



City of Columbia, Missouri

Meeting Minutes

City Council

Saturday, March 11, 2017
1:00 PM

Special

Council Chamber
Columbia City Hall
701 E. Broadway

I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a special meeting at 1:00 p.m. on Saturday, March 11, 2017, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members TREECE, RUFFIN, TRAPP (arrived at approximately 1:14 p.m.), SKALA, THOMAS, NAUSER, and PETERS were present. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The agenda was approved unanimously by voice vote on a motion by Mr. Skala and a second by Mayor Treece.

II. PUBLIC HEARINGS

PH2-17 Consideration of the Unified Development Code.

Discussion shown with B43-17.

B43-17 Repealing Article III of Chapter 12A and Chapters 20, 23, 25 and 29 of the City Code; enacting a new Chapter 29 of the City Code to establish a Unified Development Code; amending Chapters 2, 6, 13, 24 and 27 of the City Code as it relates to the Unified Development Code (Case No. 16-110).

PH2-17 was read by the Clerk, and B43-17 was given fourth reading by the Clerk.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #1, which involved clerical amendments for Articles 1-6. The motion was seconded by Mr. Thomas and approved unanimously by voice vote.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #2, which involved clerical amendments for Appendix A.

Mr. Thomas asked for an explanation of what the downtown alley diagram and table toward the end would legislate. Ms. Thompson replied there were not any changes being made to the downtown alley map. Mr. Thomas understood it was exactly as it was in the street design standards previously. Ms. Thompson stated an amendment was not being made to it as part of Amendment #2. Mr. Zenner explained the actual diagram portrayed an alley width that would be 24 feet wide, 12.5 feet on each side of the centerline, where no alley existed with a minimum 18-foot travel surface. The existing alleys were roughly 15-16 feet wide and created challenges for certain services, such as trash collection. This alley standard would apply in the regulating plan area only, and was a slightly wider alley section than they would have in a residential area.

Mr. Trapp arrived at the meeting.

Mr. Thomas understood they were going from 20 feet to 24 feet. Mr. Zenner stated that was correct. He explained with regard to the table, it had been amended through the Planning and Zoning Commission (PZC) process. Mr. Thomas asked for clarification. Mr. Zenner replied there were not changes between the recommendation of the PZC and what he was currently seeing. Mr. Thomas understood there were changes between the current code and what was proposed. Mr. Zenner stated there was not an alley standard for the downtown in the current code except for what was in the street standards, which was a slightly narrower alley with roughly the same pavement width. Mr. Thomas asked for clarification regarding the colored areas to the side of alley. Mr. Zenner replied the colored areas on either side of the actual travel surface were represented the areas that would be pervious pavement. He commented that it had been landscaping, but the PZC took that out given they were trying to produce a service related corridor. It was originally either landscaping or pervious surface. Landscaping was removed, and it was changed to impervious. Mr. Thomas asked if it was required to be impervious. Mr. Zenner replied it could be paved building face to building face, but an alternative had been offered if there were stormwater needs that had to be met on a redeveloped site. Mr. Thomas understood the colored strips were each three feet wide and the gap between them was 18 feet. Mr. Zenner stated that was correct. Mr. Thomas understood it was not drawn to scale. Mr. Zenner stated that was correct. It was only illustrative.

Mayor Treece understood this did not change any of the current alley restrictions or vacations. Mr. Zenner stated that was correct. He noted this particular standard of alley construction would only become effective in an instance where the regulating plan for the M-DT showed an alley needed to be installed where an alley did not exist. The alleys that currently existed would not necessarily be affected by this.

Mr. Thomas pointed out there was a notation that stated the pervious area shall not be used for landscaping, and asked if it could be used for the landscaping requirement on the lot. Mr. Zenner replied no. He stated that note was intentional to ensure there was not plant material within this particular area as it was meant to function as bypass space and management for waste collection, etc.

Ms. Thompson explained the purpose of Amendment #2 was to correct the clerical and consistency errors in Appendix A. It was not to adopt Appendix A. Appendix A would be adopted with the UDC at the end of the process. Mayor Treece understood this was just a technical amendment. Ms. Thompson stated that was correct. She explained they were provided the entire Appendix included in the amendment because there were so many changes that needed to be made. Mayor Treece understood the adoption on this technical amendment did not foreclose on other amendments.

The motion made by Mayor Treece to amend the Unified Development Code associated with B43-17 by adopting Amendment #2, which involved clerical amendments for Appendix A, was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Nauser made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #8.

