions, one neighbor trying to control everyone else. Then there are all those endless, unanswered questions, 200 last count, is a tree part of the open space or does it negate open space? Are banks legal in downtown first floors? Can a downtown funeral parlor have an overhang? Furthermore, many smart people that

you have seen here tonight whose hearts are in the community have cautioned against this assault on owners' rights. They speak of unintended consequences. Well-minded people can make mistakes. Over 100 years ago, the City of St. Louis drew a line and said the City will not get any bigger. Today, St. Louis recognizes that was a miserable mistake. My understanding is that Jefferson City designated the Germantown area as historical. The strictures on the properties are so stringent, no one can afford to improve them. Today, the lovely Victorian houses are abandoned and now inhabited by marauding homeless -- unintended consequences. The current zoning is fair and it works. Let's stop the ODC [sic]. It's a treacherous and rapacious disregard of that almost you would believe this person is real, the honest, hardworking taxpayer.

MR. STRODTMAN: Commissioners, any questions of this speaker? I see none. Thank you, Ms. Stevenson.

MR. WILLIAMS: Good evening. Matt Williams, regional president of Landmark Bank, 801 East Broadway. I have a couple of specific comments and then maybe a more general one. First, I want to thank you for dealing with the situation in the urban storefront areas with banks and, as importantly, office, I think. Ms. Loe, something you alluded to. I think a lot of patrons of those businesses downtown are sitting in the offices and I think that's important for us to remember as we're making these decisions. There are a couple of other issues that are fairly specific to the M-DT district that I want to address. One is something that, Mr. Teddy, you talked about a little bit, but I want to make sure we clarify. I want to make sure that if we -- that a provision be added to the M-DT district which specifically provides that any addition or renovation which either has no impact or a very limited impact on a portion of existing nonconforming facade does not trigger an obligation to bring the entire facade into compliance with the new building form standards. That may be the way it's going to be interpreted. I just don't think it hurts to put something specifically in there that addresses that so that we know that going forward. You know, if we don't do that, I think we run the risk of somebody having to wait until property is redeveloped in order to make some really small, but necessary changes to the property. So I would ask that the Commission adopt the following amendment to Section 29-5.5(b)(1)(i)b, by adding the following language: "Additions are not required to extend to the required building line and do not trigger any obligation to retrofit or modify existing building facades to conform to the M-DT fenestration or other M-DT facade requirements." So that would be my proposed amendment.

MS. LOE: Can you reiterate the number -- the reference.

MR. WILLIAMS: I hope it's right. That --

MS. LOE: 29-4.5?

MR. WILLIAMS: We hired a lawyer to tell us that, so I hope it's right. 29-5.5(b)(1)  
(i)b.

MS. BURNS: Repeat your amendment, please?

MR. WILLIAMS: Yes. "Additions are not required to extend to the required building line and do not trigger any obligation to retrofit or modify existing building facades to conform to the M-DT fenestration or other M-DT facade requirements." I would be happy to leave -- leave that with you.

MS. RUSSELL: Try again.

MS. BURNS: I'll give it --

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

MR. WILLIAMS: I --

MR. STRODTMAN: Oh. Go ahead. Keep going if you're not done. You still have time.

MR. WILLIAMS: I would also ask that banking operations be exempt from fenestration requirements, including the requirement that ground-story windows permit a view into the building to a depth of 15 feet. Many times our windows are tinted for security reasons and for privacy reasons, plus at certain times of the day, if we don't have tinted windows or somehow block the sun, you can't see an ATM screen, sometimes our employees can't see computer screens, so I think it's really important that we address that. While the fenestration requirements may be appropriate for some smaller shopfronts, they don't make sense for larger institution, such as banks. I would ask you to consider that amendment. And then just a general comment. As I was listening to Allan Moore, Allan is -- is -- his firm does a ton of commercial appraisal work for all the banks in town. And so as I listen to him talk about looking at his own property and not being able to understand how the requirements fit his property, it concerns me that we've got a regulation here that's too complicated. And I would just urge you to take your time and to really look at each provision and try not to make it complicated. We have a really vibrant incredible downtown, and I would like to see it stay that way. And we're very happy to loan money as it exists. I don't want it to become a place where we don't want to loan money, so -- any questions?

MR. STRODTMAN: Any questions? Yes?

MR. MACMANN: Hi, Mr. Williams. I have a clarification question on your amendment. You used the word "additions"; is that correct?

MR. WILLIAMS: I did. Or maybe additions and modifications.

MR. MACMANN: Additions and modifications. Okay. That's fine. I just wanted to sure. That is a rather amorphous phrase. Is there a percentage that you guys would like

to see -- any addition, like triple the size of the building? You see where I'm going here. Right?

MR. WILLIAMS: No. I -- yeah. I was just thinking if we -- you know, right now, we just added glass panels to the front of our building.

MR. MACMANN: Uh-huh.

MR. WILLIAMS: That certainly shouldn't trigger compliance with the new requirements.

MR. MACMANN: And that's -- let me just clarify. That -- my understanding is that would not -- what they just did.

MR. TEDDY: And it's not the entire -- you're not redoing the entire facade. In other words --

MR. WILLIAMS: No. That's right.

MR. TEDDY: -- you're talking --

MR. WILLIAMS: Just a small piece. But my understanding is it's not clear, and so I would just ask that whatever it is, we clarify it.

MR. MACMANN: All right. What -- can you appreciate that if we have a phrase like additions and modifications, that is almost meaningless if we put that in the Code?

MR. WILLIAMS: Uh-huh.

MR. MACMANN: So we would have to use some sort of percentage or Ms. Loe can maybe help us here -- our resident architect. It would need further modification to be an amendment because, right now, it has no -- it has no real trigger.

MR. WILLIAMS: Right.

MR. MACMANN: I mean, you're concerned -- you don't want things to be triggered, but it doesn't have a trigger.

MR. WILLIAMS: Well, maybe, you know, I would say that limited impact, you know. I hate -- I think it's suffering if you try to put percentages on it, but I think -- I understand the need to put some language in there.

MR. MACMANN: Well, I'll go there one more time and then I'll -- I'll desist. Everyone has to have the same standard and there's been a lot of concern over interpretation of laws and one person may be being seen as being treated differently than everyone else. And the more ambiguity we have in these issues, the more open to interpretation that is. So --

MR. WILLIAMS: No. I understand. I don't -- and I don't have a number in mind, so I just think I don't want to see something that -- where you -- you do something very small to improve your building, trigger a major overhaul to the outside of the structure. I understand the concern and I don't want ambiguity either. In fact, that's something I'll

turn --

MR. MACMANN: I mean, you guys are bankers. You guys don't like the ambiguity, I know.

MR. WILLIAMS: No. We hate it. You're right.

MR. MACMANN: All right. That's -- that's all I have. Thank you.

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

MR. WILLIAMS: Thank you.

MR. STRODTMAN: We're going to, if you allow us, and Mr. Farnen will. We're going to take a quick ten- -- less than a ten-minute break. We will start back before ten minutes or right at ten minutes, so let's make it an eight-minute break and give us two minutes to get started. So ten minutes or less, we'll get started again. So thank you.

(Off the record.)

MR. STRODTMAN: Thank you, all. And with that, thank you for allowing the break. I think everybody appreciated that. With that, I think Mr. Farnen headed up when I asked for a recess, so Mr. Farnen, it's all yours.

MR. FARNEN: I was. And I -- it did not -- it's not homecoming, so I did not wear my bright yellow shirt like I did last week, but I did -- it is Halloween, and so I did steal some of my kids' candy because I knew it was going to be a long night. I'm going to try to talk about some things that may have not been quite touched on and try and avoid some of things I thought I was going to talk about. Thank you, first, for the last week's amendment that would allow more offices and banks and downtown. I think that's exactly right and I hope that that stays intact throughout the process. Private open space has been talked about in different ways in terms of cost and functionality and rationale. I think that the rationale for the private public open space is lacking. The only thing that I've been able to find so far is that -- is one reference to the zoning consultants, which would be Clarion, who said that this regulation was included in an effort to quote, encourage high quality development, but, so far, there has been no empirical, no anecdotal, no accidental, no evidence to provide that requiring private open space or public open space within residential and commercial buildings in the dense downtown setting actually results in a better development. There is no evidence to that -- to that effect that I've seen that is empirical or measurable. If it did exist, we would be able to answer this question. On a scale of one to ten, how much better is that building if you have public private open space, and we can't answer that. If we can't answer that in any definitive manner, then I would contend that this is something that should not be legislated into the UDO at all. I can find no other Missouri community that imposes this

kind of a requirement and very little information regarding this topic in general zoning and design literature that I found either online or at the library. It also seems that this requirement jumps over that line. Since form based is supposed to be the appearance and the look and the feel of the downtown space from the outside, this now jumps to the inside and at a great cost. So don't regulate the use if we're going to do form based or don't do form based downtown and regulate use like we do now and that would be fair, but this way, it's confusing and I think that the placement design construction of the exterior of any building that does promote more walkability is okay if it really does it, but let's be able to prove it. I have a question about one phrase in the downtown literature that indicates that balcony railings need to be 55 percent opaque. Why? I don't think any of them are right now, and I don't understand that if we have windows that have to be clear and you have to be able to see into it 15 feet on the ground floor, why do you want to block out the railings that are on the upper floors on residential buildings to 55 percent opacity? I don't get it, but it's in there and maybe it was just a carryover from something, but we could amend that easily, I think. I want to jump to there seems to be a conflict between the illustration about requirements for street laws and the verbiage in the new UDO for street walls in the M-DT west. And it would indicate or it seems that the illustration says that street walls are required to be built on unbuilt required building lines and they have to be two to six feet in height. I don't think that matches any other thing in the downtown, and I don't understand where those would be required to be built or if they would, particularly since along that area, you have gas stations. As Ms. Westerfield indicated earlier, where would those go and what would they be, and I thought that we had kind of eliminated that whole street wall thing, but apparently or maybe not in the M-DT west, and it may be my misreading, but it's something that I saw. I don't like that the parking setback line is 24 feet. I think that's excessive. I think it could be achieved where we put the parking setback line at six and allow it to be screened for the only -- the only time that we would -- needed it as, we could screen it, and you could put some sort of street wall in there, I guess, or some sort of screening device, but I think it would be more appropriately measured at six feet rather than 24, which would be the width of that barrier or landscaping. I think I agree with Andy Waters that landscaping located in front of the parking setback should be counted as private open space. I want to talk about the new map that was published on Tuesday that shows different uses in different parts of the downtown. I looked at the place, and I think that I'm right on this, is there's a piece that used to be Columbia Photo, and I think that's owned by Columbia College, and I'm pretty sure it's zoned C-2 right now. If I do the little cursor over that new map, it would appear that the new zoning on it is M-DT, but it can't be because it's not within the boundary. It's



on the north side of Koonse Glass, which is not in the M-DT, and how did we jump over that and how did that boundary get redrawn without it appearing on here? And is that true? And if it is, I think there are some other properties that have been similarly allocated that way without either the knowledge of the building owners or the public at large. I want to jump to alleys. This is something that is a weird one for me because I -- again, I don't quite and fully understand it. But it would appear that you cannot build across an alley easement in a downtown area except parking in some instances. But it looks like also that you have -- your maximum project size is 34,000 square feet. That is generally defined to be a half a block, but in many cases, it's less than half a block or, in some cases, it's more than half a block. But the rule says that what you have to do if you're more than 34,000 square feet is that you have to apply for a regulating plan change and automatically grant street easements to the City to build an alley -- automatic. No question, no nothing -- automatic, even if it doesn't extend beyond that half-block size if it's 34,000 square feet. It may not have a major impact on most projects and the 34,000-square-foot limit does not include the parking that you would allocate if it was on site. But -- but there's a problem with that in that -- in that placement because it seems to contradict the other ideas about curb cuts and the walkable pedestrian area and ADA compliance. The 25-foot setback on alleys in the back so that if we had to build a new alley, does that apply to both sides of the properties that abut that alley, and that means you would have a 50-foot right-of-way through there? Plus if you do that, there is a picture of an alley on page 393 in Appendix A, and I know that's in the next section down, but this goes right to it. There's a picture and it says "DT Alley", and I assume that stands for downtown alley, and it says that your alley has to be 24-foot easement right-of-way, and that the paved part has to be ten to fifteen feet, but you have to have pervious areas on either side of the paved alley. What? Grass in a downtown alley on both sides? If those are to be used for delivery, it means the man drives down the wide sidewalk, takes his cart out, drags it through the mud and into your store, or maybe that's not what it is, or maybe that's not what it's meant, but if it's not, we ought to change it or explain it.

MR. STRODTMAN: Sir, your time --

MR. FARNEN: There's so much more to talk about.

MR. STRODTMAN: I know. I know. We would --

MR. FARNEN: I'll sit down and shut up. Or I'll answer questions. Be happy to.

MR. STRODTMAN: We could ask for more information. Commissioners, questions of this speaker? Ms. Loe, go ahead and start us off.

MS. LOE: Mr. Farnen, just a couple of references to clarify precisely what you were

talking about.

MR. FARNEN: Okay. I'll try.

MS. LOE: The requirement for the 55 percent opacity --

MR. FARNEN: Yes.

MS. LOE: -- where was that?

MR. FARNEN: It was in residential and I don't have that page number and I sure wish I had of done that.

MR. ZENNER: Page 184.

MR. FARNEN: There you go.

MS. LOE: And the street wall requirement was in west general --

MR. FARNEN: It was in the street --

MS. LOE: -- or general west?

MR. FARNEN: -- walls in the M-DT west part, and that's on page 202, 29-4.2, M-DT Form Base Controls. And the picture that looks like this says that you have to build a street wall two to four foot high. And I had two to six feet in height, and it says street wall is required on unbuilt RBLs, and it doesn't give a percentage, and I had not seen that before, and it didn't seem right. Since we had tried to fix that whole street, well, I -- you can just leave street wall out with me, but -- but that didn't seem to comply. And then in the section previous to that, which would be page 201, where there's the -- the narrative part, it seems to conflict with that and give a little more guidance about, well, maybe it needs to be built here, but then that's not what is shown here. It just says requirement.

MS. LOE: It -- right. So you're looking at the graphic?

MR. FARNEN: I am, and I'm looking at the narrative and the two to six feet in height -- a two-foot wall?

MS. LOE: Okay. I'm looking at the narrative on 203, Item D, street wall height. A street wall shall not be less than four feet in height --

MR. FARNEN: Yeah.

MS. LOE: -- or greater than eight feet where it abuts a parking lot or area for refuse storage or outdoor storage.

MR. FARNEN: Okay. And then there is a previous section, too --

MS. LOE: Okay.

MR. FARNEN: -- that I believe says where there might be a need for a street wall and it defines the open space that would not be covered by a --

MS. LOE: That's what I'm asking for.

MR. FARNEN: Okay.

MS. LOE: Where is that?

MR. FARNEN: I think that's on page 201, and I didn't copy the whole thing. I'm sorry.

MS. LOE: All right. Thank you. I'll look -- I'll scan for that.

MR. FARNEN: Maybe -- that -- that may be incorrect, but the 202 is where that one image exists, and it looks like this except for the pink highlight.

MR. STRODTMAN: Any additional -- Mr. MacMann?

MR. MACMANN: Just one quick question.

MR. FARNEN: Yeah.

MR. MACMANN: Mr. Farnen, you said when you were on the -- the old Columbia Photo property came up as C-2 or M-DT or whatever --

MR. FARNEN: Yeah.

MR. MACMANN: -- when you were online. Correct?

MR. FARNEN: Yeah. On the new map that was published Tuesday that people asked for the previous time.

MR. MACMANN: I do believe that is -- I know that's an error because we stop in the middle of Park Street.

MR. FARNEN: I know.

MR. MACMANN: And we will seek to rectify what's wrong with whatever is wrong with the software or that at load there.

MR. FARNEN: Thank you. And that answer -- but -- but that illustrates a problem that it seems like maybe it wasn't a mistake. Maybe it was the way that it's going to be coded. But if that's true, maybe then -- because if you look at the 2010 Charrette that a lot of this form-based thing came from and so did the balls and lights downtown at the gateways, all that came out of that same document.

MR. ZENNER: Mr. Farnen?

MR. FARNEN: Yeah.

MR. ZENNER: If I may just stop you.

MR. FARNEN: Okay. Yeah.

MR. ZENNER: The map is in error. The map that you are looking at here, the map that has been produced in the back of the -- in the back of the chambers is the M-DT map that is being presented for consideration.

MR. FARNEN: Right.

MR. ZENNER: The map online is in error. It will be corrected. It was unfortunately put together at the request of certain individuals after the last meeting quickly in order to be able to prove a point that, yes, we do have the data.

MR. FARNEN: Okay.

MR. ZENNER: It has not been checked. It will be checked and it will be verified.

There are a couple of other errors that we are aware of, as well. So there's no conspiracy here. The map has an error in it. We are not trying to recode somebody's property other than what is shown on this map. We can move on with comments that may have greater relevance than a conspiracy. We're not trying to produce one.

MR. STRODTMAN: Commissioners, additional questions? I see none. Thank you, Mr. Farnen.

MR. FARNEN: Thank you.