Ms. Nauser explained this amendment would eliminate the five year restriction on the acquisition of easements when a plat was submitted. She noted the easements for Phase 3 of Scott Boulevard would not have been able to be obtained if this policy had been in place. They would have had to purchase the easements and subdivisions would have been built without the consideration of easements that would be needed.

The motion made by Ms. Nauser to amend the Unified Development Code associated with B43-17 by adopting Amendment #8 was seconded by Mayor Treece.

Mr. Thomas asked for comments by staff. Ms. Thompson replied state law required the Council to adopt a major roadway plan as part of the planning document, and once that major roadway plan had been adopted, no development could occur that was not in

compliance with that major roadway plan. This amendment would put them in compliance with state law. Mr. Thomas asked from where the five year time frame had come. Mr. Zenner replied the five years had been offered by the consultant in relationship to other general goals and objectives that were in the comprehensive plan, such as the coordination of the capital improvement program with road improvements. Unbeknownst to the consultant, they had to comply with state statute as it related to the official map. He noted the consultant erred in stating a five year window, and Ms. Nauser was correct in her desire to ensure that roadways identified on the roadway plan should be acquired as subdivisions were platted. Mr. Thomas understood they should be acquired and should not expire after five years. He asked why Clarion had recommended this. Ms. Thompson replied she did not think the consultant had been familiar with Missouri law. Mr. Thomas asked why this would be done in another state. Mr. Teddy replied the roadway plan had many future roadways shown on it, and some were really long range with no advance planning so staff did not have any idea of the alignment of some roadways. He noted it sometimes created a dilemma for staff when a tract was subdivided in terms of telling the subdivider whether right-of-way was required, and thought the five years had been based on that feedback. Mr. Thomas stated he was sympathetic to that view, and not only in terms of the alignment, as there might not even be a need to build certain roadways on the major roadway plan. He thought if a plan could not be developed within five years, the excessive right-of-way width should not necessarily persist.

Ms. Nauser pointed out the capital improvement program for roads was a ten year program, not five years. She stated if they had not been able to obtain the easements for Scott Boulevard, they would not have been able to finish that road, and she did not feel anyone could argue that the road did not need to be improved. Mr. Thomas commented that he would argue that as he thought it had been extremely excessive and overbuilt. He felt they had created a very dangerous roadway that had contributed to more sprawl and infrastructure costs in the community.

Ms. Peters stated she agreed with Ms. Nauser, and pointed out they did not have to build the road if it was not needed. She thought it was good future planning to have the availability to improve roads. She noted they could end up with more grass and less pavement, which she felt was acceptable.

Mr. Skala commented that he thought it was reasonable to take these proactive steps even though he agreed with Mr. Thomas in that some roads should not have been expanded to four lane roads. He thought it was reasonable to ensure they had the right-of-way if it was ever needed.

The motion made by Ms. Nauser and seconded by Mayor Treece to amend the Unified Development Code associated with B43-17 by adopting Amendment #8 was approved by voice vote with only Mr. Thomas voting no.

Mr. Trapp made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #4.

Mr. Trapp commented that there were lots of areas zoned commercial in the Second Ward to include many restaurants. He thought maintaining restaurants in that zoning district made sense and there was not a lot of harm a restaurant could do to an industrial district. He wanted to see more restaurants developed in the Second Ward.

The motion made by Mr. Trapp to amend the Unified Development Code associated with B43-17 by adopting Amendment #4 was seconded by Mayor Treece.

Mayor Treece thought there were a lot of entrepreneurs, such as craft beer makers, starting up in industrial spaces that would incubate the types of restaurants they were seeking. Mr. Trapp felt they should uphold a principle of mixed-use in general. He understood the concern of staff in terms of controversy, but pointed out they also wanted a walkable community. As a result they needed places to work, places to get stuff, and

places to live mixed up together. Mayor Treece understood the alternative was to require a conditional use permit. Mr. Trapp stated that was correct, but it was an extra step, and an entrepreneur might not have the money for that engineering step. He thought they wanted to facilitate grassroots projects.

Mr. Skala commented that he thought this amendment was a good idea for all of the reasons mentioned by Mr. Trapp.