MR. OTT: Good evening. My name is John Ott. You know, I really appreciate all of your work on this -- on this issue and, you know, I look at it and there's so much detail that's involved with this and it even seems like when some speakers come up, they're bringing up details that maybe some of us have never heard about before, and -- and it just seems overwhelming. I've been doing projects downtown since about 2004. We've probably done more than 20 storefronts and -- and, you know, it -- it seems like downtown is vibrant. It's creative. There's a lot of great things that have gone on downtown by a lot of folks, and I'm -- I understand we can always improve things, but I don't know that this particular document does that. I think part of the interest in making some changes has been fed greatly by the -- by what I think Pat Fowler mentioned, single -- single-purpose housing or student housing. And -- and I get that. If another one doesn't get built, that would be just fine with me. But -- but the fact is even some of them that have been built have been good projects. I can point to, you know, ones that the Mendenhall and McGee have done. For all the attention that the -- the Opus project got, it was, I think, a pretty well done project. Architecturally, I think it looks pretty nice. The Groves have done a nice job with their projects. We do have one local developer that I won't talk about that has done a lot of development that I think has brought on a lot of this interest in -- in architectural detail and -- and management and parking and so on. And so perhaps there is a need for some improvements, but I don't think that it ought to be targeted or aimed indirectly or not at some of the smaller projects. So when the CID earlier brought up the idea of exempting historic places, places with smaller footprints and so on, I think it's -- it makes a lot of sense. I look at -- and then I also think there's some issues to consider between new construction and existing structures, you know. For example, Harold's Doughnuts. That was a new building, and I don't know if you could do that building with these particular conditions. Parking, for example. If you're -- if, and I don't know. I'm not going to pretend to know everything in this document. But if you were required to have some parking in there, I don't think he could have economically have done that project. Those are the kind of projects that I think we want to see more

of, at least I do, and I think the community does. The parking requirements make more sense for the larger -- the larger buildings perhaps, but even then some of those, you know, I think need -- you know, need to be considered that not -- we don't want to go overboard on that because we don't want to invite a whole bunch of cars to be in our downtown and stored in structures of our own parking lots in our downtown for, you know, a week at a time without being moved. It just -- it doesn't make sense and those are -- those items relate to some management practices and pricing on parking lots and so on. But the one item I wanted to bring up that's really important, I believe, is -- is kind of an overarching thing, and that -- and it's not a conspiracy item, I might add, but it is one that relates to something that relates to the northern part of the downtown. And, you know, I don't understand -- you know, we look at all of the commercial structures in the urban core, but for some reason, we -- we're not even talking about the -- the buildings -- the commercial buildings north of Park. For some reason, that's just off the radar, and I know we've brought it up before, and I think this is the appropriate time to talk about it because if you're going to be looking at the future of the urban core and the downtown as our city grows, I just think the -- that area should be discussed. And, you know, I think urban storefronts make -- are appropriate for that area. I think the -- and I think what's going on is it's evolving to -- it's been commercial with some industrial uses in it, but then it's -- it's going -- it's been evolving to even more commercial and, you know, I don't know why we're not addressing it. It -- the -- you know, stores like -- and beyond -- you know, if you go from Park, north of Park, and even north of -- north of Rogers, you have Walt's Bike Shop, you have the Atkins Building. Those are -- as our city grows, those are all areas that are prime for good development, for good commercial development, and I think they will actually be an attractive opportunity, I think Pat Fowler made reference to this, but for people who live in the adjacent neighborhoods, I think that these areas are prime and it's going to make those neighborhoods more enjoyable. The quality of life will be great because you can walk to a restaurant or a bar or a grocery store. Case in point, Koonse Glass. Right now, it's zoned M-1, and -- you know, and just to put a -- a garage door -- and move a garage door four feet towards the street -- towards the street, and put a door on the side, you know, it's -- it's -- there's a lot of extra red tape and bureaucracy and everything else. Why are we waiting to rezone that? If -- if there's an opportunity or if that's something that we're considering, now is a good time, I think, as any, to -- to be discussing that. I don't understand why south of Park is -- is more important or less important than north of Park leading up to -- leading up to and beyond Rogers. I guess my time is up, so if you have -- I'd be happy to answer any questions.

MR. STRODTMAN: Commissioners, questions of this speaker? I see none. Thank

you, Mr. Ott.

MR. OTT: Thank you.

MR. COLBERT: Caleb Colbert, attorney, office at 601 East Broadway. The first -- I have four comments that I'd like to make tonight. The first comment, I don't really have a dog in this fight, I just wanted to bring it to the Commission's attention. When you look through building form standards, of course there are restrictions on the uses that you can have on different stories. For example, public and institutional uses are permitted ground-story uses, but they're not permitted upper story uses. Public and institutional uses include museum, libraries, and government office buildings, so I think, you know, it's fair to ask whether or not we should allow, you know, if someone wanted to have a three-story library or three-story museum, isn't that something that we want to encourage in downtown? So I don't know if that was on the Commission's radar or if that is just something that has slipped through the cracks. The second comment I'd like to make is I would like to ask the Commission to remove the requirement or the prohibition on having retail on upper stories. I'll use my building as an example. Our building is built upside down. We have a very active office use on the first floor of Boone Central Title. We have a jewelry store on the third floor. I don't think it's inappropriate to have certain retail establishments on upper stories. Personal services, for example, are allowed on upper stories. So, respectfully, I would suggest that if you prohibit having retail uses on upper stories, you put retailers in a difficult position. They either have to decide to pay the increased ground-story rent to be downtown, or they locate outside of downtown. And is it better to have a retail use on an upper story in downtown Columbia than it is to have it located somewhere else? I would just ask that the Commission consider that this evening. Finally -- or excuse me -- third, I have a handout that will help illustrate this particular situation. I represent the Barbara Altis Trust, and it owns property that is located at 1005 Cherry Street. As the handout makes it way around, you'll see that it's located south of the alley on the block located between Tenth and Hitt Street, so you have two pages in front of you. The -- the lighter colored, which should be the second page before the Commission, is the regulating plan that was proposed by the consultant and in that proposal, my client's property is all subject to a ten-story maximum building height. It's all in the core height area. Under the current version of the regulating plan, you'll see that the core height area cuts my client's building in half or actually it's more of a third and two-thirds. A third of the building is subject to the ten-story maximum building height, and about two-thirds of the lot is subject to the six-story maximum building height. I would ask this Commission to extend the core building height area, the line to Hitt Street. The edge of the street seems like a natural place to make a transition. If you

look at the north half of the block and the south half of the block, that building height line cuts multiple buildings in half. We just want the same regulations to apply to our entire lot, to apply to the entire building. So, candidly, we would just like that moved to the edge of Hitt Street. And again that would also make the eastern edge of the core building height area match up to the urban storefront that currently stops at Hitt Street. Finally, I would suggest as a solution to the problem that was raised with the gas station along Providence between Cherry and Locust. I would suggest that it's appropriate to exclude gas stations from the design restrictions in the M-DT district. When you think about the requirements for street walls, fenestrations, facade requirements, those may make sense for a downtown building, but they don't make sense for a gas station. In that particular corner, there are underground storage tanks. Those tanks are going to be located there for a long time. It is expensive to close underground storage tanks, and do you really want an eight-foot street wall around that entire block if they were to do an expansion? Do you want a street wall along Providence that could be eight feet tall? Respectfully, I would suggest that it's easier to remove gas stations from the design restrictions than it is to try and figure out -- you know, go through a bunch of variance procedures. So I would that as a solution for that particular problem. And with that, I would be happy to answer any questions.

MR. STRODTMAN: Commissioners, questions of this speaker?

MR. COLBERT: Thank you very much for your time.

MR. STRODTMAN: Thank you, sir.

MR. HELMRICH: Hello. I'm Don Helmrich, and I own the building at 1104 East Broadway known as the Central Dairy Building. And my question is the -- you show Alley A, which is just south of Broadway, below Broadway on your map, and you show it extended east of Hitt Street. Well, that -- that is my property. That's private property that's not owned by the City. It is not an alley, it's a -- part of it is owned by me and part of it is owned by the people that own Uprise Bakery and Ragtag. They use their half as a parking lot, and after the bars close, half of mine is used as a bathroom, but nothing I can do about that at 1:00 in the morning. But I hope that's just a mistake that that line was drawn, you know, extending there, that that -- because that is private property. And the other question I had is you have a 25-foot setback, you say on -- you know, building setback. Well, right now, my building is a nine-foot setback from my property line. So if I would -- I'm not going to sell it, but if I ever would sell it, does that mean that whoever buys it, if they decide to tear it down and building something else, you're going to restrict on what they can do? But it just seems like the people that do own private property down there, that you're kind of closing them in a little bit. Thank you.

MR. STRODTMAN: Questions of this speaker? I see none. Thank you, sir.

MR. HELMRICH: Okay. Thank you.

MR. CULLIMORE: Dan Cullimore; I live at 715 Lyon Street. I'm not going to speak to anything specific in the sections that you're reviewing tonight. I really appreciate your taking the time to do this. But I want to address some of the more general fears, is how I will describe them, that have been expressed tonight, both about the City's ability and necessity to approach this zoning Code reconstruction -- rewrite, and the effect on private property and values. I've been looking and studying and reading about form based codes since we began talking about them in Columbia. That's been almost a decade now. And I didn't come prepared to talk about this tonight, so I don't have the evidence in hand. But my understanding is that generally once these codes are adopted, they have a very positive effect on property values and development in the communities in which they occur. Only one example I was able to quickly find is Nashville, and I'd like to read you something about that, if I may. A downtown code was adopted by Nashville in 2010. The numbers are even stronger where the downtown code is in effect. That area, essentially the city center, bounded by three interstate highways and the Cumberland River, saw \$176 million in new private sector building permits in the 28 months before the downtown code was implemented. Compare that to the activity in the 28 months since -- \$544 million in private sector building permits, up 209 percent. And it goes on to say these form based codes and overlays seem most successful in strategically selected areas where pressure for redevelopment is increasing. If any description fits Columbia downtown at this point, it is that sentence. The other thing I'd like to say is that the City hired Clarion & Associates to do this. Clarion & Associates remains in demand. They continue to do this all over the country. You would think that if it didn't work, the word would be out. Thank you.

MR. TOOHEY: I've got a question.

MR. STRODTMAN: Yes, Mr. Toohey.

MR. TOOHEY: So in citing Nashville, did Nashville have usage restrictions, or was it strictly just form-based zoning?

MR. CULLIMORE: You know, I'll have to look into that further. I just called this up tonight, so -- they did have a use -- a use-based code before. Most of -- most codes that are combined do have a use-based element, so -- and that's what we're looking at in Columbia. I -- I don't know specifically if that's what Nashville adopted.

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

MR. CULLIMORE: I'll probably come to the City Council with more evidence.



MR. STRODTMAN: Still plenty of time, so come on up if you'd like to share something with us that we have not already heard about this evening.

MR. STEVENSON: My name is Mark Stevenson, and I live at 3212 Shoreside Drive. I really, really was hesitant to come up here, and I'm kind of already sorry that I did. I'm not a public speaker.

MR. STRODTMAN: We'll be nice.

MR. STEVENSON: Thank you. Thank you. And I have not studied this Code. I have heard and seen parts of it. I consider myself as different from most everybody else here tonight, more of an average citizen. Okay? Because I don't think the average citizen in Columbia has read this Code. And I ask tonight if an average citizen wanted to get a paper copy of the Code, where could they do that, and was told, and I think it's true, that there are three paper copies offered to the public in the City -- only three. I asked how many pages -- you can get it on the computer. You can get it online. And somewhere around 400 pages long, and there's another 250 pages of administrative instructions or interpretations or definitions or something. And I've got -- I downsized my office and I have a pretty small printer now, aside from how many trees and ink and everything. And I just -- I've hesitated to print the whole thing off. But on the other hand, I know better about computers. You can't really use whiteout and underline things on a computer screen too well, and I'm not converse enough with them to use the underlining, red lining, and all that stuff. So I may end up getting the darn thing printed out. Aside from being uneducated on this, I wonder how many people in the City have read the whole thing. Secondly, who is really studied it, because you can read something and not really study it. And beyond that, understanding it is another level. And lastly, who could even explain to an average citizen in plain, simple English what all the requirements and restrictions are? So I feel like in this case I belong to the 99 percent of Columbia that doesn't know what the heck to expect from what's going on here. We cut out a lot of stuff. You'll all be glad about that. Confusion. Confusion about this seems pretty rampant. I was told the other day that weren't sure even what to call it, a UDO or UDC. We were just told tonight that the map is in error. I think confusion -- there's a lot of detail confusion, too, including like open space, I understand, or one of the, I guess, neighborhood overlay districts will be a part of this. And one of the neighborhood overlay districts said you had to have 50 percent of your land had to be open space, and open meaning you could see from the ground to the sky, which eliminated trees. And why would trees not be something to have in an open space? So I don't think there's a -- I think confusion leads to arguments. It leads to unequal application and enforcement. I don't think it's conspiracy. I think it's just honest -- honest confusion about how to

interpret 400 or 600 pages of details. I believe that we are giving up a lot of property rights. We, as free Americans, are giving up a lot of property rights to a document that is pretty incomprehensible. And no layman or City official, I think, truly understands the whole thing or its ramifications. I -- I love Columbia. I think it's a great city. I think it has some of the best people in the country. People here are intelligent, they're honest, they're hardworking, they're creative, they're educated. You all donate your time to this over and over, day after day. It's incredible what we all volunteer and do in this town, and I think the town we've built is wonderful. We have heard from bankers, realtors, appraisers, professionals that -- that find significant problems with this, and I don't think any of them have just said just throw it out, and that's what -- that's what I want to say to you. Do the right thing. Just throw it out. Just because you spent a lot of time or other people have spent a lot of time doesn't mean it's the right thing to do. Just because you can pass a law and you have the power to do that or to pass a recommendation to pass the law doesn't mean you should. I think part of being a good civil servant and especially at your level is knowing when you see something that is fraught with misunderstanding, fraught with problems, and you have the guts to say no, we don't need this. We've already got a great town. Thank you.

MR. STRODTMAN: Any questions for Mr. Stevenson? Yes, Ms. Loe?

MS. LOE: Thank you for your comments. I'm curious how many citizens do you believe have read the current zoning code?

MR. STEVENSON: The whole thing?

MS. LOE: Yeah.

MR. STEVENSON: I mean, that's a lot shorter than now? Not very many. The whole --

MS. LOE: I would say it's not a favorite reading for many citizens.

MR. STEVENSON: No.

MS. LOE: And -

MR. STEVENSON: Other than a cure for insomnia for --

MS. LOE: So, I mean, I think the Commission is made up of people that consider themselves average citizens, and I would just like to put out there that I volunteered for this position because it came to my -- I realized that there were problems with the current zoning codes. So --

MR. STEVENSON: Good luck.

MS. LOE: I'm -- thank you.

MR. STEVENSON: I hope your vision of the future is just as wonderful.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Mr. Stevenson?

MR. STEVENSON: Yes, sir.

MR. STANTON: Is there anything or you kind of already said you really didn't have time to really go through it. Is there anything you like about what's been proposed or you just haven't educated yourself enough to really look at it?

MR. STEVENSON: I always like the name, form-based zoning. I thought nice, pretty forms to look at. Neighborhood protection, you know, that's -- that's a nice sounding, you know, category, to have some of the rules under. But when -- when there's simple things like you can't have a tree in an open space because it prevents you from seeing the sky, that's just ignorant. That's just stupid. And that's not what was intended anyway, but that's the way it was written. And I don't know how we're going to catch all those ramifications in this thing. No, I think we're doing fine. I don't think we need to try and have the most laws of any town in the country.

MR. STANTON: Thank you.

MR. STEVENSON: Thank you.

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

MR. DENNISON: Good evening. My name is Mike Dennison and I own the property at 222 North Ninth Street, which is Woody's Auto Center. It's been a family business since 1957 in that area. My family was lucky enough to take over from the previous family back in 2001. From what I can see, and I -- I do -- I know nothing about Planning and Zoning, and so I'm -- please bear with me if I'm doing something wrong and not knowing what I'm talking about. By looking at the map, it was brought to my attention that on Ninth Street down there between Walnut and Park Street, it's going to be changed to townhouses, to new structure. The office that's right across the street from us, Bukowsky Law Firm, she came over and asked me about it, if I knew that was being changed, and I said I knew -- I got the card in the mail that there was new zoning taking structure, but I never had the time to pay attention to it. She brought the map over to me. We're the only part of the street there that is being changed. Everything else is around already apartment complexes and that. Something just doesn't seem right with that, to have two commercial properties right there at the end being changed to that. I kind of think I understand it. If I -- as long as I stay there, I'm okay. But it's -- you know, it's being changed to a conditional use. I guess that impacts what somebody may want to do with the property after I'm gone or my family or something, you know, on that part of it. So I understand Jennifer, she sent me a text, said couldn't be here this evening for the Bukowsky -- and she sent a letter to the Commission. She wanted to make sure that I -- you guys got that, I guess.

MR. STRODTMAN: We did.

MR. DENNISON: And so I was just looking for information. I'm just -- it looks to me like it -- I mean, if it's going to change, why can't we be the same as everybody else as the urban development, I guess, instead of being forced into the townhouse section?

MR. STRODTMAN: Mr. Dennison, what was your business address again, please?

MR. DENNISON: 222 North Ninth.

MR. STRODTMAN: Thank you. Commissioners, is there any questions for this speaker? Mr. MacMann, is that question down there?

MR. MACMANN: It is a question, because I -- I honestly -- Mr. Dennison -- you did speak with me about this, and I'm just wondering -- I guess I understand what the rationale was, but these are the folks, and we got Ms. Bukowsky's letter --

MR. DENNISON: And I have not seen the letter. She didn't -- I don't know what --

MR. MACMANN: I -- we can give you a copy in just a minute.

MR. STRODTMAN: It was basically to the same extent that she was looking to have it changed to the urban general.

MR. DENNISON: And we -- and I understand that, like I say, if it stays an auto repair facility, even if I sell it, it can still -- if it has a conditional use attached to it, which I understand from talking to commercial real estate people that that can lower the value to it because it puts a condition on it, I guess. We have a lot of people from downtown that work downtown that come to drop their car off and then they -- we fix it through the day and they pick it back up. So, you know, if we was forced to move out farther away, that's me taking people into town and putting more cars into town.

MR. STRODTMAN: You are --

MR. DENNISON: Right now, they walk -- you know, we're six blocks away from the campus.

MR. MACMANN: I'm sorry to interrupt. Your current zoning is C-2; is that correct?

MR. DENNISON: That is correct -- my understanding.

MR. MACMANN: All right. Ms. Loe, I'm sorry. I didn't mean to cut you off.

MS. LOE: No. I was just going to reconfirm that there's no residential on either side of that block at the time -- at this time?

MR. DENNISON: Across the street directly from us is a -- on the corner of Ninth and Locust on the west side of it is a apartment complex that was built about three years ago.

MR. MACMANN: But your whole block, as it faces the street, your storefront, that's all businesses, is it not?

MR. DENNISON: Yes. Yes.

MR. ZENNER: Commissioners?

MR. MACMANN: Yes.

MR. ZENNER: In relationship to Ms. Bukowsky's letter, Mr. Teddy and I did talk about this before this evening's meeting, and we do tend to agree with Ms. Bukowsky as it relates to the overall urban general extension up Ninth, at least to Park, so the entire face of that block is covered properly given the land use. The transition at Park and to the north, obviously, we are using the half-street transition at this point. There is the sensitivity, obviously, for what is to the north of this location, which is residential. It's existing residential, part of north-central, and we would not disagree with recoding the segment of Ninth Street all the way up to Park. We're coming back in as the map depicts on our intersections back the appropriate distance. There are provisions by which the auto repair facility would be able to utilize the urban general around the corner in order to be able to continue to have the building where it is as it currently exists in place into the future. So just as a minimal amendment at least, you're looking at recoding the blue segment up to the intersection and then the area that is denoted as the townhouse/small apartment would continue as it exists in that location in order to provide a buffer between the residential development to the north. And that would be required if that is -- if you are in agreement of that as we get to the provisions to make amendments to this particular segment of the -- of the Code, we probably would recommend that you do that in order to address this. This is one of those mapping issues that probably -- Ferrell Madden identified as something that's possibly a conversion that may occur over time. Given what we have here in the way of parking lots and existing commercial developments, it's probably unlikely that we would see some of that change.

MR. MACMANN: Mr. Zenner, the building due south of Woody's, that's -- that's Eng & Woods; is that what that is?

MR. DENNISON: It's Hines Law Firm.

MR. MACMANN: It's Hines Law Firm.

MR. DENNISON: Yeah. And then Pat's is across -- right on the other side of that.

MR. MACMANN: Okay. Right. And then south of -- I'm sorry. South of Ms. Bukowsky's building is a parking lot; right?

MR. DENNISON: It's the City's parking lot.

MR. ZENNER: County. County's parking.

MR. DENNISON: Oh, the county?

MR. ZENNER: I believe it's the County's parking lot.

MR. DENNISON: County is to the east of us. City is -- isn't it City at the corner of --

MR. ZENNER: The City is with the armory. We're at the armory's adjacent -- that's

the City's lot there, and I believe the County's is --

MR. DENNISON: Okay. Both City. Okay.

MR. ZENNER: That's all right. But that -- yeah. There's two parking lots there right now on either side. That's at the south of the proposed -- the Bukowsky Law Firm, so it's -- again, staff sees this as a practical revision as it relates to the existing code.

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

MR. STANTON: So, Pat, are you saying -- or Mr. Zenner, can you -- are you saying from Seventh Street to Tenth Street along Park, that's the boundary?

MR. ZENNER: Yes. The blue boundary that you see here today that has the -- this boundary here, which would be Seventh between Tenth, would remain on Park, so the half-width Park would remain as it's blue today. The segment here between Walnut and Park would change to urban general, the orange, and that would be consistent with what Ms. Bukowsky has asked for, as well as what we're receiving here as public comment right now. The blue again is meant to represent the transition between the development to the north, and to allow for it to be in essence buffered as potential transition occurs to the south of Park Street with new redevelopment. There is a step-down provision here, so you're basically, if you take and you have that transition area, you're going to have to deal with the issue of transitioning down from six-story height to a four-story height at some point, and part of that is, as Mr. Teddy pointed out earlier, is that concept of stepping down the intensity of development as we get to the outside fringe of downtown.

MR. STRODTMAN: Ms. Loe?

MS. LOE: As to -- was Mr. Ennison?

MR. DENNISON: Dennison.

MS. LOE: Dennison. Thank you. Is your -- is your address on Park or Ninth Street?

MR. DENNISON: Ninth.

MS. LOE: On Ninth. So in this situation where he's on the corner, just because we've had another question about where a line crosses a property, can you just clarify for me -- you've just talked about the stepping down, but if his -- right now the long face of his building is on Park, which is the townhouse, but his address is on the street with -- which we're looking at as being the urban general. So what would he be required to follow?

MR. ZENNER: He has the ability to wrap the block because he's got two frontages that have different classifications.

MS. LOE: Okay.

MR. ZENNER: So he can take the classification on his Ninth Street frontage and wrap it around 80 feet on his Park Street side.

MR. TEDDY: That would be if the agreement was to convert to urban general on Ninth.

MR. STRODTMAN: Urban general.

MS. LOE: All right.

MR. TEDDY: Then there's a transition rule. Now if there's no redevelopment, it's still going to be a permitted use. I think it's in a redevelopment situation where that'll -- that'll matter. And depending on what the redevelopment is, might want to request just at that time coding --

MR. ZENNER: Park Street frontage.

MR. TEDDY: -- Park Street frontage all the way down to urban general.

MR. TOOHEY: Isn't there a workshop north of his building, though? How would that be affected?

MR. TEDDY: And across the street?

MR. TOOHEY: On the -- isn't there something on the north side?

MR. DENNISON: There is -- on the north side, there is a -- it's actually the original Woody's was there, that two-car garage. And the gentleman that has it now is -- uses it for property. He has a bunch of property and that's where all of his stuff is at.

MR. MACMANN: That's Peter Bartok?

MR. DENNISON: That's correct.

MS. RUSHING: Storage. Yeah.

MR. DENNISON: Is that what you're referring to?

MR. TOOHEY: Yeah. Will there be any issue --

MR. TEDDY: That's outside the M-DT. It's outside of C-2.

MR. TOOHEY: So there won't be any issues with that?

MR. TEDDY: Well, it's outside the -- you're talking about north of the street. Right? North of Park?

MR. TOOHEY: Yeah.

MR. TEDDY: Yeah. That's outside C-2. It's -- I don't know if it's O district or R-3, but it's not C-2, so it's not being proposed to be changed.

MR. DENNISON: You said something about 80 feet wrapped around on Park Street.

MR. TEDDY: Yeah. That would be -- if -- if the map is changed and then this is done as urban general, you know, then there would be six-story height. There would be retail uses permitted to front on there. And then when there is a corner lot, there is a rule that the property owner, if doing development, they -- they can actually choose which frontage applies for a distance of 80 feet from the corner.

MR. DENNISON: If my property goes probably about 150 feet.

MR. TEDDY: Yeah.

MR. DENNISON: What does that do for the rest of 70?

MR. TEDDY: Well, that's what I'm saying. In a redevelopment situation, you may want to then request going to urban general all the way down at least your frontage. Now, I think the reason the consultant designated at least this side of Park as townhouse/small apartment is they're looking at the small lots that are across street and they're thinking is that too aggressive to have the six-story buildings directly across the street from that.

MR. DENNISON: I was just thinking that if it's okay for 80 feet, why not the whole block?

MR. TEDDY: Right. Right. Right. But again they -- their recommendation was to take both frontages down to that apartment/townhouse. Office is allowed, residential is allowed, corner stores are allowed in that blue code. I had a four-story next to that.

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

MR. CLARK: My name is John Clark; I live at 403 North Ninth Street. I'm a CPA and an attorney. And the first thing I want to mention is just very quickly because I'm on the clock now and into the next section. This emphasis on form-based zoning being appearance as though it's about facade. I'm sorry. You need to do a much better job of explaining form-based zoning is a shift in emphasis from virtually total use based zoning to something is about -- it's not how it looks, it's how the buildings sit on the streets and relate. And the facade and all that kind of stuff is part of that, but it's a minor part of it. Somehow or another you need to get much more clear. People who went to some of the DCLC's workshops and misunderstand it. I hope you understand it. It's obvious the number of the applicants, either they don't understand it, or don't think the balance is right. Most importantly, I want to address Mr. Ott's thing about why aren't we doing something north of Park and all this kind of stuff. Form-based zoning for this came out of an emphasis and I know my neighborhood association has been involved. That's where Dan learned about all this before. We are interested in downtown going up and not out. Now, we get really big and so forth, you're going to move north of Park, all this kind of stuff. But we're not interested in having large, tall buildings, the kind of things you're talking about and this kind of thing, which is actually allowed under the M-DT rules. We're not interested in that. We're interested in maintaining a residential neighborhood, that side of it is -- may -- is somewhat industrial or it may have been, but we're not interested in this being involved in this whole thing. When the downtown is an average height of four or five stories, then we might be amenable, but that also means our



properties will be a whole bunch, a lot more, and if we sell out then, we're going to have enough money to buy a decent house someplace else. The last parts of this is the UDO is about creating a set of land-use rules that will help us create a great community going forward. Zoning and subdivision rules define what development we want and will allow, and what development we do not want and will not allow as part of creating a great community. The proposed form-based zoning called M-DT is a set of those things for downtown, but in connection with the interaction with the surrounding neighborhoods. Actually, too much of the work that's been done so far in this has been just you convert the old pyramid thing into a new format so it's easier to look like -- and not nearly enough about saying what kind of development do we want to see looking out 25 years, not next week or in three years, because I think there's lots of recent development downtown and around the City that we don't want to continue that kind of plan. I'm done with this. I'll be back and talk about parking in the second part.

MR. STRODTMAN: Any questions of this speaker?

MR. CLARK: As long as it's not eating into my time.

MR. STRODTMAN: It's not eating into your time. Thank you, Mr. Clark.

MR. CLARK: We might use some of that time to read the recommendation --

MS. SCHIERMEIER: Hi, there. My name is Lindsey Schiermeier and I'm at 8750 Berry Road. I, like Mr. Stevenson, was very hesitant to come up here and speak to you guys today, but there are a couple of things I wanted to say about the UDO in general that I think are worth saying. Assuming that this UDO-UDC is passed forward to the next body, these -- this Code is going to become law. And if a law has one unjust application, it needs to be repealed or modified. There should be consideration of long-term economic and community impacts of all of the new regulations. It seems as though the unjust, unintended, and unexpected consequences of this new Code are extreme, and extremely unknown. Listening to the speakers on the first two sections last week and on what we've heard so far this evening, we can -- we can assume that the consequences do not sound beneficial to many, and it seems as though the property values will decrease, the property rights will decrease, and to take away those rights after someone has purchased a property is completely unacceptable. In last week's meeting, staff mentioned that they were aware that they are likely going to need to be made -- they are likely going to be changes that need to be made on the UDC early on. I can appreciate, as Ms. Loe said earlier, that the current Code might also have changes that need to be made as there are some issues and problems with the current Code, but this is something that we can do currently with the Code as it. I think that understanding that this new UDC is completely overrun with these issues that many people have spoken about so far is pretty important.

Basically, if we pass this UDC on to the next body, well if your recommendation -- if your recommendation is passed on to the next body, we're creating a broken Code that's likely going to need to be changed and fixed. We already have a Code that functions for the most part and it seems as though if there are issues with the current Code, those are the -- those are the issues that should be changed and fixed, not creating a new 700-page document that no one is going to read or understand. That's -- that's just my thoughts on that. The new UDO-UDC is large, it's confusing, and it's broken, and no one knows just how broken or damaging this is going to be. We don't know it now, and we don't know what it's going to be in the future. As a current investor here in Columbia, it's -- it's kind of scary to me to think about what the long-term impacts are going to be on me, and I think that's -- that's something that's been spoken to by a lot of the other speakers this evening, as well.

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

MS. LOE: Ms. Schiermeier, you speak about having property rights taken away. I was wondering if you have two or three items that you feel like are the biggest culprits in that?

MS. SCHIERMEIER: Well, unfortunately, I don't invest in the downtown, so I wasn't sure if I was allowed to speak on those specific things. But with -- with the idea of the neighboring uses being able to determine what I'm allowed to do with my property just because of -- not -- not because of how the neighbors are zoned, but because of how the neighbors use their lots. That's one that's very large. I also -- unfortunately, I am not well versed in the entire document because, again, it's 400 pages, plus the -- the administrative manual, and I have not read through it, but I think that that's - that's kind of part of the point is that we don't know -- we don't know what this is going to mean, and just thinking about that. And I -- I think that part of the deal is is with the property values, thinking about the property values decreasing, that has a large impact on any investor. And as a small investor, I mean, that's -- that's -- that's big. That's how I can see my future happening, I guess. And I think what I'm trying to get out there is if my property value is going to decrease because of something that's a potential, not necessarily that it's guaranteed to decrease, but if my neighbor says something ten years down the line and my property is no longer worth what it was when I invested in it, when I purchased it, then what's the point of investing? And I think that that's -- I think that that's kind of something that we need to think about for the future is that, as many other speakers have alluded to, we're going to kick out the smaller investors and the only people who are going to be willing to take -- to take up the fight, I guess, will be the large investors who

are from out of town, who have the resources to kind of get past what -- what we're trying to avoid. And I think that, from my understanding, and again this is my very little understanding of this, but my understanding is that a lot of this was started because of a certain issue with the downtown area, and it's kind of just spread out through the remaining parts of Columbia as well. And I think that that's -- if there's an issue with something, as I can appreciate that there are probably some issues with the current Codes. But if there's an issue with something, that that's -- that's what need to be attacked and fixed, not -- not try to create something new that's going to have a whole lot of other issues come up.

MR. STRODTMAN: Any additional -- any additional speakers -- or questions -- I'm sorry -- of this speaker?

MR. TOOHEY: No. Thank you for coming up and making your comments, though.

MR. STRODTMAN: Thank you. Don't be shy. If you have something to say, we'll welcome you -- we would like to hear it.

MR. KRIEDE: I'm Matthew Kriede; I'm with Engineering -- with Engineering Surveys & Services, offices at 1113 Fay Street. I speak, I guess, more or less personally, though, at my home at 4101 Watertown Place. I think I may have gotten lost of where we are. Have we moved on from the M-DT at this point?

MR. STRODTMAN: No, we have not.

MR. KRIEDE: Okay.

MR. STRODTMAN: Some of us might want to, but we have not moved.

MS. RUSSELL: Not yet.

MR. KRIEDE: Somewhere, I thought we did.

MR. STRODTMAN: Mentally, we shifted. No. We're still three.

MR. KRIEDE: Talk about missing my opportunity. So -- my main -- my main aspect on the M-DT is encourage a dense growth, and I think I want echo what John John spoke in terms of the concerns of creating more sprawling development. As you restrict, you know, density in these -- in the areas of downtown or wherever in Columbia, it's just going to push more urban sprawl outward. It's going to tax our infrastructure. It's going to tax -- It's going to tax our citizens. You know, somebody has to pay to maintain this infrastructure that's being built. You know, it may be installed by developers, it may be installed at their expense, but as time moves on, you know, it becomes the responsibility of the -- of the citizens of the city of Columbia to pay for that and maintain all of that. I think we need to be very careful of how we limit this density as we move forward. So if you have any questions, I'll be happy to answer them.

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

MR. KRIEDE: I'll get my focus back on where we are. Thank you.

MR. STRODTMAN: Thank you. Any additional speakers for the M-DT, come on up. No one else like to come up? We'll go ahead and close the public input portion of the MD-T.

**PUBLIC HEARING CLOSED**

MR. STRODTMAN: Open it up for Commissioners to ask questions, comments, suggestions, wherever you would like to start. Over on this side?

MS. RUSHING: Yeah. My concern is doing amendments now with a whole bunch of new information, and I don't know that I, at this point, would know exactly what I wanted to suggest in the way of amendments except for those that I was already prepared to discuss.

MR. TOOHEY: I agree with those comments. I was thinking after hearing some of the testimony tonight, I really feel like I need to go back and do some more research and investigate some of this stuff a little bit deeper before I can make some -- some amendments.

MR. STRODTMAN: So both of you are saying that even some amendments are not of interest at this point and more time to dig into it and then go into the amendments?

MR. TOOHEY: I'd rather proceed that way.

MR. STRODTMAN: Okay. Commissioners, additional comments, questions? Anybody else? Ms. Rushing?

MS. RUSHING: Well, I do have -- oh. Go ahead.

MR. STRODTMAN: No. Go ahead. I was just --

MS. RUSHING: Okay. I -- I did have additional comments of my own. I mentioned last time my concern about the definition of front porch and stoop in that it refers to a platform which would mean you couldn't have an entry at street level, so that was one concern that I had. I think that's the -- and then I have my concern about balconies and the ability of balconies to project over outside the required building line.

MR. STRODTMAN: And your question or your comment, Ms. Rushing, on the balconies?

MS. RUSHING: I'm against their projecting over the required building line, and that's on pages 186, 188, and 189. I have a little trouble explaining, but, to me, you have a certain residential group that you're looking at. And if you have balconies projecting over the required building line, I think that encourages them to try and connect with what's going on on the street below, and I think that could cause some issues, particularly safety issues.

MR. STRODTMAN: Thank you for clarifying that for us. Commissioners, we'll start

right here. Yes. Yes, Ms. Burns.

MS. BURNS: I learned -- I got a lot of good new information tonight, so I really appreciate some new and repeat customers for sharing their thoughts about this document. I just want to say I think that there is a lot to still be discussed, but there's good in this document, so for my own thoughts, I'm not prepared to throw this out, which has been requested by several of our speakers. So I would suggest that we continue our discussion on the other sections and I agree with Ms. Rushing as far as doing the amendments at another time when we've had more of a chance to discuss and reflect on what's been said tonight.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Procedural question. Commissioner Toohey and Commissioner Rushing have expressed a amendment delay. How would that work?

MR. STRODTMAN: We would need a motion first. And so we're just now just in the discussion phase. But if we were to have a motion to table this discussion until further notice, or to a -- to a future date, then that's something that we would consider and discuss and then vote on. And then if there was an amendment to that, then -- then you would make that amendment. But right now, there is no motion that's been put forth.

MR. MACMANN: That's fine. I'm just asking the procedural question. Thank you.

MR. STRODTMAN: That's how I see it. Staff might have a different answer, but that's how I see it. Ms. Loe, you keep looking like you have question or a comment?

MS. LOE: I'll go ahead and make a motion so we can -- comments. Comments.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Yeah. I'm on the same page. I just wanted to say this though. We have to all -- I -- I hear all the concerns and I have similar concerns with change and property values and property rights. We've all been down this road before. My ancestors heard this same stuff. I have family property on Lasalle and what is currently Housing Authority property. And back in the '50s and, you know, they were, oh, we need to do this. This is, you know, a bad place in the City and it's -- it's like a growing cancer and we need to do something about it. It's affecting property values and this, that, and the other. A lot of my ancestors has lost a lot of land for the sake of fear, you know, and not embracing change, so I understand both sides. But I also understand that we're trying to prevent some of the things from happening in the future, and we don't live in medieval times. This is America. We don't live in a feudal society where the peasants work the land and the land barons run -- you know, we -- we bend to the land barons' wishes. We don't live in that world. So we have to find a balance, we have to find a win-win. We have to address the gunslinger mentality of development downtown. I went to many smart

growth conferences as my tenure here as a commissioner. And when outside people hear the stuff that goes on in Columbia, especially developers, they're like, man, I'm heading to Columbia. You guys are having a turkey shoot there. You guys are -- man, it's cheap, it's -- yeah. This is like the Wild West. Where do you stay at? What's your address? You know, so we've got to find a balance, we've got to find a win-win. I just had to get that off, but I do agree that we heard a lot of good information, a lot of good input. I'm very proud of our citizens that were this engaged -- that were this engaged. I do suggest that future comments, if you can give us where you're seeing the language in the Code so that we can go right to the Code and -- and work the language, it helps us out to formulate, you know, a win-win as far as this Code is concerned.

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

MR. HARDER: Thank you, everybody, for all the information that you provided us this evening. I have been sitting back and soaking it in as best as I possibly can. I -- I definitely think that there seems to be a lot of restrictions in the downtown area that I'm seeing that people are bringing up, as well, too. I'm not sure. I'll have to do a little bit more research to, you know, kind of double-check things. But I definitely -- I -- I became a Commissioner on the council about halfway through this process. I think it started back in about 2013, 2014. I'm not sure that the climate back then seemed like was no more student housing, and it was, you know, kind of starting to heat up a little bit, I think, as far as, you know, more and more projects coming along. And I could see how somebody would say, you know, let's slow this downtown down as far as growth, you know, of these bigger buildings. I kind of -- I definitely have a nervousness that some of these restrictions might slow down a little bit too much, especially for people, you know, local investors and that kind of stuff, as well, too. Kind of bring it all together, I -- you know, based on a lot of the people's comments tonight, I definitely feel like I need to, you know, look things over a little bit more before I can feel I can do a positive recommendation.