Mr. Thomas understood that when the UDC process began that Clarion was going to recommend a form-based code over the entire city, which would have addressed this, and asked if there had ever been discussion about a citywide form-based code. Mr. Teddy replied that had not been in the scope of work. It had stated form-base was desired for the downtown. Their research, preliminary to hiring the consultant, had indicated most cities that adopted form-based codes did it in special areas such as the downtown or central business district. There were a few examples of whole city form-based codes. Mr. Thomas asked how they were working. Mr. Teddy replied he was not certain. Miami was the example he was thinking of, and they did a smart code for the entire city. Mr. Thomas stated he hoped at some point in the future they thought about form-base throughout the city because he believed it addressed almost all of the issues with zoning. If the building in the neighborhood had a form and appearance that was satisfactory, he did not feel the use should matter. Mr. Teddy explained the consultant had labeled the majority of the districts as mixed-use districts. IG was probably the exception as they thought of that as the heavy industry area. He noted industry was pretty clean these days so there was not a lot of real incompatibility.

Mr. Skala commented that there had been a lot of discussion regarding form-based codes early on, but thought they had come to the conclusion that it did not seem to work quite as well citywide as it did with particular areas.

Mr. Trapp stated he thought he was the only one on the Council when they had launched this process, and they had decided then not to do form-base citywide and to use it downtown to see how it worked. He appreciated people speaking in favor of this amendment for restaurants as a permitted use in the IG district as it would be a nice change for the Second Ward.

The motion made by Mr. Trapp and seconded by Mayor Treece to amend the Unified Development Code associated with B43-17 by adopting Amendment #4 was approved unanimously by voice vote.

Mr. Trapp made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #7.

Mr. Trapp stated the rural cluster density bonus was one of the things he was most excited about as it would cluster housing and preserve chunkier greenspaces, which was a better way to use land. The solar density bonus nicely complimented the ordinances they already had for solar readiness because they were now orienting houses correctly. He believed both were fundamental goods and did not feel a developer would do both if there was not a benefit. He felt the 20 percent bonus being too dense was mitigated by the fact that density was constrained by the ability to plat lots in terms of the minimum size of lots. In addition, there were allotments made for utilities. He did not find the argument of staff that they would be stacked up on each other or they would not be able to space utilities convincing. If they could only get one or the other, he thought they would see a lot of solar and not the clustering, which he suspected would be more difficult.

The motion made by Mr. Trapp to amend the Unified Development Code associated with B43-17 by adopting Amendment #7 was seconded by Ms. Nausser.

Mr. Thomas noted he supported this for all of the reasons stated by Mr. Trapp and because they wanted to create more density in certain key locations in order to improve infrastructure, transportation, and other services.

The motion made by Mr. Trapp and seconded by Ms. Nauser to amend the Unified Development Code associated with B43-17 by adopting Amendment #7 was approved unanimously by voice vote.

Mr. Thomas made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #5.

Mr. Thomas stated he could see no reason to prohibit museums or libraries in an industrial area, and allowing more mixed-uses would move them toward a more mixed-use community.

The motion made by Mr. Thomas to amend the Unified Development Code associated with B43-17 by adopting Amendment #5 was seconded by Ms. Nauser.

Mr. Trapp commented that industry was changing, and he could see industry and museums or industry and libraries merging. He thought people would self-select on whether they wanted to be in those areas, and did not feel they needed to preclude them by law.

Mayor Treece understood museums and libraries were currently prohibited in industrial areas and an alternative could be to require a conditional use permit. Mr. Zenner commented that if they did not make it a permitted use, he would suggest it be conditional use subject to use specific standards so they would not have to run it through the PZC or the Council unless it went beyond the threshold. He thought it could be a conditional use subject to use specific standards to be developed at a later date. Mayor Treece stated he was inclined to agree. He did not think museums and libraries should be prohibited, but felt a conditional use permit process that put it back in front of them would be appropriate.

Mr. Thomas understood this was different than a restaurant which might involve a start-up business that might not be able to go through an additional process.

Ms. Nauser commented that she was always looking for ways to decrease the workload so they were not at meetings in the wee hours of the morning. She was not sure how a museum, library, or higher education facility could be controversial in an industrial area, and recommended adding it as a permitted use.

Mr. Skala stated he was leaning toward requiring a conditional use permit in order to allow for a discussion in front of the Council as it oftentimes provided a lot of information and created a way for the public to give their input.

Mr. Thomas commented that he thought museums, libraries, and higher education were institutional civic public buildings and uses, and he believed there could be a benefit to public discussion about the designs of those buildings.

Mr. Thomas made a substitute motion in lieu of Amendment #5 to amend the Unified Development Code associated with B43-17 so that a museum or library in an IG zoning district would be allowed as a conditional use permit. The motion was seconded by Mayor Treece.

Mr. Trapp stated they did not know what museums, libraries, and higher education facilities would look like in the future. He noted no one had anticipated Uber or Airbnb so he did not want to preclude how people received information, accumulated artifacts, or educated themselves. He commented that he agreed with Ms. Nauser that it be a permitted use.