MR. STRODTMAN: Left side, right side from the audience, any comments on this side? So do you want to make a motion, Ms. Loe?

MS. LOE: I was.

MR. STRODTMAN: All right.

MS. LOE: I would like to move to approve Segment Three, Form and Development Controls, Chapter 29-4.2 and M-DT Form Based Controls.

MR. STRODTMAN: We have a motion that has been made. Do we have a second?

MS. BURNS: Second.

MR. STRODTMAN: Ms. Burns, thank you for the second. Commissioners, comments, questions on this motion -- clarification? Mr. Stanton?

MR. STANTON: Yes. Can I hear the motion on the floor again?

MR. STRODTMAN: Yes. Ms. Loe, would you repeat your motion, please?

MS. LOE: The motion was to approve Segment Three.

MR. STRODTMAN: Thank you.

MR. TOOHEY: So just to clarify, that's approving it with making zero amendments to it?

MR. STRODTMAN: Well, we --

MS. LOE: We have to move prior to making any amendments.

MR. STRODTMAN: -- and we have in -- as in the last two, we -- we make a motion, and then we'll go into the amendment stage.

MR. TOOHEY: Okay. All right. Just making sure.

MS. LOE: We can't take any actions until we take that step.

MR. STRODTMAN: Right. So a motion has been made to approve it, a second has been put. If there's no further discussion, we would vote on it. If it passes, then we would have a chance to do amendments at that point. Mr. MacMann?

MS. RUSHING: Amendments first.

MS. LOE: No.

MR. STRODTMAN: Motion first. That's how we did it last week.

MR. MACMANN: We did the --

MS. LOE: You open the motion, we make amendments. We don't close the motion.

MR. STRODTMAN: We don't vote on it -- sorry.

MS. LOE: We have two open motions.

MR. STRODTMAN: We don't vote on it until the very end.

MS. RUSHING: Oh, I see. I thought you were asking us to vote on that.

MS. LOE: No.

MR. STRODTMAN: No, I'm sorry. That's right. No vote other than a vote for the motion would be the only thing, not approval of everything that would follow.

MS. LOE: Now we go into discussion.

MS. RUSHING: Okay.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Again, clarification. Ms. Loe's motion passes. Three of the Commissioners have expressed -- at least three of the Commissioners have expressed a desire to table. Do we --

MS. LOE: No. We're not voting on the motion. We're opening the motion so the

Commission can discuss this.

MR. MACMANN: And I -- and your motion -- and I'm just -- I'm wondering procedurally where we go. This is where I'm -- I'm just trying to parse out --

MR. STRODTMAN: So your question is is can an amendment table the discussion for further review? Is that maybe where you're coming from?

MR. MACMANN: I want to make -- I'm just making sure that we -- our I's and T's are crossed, that's all I'm doing. And I -- because I want to make sure several of our commentators this evening have expressed lack of complete understanding for our process, and I just want to make sure that everyone is on the exact same page.

MS. LOE: I actually wanted to make a couple amendments tonight to get them out because I don't think everything is -- requires a lot of additional -- or was new information.

MS. RUSHING: That's fine. I mean --

MS. LOE: Because we're going to have a long list to go through and why save them all for the next meeting?

MS. RUSHING: Correct.

MS. LOE: So if people aren't in agreement with that. And then as we discussed earlier in work session, we will come back to any of the sections with new amendments after the sixth session.

MR. STRODTMAN: Correct. So --

MS. LOE: So I would like to make an amendment proposal.

MS. BURNS: It hasn't been voted.

MS. LOE: We don't. It stays open until we make all the amendments.

MR. STRODTMAN: It stays open.

MS. LOE: I'm sorry. We went through this before the last meeting, but it's been a week, so we're just reminding ourselves of the procedure we need to follow.

MR. STRODTMAN: We need -- it's not a typical process.

MS. LOE: We've moved to accept it because that's the step we need to take in order to discuss it. Now we're going to discuss any amendments we want to make to these sections. So be prepared for a series of amendments until we run out of steam and table it to move on to the next section. I would like to amend the map, the zone -- the under -- the regulating map to show Ninth Street continuing urban general up to Park.

MS. RUSSELL: I'll second that.

MR. STRODTMAN: Clarification -- or any clarification or questions on that amendment? Mr. Stanton?

MR. STANTON: Would it make it a little crisper if we said from Seventh Street to Tenth Street, along Park?



MS. LOE: I'm modifying Ninth from --

MS. RUSHING: She's going north-south, and you're going east-west, I believe.

MR. ZENNER: You're going to Walnut to Park. Correct?

MS. RUSHING: But you could do a second amendment --

MS. LOE: Walnut. Correct. Or Ash to Park.

MS. RUSSELL: Ash to Park.

MR. ZENNER: I'm sorry. Yeah. That's correct. Ash to Park.

MR. STRODTMAN: So an amendment has been made and seconded to extend it to -- now does that include -- does that go to Park or does it include half of Park? Are you going to the center of Park or are you going to the edge of Park?

MS. LOE: I'm going to Park similarly to the other streets as they've been designated per our understanding tonight that that includes the corner properties and they get a choice of how they wrap the corner.

MR. STRODTMAN: So your proposal would be similar to the other streets, the Seventh and Eighth that have just a little bit of the townhome blue?

MS. LOE: Correct.

MR. ZENNER: That distance -- the townhome blue would actually wrap into the Ninth Street frontage by a distance of approximately 30 feet, which is consistent with what you see on the map in the red where the red and the orange transition at the intersections. That is a 30-foot extension off of the corner. So the blue would come 30 feet back. However, because you're on two frontages, the actual frontage transition option exists, so it carries it around the corner.

MS. LOE: Okay. And what we discussed previously still stands?

MR. ZENNER: That is correct, but to map it properly, the blue would be projected down Ninth Street roughly 30 feet in scale.

MR. STRODTMAN: Similar to the other couple.

MR. ZENNER: That's correct.

MR. STRODTMAN: Any further discussion on this amendment? I hear none, so we'll have a roll on the amendment to extend urban general to up to 30 feet within Park.

MS. BURNS: Yeah. Who was the second on that, please?

MR. STRODTMAN: Ms. Russell was the second, I believe. Yes. Sorry.

MS. LOE: Ms. Russell.

MS. BURNS: Thank you.

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

**MacMann,**

**Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms.**

**Loe, Mr. Harder. Motion carries 9-0.**

MS. BURNS: The vote is nine to zero. Motion carries.

MR. STRODTMAN: Thank you. Commissioners, additional motions, discussion?

Ms. Russell had her hand up first.

MS. RUSSELL: I'd like to make a motion to add 608 Cherry Street to the map as a civic structure.

MS. RUSHING: Second.

MR. STRODTMAN: Thank you for the first, Ms. Russell, and Ms. Rushing for the second. The motion has been made to exempt the 608, which is the Columbia College building that we discussed earlier, so that would become a civic structure if this was to be passed. Any discussion? Roll call, please?

MS. BURNS: Yes.

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

**MacMann,**

**Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms.**

**Loe, Mr. Harder. Motion carries 9-0.**

MS. BURNS: That's nine to zero. Motion carries.

MR. STRODTMAN: Thank you. Commissioners? Yes, Ms. Burns?

MS. BURNS: And I might need Mr. Zenner's help with this. I wanted to deal with the trash issue that we discussed at the beginning of the evening and I think what I had started was in cases of major increase in trash stream due to development or change in use, we had talked about removing it from public spaces. Can I do that?

MR. ZENNER: You can do whatever you would like, Ms. Burns.

MR. TEDDY: Is it in response to a public comment?

MS. BURNS: Yes.

MR. TEDDY: Because I think the comment was that there ought to be consideration of change in use and not just new construction.

MS. BURNS: Change -- okay. That -- yea. Change in use, not just new construction, that the responsibility --

MR. TEDDY: So if I may, I think the motion would be that -

MS. BURNS: Please.

MR. TEDDY: -- that situation be added, that a solid-waste management plan could be also required in cases where -

MS. BURNS: For a change in use.

MR. TEDDY: -- a change in use has occurred that results in a more intense waste stream, basically.

MR. ZENNER: And that may be simply be added by basically -- it reads right now "all new buildings". It can read probably all new buildings or changes in use.

MS. BURNS: Thank you.

MR. STRODTMAN: What page are you looking at Mr. Zenner?

MR. ZENNER: That is page 191, and it is item number 12. Would that be correct to go ahead and do all new buildings or change in use?

MR. STRODTMAN: So on number 12, it would say -- it would be all new buildings and/or a change in use?

MR. ZENNER: And/or I think would be appropriate -- and/or a change in use.

MR. STRODTMAN: So all new buildings and/or a change in use shall have a plan for the management, collection, storage, and disposal of solid waste? So, Ms. Burns, that was the motion?

MS. BURNS: That was my motion.

MR. STRODTMAN: That was your motion. So a motion has been made that -- to add in -- to insert or a new use in the existing number 12 on page 191. Do we have a second for that amendment?

MS. LOE: I'll second.

MR. STRODTMAN: Ms. Loe, thank you for that second. Commissioners, discussion on this amendment? Mr. MacMann is that a question or just --

MR. MACMANN: I -- I'll return to this at another time. Please move on.

MR. STRODTMAN: Thank you. I see no questions, so may we have a roll call, please.

MS. BURNS: Yes.

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

MS. BURNS: The motion carries nine to zero.

MR. STRODTMAN: Thank you. Commissioners, further discussion? Ms. Russell?

MS. RUSSELL: I'd like to move to exclude gas stations from the M-DT form requirements.

MR. STANTON: Second.

MR. STRODTMAN: An amendment has been made and seconded by Mr. Stanton to exclude gas stations from M-DT standards. Is that all M-DT standards?

MS. RUSSELL: Yes.

MR. STRODTMAN: Commissioners, discussion on that amendment?

MS. LOE: Mr. Zenner, can you remind me where gas stations are allowed in the M-DT?

MR. TEDDY: They are a permitted use.

MS. LOE: In all of M-DT? Okay.

MR. TEDDY: Well, it's in the table. It's in the uses table. It doesn't use the term "gas stations", but it does refer to the sale of gas and other services including air.

MR. ZENNER: That goes to vehicle service. It would probably fall under light vehicle service and repair, page 132, and that is denoted as footnote number 435, which reads -- not on page 132. It's on page 133, and it combines automobile services facility, automobile service facilities (enclosed), and service stations with underground storage tanks. Use restrictions on repair enclosure now in the use specific standards. So, in essence, basically, you can have pumps anywhere within the M-DT zoning, but if you happen to have service, you would need to be within an enclosed structure. So if you're doing any repair work, all of that repair work would need to be enclosed under a use specific standard. That is the lesser of the intensity of vehicle repair. We have major vehicle repair, which is body shops and things of that nature, which are not a permitted use in the M-DT. And to just point out, the only gas station that we have in the M-DT is the gas station at the corner of Locust and -- well, two. We have two. We have Break Time. We have Break Time and the Phillips 66. Those are the only two gas stations we currently have.

MS. RUSHING: So how would we go about not having the form based controls apply to them, but have them as an allowed use? You're not going to want to take them out, so you have to specify an exemption. Correct?

MR. STRODTMAN: And that's what the amendment was, is that they would be excluded from M-DT standards.

MS. RUSHING: Okay.

MR. STRODTMAN: But it still would be allowable use, just not required to follow the --

MS. RUSHING: So build two stories?

MR. STRODTMAN: And screening and et cetera.

MR. ZENNER: These two, the two gas stations actually are located in the urban general west, which was expanded in order to allow one-story construction to continue to be maintained in these particular locations. The Break Time is in a -- is a larger parcel of property, potentially in a much better situation for redevelopment over time as it relates to its general surrounding area and what may occur on the remaining portion of its block.

That has -- if I recall correctly, it has the car leasing or the mobility facility in that same block on Ash. Yes. The Phillips 66 gas station is on a very constrained lot for the purposes of redevelopment. You remove form-based standards as it relates to service stations, should they be built anywhere else within the downtown, they would be required to be two-story given the fact that the remaining urban general west doesn't apply anywhere else, so you're not going to have likely somebody investing in a two-story gas station elsewhere within downtown. We have a suburban corridor of Providence and, as had been requested earlier, we recoded everything but the intersection to urban general west in order to accommodate that suburban style of development, which was single story. I don't believe, Ms. Rushing, if you -- there is no way of applying form-based standards to a gas station to adequately accommodate it without creating and niching out some specific exception that we may have -- we would have to have more opportunity to figure out what really we are achieving with that. You know, currently we have an overall -- we have a policy resolution as it applies to Providence, as it relates to drive-through facilities and parking lots that would apply if anything were redeveloped in the absence of the overlay of that Providence or the M-DT. If the M-DT is adopted, it is likely that the policy resolution is disposed of. It is no longer utilized or effective because the M-DT will allow us the opportunity to be able to control design, as well as positional -- the placement of structures in the future. So you eliminate it, you will eliminate the opportunity, basically, for the corridor to be built closer to the frontage. The speaker's comments are -- are on point as it relates to an automobile-oriented type of use such as a gas station being required to be pulled forward. It doesn't make any common sense, but, again, to eliminate and exclude that use is like excluding civic structures, and that's where we would have to probably put the exclusion, but they are not required to comply with the standards. Very limited at this point. I don't know necessarily if we'd see a tremendous amount of gas stations being developed along the corridor in the near future either. So if you're trying to accommodate the two that are there, this is possibly one way of doing it.

MS. LOE: And part of the comments grew out of the five-foot setback requirement. And I'm wondering -- I agree that current use is gas station, so that's an easy one to identify. Is there another use that we might need to consider or it could be in hardship for?

MR. ZENNER: If you were looking at retail business which would be what the remaining portion of the corridor -- retail or office, which is what the remaining portion of this regulated corridor includes, I don't believe that there are -- there is a need to eliminate that or to address them to exempt them. We'd have to go back through point by point

within the land-use table to determine what potential uses within the M-DT that are automobile oriented would be negatively impacted, and then start excluding every single one of them if that's the direction the Planning Commission is desiring to go in. Again, we're looking at not short term, we're looking at long-term development over time. And conversion of the corridor to something that it isn't today is something that we are doing as planners, as part of the vision of the M-DT. It is to not look at what we have today, but look down the road -- pardon the pun. So without going and doing a line-by-line search of the land-use table, I can't answer that question for you.

MS. LOE: So exempting gas stations would allow the current use and continuing the current use should it be redeveloped in that use?

MR. ZENNER: That is correct. So if they tore the building down, they rebuilt, they would be able to rebuild on the current footprint that they have for the existing gas station facility without any needs to upgrade any of the architectural or other design elements associated with that. The other route of which you would look at this is, as we have discussed before, modifications to the overlays to the M-DT zoning district standards are the purview of the Board of Adjustment to grant the waivers based upon the design. I would suggest if you drive around other communities that have more architectural design controls on their construction, you will find some very pretty looking gas stations throughout the State of Missouri. And what we potentially stand to lose here is possibly some of that architectural embellishment to gas stations that are on a principal corridor by wiping out the entire M-DT requirement for them to comply with. There are aspects of the M-DT requirements that probably are not applicable in this particular location, based on this particular use, and if we narrow down what we want to eliminate based on that use, that is probably more appropriate than saying exempt the use entirely from the standard should it redevelop over time. There's very limited opportunity, at least for the Phillips 66 station, to redevelop beyond maybe its current footprint due to its other environmental constraints that it has on the site. Lateral expansion to the north potentially on the vacant lot between it and Round Eight is a possibility to expand the shop -- the actual store. However, there are other access related issues that MoDOT probably would have to get involved in and everything else. So, I mean, it's all site specific at that point.

MR. TOOHEY: So where would Jiffy Lube fit into this then? I mean, would we need to add something for that also?

MR. ZENNER: Well, Jiffy Lube already did their expansion, so hopefully now they are not going to want to come back.

MR. TOOHEY: They might want to add a second floor.

MR. TEDDY: It's allowed one story.

MR. ZENNER: They were allowed one story, and they expanded -- they expanded legally under our Board of Adjustment review. However, light vehicle -- the light vehicle service and repair, the oil lube would probably fit into that as well, so excluding -- you would have to exclude the use actually, not the -- not gas stations because gas stations, again is not listed specifically in the permitted use table. So you would be excluding any light vehicle service or repair facility, which is inclusive of about five, six different land uses that could occur within that category or variance thereof.

MS. RUSHING: Like the tire place --

MR. ZENNER: Yes.

MS. RUSHING: -- would be another. Okay.

MR. ZENNER: Like Complete Auto, like the oil and lube, the gas stations that are there. So we open potentially a great hole in trying to achieve a better aesthetic look along the corridor over time.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: Well, the two items that I heard brought forth tonight were about setbacks and fencing. So I don't know if that changes, Ms. Russell, what you are interested in trying to accomplish for the potential gas stations that we heard about.

MS. RUSSELL: No, I want to keep it the way it is.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Clarification. Mr. Dennison's building is light service -- light vehicle servicing. This amendment would exempt his property; would it not?

MR. ZENNER: It would.

MR. MACMANN: Thank you.

MR. STRODTMAN: Commissioners, additional dialogue?

MR. TOOHEY: Um --

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: So in that same area that we are talking about with Break Time, there is also two rental car business over there. Does something need to be done about those also?

MR. ZENNER: Light vehicle rental and sale is actually also a permitted use. It was added back into the -- well, it was in the M-DT, but I believe in prior public comment that Mr. Waters made, there was a need to amend the use specific condition, which is item (bb), which is on page 160. So in the M-DT district all displays, sales and retail activities shall not occur in an area intended to be occupied by a building and not forward of the required building line. That is an amendment that was recommended by Clarion. It was

incorporated as they had proposed. Originally, the provision for light vehicle sales or rental specifically required that all activities must take place in an enclosed structure. That has been deleted, so now we allow outside display of those vehicles, and this will be applying to new, not existing, to occur outside of the building as long as they are not in an area by the building form standards that is required to be occupied by a building, i.e. the percentage of the frontage, or forward of the required building line. So the 24 foot parking setback, which is what you would expect to have seen applied in this instance, is you have a commercial parking lot that does not exist for this use. And that is specifically called out as the light vehicle sales and rental. So we are allowing automobile sales within the downtown, and we are allowing vehicle rental business within the downtown to accommodate those we already have or an expansion of those that may occur in the future. So, no, I would suggest, Mr. Toohey, there is no need to make a modification of that.

MR. STRODTMAN: Everybody good still? We have an amendment that has been made and seconded. No further questions, we'll go ahead and have a roll call.

MS. BURNS: Okay.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting No: Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing, Mr. Toohey, Ms. Burns, Ms. Loe Voting Yes: Ms. Russell, Mr. Harder. Motion denied 7-2.**

MS. BURNS: The motion carries 7-2.

MR. STRODTMAN: So the amendment did not --

MS. BURNS: I'm sorry. I'm sorry. Motion fails 7-2.

MR. STRODTMAN: Additional amendment, Commissioners? Ms. Russell, would you like to maybe rephrase that motion?

MS. RUSSELL: No. I'm going to think about it and bring it back at a later time.

MR. STRODTMAN: We appreciate that. Commissioners?

MS. LOE: I do.

MR. STRODTMAN: Ms. Russell -- or Ms. Loe?

MS. LOE: I think we are beginning to head into issues we may need to discuss or consider more, but I'm going to try one more, which is the exemption for open space being for a 10,000-square-foot buildable area, not 10,000-square-foot gross floor area.

MR. STRODTMAN: So your amendment is --

MS. LOE: To revise the language from 10,000-square-foot gross floor area to 10,000-square-foot buildable area.

MR. STRODTMAN: Do we have a second?



MR. STANTON: Second.

MR. STRODTMAN: Thank you, Mr. Stanton, for that second. Ms. Loe, thank you for the amendment. Commissioners, questions on this? Mr. MacMann?

MR. MACMANN: Just one question. Maybe Manager Zenner can help us out here. I believe that Mr. Farnen seemed to indicate -- and I do not have it right in front of me that both of those things were stated. Do we know exactly what the text of that is and which -  
-

MS. LOE: Actually, Mr. MacMann, if I can jump in.

MR. MACMANN: Yes.

MS. LOE: Part of the reason I wanted to bring this up as an amendment is I think there is some -- there are several references and several points within the code to buildable area versus total floor area versus gross area. And I'm thinking that there may be some confusion over which one is intended, and I would like -- I think we need to clarify at more locations than just this one.

MR. MACMANN: And your amendment is for buildable?

MS. LOE: I'm going for buildable area. So the buildable area is defined in our new definitions, and buildable area is the area of the lot that is allowed to be built on. So that is your ground level buildable area. Gross floor area, as we were discussing about it is the gross square footage you're going to have in your building. That is the total square footage you are building. So it is a huge difference --

MR. STRODTMAN: Multiple floors.

MS. LOE: Multiple floors. There is a huge difference between gross floor area and buildable area. The reason I bring this up is because the percentage of open area is sometimes referred to as percentage of buildable area as it is in detached frontage, townhouse, small apartments, and sometimes as a percentage of the total building floor area as it is for urban general open storefront. So I think we need to clarify what we are talking about.

MR. MACMANN: Thank you.

MS. RUSHING: So --

MR. MACMANN: That clarified it for me.

MS. LOE: I have the page references too if you all need them.

MR. MACMANN: That's fine. I just -- I just -- I know those contradictions exist --

MS. LOE: Uh-huh.

MR. MACMANN: -- in different places for different things, and we may have to go place --

MS. LOE: So right now -- yes, just so it is on the floor. Detached frontage, as for 25

percent of buildable area, so that is buildable area of the lot -- 25 percent open. We are talking detached frontage. That's the yellow area.

MR. ZENNER: Which is not mapped. It is the unmapped -- it is the floating building form standards, so --

MS. LOE: Good. Because I have some more questions about that one too.

MR. ZENNER: Well, that may be for a discussion after the Code is adopted because it's not mapped.

MS. LOE: Besides, it doesn't exist on the map.

MR. ZENNER: It doesn't exist. We could eliminate it altogether, if that is the Commission's prerogative.

MS. LOE: It might be a good thing because that one still has the three foot floor elevation --

MR. ZENNER: Yes.

MS. LOE: -- which, yeah, I think we need to get rid of.

MR. ZENNER: Can we, by chance, so we could do this somewhat in sequence of how the overall chapter is laid out, can we go back to urban general and work to the back because you are going in the reverse direction.

MS. LOE: Okay. So urban general is 10 percent of the total building floor area, it says on page 197.

MR. ZENNER: On 196, however, is where I think the conflict is.

MS. LOE: Is the gross --

MR. ZENNER: Yes. Where it says "gross", and that would be if where -- if you're wanting to go to buildable area, that is probably where the first revision may need to be made. So "Public or private open space shall be provided for buildings greater than 10,000 square feet of buildable area according to the following schedule". If that is what you are wanting -- and that would go to the point that that is your ground floor footprint. That is your buildable area ground floor footprint -- your footprint of your building is another way it could be said.

MS. LOE: Right.

MR. ZENNER: Ten-thousand-square-foot footprint.

MS. LOE: Right.

MR. ZENNER: And I would probably prefer using that because it is far easier than using buildable area. It's a 10,000-square-foot footprint -- footprinted building is where it begins. Anything less than a 10,000-square-foot footprint does not apply.

MS. LOE: Correct. But then 10 percent of the buildable area for any lot over 10,000 square feet --

MR. ZENNER: Any footprint greater than 10,000 square feet --

MS. LOE: Correct.

MR. ZENNER: -- at that point.

MR. TEDDY: This way it is based on an actual building data, not on potential.

MS. LOE: Correct. Correct. And we're not saying 10 percent of every floor needs to be open space, which is the way it currently reads.

MR. ZENNER: I mean -- do you -- yeah. Ten-thousand-square foot of buildable area or you could refer to it as 10,000-square-foot footprint. Anything greater than 10,000-square-foot footprint must provide 10 percent open space.

MS. LOE: How is footprint defined?

MR. ZENNER: I don't believe footprint is defined. So if you want to use buildable area because it does have a definition, let's use what is defined.

MR. STRODTMAN: So buildable area?

MR. ZENNER: Yeah.

MS. LOE: It's one of the reasons for rewriting the Code.

MR. ZENNER: So are -- on page 196, which is where this begins, in the urban general, which would apply to both urban general and urban general storefront locations -- the orange and the red on the map, we are looking at requiring open space, which is four sites that have over -- or over 10,000 square feet of buildable area; am I correct?

MS. LOE: Correct.

MR. ZENNER: So we will strike gross feet or square feet -- or, yeah, in gross floor area out and replace that -- 10,000 square feet of buildable area will replace in gross floor area. Then if we flip to page 197 under item number 2, would be the next reference to 10,000 square feet. It would be "and 10,000 square feet of buildable area". So I believe that is what would be the appropriate revision. So if you have a building, the way this would basically be interpreted or applied is, "If a building had greater than 25 feet of frontage -- 25 or greater of lot frontage along an adjacent street or 10,000 square feet of buildable area, up to 33 percent of the required public or private open space may be satisfied through balconies of individual units or rooftops as follows", and the remaining item is just determining that if you have a rooftop open space area, it could be located anywhere on the roof. Does that -- would that address your issue, Ms. Loe, in these two locations? Okay,

MR. STRODTMAN: The second one was number 2. Correct?

MR. ZENNER: Yes. Item number 2 on page 197, and it would --

MR. STRODTMAN: What about (ii)? Would that also be --

MS. LOE: Oh. That's what -- that's the two I was looking at. I forget you -- it's (ii).

So, yes, that should be 10 percent of buildable area.

MR. ZENNER: Yeah, of the total buildable area. That is correct. So we've got to go down to number 2. I apologize. So, yes, (ii) would be 10 percent of total buildable --

MR. STRODTMAN: Buildable --

MR. ZENNER: -- area versus building floor area.

MR. STRODTMAN: So as we find those references, then they will all be corrected to building area?

MS. LOE: That would make it consistent with how the townhouse, small apartment and unmentionable detached frontage are already referencing.

MR. STRODTMAN: Yes. So then for consistency, we will then change those as we find those. So more than likely there is going to be more than just the three or so that we have discussed right now.

MS. RUSHING: Does she have a second on her motion yet?

MS. LOE: Yes, Mr. Stanton.

MR. STRODTMAN: Additional discussion, Commissioners? May we have a roll call, please?

MS. BURNS: Yes.

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

**MacMann,**

**Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms.**

**Loe, Mr. Harder. Motion carries 9-0.**

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: I would like to propose a break. It has been two hours since our last, and that's about all I can take. So is the two hours okay or --

MR. TOOHEY: I have a quick question.

MR. STRODTMAN: -- a break? As much I would like to have a two-hour break --

MR. TOOHEY: Are we just going to keep making motions or are we -- until we are done or are we going to come back and make motions at a later --

MS. LOE: I think that is a good point, Mr. Toohey. Are there any more amendments that the Commission feels they can make on this section without further discussion?

MS. RUSSELL: I have one I think is relatively easy. On page 187, regarding the street walls, under (xii), just strike the word "metal picket" and replace it with "material".

MR. STANTON: Second

MR. STRODTMAN: A motion has been made by Ms. Rushing -- Ms. Russell and seconded by Mr. Stanton to replace the metal picket portion of (xii) to material. So it

would be "Street walls shall be constructed of masonry, ornamental material or a combination".

MS. RUSSELL: Correct.

MR. STRODTMAN: Commissioners, discussion on that amendment? That -- what exactly is ornamental?

MS. RUSHING: Pretty.

MS. RUSSELL: Have you ever been to Charleston?

MR. STRODTMAN: Not any --

MS. RUSSELL: Little ornamental fencing breaks.

MR. STRODTMAN: But that is a very -- to clarify, everybody knows what that means?

MS. RUSSELL: Something of a break. Right. But not necessarily metal because you could do something else.

MR. STRODTMAN: Could it be a non-ornamental, material fence? I mean, I don't know. I'm just asking.

MS. LOE: That's what the whole modern movement was about.

MR. MACMANN: Only in the eye of the chairman.

MR. STRODTMAN: Just asking a question. So further dialog, Commissioners? I see none. May we have a roll call, please?

MS. BURNS: Yes.

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

**MacMann,**

**Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms.**

**Loe, Mr. Harder. Motion carries 9-0.**

MS. BURNS: Nine to zero, motion carries.

MS. RUSSELL: Could I make one --

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: It's just a request to staff. You know, I've had this issue with these street walls ever since it came up. Could you make sure that it is consistent through the document what the height requirements of this -- of street walls are on --

MR. TEDDY: So uniform --

MS. RUSSELL: Right.

MR. TEDDY: Regardless of which building front is --

MS. RUSSELL: Right.

MR. ZENNER: And that is what I actually -- thank you for bringing that up because that is what I wanted to clarify. As I have gone through listening to the public, what we

have determined is that the graphics unfortunately do have a variation between what is right above what you just amended. The four to eight feet is consistent, I believe, in each of the form based standards -- the BFS; however, the graphics that are represented with them are original.

MS. RUSSELL: Correct.

MR. ZENNER: They have not been modified. And then the separation or the wall construction requirement between blank spaces is in item number 11 -- (xi) above what you just amended. And that is carried through on each of those graphics. So wherever there is not a building located along a building line, it does indicate that the street wall will be required. I believe there may have been an omission on the staff's side as it related to that through work session discussion about creating opportunities to not require gaps between buildings other than as defined for refuse screening or something else to be able to stay in place.

MS. RUSSELL: Correct.

MR. ZENNER: And I believe it was a Ms. Loe comment that indicated what if you have a larger site and you're going to do it in two phases and then instead of actually building out the entire building frontage, you decide that you are going to leave half of it vacant. This -- the particular provisions here do not seem to offer an option that was discussed during work session to allow landscaping to be inserted on that blank or nonbuilt to RBL on the remaining portion of the lot to allow a pocket park or something else. We did address the parking setback movement though through the options with a low-screening wall with landscaping. I think we just stopped short of being able to deal with where a larger site is being developed in two pieces. That would potentially address the idea of requiring that building wall -- or that street wall on longer frontages where there is a second phase of development potentially proposed or you have no intention of doing development on a remainder of a large frontage and you have a mitigation option to screen that accordingly. That may be something that we discuss at a later meeting as it relates to other revisions you want here, but that is obviously an observation that we have identified here now that was errantly omitted, not that we were trying to do so, it just got left out as the revisions were being made. With that, if you want to take your recess, we can, unless you have other amendments.

MR. STRODTMAN: Mr. -- if there are additional amendments? Mr. Stanton?

MR. STANTON: I would like one more amendment.

MR. STRODTMAN: Yes, sir. Go ahead.

MR. STANTON: I move to table Section Three.

MR. STRODTMAN: A motion has been made to table the remaining discussion on

Segment Three --

MR. STANTON: Section Three, yes.

MR. STRODTMAN: Segment Three, which is the M-DT, is the motion that has been placed.

MR. TOOHEY: Second.

MS. RUSHING: Second.

MR. STRODTMAN: Mr. Toohey seconded that motion. Discussion, Commissioners? I see no discussion. May we have a roll call, please?

MS. BURNS: Yes.

MR. ZENNER: Chairman?

MR. STRODTMAN: Yes --

MR. ZENNER: Before you do that --

MR. STRODTMAN: -- Mr. Zenner?

MR. ZENNER: -- do you want to establish a date certain to which you are tabling this to, so the audience knows when they may need to come back?

MR. STRODTMAN: Mr. Stanton suggests the next meeting, which should be November 2nd.

MR. TOOHEY: Which was -- that was a penciled-in meeting though. I don't think it was --

MR. STRODTMAN: It was a tentative --

MR. TOOHEY: Right.

MR. STRODTMAN: Does that work for staff?

MR. ZENNER: The second --

MR. STRODTMAN: Can we go to the next regular meeting?

MR. ZENNER: The room has been reserved for the 2nd. It is just does it work for the Commission if you want to have discussion prior to that meeting. That would be my question. Is that going to allow you sufficient time?

MR. STANTON: The 10th would be fine then, the next normal meeting.

MR. STRODTMAN: So it would give us one work session in-between? Well, for the second meeting is what I was referring

MR. ZENNER: And I think that would be satisfactory. I think the Commission, we will probably as we finish up with whatever additional work we would like to conclude this evening, we may need to talk about an allotment of time more than an hour to discuss potential revisions outside of your work session or added to the front-end of the work session for the 10th's meeting. But I do agree that the 10th is probably the best time to be able to discuss that. So if you could just include that into your motion so the public

knows that we are tabling this segment to the 10th.

MR. STRODTMAN: Would you like to clarify that motion, Mr. Stanton?

MR. STANTON: Yes, sir. I move that we table Segment Three until the November 10th --

MR. STRODTMAN: Work session.

MR. STANTON: -- Commission Meeting.

MR. STRODTMAN: Mr. Toohey, since you seconded the first motion, is that change agreeable to you?

MR. TOOHEY: I will second that one also.

MR. STRODTMAN: It's agreeable then. Any additional discussion on that amendment? As I see none, may we have a roll call, please.

MS. BURNS: Yes.

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

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: So we will pick up the remaining discussion on the Segment Three, which is M-DT on -- public input or discussion will be on -- there won't be any public input. It will be discussion on November 10th. The Commission -- we will discuss it on our work session tentatively on the 2nd and the 10th. So I would like to make a motion for a quick ten-minute recess, and then we will get into Segment Four, which is the -- Chapters 29-4.3 through 29-4.6, which is Form Development Controls regarding Subdivisions, Parking, Loading, Landscaping, Trees, Screening, and Exterior Lighting. So a lot more to talk about. So we will see everybody back here at 20 after when we will start our meeting.

(Off the record.)

MR. STRODTMAN: Okay. We will go ahead and get started. We thank you for allowing the break. I think it does us all some good. In light of what time it is this evening already, we would like to make the recommendation that we -- we're going to do two sections of Segment Four. We would like to discuss the Subdivision Section and we would like to discuss the Exterior Lighting Section of Segment Four. The thought behind that is we believe that we can get through these two sections a little quicker than the other sections that are listed in Segment Four, and we honestly do not want to go much longer. We're tired and we would like to somewhat put a stopping point on this evening. We feel that if we go through all of these sections of Segment Four, that we are all going



to be here much past midnight, and I personally don't want to do that. Mr. Clark, we can't hear your question and unfortunately -- so we are not going to go over the parking, we are just going to do the two segments. So we are only going to do Subdivisions within -- so the staff has their presentation broken up into sections, and so they are only going to review the Subdivision Section and the Exterior Lighting Section of Segment Four. The Parking and Loading, Landscaping, Screening and Tree Preservation, we'll discuss that at the next meeting, which is November 2nd. Is that clear? Is that right? Mr. Zenner, can you handle the Subdivision and the Exterior Lighting portions of your PowerPoint, please?

MR. ZENNER: Thank you, Mr. Chairman:

**SEGMENT FOUR**

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

**SECTIONS: SUBDIVISIONS AND EXTERIOR LIGHTING**

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

MR. STRODTMAN: Commissioners, questions for Mr. Zenner or for staff on the Subdivision and Exterior Lighting Sections? I see none. We'll go ahead and open it up to public input.

**PUBLIC HEARING OPENED**

MR. STRODTMAN: I would just remind you, name and address, and to stick with the topics of Subdivision and Exterior Lighting, please.

MR. CLARK: John Clark, 403 North Ninth Street, attorney, CPA. Thank you. One, I want to say in general from what I can see, I'm quite pleased with the direction that has been taken in the subdivision regulations. Specifically in what was presented tonight, I've in general been very pleased with the transfer of power out of Public Works and in the Planning Department or Community Development that has taken place over the last two or three years. I think it has long-term benefit. I think people in Public Works never understood planning or anything like that. And in that light, with respect to the issue of the four-way intersection and the planning of the Public Works Department, I would prefer that the head of Community Development be the person who has to sign off. I see this much more as a planning issue. Obviously, we will have input from Public Works, but in that case, that means I would prefer that Mr. Teddy is making that decision rather than anybody in Public Works. Secondly, I must admit the four way intersection and it's a mandatory roundabout, there is something about that just seems to me unbelievably rigid. It reminds me of some of the really bad provisions that Mr. Beck proposed in the Metro 2020 'Plan. I could be wrong about that, but I would ask you to think about that. It seems a bit too rigid. Third, with respect to the sidewalk adjustments and the notion

about the pre-2001 and so forth, again, I would much prefer that date be pre-2006. I understand that the pre-2001 may have been a compromise. I would prefer it to be -- because this whole idea of stale zonings and stale plats, you know, just dogging us going forward in the years. It needs to be addressed. I would ask you to consider whether maybe that should be a little bit later than 2001, so that we bring the -- we reduce the staleness a bit. And then the final thing had to do with the idea of the traffic impact analysis. I know I have recommended to the Infrastructure Task Force and so forth that the City as a matter of its infrastructure planning first do large area plannings for the northwest, west, southwest and then follow those up with large area transportation plans like those conducted at the expense of the County in their Northeast Transportation Plan. In any case -- and I suggest we do those and they guide us. But I would want to make sure that any TIA that is mandated and so forth is engaged, that basically the hiring entity to have it done is the City, not the developer. And, in fact -- now, the developer should pay for it, but one of the things that we have learned from looking at some of the transportation planning, actually when the public entity commissions this, they're going to ask for more broader and better information that they need in making decent zoning and subdivision decisions than a developer will ever make. And I will just -- this has nothing to do with the quality of the firm. Many times developers have hired CBB to do their traffic studies. It turns out, the County hired CBB to do its big Northeast Transportation Plan study. So they are perfectly capable of doing the kind of studies that provide the information that is needed for public entities to make decent decisions and not have the public entities have to parse out, you know, what, in fact, CBB provided to a private entity. So I would encourage you to include actually in this kind of requirement that the commissioner of the TIA when it is mandated be a public entity, namely the City, be paid for by the developer so that you all and the Council -- and actually the staff gets much better information about -- in this case, it was the Traffic Impact Analysis. Thank you very much.