Mayor Treece understood a museum was in the eye of the beholder as there were dog museums, bowling museums, and hall of fames whereby they might want to exercise consideration.

The substitute motion in lieu of Amendment #5 made by Mr. Thomas and seconded by Mayor Treece to amend the Unified Development Code associated with B43-17 so that a museum or library in an IG zoning district would be allowed as a conditional use permit was approved by voice vote with only Mr. Trapp and

Ms. Nauser voting no.

Mr. Thomas made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #6.

Mayor Treece understood higher education was currently a conditional use in an IG district, and this amendment would change it to a permitted use.

Ms. Nauser asked why there was a distinction between higher education and elementary and secondary education. Mr. Zenner replied higher education that was not the University of Missouri was required to go through an actual planning process, which meant they had to produce their campus master plans for review and approval. The elementary and secondary school system within the Columbia Public Schools environment was not the same. Ms. Nauser understood the University of Missouri was its own governmental entity. Mr. Zenner stated that was correct. He explained Columbia College and Stephens College were the campuses of higher education. The way the code was written previously, which was carried forward, required campuses of higher education to have a master plan, and as long as a building was shown on the campus master plan, the underlying zoning restrictions did not generally apply to the development. It generally applied to campuses, and not singular buildings.

Ms. Peters understood this amendment would change what was currently done. Mayor Treece stated that was correct. If they wanted to keep this as a conditional use, they could reject the amendment or just not offer it.

Mr. Thomas withdrew his motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #6.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #11.

Mayor Treece explained this amendment had been proposed based upon the testimony of Mr. Lindner related to existing shopping centers adjoining residential areas as a change would require them to seek a rezoning. He noted he would prefer to convert those C-1 properties to the appropriate zoning district.

The motion made by Mayor Treece to amend the Unified Development Code associated with B43-17 by adopting Amendment #11 was seconded by Mr. Trapp.

Ms. Peters asked staff if they had any concerns with this change. Mr. Zenner replied they did not have concerns based upon the way the amendment had been constructed as he thought it acknowledged the locations that had transitioned over time. He noted the code included imbedded restrictions within the ability to redevelop property, such as stormwater, parking, and landscaping. He reiterated the amendment was not inappropriate per the perspective of staff and noted it addressed the issue at hand.

Ms. Nauser understood Mr. Lindner had wanted these properties to be converted to M-N and Amendment #11 addressed M-C and M-N. She asked if this would convert those nine properties from C-1 to M-C instead of M-N. Mayor Treece replied all of the current C-1 would be converted to M-N with the exception of those shopping center properties that were converted to the M-C district when they met those three criteria.

The motion made by Mayor Treece and seconded by Mr. Trapp to amend the Unified Development Code associated with B43-17 by adopting Amendment #11 was approved unanimously by voice vote.

Mayor Treece commented that in terms of the neighborhood protection standards and the neighborhood transitions, they could adopt what they had, amend what they had with regard to lot size, height requirements, widths, setbacks, etc., insert their own plan, or send it back to the PZC. He stated he had a few amendments he would like to offer to strengthen the neighborhood protections and would then like to keep what they had and give PZC the discretion to have a thoughtful engagement process on the issue. He noted they had heard from a lot of neighborhood people that were not completely pleased but

did not want to go without the neighborhood protections, and others who felt it went too far. He thought there were a handful of accommodations that could be made, which included accessing the Board of Adjustment (BOA) for any hardships that were created while protecting the neighborhood protections they had now.

Mr. Skala agreed there were several course of action they could take. He commented that, personally, he would like to see the UDC go forward after any modifications they might make. He stated he was not fond of the idea of excising certain portions and sending it back for rework and winding up with a partial document. He was inclined to keep it together. Since there was a good deal of controversy on the neighborhood protections, he thought it might be appropriate to have the PZC look at the issues in more detail or create an interim group to address unintended consequences and exceptions. He reiterated his inclination was to not tinker too much with these individual requests before the PZC and other groups had the opportunities to study them beyond what they were doing now. He thought they should keep the UDC unified, make the provisions for additional advice, and include outlets and alternatives.