MR. STRODTMAN: Any questions, Commissioners? I see none. Thank you, Mr. Clark.

MR. CLARK: Take care.

MR. TOMPKINS: Hi. Mike Tompkins, 6000 Highway KK. I -- and I'm here kind of representing myself as a land developer, also, the homebuilders association's several hundred members of elders who are interested in keeping cost of housing as low as possible. As I was saying, we are kind of all worried about affordable housing in Columbia. Each of the development code sections impose unnecessary and arbitrary burdens on development and will increase the cost of neighborhood development, which

will in turn increase the cost of new housing in Columbia. This cost, in addition to the new energy code, building codes, permit costs all lead us away from affordable housing. Particularly -- and I'm not sure whether this fits in with this section, but you can stop me if not. I understand we're going to have a formal development plan now. Right now, we can just go with zoning. This is going to require -- it's kind of like putting the cart before the horse. We have to expend significant funds. We don't get any feedback or approval from the City. We think like a conceptual plan would be better in these cases. I need clarity on the traffic study stuff. I've heard a lot of different things, but it is sounding like, you know, what are the repercussions from this traffic study? I've heard things like we're going to be looking at things two-and-a-half miles from what we are doing, and if you think about that, that could be -- you could be doing something, you know, on Stadium, but looking over at the Business Loop. That's -- I would like some clarity on that. A big one for me, only 30 houses for each entrance. Right now, it is 100. That should stay the same. There is really nothing wrong with that. Let's see here. Cul-de-sac length reduced to 300 feet from 750. People like cul-de-sacs. That is what -- every time we do a development, everybody wants the cul-de-sacs. That's -- what's wrong with long cul-de-sacs really? You know, you don't get much traffic; people don't like to go down them; you know, the kids can go in the street much safer. Let's keep long cul-de-sacs. It is not a bad thing. We talked about this a little bit last time, but this requirement of a prelim plat running out after just three years is way too short. Seven years right now -- keep it. We have an economic downturn, easily seven years is necessary. Let's see. We're not going to talk about tree preservation; is that -- is that right?

MR. STRODTMAN: Correct. No tree preservation.

MR. TOMPKINS: Are we -- is sensitivity areas part of this?

MR. ZENNER: Land analysis map is part of the subdivision standards.

MR. TOMPKINS: Yeah.

MR. ZENNER: That's the sensitive analysis -- sensitive land-feature analysis.

MR. TOMPKINS: We are talking about a six to one slope now being classified as a sensitive area. I mean, six to one, that's pretty flat. It's just -- it should be two to one. You know, we're -- this should be bluffs that we are trying to stay away from. We need to be able to use land that is on a six to one slope. It's -- that's arbitrary. There are many areas in Columbia, you know, where this can be found -- really everywhere almost. Mr. Zenner talked a little bit about block length being shortened. I -- I want to keep block length as it is. A lot of what we are talking about is to get walkability. I think we can achieve that with maybe walkways, you know, sidewalks. If we want -- if we want walkability, instead of making us stick these streets, you know, every 300 feet, let's --

let's put some sidewalks and stuff so, you know, kids can ride their bikes through there or they can walk to the neighbors. That is a better way to get the walkability, not a whole bunch more streets. That's all I have.

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

MR. MACMANN: Thank you, Mr. Tompkins. Your last point about walkways, these would be conceptually you're doing a development and you put in a common area as a walkway that cuts up these --

MR. TOMPKINS: What I'm talking about is instead of having, you know, multiple streets -- I understand what -- they are wanting to be able to get around easily. And I think getting -- you know, walking between, you know, houses and just a walkway is sufficient.

MR. MACMANN: And you would be willing -- just -- this is just conceptually. You would be willing to install and pay for those?

MR. TOMPKINS: Oh, yeah.

MR. MACMANN: And that a HOA --

MR. TOMPKINS: To me that's --

MR. MACMANN: -- would have them going forward or something like that?

MR. TOMPKINS: To me that's what the buyers want. That's what -- you know, neighborhoods, that is what it is all about. We do want to be able -- our kids can go to each other houses and that kind of thing. We want to be able to go and walk our dog. We love -- we love walking, but we don't need to do it down the street, you know. So I'm absolutely talking about internal sidewalks not by a street.

MR. MACMANN: Okay.

MR. TOMPKINS: I think that is a good solution, I guess rather than just, you know -- he's just talking about a lot more streets really per house, I guess. So just --

MR. MACMANN: All right.

MR. TOMPKINS: -- a -- just a --

MR. MACMANN: I just wanted to clarify --

MR. TOMPKINS: -- kind of an idea to throw out there.

MR. MACMANN: I appreciate that because not everyone comes up with ideas.

MR. TOMPKINS: Yeah.

MR. MACMANN: Thank you.

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

MR. WILLIAMS: Hello again. I'm Matt Williams, Landmark Bank, 801 East Broadway. Just a clarification. Will the preliminary plat lengths, will that be discussed in

Section 6?

MR. ZENNER: Yes.

MR. WILLIAMS: Okay.

MR. ZENNER: That is a Section 6 item.

MR. WILLIAMS: So I won't talk about that. One thing that we would ask is that the land analysis map requirement be modified to delete Section F. Specifically, we have some very serious concerns about the language regarding views, cultural and/or historical features, burial mounds, wildlife habitat, and wildlife corridors. We believe this language should be deleted from a lending perspective. As we are looking at potential developments, we can't tell what land might qualify as containing a view that is deserving of being set aside and protected from development. It is just a tough term. The same is true for wildlife habitat and wildlife corridors. These terms are undefined and generic and in turn make it difficult for lenders to evaluate the development potential of large tracts of land. Protecting the environment is certainly a worthy goal and something that we are supportive of, and we don't have any trouble with the idea of protecting sensitive land. It's just those words make it tough to figure that out. We believe that subdivision regulations should be clear and unambiguous. They should be fair and the interpretation should be predictable. To me, these are just the exact opposite of that. It's impossible to define what constitutes wildlife habitat, so the interpretation application of that provision is unpredictable and could be unfair. So therefore, we believe this section should be deleted in its entirety. And then just one other comment. Based on what Mr. Clark said about developers paying for the traffic study versus someone else. It's my belief that the end buyer of the home pays for any regulation, whether you agree with it or not. And I just ask you to consider that. I'm not saying certain things are right and certain things are wrong, but do know that those costs are passed along to the buyer of the home, which increases our cost of living. So that's all I have. Thank you.

MR. STRODTMAN: Questions of this speaker? Thank you, Mr. Williams.

MR. WILLIAMS: Thank you.

MS. MALEDY: Teresa Maledy representing Commerce Bank. Our address is 901 East Broadway. Mine is very short and echoes what Mr. Williams just mentioned on the subdivisions and the land analysis map. I don't feel that the sensitive areas are really clearly defined. It's not clear to me who would be the expert to certify what areas are deemed sensitive, and that would make it very unpredictable on the lending side. I feel like there would need to be something very specific along the lines of a flood map to be able to define that and let the buyers as well as the developers know what would be included in that area.

MR. STRODTMAN: Thank you. Any questions of this speaker? Thank you.

MR. MEYER: Jim Meyer, 104 Sea Eagle Drive. I just want to address the issue of the 30 dwellings per street. I believe that is on page 223. The current standard, I believe, is 100 dwellings per street entrance. That's -- I live in Vanderveen. It was built to that standard. It's not notoriously combustible, so I understand there is a fire code concern. But I would ask you to dig deeper into the rationale for that. I presume it has to do with response time or something like that. I'm just not sure that the incremental gain of going from 100 to 30 is worth the cost. There are going to be costs associated with that. I -- it's hard to visualize exactly how this would work out, but 30 dwellings per street entrance would be about a three to four block maximum street length from the subdivision entrance, so you can anticipate there will be more streets in a given tract of land as it is developed, more impervious area, more sidewalks, more -- more street itself, more storm sewer length, all of those create impervious surface and also create cost. And I'm just not sure the tradeoff of that increased cost is worth perhaps the small incremental benefit to fire response times. So I would just ask you to inquire into the rationale for that more deeply rather than just accept that it is a fire code issue and leave it at that. Thank you.

MR. MACMANN: Commissioners, any questions of this speaker? Yes, Mr. Stanton?

MR. STANTON: Do you like where it stands now or what do you recommend?

MR. MEYER: Yes, I think I -- and Mr. Tompkins was also in favor of the 100 lots per entrance.

MR. STANTON: Thank you.

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

MR. TRABUE: Tom Trabue, McClure Engineering Company, 1901 Pennsylvania. I also wanted to speak to the land analysis map, and specifically on page 221, Section (ii) (A), the first section there, stream corridors, and it talks about the blue line or dashed blue line streams, we think that this paragraph should -- paragraph (A) should be stricken. It is redundant; it's already covered in Section 12(a) of the City ordinances in dealing with stormwater and stream buffer ordinances. Paragraph (B), steep slopes. Steep slopes are not an indicator of a sensitive area. Steep grades are not an indicator of a steep area. We also recommend that this -- this paragraph be stricken. I'm sensitive to the fact that we might not be able to strike that one, so I would like to offer an alternative. I think that the steep slope should be at two to one. Anything at two to one or greater with a greater than 20 foot vertical change from top of slope to toe of slope -- and in that case -- in that case that 75 percent of that area should be preserved. We would also propose that that include a ten-foot buffer at the top of the slope. So if you

can imagine, we would have a two to one slope coming up. If it were two to one or steeper, we would protect that plus ten foot at the top of the slope. And the reason for that is we don't want to be right on the edge of the top of that slope. And so we feel comfortable with that. Item number -- and I concur with what was said before. You know, 15 percent is about a six to one slope, and that's just -- that's really, really flat, and that is really problematic. I think the comments in the sidebar indicated that the 15 percent came from Section 12(a), and it did, but it came in regard to the stream buffer. The 15 percent is in no way related to steep slopes or sensitive areas in Section 12(a) that we can find. Paragraph number (C), any lands identified as Bentonite soils, again, we think that that should be stricken because that applies to almost every soil in Boone County, certainly in Columbia. So we believe that should be stricken or at least clarified to be evaluated by a geotechnical engineer as to whether the site is suitable for development or not. But just to say any land is identified as Bentonite soil is not appropriate. In item number (F), which is the all-encompassing any other areas, basically I would agree with the comments that have already been made. This is very subjective and it is somewhat arbitrary. I underlined "but not limited to views". I was very much troubled by that because that is kind of a catchall and could be subject to interpretation that any given administrator or P & Z or Council could evaluate that on a different -- on a differing basis over time. And so we believe that that should be stricken as well. In addition, we believe that the -- in this land analysis map, that when you -- when we go through this criteria and identify the sensitive areas, that in no way should that impact more than 50 percent of a given site because if it in fact impacts it more than 50 percent of that site, then we have basically rendered that site undevelopable. And so we think that is a burden that is not appropriate. And please understand, we're very -- we want to make sure that we are protecting sensitive areas. We just want to do it in the appropriate way. Most of our sensitive areas are going to be along our stream buffers, and we already have that protection built into Section 12(a) of the ordinance. An additional item, I would like to go to page number 225. And this is related to the four-way intersections. I would just like a clarification -- that wording of that paragraph to be clarified. What I read here is that any intersection that would be a four-way intersection has to be platted as a roundabout. And I don't think that was the intent based on the staff report. I believe that the staff report was that the four-way intersections should be reviewed and approved by the director of Public Works, and at that time, a recommendation of Public Works and the traffic engineer would identify whether a conventional four-way intersection would be appropriate or should it be upgraded to a roundabout. And so I just ask for that clarification because right now I believe it says if the Public Works director says, yeah, there is a four-way

stop there, then we have to plat it as a roundabout, and I don't think that is what the intent is. I hope that is not the intent.

MR. ZENNER: Yes, it is.

MR. TRABUE: Yes, it is?

MR. ZENNER: Yes.

MR. TRABUE: Well, then we don't like that. How's that? And then I would like to go to page number 26 [sic], item number 9, the traffic impact analysis. I wanted to clarify. I listened to Mr. Clark's comments and while I agree with bits and parts of it, I don't agree with all of it. I think it is appropriate for the developer to pay for the traffic analysis. The standard practice at this point at least with our firm, and I think it is with most of the other firms, is that when we are required to do a traffic impact analysis, we always concur with staff up front about what the scope of that traffic analysis needs to be. We've identified very early on that that's an important part of the process because as a developer, or in my case an engineer representing a developer, if we move forward with a traffic study and we haven't identified that scope with staff ahead of time, then we end up doing more later. And so we -- that's just a standard of practice that we do that, and I think that the staff would concur that that's the way we've done that in the past.

MR. ZENNER: If I may, just or clarification --

MR. TRABUE: Sure.

MR. ZENNER: Appendix C of the administrative manual does define what the content of that TIA would need to be, and it is still utilizing the exact same process that Mr. Trabue is referring to. It is the scoping document basically to gain clarification as to what the expectation is of the City. So what Mr. Trabue has pointed out is, as I understand the process -- Richard Stone is here, our transportation and traffic engineer for the City. But what we have in the Code right now is basically just a clarification and an outright creation of the provision so there is no question of what triggers the need for a traffic study, which is always as I said earlier, been more of an administrative thing when we look at a project, we contact the applicant and their engineer and normally tell them, You're going to need a traffic study. Now at least when they produce the application, they will know, oh, we're over 100 trips in the peak hour, we will go get one and we'll follow the design of the document, which basically is going to require coordination.

MR. TRABUE: Right. And I -- we're comfortable with that. Now, if the City would like to pay for the traffic analysis, we're probably okay with that too. So I'll just throw that out.

MR. ZENNER: Good luck.

MR. TRABUE: We'll focus on the other comments I made then. How is that?



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

MR. MACMANN: Thank you, sir. I had -- I want to return to your 50 percent -- could you repeat that concept for me?

MR. TRABUE: You know, and actually, if I may, just continue to -- because I did pass out the handout and then I didn't refer to it at all. And so very briefly, if I may, the -- this was out of a roadside design guide. I was searching for the most appropriate -- I can't tell you which state this came from, but it's very generic in its nature. But what I wanted to point out there is we identified the different percentages of slopes, and graphically you can see that a 15 percent slope is very, very flat. In fact, that would prohibit most of our walkout lots if we were to do that.

MR. MACMANN: I appreciate that. Would this apply to -- I'm just trying to -- go -- how far does this go in your concept? Does this apply to all sensitive criteria -- habitat, stream buffer?

MR. TRABUE: No. We're only focusing on this --

MR. MACMANN: Only the slope issue; is that what you're --

MR. TRABUE: No, the sensitive area. The land-use map area.

MR. MACMANN: Okay. I guess what I -- here's where I'm going with this. You recognize it is possible that an entire lot, regardless of how big it is, could actually end up being sensitive?

MR. TRABUE: And I believe in that case the City should purchase that lot.

MR. MACMANN: That's --

MR. TRABUE: Because that's a -- if that's a new part of this ordinance, then that's a taking --

MR. MACMANN: Well, and I'm not -- it might not even be us. What if it's EPA or somebody? Do you understand, you know --

MR. TRABUE: Right.

MR. MACMANN: -- the DNR, EPA, they could --

MR. TRABUE: The DNR and EPA do not have this as part of their regulations.

MR. MACMANN: Okay. I just-- I wanted to see where you were going. So this would apply to anything that could make it sensitive? You would want a 50 percent --

MR. TRABUE: Well, here's --

MR. MACMANN: Anything the City would --

MR. TRABUE: If I may, I would like to focus on the other parts of that more so than the 50 percent, though the other criteria are extremely much more important to me, because I think if we meet those other criteria, then the 50 percent probably will not

become an issue.

MR. MACMANN: Okay. I just wanted to -- I didn't want us -- we could potentially be contradicting ourselves.

MR. TRABUE: I -- point well made.

MR. MACMANN: All right.

MR. TRABUE: Point well made.

MR. MACMANN: Thank you.

MR. STRODTMAN: I was just going to ask for a little clarification on the 50 percent too, but it sounds like -- I mean, what was the -- I guess I missed the whole 50 percent.

MR. TRABUE: The 15 percent?

MR. STRODTMAN: Or 50. I think you said 50.

MR. TRABUE: Yeah. We -- we recommend -- if that paragraph (B) is not stricken, is -- I would like to recommend -- number one, I would prefer that it would be stricken because I don't think it is appropriate. Grade is not an indicator of steep -- of sensitive areas. But if it is not stricken, we would like to see that changed to be a two to one slope with 20 foot or more of vertical change from the top of bank to toe of bank, and that we -- and that 75 percent of that area would be pre-- identified and preserved as a sensitive area.

MR. STRODTMAN: But then I thought you made a reference in your comment about 50 percent and the City would have to purchase --

MR. TRABUE: Yeah. And that's -- that's what Mr. MacMann was referring to. You know, we do have a concern that when we look at this entire paragraph about the land use map and sensitive areas that very -- if you leave all of those paragraphs, is it could render some of these sites completely undevelopable and unbuildable.

MR. STRODTMAN: I see.

MR. TRABUE: And that's why I hesitated to throw in the 50 percent thing. In retrospect, I probably shouldn't have.

MR. STRODTMAN: So your point is --

MR. TRABUE: It's confusing the issue.

MR. STRODTMAN: Your point is well taken that these five or six items could render land undevelopable that was developable before this change.

MR. TRABUE: That's correct.

MR. STRODTMAN: Questions, Commissioners? I see none. Thank you.

MR. CROCKETT: Chairman and members of the Commission, Tim Crockett, Crockett Engineering, 2608 North Stadium. I would like to reiterate a lot of the comments that Mr. Trabue had just recently -- recently given. To start off with Section 29.4.3(b)(1)(ii)

again is the item with regards to the sensitive areas. Again, item A, the stream corridors -- again, I personally think that that item should be stricken simply because it is already covered in detail in the stormwater -- excuse me -- in the stream buffer regulations in 12(a). Those regulations are detailed with regards to how wide the stream buffer has to be, and if there is any additional stream buffer that needs to be granted for that -- for that waterway. It specifically talks about type one, type two and type three, when they apply, what classifies each stream buffer -- each stream type. It is very detailed on what can and cannot be done in those buffers. This section simply says that we shall not, you know, encroach into those areas. So I think the stream buffer ordinance that was passed several years ago is very detailed and covers this item. So we think that this is not something that needs to be included in the zoning regs. Again, Mr. Trabue talked about steep slopes. Again, 15 percent is not very steep at all. There is a tremendous amount of this City that would not have been developed if 15 percent was the limit. Mr. Strodman, Columbia Mall would not have been developed today. Much of the area around downtown -- Stuart Road, you know, the Grasslands Area, would not have been developed today because of the 15 percent. Again, I think that a two to one slope is appropriate. We believe that if -- 20 foot vertical rise -- I mean, if you just have a short segment, it shouldn't have to be protected necessarily. We have to protect 75 percent. Sometimes, we have to encroach -- go up or down those segments with a street, and so we want the flexibility in order to do that. So 75 percent protection of those areas we think is appropriate. And then, of course, also it is not in the regulations, but, yes, put a -- you know, Mr. Trabue talked about a buffer strip across the top. Absolutely. Let's put a little bit of extra area on top of that just so we are not right up on the top of that -- of that slope. Same section, paragraph (C) talks about Bentonite soils -- we should not develop on Bentonite soils. As mentioned, we have geotechnical engineers in our firm. We do geotechnical work all the time. The vast majority of the soil in this area is Bentonite or contains Bentonite. And it doesn't say what percentage and it doesn't say how much, it just says Bentonite soil should not be developed on. That is not appropriate. Just about every project that is done in this community has a geotechnical report performed on that site. That geotechnical report has to list the soil classifications and then determine what is suitable and what is not suitable. And so we think that item should be stricken from the regulations as well. I would like to go a little bit over to -- again, it has been talked about by several people here about the 30 lot limit per access. If you look at the regulations, it says no more than -- no more than 30 dwelling units without additional street connections. It says we can have 30, then we have to have additional street connections. Is that one more? Is that two more? When do we have to

have that second? When do we have to have that third? The regulations that are written right now are very specific. We can have one up to a hundred, and once we go over 100, we have to have another. It makes provisions on when those streets tie into a collector street or a through collector street. It's more detailed now than what it is in these regulations, and I think what we have now is appropriate. I don't think that we have -- we have had some instances lately when we've talked to the fire department and emergency services and they don't have any issue. So I know that this has come from some building code issues, but I believe that what we have now is appropriate and should be used. I would like to talk a little bit about the traffic impact analysis, and I think, you know, Tom again talked about this quite a bit, but the process right now simply states that before the -- before the traffic impact analysis is done -- TIS [sic] study is done, there is a scoping meeting with Mr. Stone and his staff. They tell us how far out we need to go. It all depends upon what project we are proposing and the location of that. It works right now. Yes, Mr. Clark talked about CBB. Yes, CBB does all of our traffic reports because we trust them. They do our work. I don't ask for a copy of the report, I ask them to send me a copy of the report when they send it to Mr. Stone and his staff. I don't need to look at it because it is what it is. It's a truthful report. It's an honest report that the City can take as the same way. I don't look at the report. The developers don't look at it and try to modify it and try to change it and try to, you know, skimp out on it. It's an honest report that is given to the City staff. City staff gets all of their -- all of their modeling files and everything else associated with that, so they can check all of their work in depth. And the system right now, I believe, works. It is not something that the developers have control over to skimp and make the scope smaller. It's just something that the City dictates what that scope is, how big it is, and it's dependent upon each individual project. So with that, I would be happy to answer any questions. Again, the steep slope issue and the sensitive areas is a very big concern to me and my firm.

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

MS. LOE: Mr. Crockett, both you and Mr. Trabue brought up item (A) under the land analysis maps --

MR. CROCKETT: Yes, ma'am.

MS. LOE: -- extreme corridors. You're saying it should be deleted?

MR. CROCKETT: Yes, deleted. It's already --

MS. LOE: Because --

MR. CROCKETT: -- covered.

MS. LOE: Right. But this is simply requiring it to be shown on the map.

MR. CROCKETT: It could be shown on a map, but it also talks about these areas

we should not be developing, and sensitive areas are shown by the map. If we can't develop in this area, but the stream buffer regulations allow us to cross it or to put utilities through it or have different varying uses of the stream buffer, this basically says we shouldn't -- we shouldn't develop in these areas. Stream buffer regulations allow us to not necessarily develop, but to allow us to cross it with public streets, with driveways. They give us allowances on what we can and can't do in, you know, regards to an inner or an outer buffer.

MS. LOE: Thank you.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Mr. Zenner, did you want to add --

MR. ZENNER: I believe in the context of the land use analysis map, you not only need to look at what is referred to in item (ii) and the (A) through (F) items, you need to look at paragraph (2), which is below that, which offers alternatives as it relates to when such features are identified on that map, and how lots are capable of being able to be developed with those types of features. Again, and I can respond to this later after we have resolved public comment, the purpose behind the land use analysis map and the inclusion of the items on it, while they may be duplicative of other requirements, is to allow for the staff that is involved in the review of a subdivision proposal to have that information presented to it at the inception of a development, not at some point after it is designed. The idea is to try to help preserve particular areas. With no disrespect, the items that are being brought up, 15 percent slope, is being potentially too flat in order to be something that need to be preserved, those are issues that can be addressed. But the intent behind the land use analysis map is to allow the collection of those features to be identified at a concept review stage, not when you are full into design. This is why it is required as part of a preliminary platting process. You have to do a concept review before you should be plowing forward into detailed in-depth design, so we can acknowledge or at least identify potential obstacles or impediments to the development that are a concern of the City for the purposes of preservation. It does not say that if these features exist, development is precluded from a site. It offers a broad way of being able to work around that. And it is not final either at the staff's role. Applicants for subdivision approval can come to the Planning Commission and they can ask for relief from the administration of the Code as part of their subdivision procedure as it exists today. This is to set a framework though for us to be able to evaluate development in a more inclusive fashion than it has been in the past. I'm not going to say that what is here is maybe ideal. It can be tweaked and probably should be in order to be reflective of realities of what the development community encounters on a regular basis. It is a starting point, and if we

need to make modifications to it, we can. I think some of the comments that are being made here this evening are something that is probably not -- was not provided possibly to Mr. Elliott and his staff when he developed these provisions and are being brought forward through our local engineering community, which is something that we respect because we do work with them. We want -- and I believe our community wants -- the engineering community would like us to preserve what features we have, we just need to figure out the best way to do it.

MR. CROCKETT: And we don't disagree with that. We would certainly want to preserve the features that we have. We are working on a project with Mr. Zenner and his staff right now that has a lot of sensitive areas on the piece of property, and we've come to terms with how we are going to achieve that and how -- and then will be coming before this Commission in the near future. But we want to preserve those as well. We're not trying to simply just, you know, pillage the ground. We want to work with it, but we have to have certain -- certain provisions as well. I'm sorry, Mr. Harder -- I think Mr. Harder had a --

MR. STRODTMAN: Mr. Harder?

MR. HARDER: I'm sorry. I just wanted clarification on the 100 lot minimum or maximum --

MR. CROCKETT: Yes.

MR. HARDER: -- dropping down to 30. Does that just mean once you get above 100, you have to have a second entrance to the subdivision?

MR. CROCKETT: That is correct.

MR. HARDER: Okay.

MR. CROCKETT: That is the way the regulations are written now.

MR. HARDER: And it would drop down to 31 units --

MR. CROCKETT: It is dropping down to 30, and then once we go over 30, we have to have another connection -- or it says connections. It's just not clarified. It's not -- you know, I think 30 is too small. We have a lot of subdivisions that don't get that second point of access until further into the development. I think 30, what you're going to end up with is you're going to have a lot of smaller subdivisions out along your major roadways that aren't able to go back into -- into the rest of the portion of the property simply because they have no access. So I think it takes time to build that out, and, you know, I think 30 is pretty minimal and pretty small.

MR. HARDER: Okay.

MR. STRODTMAN: Any additional questions? I see none. Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MR. KRIEDE: Good evening, Matthew Kriede with Engineering Surveys and Services, offices at 1113 Fay Street. I want to echo what Mr. Trabue and Mr. Crockett have said also about this section. The 15 percent is -- is a very flat slope and certainly is not indicative of a -- of what is a sensitive area. So under this Section 29-4.3(b)(1)(ii)(B), you know, I think that area should be stricken and replaced with what Mr. Trabue has suggested. I would also make a couple of other suggestions. I was looking back at the Columbia Imagined Plan, and we were concerned about highly erodible soil. So I think that may be part of what we are trying to protect. So while we require additional work on the plan in those areas where those soils are identified so that those soils -- highly erodible soils can be protected. And second, protection of the Karst features was also identified, which isn't in this portion as well. Again, I think a 25-foot minimum buffer around a map identified a Karst feature would also be well -- I think well received in this area as well. On to Section (B), I would agree -- and the reason that this should be stricken, I'm going to go back to what Mr. Zenner said under paragraph 2 below. And it states in 2(i) -- in (ii) below that, "Such sensitive lands shall be permanently protected by designation with a preservation easement". The concern is I think is saying that these areas that are identified on this map are untouchable and have to be protected. Whether that was the intent or not, I think -- I'm concerned that's what it is saying, and I believe that needs to be reviewed, you know, if we are looking at reviewing it. Second, if we leave it on that condition, it creates this arbitrary condition that -- like those who finance the projects identify that how are they going to agree that they are going to finance a project when all these concerns may come up and there's really no guarantee until you're through full design and you've got approval. Second, how are we supposed to advise our clients through the process when we're dealing with something that is arbitrary as well, is it worth pursuing? So as we go on through there in Section (C), I would venture to guess that every soil sample you could take in the upper service of Boone County is going to find some Bentonite in it. And there are other soil types that are more sensitive to volume change and such if that is what we are really concerned about. I believe this needs to be stricken. It needs to be left to the geotechnical report to identify areas that are undevelopable. That is what the engineering is for. On Section (D) below that, again, I understand identifying this on a map, but we have that same problem that is caused by the stream buffer in (A) that (D) also contradicts what is being stated in other parts in the ordinance and should be -- should be stricken as well from this section. It is well-defined in other portions of the ordinance how the flood plain district should be protected. In Section (E), threatened and endangered species in federal and state laws. Well, I see no

point in that being in our ordinance. Federal and state laws are federal and state laws regardless of whether our ordinance requires it. It has to be protected. We don't have a choice. Our developer has no choice. Those laws are in place already. And then in (F), again the arbitrary concerns about views and wildlife habitat and corridors. It becomes again a very subjective standard that could be misapplied. I would also suggest maybe a section in here that -- you know, we're concerned about contradicting maybe some federal law, that there be a portion in here that says this -- no section of this ordinance would circumvent any federal, state or law regulation, so if there is any concern about like a 50 percent preservation because of endangered species, well, that's a different scenario. Because of the state law, that would override what this ordinance states and would protect that sensitive area. Onto another question regarding the 30 lots, in fact what the ordinance states is that -- it says 30 units. I'm concerned about the question about dwelling units. Now you are dealing with multi-family having some multiple street access points. I can't see that even being feasible. You're talking about a maximum of a 30-unit development. Building code requires 100 units have more than two points -- more than one point of access requires a second point of access. Again, I think whether we are talking about lots or whether we are talking about units here, I think it is important that we -- that we would look at this and get their land developed to the highest and best use while protecting the sensitive areas. I recommend we stick with a current 100 lot condition, which would be consistent with our building code. With that, I'd conclude my comments. If you have any questions, I would be happy to answer them.

MR. STRODTMAN: Any questions for this speaker, Commissioners? Yes, Mr. MacMann?

MR. MACMANN: I actually have a question of staff. That language does say "units". What does that imply? Could you define that in this instance, please?

MR. ZENNER: Units is multi-family.

MR. MACMANN: All right.

MR. ZENNER: And as referred to multi-family, it could be duplex development, it is - - a duplex structure has two dwelling units within it in a single structure. The provisions that are here are directly out of the fire code, which is part of the City's building code, and were developed in coordination with the fire chief and the fire marshal. In multi-family development, per the fire code, there is a 200 maximum a 200-unit maximum for multi-family development that allows a single point of access, if I understand correctly, to exist. Lot access is -- and the number of units, it's referenced in two different locations within the subdivision standards. One deals with the residential street segment not having more than 30 lots or units located along it, and that is earlier in the Code. And



where we have the other reference to subdivision access or subdivision entry, that is where we are talking about lot access here on page 230, and that is -- it is a specific maximum 30 lots off of a single access point. Yes, it is a 70-lot reduction in a standard residential subdivision; however, it is a 70-lot reduction in coordination with the adopted fire code. It does allow the fire chief through the review of a subdivision plat which may be done in multiple phases to be able to waive that given we have additional access points back out to the public street network that would be developed as those pieces of the rest of subdivision come online. That is how it is envisioned to be applied and put out as we move forward. But you have to at that point show us a little bit more than just a development with a single point of access if you're going to want to do more than 30 lots. We would like to see how are you going to be able to circulate within the development. That is what the fire department wants to know because they want to be able to ensure that they can get in and out. And they have access from multiple points to serve the population living there. A hundred lots or units is not consistent with the adopted other regulations that we applied to development, and that is why this has been revised to be reflective of that. It is a coordination of all of our elements, just like we have coordinated building permit def-- or building code definitions inside the new UDC. We're trying to align our multiple codes that apply to development, and this is one of those provisions. There is room for waiver, and that lies with the fire official. It does not lie with us, and that's part of the review process as part of our review team.

MR. MACMANN: Thank you.

MR. ZENNER: And again, the Planning Commission and Council have the ability to receive a request for a design modification and waive the standard.

MR. STRODTMAN: Additional questions, Commissioners? I see none. Thank you.

MR. COLBERT: Good evening, Caleb Colbert, 601 East Broadway. I just wanted to offer my support for removing subpart (F) out of the land analysis map section. I think, frankly, the terms of wildlife habitat and views and wildlife corridor, you know, those are not defined. I can't go somewhere to look and determine where -- what qualifies as wildlife habitat. So I think, you know, frankly, they may be so vague and ambiguous that they are not enforceable in the first place. And I also think that it then also creates -- it has the opposite effect. Rather than encouraging cooperation and negotiation, I think what you are going to end up with are developers and property owners that when they are told, no, you can't develop your property because it constitutes wildlife habitat, we're going to end up exchanging threatening letters back and forth in is that a taking or is it not a taking. And I think it actually is counterproductive to the idea of protecting sensitive areas. My final comment would be I would encourage the Planning and Zoning

Commission to define what constitutes a preservation easement. At this point, you know, the idea is you have to identify the sensitive areas, and then you have to subject those properties to a preservation easement, but that easement is not defined yet. So I would ask this Commission to address that before this moves forward. And with that, I don't have any further comments. I would be happy for any questions.

MR. STRODTMAN: Any questions, Commissioners?

MR. COLBERT: Okay. Thank you.

MR. STRODTMAN: I see none. Thank you.

MS. LEEPER: Hi. Alice Leeper; I'm at 2015 Ivy Way. And I'm here just because I'm just totally confused about this whole numbers and how it works out. You know, earlier the suggestion was that we reduce the total number -- total length of a subdivision block down to 600 feet. Many of the new houses are being built on 75 foot wide lots. So 75 into 600 gets you eight houses on one side of the street, eight houses on the other side of the street. You are now at 15 houses. One more block, you're at 32 -- or 30 -- I'm sorry -- 16 and then 32. So you now are saying that you have to have two connection points for a two block long subdivision. I submit that there has been a misinterpretation that has happened in determining the fire code because it just simply doesn't make sense that a fire truck cannot serve two blocks in a subdivision. So I'm thinking that perhaps what they really meant to say is a 30 house long street, so that would be 60 houses -- you know, 30 on each side because it simply does not make sense that 30 houses would be the maximum that you could serve. So I suggest that somebody needs to get some more information, and if means calling the fire chief in, then we should call the fire chief in and ask him why he can't serve a total of 30 houses. Thank you.

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

MS. CARLSON: Rhonda Carlson, 1110 Willow Creek. And I'll try to be brief, and it won't be a perfect example, but I'm going to try and give you an example on the 30 lot subdivision that maybe you can visualize. Seven Oaks Subdivision is a one-entry subdivision. It's affordable housing. It does have 178 homes in it, and if you were to do that subdivision today, it wouldn't meet the 100 lot subdivision either, but if you were to try to do something with the fire code, you couldn't go meet and say, well, I've got 30 lots, and let's try to push this through and even to get 100 lots down there, you couldn't do it. The solution usually that is going to be offered is going to be fire suppression. That is more cost. So whether you are doing 100 homes or 178 homes, the solution is going to be to add cost to an affordable home subdivision, and it is a subdivision that does exist in Columbia. I think it is a well-respected subdivision, and there are 178 homes there.

They exist on one access point, and people live there, and they live there safely. So I tell you, think about that when cutting it from 100 to 30. Thank you. Any questions?

MR. STRODTMAN: Commissioners, questions of this speaker? Ms. Carlson, thank you. Anyone else left to come up and speak?

MR. GRELLNER: Good evening, Mike Grellner; offices at 2501 Bernadette. Just a thought on this because hearing what you are saying and hearing what staff is saying, that this is a restatement of what the fire code is. And the way I understand, you know, this process, is it's -- there is the fire code and then there is the interpretation of the fire marshal when it comes to these subdivisions. So rather than take the exact language and put it into the UDO, could we reference the fire code in here and say it's at -- that's the governing document or at the discretion of the fire marshal?

MR. ZENNER: That is how it is addressed right now, Mr. Grellner.

MR. GRELLNER: My understanding --

MR. ZENNER: It states 30 lots unless otherwise exempted by the fire code or altered by the fire marshal. That's --

MR. GRELLNER: That is how it is currently stated in the UDO?

MR. ZENNER: Page 230. The statement in question, A maximum of 30 lots or units shall be permitted to be accessed from a single point of ingress/egress unless otherwise specified by the most current adopted edition of the International Fire Code or authorized by the Columbia Fire Department.

MR. GRELLNER: So there would not be a variance required in the instance it's going to be over --

MR. ZENNER: If you disagree with --

MR. GRELLNER: -- 30?

MR. ZENNER: If you disagree with the fire marshal or the fire chief as it relates to his conclusion of no more than X number of lots that may be greater than 30 and you may still want more, at that point you would come appeal that decision to the Commission --

MR. GRELLNER: Okay.