Ms. Nauser commented that she thought the neighborhood protections were extremely restrictive for people outside of the downtown area. The testimony was mostly from people in the downtown area and nearby neighborhoods. She did not recall people in her ward that lived next to commercial properties stating they purchased a home next to a commercial property and hated it. The proposed code would place some onerous restrictions on people's property if they were to redevelop. She understood Columbia had 21,000 acres of residential property as opposed to 8,000 acres of industrial, commercial, and office property. People that owned industrial and commercial properties were the job creators. She did not feel additional restrictions and restraints should be placed upon them solely because a house was located on the adjacent property. It did not seem to be fair when they had already co-existed for 20 years. She understood there were issues in the downtown, but felt those issues did not translate to the areas outside of the downtown. She stated she would prefer to not have any of these neighborhood protections, but if that could not be done, she thought it should be sent back to the PZC for their review.

Mr. Trapp stated he agreed with Ms. Nauser. This was very much designed for midtown, and not the entire city. He had received more comments from Second Ward residents on this issue than anything else, and they were all opposed to the neighborhood protections because they did not want to see their buildings become nonconforming. He noted he had visited with a printer that had great plans to expand his business and add workers, but he would lose 20-30 percent of his site if they did not pass some of these amendments. He commented that there were already lots of neighborhood protections included in the code and felt the fairest thing for the entire community would be to live with the protections in the other parts of the code and send the neighborhood protection standards back to the PZC to craft something that more narrowly targeted what they were trying to address where they were trying to address it. He did not want it to create onerous burdens for small businesses, penalize mixed-use developments, and increase the suburban experiment by creating larger lots with single uses. He stated he lived in an R-1 style house, but that was not where millennials were going in terms of housing. He noted the neighborhood protection standards put onerous burdens on condominiums, which were a great form of affordable housing, and penalized the future over narrower concerns at the moment.

Mr. Thomas asked what the PZC had said about the neighborhood protection standards. Mr. Zenner replied they had recommended allowing them to have a greater opportunity to try to balance the discussion in terms of investment rights and residential rights. One of the principle arguments that had arisen during the PZC process had been use versus the zoning of the land. He commented that Ms. Thompson had shared information that involved the necessity to change the desire of Clarion to protect land use back to zoning, and thought that might address a significant amount of concern that existed. If one had a

future R-MF property, which was the replacement to R-3, and it was used as single-family, the use could not drive the neighborhood protection. Mr. Thomas understood the neighborhood protection standards would be triggered by a single-family zoning use in a multi-family zoning district in the proposed code, and asked how the use would be verified or documented in order to make a determination. Ms. Thompson replied that was part of the problem. Mr. Thomas understood it was a flawed suggestion to go with use versus the zoning district. Ms. Thompson stated that was correct. Mr. Teddy explained staff would have had to observe what was present. If there was any doubt that it was house occupied by a single family, they could look at the tax records. Mr. Thomas commented that it sounded like a mess to him so he was pleased no one seemed to think that was a good idea anymore. He stated this underscored his general feeling that they should not try to micro-legislate these issues all at one time in order to rush and pass a large piece of legislation. He thought this should go back to the PZC to further look into the issues. He noted he had the same concerns as Mr. Trapp in that these standards would perpetuate sprawl, limit their ability to move to a vibrant, modern transportation-oriented layout, increase infrastructure costs, etc. He explained he was persuaded by arguments he had heard from Ms. Fowler and Mr. Cullimore about preserving older homes as affordable housing stock, but was not sure the neighborhood protection standards were the best way to do it. He commented that he was leaning toward taking the neighborhood protection standards out of the code and sending them back to the PZC.

Ms. Peters asked if they were to send it back to the PZC if that meant they would use the old standards, continue to have a moratorium on building, etc. She wondered what they would do in the interim.

Mr. Skala stated he was not in favor of excising the neighborhood protection standards and sending it back to PZC for many reasons to include what they would do in the interim. He thought the Law Department had come up with sufficient changes to shift the burden from the use idea, which was flawed, to the zoning-based idea. He thought that was a legitimate amendment they could decide as the Council. If they accepted the code with the necessary corrections, they would have something in place. They could then look into further amendments. He believed it was a mistake to pull out the neighborhood protections standards and approve the rest of the code as it would be incomplete. He thought they should ensure it was intact and allow the PZC to work on it in that form.

Ms. Nauser commented that there was a whole list of protections in the code irrespective of whether or not the neighborhood protection standards were adopted at this point. The downtown had its own special protections, and overlays protected the East Campus and Benton Stephens neighborhoods. She felt they should send the neighborhood protections back to the PZC for additional input as the standards would severely impact the community.

Mayor Treece stated he was reluctant to delete the existing recommendations of the PZC in their entirety. He thought there were a few amendments they needed to adopt to provide some protections the neighbors could rely upon along with the establishment of a way to address hardships created. If they left the existing neighborhood protections in place, it would incentivize the PZC and property owners to work together with some sense of urgency to bring something back and provide both sides the appropriate leverage needed to reach an agreement. If they were deleted, the neighborhoods would be left without any protection and people would likely do things prematurely because they felt there would be a change later. He felt it was much better to adopt some of the existing protections on both sides as it provided predictability and process.

Mr. Thomas asked about sending it back and extending the administrative delay for another six months. Mayor Treece replied he was not sure the administrative delay was adequate as it only addressed a one mile radius and they might have some neighborhoods that were affected that were not included in that area. He noted one of the

amendments would provide access to the BOA in case there was a hardship. He understood Amendment #36 changed the reliance from use to zoning, and it would probably provide some protection.

Ms. Nauser asked Mayor Treece if he was advocating going through the rest of amendments. Mayor Treece replied he thought they should go through at least Amendments #19-#27 and #36 and then get into the parking issues. Ms. Nauser stated if they went in that direction, they needed to talk about nonconforming structures and other issues.

Ms. Peters pointed out, in the neighborhoods around the central city, people bought homes next to R-3 zoned homes, which were considered commercial for redevelopment, but looked like homes. She thought that was different than buying an R-1 zoned house that backed up to a Gerbes parking lot as it was obvious in that circumstance they were next to a commercial property. Ms. Nauser understood apartments could be built on R-3 zoned properties. Ms. Peters stated that was correct, but someone could purchase a house next to another house on R-3 zoned property that was later torn down to build an apartment. Someone that purchased a house next to commercial property would know it was commercial, and this was different than buying in a neighborhood where people thought all of the structures were homes only to discover many could be torn down and redeveloped as apartments. This was an issue in the Grasslands, the Old Southwest, North Central, Benton Stephens, and East Campus. She thought neighborhood protection standards were needed.

Mayor Treece commented that another issue was that the PZC had eight public hearings and eleven work sessions. He suggested they be given time away from the UDC prior to providing additional recommendations. He also did not want to move forward without any neighborhood protections.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #19.

Mayor Treece explained this had to do with the resubdivision of previously subdivided lots. This would address the concerns of people combining more than one residential lot causing the issue of scale, etc. He asked Ms. Thompson to provide further clarification.

Ms. Thompson stated she considered this to be a neighborhood protection standard. Currently, the code was written so a property owner could obtain administrative approval of a replat or resubdivision as long as more lots were not created, and this provided for the ability of someone to combine lots, which could be out of character in a neighborhood, to create one really large lot. One of the goals of neighborhood protection was to have the scale be appropriate for the neighborhood. Amendment #19 would allow administrative approval of a plat as long as it did not combine more than two lots and did not result in excess of 120 feet of street frontage combined as a part of the consolidation. Someone could still seek to have this done by coming to the Council and the Council could then consider if it met the standards for platting. It limited an administrative replat, which could be done without Council approval.

The motion made by Mayor Treece to amend the Unified Development Code associated with B43-17 by adopting Amendment #19 was seconded by Ms. Nauser.

Ms. Nauser understood this would apply to all residential zoning districts. She wondered if this was necessary for R-1 zoned lots. Mr. Thomas asked if there was any harm in this applying to R-1 neighborhoods. Ms. Nauser replied she knew of people that have purchased 2-3 lots and combined them because they wanted a larger yard. Mayor Treece thought there could be a situation where someone wanted to replat two smaller lots because a house was nonconforming. Mr. Skala noted they also had neighborhoods with mixed zoning districts, such as R-1 and R-3. Ms. Peters stated the harm she saw was the combining of two lots and creating a 120 foot street frontage with a 100 foot apartment building. Ms. Nauser understood that would only occur on R-3 zoned lots. Ms. Nauser felt this should only apply to R-2 and R-3 zoning districts. She did not see any harm in a person combining two R-1 lots and placing one house on it. Mr. Thomas

stated he thought that would be allowed without going to Council because it only affected someone trying to combine three or more lots. He noted they could still do it by going to Council for approval as well. Mayor Treece commented that he would rather it apply uniformly. He pointed out he generally preferred to honor the original plat, and if there was a reason someone wanted to combine more than two lots, he would probably want it to have additional scrutiny.

The motion made by Mayor Treece and seconded by Ms. Nauser to amend the Unified Development Code associated with B43-17 by adopting Amendment #19 was approved by voice vote with only Ms. Peters voting no.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #36.

Mayor Treece explained this was the result of feedback he had received in that a change in use should not trigger additional protections. This amendment would honor the zoning classification. He thought this would remove some of the uncertainty as a neighbor could not unilaterally change or impose restrictions by changing the use of a property.