MR. ZENNER: -- and ultimately the City Council. But the way -- and that was why -- for your exact point, that is why we wanted that relief valve placed in there. This is a -- this is a design objective out of the box. If you know you are going to need more than 30 lots off of that single point of access, you either need to have a conversation as part of our concept review so you can get the support of the fire marshal or the fire chief and we can then move forward in the design process. Again, it is not necessitating that multiple points be built at the time of construction of that first phase. It is identification of where

those additional access points may be and how that may be timed into the development of the overall site.

MR. GRELLNER: And at the time that subdivision is presented to P & Z and the City Council, you would say the fire marshal has recommended --

MR. ZENNER: Yes.

MR. GRELLNER: -- allowing more than 30 lots for this subdivision?

MR. ZENNER: Off of that single access point, based on the overall preliminary plat, which shows most likely multiple points of ingress and egress, if you are following the access standards -- either the access or the connectivity standards that are presented prior to where this condition exists. And that's -- that's how all of this plays together. It will work together in that respect.

MR. GRELLNER: Okay. Appreciate the clarification. Any questions?

MR. STRODTMAN: Any questions of this speaker? Thank you, Mr. Grellner. Anyone else like to speak to us? I see nobody rushing up, so we'll go ahead and close the public input.

#### **PUBLIC HEARING CLOSED**

MR. STRODTMAN: Commissioners, discussion, questions for staff? Motions, amendments? Amendments after motions. Motions first. Twenty till midnight. I'm tired.

MS. LOE: Can we move to table the discussion on this segment until the November 10th meeting? Are we tabling all discussions until after this six segments have been presented or would you prefer to discuss it at the next meeting?

MR. TOOHEY: This is all getting very confusing.

MS. LOE: I agree.

MR. MACMANN: This is getting confusing --

MR. TOOHEY: When is what?

MR. MACMANN: I'm sorry, Brian?

MR. TOOHEY: This is getting confusing on what is happening on what day at this point now.

MR. MACMANN: I agree with Commissioner Toohey's analysis. What we could do because this is a provisional motion is move to accept, as we have done, and then these two sections sit as is.

MS. LOE: So we amend --

MR. STRODTMAN: Under --

MR. MACMANN: Until we amend -- either we do it at the end or we do the -- the next thing we should do procedurally -- sorry folks -- would be to finish this section -- the sections that we have not --

MS. LOE: Correct.

MR. MACMANN: The elements of the segment --

MR. STRODTMAN: Right.

MR. MACMANN: -- that we have not addressed at this point, at that time we could continue. I agree with Commissioner Toohey, we're going to get out of order and all crazy. I know that's not a very clear statement of process, but -- are you following where I am going? I don't want to get too far out of whack.

MS. LOE: I am. We are going to have comments in all the Segments pretty much at this point after we finish presenting them all. We just haven't discussed this one at all yet.

MR. ZENNER: Commissioners, if I may?

MR. STRODTMAN: Mr. Zenner? What do you think? Deep breath.

MR. ZENNER: Let me put my thoughts together here first so I can sound somewhat of a semblance of logic. You have tabled discussion or additional amendments to the M-DT Section, which was Segment Three to the November 10th meeting. My recommendation would be allow us to complete the discussion of the remaining two pieces of this segment at the November 2nd meeting, which would be next Tuesday -- or Wednesday -- I apologize -- next Wednesday. And we will take up discussion of subdivision standards, 29-4.3, the lighting standards, 29-4.6, I believe, along with the discussion of 29-4.2. At the November 10th meeting, you will wrap up discussion before we enter into Segment Five, all of your outstanding segments that you have not made amendments on or you have not fully completed your discussion. I think you need to complete action on what you have not yet fully discussed before we move into another segment because as I think Mr. Toohey as well as Mr. MacMann have said, you're going to get yourself really discombobulated as to what you're supposed to be talking about and we're going to get distant from the topics. Parking, Landscaping, Screening and Tree Preservation would be what you would be covering at the November 2nd meeting. That will occupy probably at least an equivalent amount of time, if not slightly less of your next meeting. And I would say that you will not have -- you will probably be able to have discussion of those two components during that meeting. I would hope that you would be able to, and you would be able to wrap up any amendments to those sections, but you will need to come back to get the other three. And before you move on to Procedures and Enforcement, we definitely do need to complete your discussion of the other three items at this point.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Given Mr. Zenner's explanation, and I think if we are all on the

same page, I move to table this discussion to our next scheduled meeting, Wednesday, 2 November, at 6:00 p.m., and we pick up where we left off. And after we finish this Segment, we can address all of the amendments to this Segment.

MR. STRODTMAN: Everyone clear with that motion, I guess?

MS. LOE: Second.

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: For purposes of clarification, that means you will take care of all of the Segment's questions or all of the Segment's amendments at the end of the November 2 meeting. November 10's meeting either is going to be dedicated to completing the discussion of M-DT -- which is what you have previously tabled the M-DT table to with no additional discussion. Am I -- is that the desire of the Commission that the November 10 meeting will not include any other Segment presentation, other than wrapping up M-DT?

MS. RUSHING: What about this Section?

MR. ZENNER: This Section would be wrapped up on the 2nd, is what I just understood Mr. MacMann --

MS. RUSHING: Okay.

MR. ZENNER: -- to suggest.

MR. MACMANN: Just -- just to clarify, it is my intention that the next time we meet, we finish this Segment, Section number --

MR. ZENNER: Four.

MR. MACMANN: Segment Number Four. What Mr. Zenner said, if I'm following him is just -- was a point of clarification. The only thing that we are kind of doing out of order then is the M-DT.

MS. RUSHING: Okay.

MR. MACMANN: And Commissioner Toohey and I both expressed the concern that we not get anything else out of order.

MS. RUSHING: Got it. Thank you.

MR. MACMANN: All right.

MR. STRODTMAN: And we have a motion and we have a second. Ms. Loe, are you still okay with that motion? Yes? She shakes her head.

MS. LOE: Yes.

MR. STRODTMAN: We need a roll call on that? Do we need a roll call on that tabling? Sure.

MS. RUSSELL: All right. Let's call it.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. MacMann,**

**Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Motion carries 9-0.**

MS. BURNS: That's nine in favor to approve. Motion carries.

MR. STRODTMAN: So our next meeting will be November 2nd, Wednesday, 6:00 p.m. Commissioners, we will start at 5:00 for a work session and we will be covering Segment Four remaining items.

#### **IV. COMMENTS OF THE PUBLIC**

No comments of the public offered

#### **V. COMMENTS OF THE STAFF**

MR. ZENNER: And before you adjourn for this evening, the November 10th meeting is a regularly scheduled Planning and Zoning Commissioner Meeting. We will report out to you the topics of regular business that will be on that agenda, which there are several that we will need to take care of, and I would suggest in deference to the applicants that have applied, to have their cases heard on the 10th that the agenda will so be structured that the items of regular business are at the top of the agenda and the discussion of M-DT is at the end. Unlike what we have done in our prior meetings, I also need to inform the Commission, as we discussed in work session, the November 10th meeting is the last scheduled meeting for the month of November due to the Thanksgiving holiday. And given where we are at this point and the necessity to be able to complete the last segment of the presentation, we are going to need to likely schedule another meeting. We actually have two segments left, Segments Five and Six. We will likely need to schedule a special Planning Commission Meeting at the end of November, if you would like to complete this process this month. Open dates at this point, which I would have to confirm, may exist the week of Thanksgiving, November 22, and then the week of November 14th. And I will have to check the calendar as it relates to the 17th of November, which is the Thursday following your 10th's meeting or potentially, Wednesday, the 16th, as it relates to meeting the week after the 10th. I realize that the Thanksgiving holiday is coming upon us, and some of you may be away. If that date of that week does not work, I -- I would recommend that we have a meeting either on the 16th or the 17th, and I just need to be able to have that properly noticed, and then add it into the City calendar as well. Is there a preference of the Commission as to which week you would like to meet to add the additional meeting?

**Commission discussion followed Mr. Zenner's question and is shown under the heading of "Comments of the Commission"**

**VI. COMMENTS OF THE COMMISSION**

MR. TOOHEY: Can I voice an opinion on this? We've been working on this for 12 hours and we're not even halfway done. This format is not working. So we either need to come up with a better schedule on how we are going to do this and take our time, because this is just not working. I mean, we're -- we are having these people come down here and spend six hours -- twelve hours so far, and we're not even halfway done. I think we need to come up with a better schedule for the public to know when we are actually going to talk about these things and take our time.

MR. STRODTMAN: Commissioners, additional --

MR. STANTON: Yeah. What do -- what do you suggest?

MR. TOOHEY: I think we can go ahead and just -- either go ahead and extend this into next year if we have to and just have regular P & Z meetings where we talk about these topics -- but I don't think it is fair to the public to all of the sudden say, These -- we have these important issues and we're going to go ahead and just schedule these for next week. You guys had better be here if you want to talk about it.

MS. RUSHING: For another six hours.

MR. TOOHEY: Right. For another six hours. I mean, I'm sacrificing myself to be here on the 2nd when I've got a 6:00 a.m. flight on the 3rd. And I'm willing to do it, but, I mean, I just think this is starting to get ridiculous when we are here for six hours -- we've already been here for 12 hours, and we're not even halfway done. We're going to be here for another at least twelve hours.

MR. STANTON: We've still got regular Commission business as well.

MR. TOOHEY: I --

MR. STANTON: If we are having our regular meetings, then you are going to have marathon meetings anyway because we still have to conduct the business of the Commission --

MR. TOOHEY: Then what's the rush?

MR. STANTON: -- outside of this.

MR. STRODTMAN: Well, I think the rush has always been, Mr. Toohey, the City Council's direction to get this done and to them before -- you know, before -- before the end of the year. Now, I agree that that is their timeline. That doesn't mean it has to be our timeline. If we believe that we need more time and then we need to take more time. And I also agree that it is probably unfair to ask the citizens to be here for certain topics, and then we don't get to those topics because of time. So we probably do need to back up and say, okay, we're going to do one section at a time, and in-between, we're going to have our own meetings so that we can talk about it internally, and then the following



meeting, you know -- I don't know if tonight is the best time to think about all of this either, but --

MR. TOOHEY: And I agree with that too. I'm just --

MR. STRODTMAN: It's --

MR. TOOHEY: We're 12 hours in.

MR. MACMANN: I agree with Mr. Toohey's point, and we have some time to discuss this next time, and I -- we have other options before -- rather than finishing before Thanksgiving, and we have other options, I think, rather than finishing in January. And I think we have a little bit of time to talk about that. But I think we can address Mr. Toohey's concern about short notice to give people a few weeks' notice and the Council's discretion or desire to have this done as soon as possible.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: I think we have to get this right. We can't just rush to judgment because the City Council wants us to have something by the end of this year. We either get it right or we don't do it at all. And so I'm really in favor of pushing this to January or February, so we get it right. I know we have been working forever it feels like on this, but I still think we have to get it right.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: I agree with getting it right. I also think that there is a timeliness to remember what was discussed as we go over our notes and make the amendments that we want to make. If we are talking about pushing it into February, that's a long time away. I know we have already scheduled a meeting of the 2nd. I like the idea of doing a segment at a time and not anticipating that we can do two segments in a meeting, but I think we need to get this at least discussed, and then see where we are at the end of the discussion.

MR. STANTON: Yeah. I kind of concur with that. Maybe a section per -- I think maybe one more special meeting to kind of clean up where we are at, and then from here on out, have one section discussed per normal business meeting.

MS. BURNS: And I think we already had scheduled the November 2nd, so are you saying in addition, you would be accepting of a second meeting after that one?

MR. STANTON: Well, the way staff is talking, the November 10th is going to be a heavy meeting. Am I right? We've got a lot of normal business to take care of on the 10th. Mr. Zenner, is that correct?

MR. STRODTMAN: Yes.

MR. TOOHEY: Yes.

MR. ZENNER: I have -- I don't have the schedule memorized --

MR. STANTON: Oh.

MR. ZENNER: -- as to what the case load is, but I do know we have a number of items on the agenda. I don't know if they are rezonings. I don't know if --

MR. STRODTMAN: We've tabled two from last week, so --

MR. ZENNER: Yeah. We've got -- we have a least -- at least four public hearing items on the agenda, two of which were tabled from prior regularly scheduled Planning Commission meetings. If you are only wanting to cover one section per scheduled regularly scheduled meeting, you have two regularly scheduled meetings before the end of the calendar year.

MS. BURNS: Yeah. That's not my suggestion.

MR. ZENNER: No. Well, --

MS. BURNS: My suggestion --

MR. ZENNER: -- that however is what Mr. Stanton is suggesting.

MR. STANTON: Yeah. I'm thinking --

MR. ZENNER: And I am -- I am giving you what your regularly scheduled Planning Commissions are. You have two left. So whatever decision the Commission would like to make as to the volume of what you would like to cover is entirely up to you. We have publicized the agenda. We have done what is required of you from a procedural perspective, and that is to move forward the agenda and the items that have been incomplete. The uncertainty of public comment is what impacts the length that these meetings run. And what you are doing by tabling the project to a meeting at a date certain is appropriate and an appropriate process. If you want to start to table out items to a date certain that only tie to your Planning Commission meetings, that is your choice. I -- to get it is right is -- is -- you know, we're going to continue to be working the project well into the beginning of next year at that point, and I don't know what response you will receive.

MR. STRODTMAN: I -- I would like to suggest that we look at doing that, and I think going to every week is -- is too much. It is too hard for me, personally, to keep up with what we discussed last week, much less be able to review and keep up with the going forward schedule. I'm almost inclined to say our next two regular meetings, we crank out the two sessions that we've -- one we've postponed and one we have kind of tabled. We use the 2nd for maybe internal discussion on the topics we have already worked on. We've had time to go back and recap some of the questions we had before because it does seem that we are moving way too fast. I'm not -- we're not able to keep up. We're not able to get ahead, and much less talk about what we talked about last week. So I don't know what that looks like, but --

MS. RUSHING: Could we do --

MR. TOOHEY: I'm almost --

MS. RUSHING: -- Section Four, and the M-DT on our next meeting and then -- then that way, we would be moving forward. No? Okay.

MS. BURNS: Well, I think we -- to the public indicated in our motion that we --

MS. RUSHING: Oh.

MS. BURNS: -- were doing it to the 10th.

MR. ZENNER: And I will tell you that you needed to move that to the 10th because you have to have an opportunity to analyze yourself the issues that have been raised during the public input. There would have been unfortunately no way we would have had a productive discussion next Wednesday on the M-DT requests that you have had presented to you this evening.

MS. RUSHING: Okay.

MR. STANTON: Will the November 2nd meeting -- I'm looking that maybe we just need that to just kind of straighten everything out, and I think we can get rid of -- we can get through Section Four on the 2nd.

MR. MACMANN: The November 2nd meeting has a work session?

MR. ZENNER: Yes. All of your --

MR. MACMANN: All right. I was just --

MR. ZENNER: -- meetings will have work session.

MR. MACMANN: -- clarifying that. And the next potential early dates for a meeting are the 16th or 17th?

MR. STRODTMAN: Correct.

MR. MACMANN: If we make a decision at that time, we'll still be giving the public two weeks' notice, if we make a decision to go regular meeting -- regular meeting -- excuse me for not speaking in the microphone -- regular meeting -- by regular meeting, we give the public two weeks' notice. If we decide to go with one more special meeting, depending on where we get or what we think we'll get. What I'm saying is we can decide this on the 2nd before we come out or as we come out so it is done in public. We can talk about it in work session.

MR. STRODTMAN: And then the 2nd we would do what?

MR. STANTON: Section Four.

MR. MACMANN: We could decide what we wanted to do.

MR. STANTON: Section Four. I think we can finish Section Four out and then --

MR. MACMANN: What I am saying is that we do not have to pick an exact schedule at this time. That is what I'm saying. I'm saying we could decide that on the

2nd and still get the public -- because the soonest we get to schedule another meeting would be the 16th or 17th.

MR. TOOHEY: I agree with that. I think that makes sense.

MR. MACMANN: I mean, we could discuss it when we're a little more clear headed and not quite so tired and still give the public plenty of notice or as much notice as is doable, and then we can make that decision do we schedule another meeting, do we follow our normal course, you know, what is and what is not --

MS. RUSHING: So do we hear another section on the 2nd?

MR. MACMANN: I -- I submit -- I mean, just my thought is as follows: We proceed with the remainder of Segment Four and whatever we had hoped, you know, in getting it defined anyway. So there is a lot in Four to do still.

MR. STRODTMAN: So for November 2nd, we would do our normal work session from 5:00 to 6:00 and 6:00 we would open it up and do the remaining items --

MR. MACMANN: On Four.

MR. STRODTMAN: -- of Four and then ideally do a motion and amendments for Four.

MS. RUSHING: Uh-huh.

MR. STRODTMAN: The 10th, we would be moving into M-DT and our normal business. Normal business would come first. The M-DT pickup and public input would be second. I guess there is really no public input because --

MR. MACMANN: And that would leave us what I consider almost two or three sections -- Five, Six. And that final section we're going to -- we have planned or had hoped to offer the public to make -- to go make back amendments or back comments on things that weren't picked up. So that's a lot -- it is a lot of work. It is a lot of work. But I think we -- if it is going to be a lot of work, I think we err on the side of taking some time to plan it. Are you with me on what I'm saying here?

MR. STRODTMAN: Okay. Everybody clear with that? So November 2nd, special session, we will cover the rest of Four. The 10th, we will go ahead and do the M-DT since we promised that M-DT would be done. Before the M-DT discussion, we will have our normal work session -- or normal work activities. And then at that point we will make a decision as to what we're going to be doing in either another meeting --

MR. MACMANN: And give the public plenty of notice about when and how and, you know --

MR. STRODTMAN: Okay.

MR. MACMANN: -- that type of thing.

MR. STRODTMAN: So comments from staff? Do we need anything else, staff, or

as clear as mud for 12:00?

MR. ZENNER: See you all at 5:00 on the 2nd.

MR. STRODTMAN: 5:00 p.m.? Five p.m.? Just clarification.

MR. ZENNER: No, I would like an a.m. meeting so that we can just get started real early.

MR. MACMANN: I will be up Manager Zenner.

MR. ZENNER: We will see you at 5:00 p.m. for your work session.

**VII. NEXT MEETING DATE - November 2, 2016 @ 6 pm (tentative)**

**VIII. ADJOURNMENT**

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

MR. MACMANN: Motion to adjourn.

MR. TOOHEY: Second.

MR. STRODTMAN: All in favor?

**(Unanimous vote for approval.)**

MR. STRODTMAN: Thank you. Have a nice evening.

(The meeting adjourned at 11:58 p.m.)

(Off the record.)

**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.