The motion made by Mayor Treece to amend the Unified Development Code associated with B43-17 by adopting Amendment #36 was seconded by Ms. Nauser.

Mr. Trapp thanked Mr. Meyer as he thought his testimony had been salient in leading to the development of this amendment and staff for listening with an open mind. He thought this helped them to better accommodate property rights and law.

The motion made by Mayor Treece and seconded by Ms. Nauser to amend the Unified Development Code associated with B43-17 by adopting Amendment #36 was approved unanimously by voice vote.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #20. The motion was seconded by Ms. Nauser.

Mayor Treece understood this amendment would address some of the public comments received from Benton Stephens residents with regard to the removal of a bungalow front porch facing the street on a lot that was 75 feet wide and 300 feet deep and replacing it with a 4-plex that had four front porches down the side as what used to be a walkable community with someone on the front porch was now more linear. This regulated the building orientation, the combination of lots, and the ability to build across lot lines.

Ms. Nauser understood this would apply communitywide. Ms. Thompson stated anything in Section 29-4.7 would apply as set forth in 27-4.7(b), and anything in Article 5 would apply citywide. Ms. Nauser understood this would not apply solely to the M-DT district, and it would apply communitywide. Ms. Thompson stated that was correct.

Ms. Thompson explained she did not want to inadvertently revert back to something they had just amended, so to the extent that one of these amendments would have old language in it and they did not change the language, it would not be reverted back unless the Council directed staff to do so. She noted the adoption of Amendment #36 meant some of what they were seeing within Amendment #20 as it related to 29-4.7 would have changed. Mayor Treece commented that part of the reason he was jumping around was because he had tried to navigate those amendments so they would not inadvertently amend previously amended material. He understood staff would harmonize what the Council had done. Ms. Thompson stated that was correct. She noted staff would not be construing anything they were doing as undoing something else that they had already affirmatively done.

Ms. Nauser stated she had brought up an issue on Monday with regard to the height of building as it would be substantially lower if redeveloped, and asked if any amendment addressed that issue. Mayor Treece stated Amendment #33 would add fire as a triggering condition. He noted Amendment #20 did not address that issue, and

suggested they dispose of it and then ask staff to address the height requirements in nonconforming uses, etc. Ms. Nauser understood there were concerns with parking in addition to building heights.

Mr. Ruffin asked how Section 29-4.7(e) would impact existing businesses that wished to expand. Mr. Teddy replied that section would apply to new development so if there was already a lane between a building and property line that was single-family residential, the City would not require retrofitting to remove it. In addition, assuming the site had space for a building expansion, this requirement should not create a problem. He noted there was also an additional discretion feature whereby buffering could be required, if absent, and there was an improvement on the side of the single-family property. There had to be a minimum of six feet if a new driveway was installed. This section envisioned a new development or a complete redevelopment, and was stating to keep the driveway away from the single-family residential property line if possible. Mr. Ruffin understood this would not impact existing churches in residential communities that wanted to expand their facilities. Mr. Teddy stated that was correct assuming the addition could otherwise be accommodated and there was not another issue. He pointed out this section would be invoked if new parking spaces were added.

Mr. Ruffin explained he had received communications from Lindsey Rentals and asked if they could expand their business however they saw fit without complying with this particular section. Mr. Teddy replied if the building expansion was within 25 feet of a property line shared with a single- or two-family zoning district, they would have to step down in height to a maximum of 24 feet or provide an additional 10 feet of setback. Mr. Zenner explained the design standards would also come into play. The first act of discussion with the applicant in the design of the building would be to avoid the driveway to be located there. If there was no alternative for the purposes of circulation, there was the ability to comply with an additional buffer. It was not being precluded, but it had to come from the actual design process and evaluation, whereby they would try to determine if there were alternatives that would allow them to avoid the impact. He pointed out Amendment #27 proposed two alternatives. One was to remove the entire section from neighborhood protections and another that modified the first paragraph. Amendment #36 had changed the description of single- and two-family to R-1 and R-2 zoning districts.

Ms. Nauser thought they needed to keep in mind that Lindsey Rentals was currently 45 feet in height and the step down would be to 24 feet. Mr. Zenner stated it would be 24 feet within 25 feet of the property line. Beyond that, they could go back up to the 45 feet. Ms. Nauser understood they would have to put a 25 foot extension on a 45 foot building. Mr. Teddy noted an additional 10 feet of setback would allow the 45 feet as well. Ms. Nauser understood screening would be involved as well. She reiterated they would not be able to extend their 45 foot building to the setback line that currently existed. Mr. Zenner stated that was correct. Ms. Nauser felt this could adversely affect them due to the type of equipment they stored.

Mr. Trapp stated he liked front doors, but did not feel they should mandate them in this way at this time. There were already a lot of other sweeping changes that offered neighborhood protections. The demonstration buildings that had been shown were fairly dated and would not have been allowed even under the previous zoning code. He felt this was the type of amendment that made lots of quality structures nonconforming and created consternation for those property owners. He thought it was an overreach to apply a one-size-fits-all solution everywhere, and this would create unintended consequences of not being able to develop multi-family structures. He understood some people supported that as the intent, but noted he believed it violated smart growth principles. There was a lot of conviviality with the way Spencer's Crest condominiums was developed. The condominiums opened out into a deck they shared and people had conversations there. He did not feel everyone needed the standard of a front door to be a good citizen, and stated he would oppose this amendment.

Ms. Nauser agreed with Mr. Trapp in that this was an overreach and felt this was aimed

at prohibiting multi-family properties on smaller lots. There were commercial properties in the Fifth Ward without a single door facing the street, such as the office condominiums off of Forum Boulevard as they all faced each other. There were apartment complexes that did not have front doors facing the street as well. By passing this amendment, they would take away the ability of a developer to utilize the contours of the land to maximize the use of the property. If they wanted to stop sprawl, they needed to allow more dense property within the current city boundaries. She thought this took away the ability to be creative and fit more buildings on one piece of property.

Mr. Thomas stated he would oppose this as well. He felt they were getting into form-based zoning with the detailed descriptions of where doors and windows should be and how it presented itself to the street. He thought that was important and wished they had adopted form-based zoning citywide because they could have then addressed this up front. He stated he did not want to legislate on this without having lots of images, maps, and diagrams to really understand how it might apply, and noted he would vote against the amendment.

Mr. Skala commented that he believed there was some merit in the argument of micromanaging aesthetics, but noted there were other items in this amendment he thought they would all support in terms of lot lines and lot combinations. Mr. Thomas understood they had already approved not allowing the combining of more than two lots without Council approval. Ms. Nauser asked if some of this was addressed in other amendments. Mayor Treece replied only the underlined version would be new material to be inserted if the amendment were to pass. The rest was already in the proposed code. Mr. Thomas pointed out some of it was being proposed to be amended in other amendments. Mayor Treece stated that was correct. Ms. Thompson stated the lot combinations and lot lines were in here to make it crystal clear throughout the code so there was not any conflicting language. If the Council wanted to make the issues of lot combinations and lot lines clear, these would be standards in these sections as well. She commented that the allowance for building over lot lines had been removed in the proposed code, but it would not be affirmatively inserted into this code without this amendment.

Ms. Nauser understood they would have to amend Amendment #20 if they wanted to remove the building orientation issues. Ms. Thompson stated that was correct.

Ms. Peters stated she felt the building orientation was more of an issue for older neighborhoods. She commented that on Ash Street there were a couple of big garage doors facing the street and the buildings were oriented on the length of the property, which ruined the neighborhood feel. She felt this was okay for apartment complexes whereby everything was oriented in that manner, but for buildings such as that to be placed on long narrow lots in neighborhoods was startling to see and ruined the neighborhood character. She thought orientation to the street or the neighborhood needed to be considered for the older neighborhoods.

Ms. Nauser asked if the example provided by Ms. Peters would be in the M-DT area as she felt this was overly broad for the entire community. She stated she could cite numerous examples of where not having orientation to the street worked well. She wondered how they could provide balance.

Mayor Treece pointed out this issue did not occur in all areas of town. It happened in areas where the land was more affordable and people tried to maximize multi-family in an area they would not live next door to either. He did not feel this was fair.

Mr. Skala pointed out there was always recourse if a good case could be made for a variance from the BOA. He noted there would likely be some issues as they moved forward with a new code and felt the BOA would be thoughtful as to what might be reasonable. He suggested they think of what was in the best interest of most of the people most of time.

Ms. Nauser made a motion to amend Amendment #20 so Section 29-4.7(g), which involved the building orientation provisions, was deleted. The motion was seconded by

Mr. Thomas.

Mayor Treece stated he would vote against the amendment to Amendment #20 as it would allow garage doors facing the street without any front entrance, which would erode the quality of the residential neighborhood character for established homes in multi-family districts.

Mr. Trapp explained he agreed with the comment of Mayor Treece, but noted that issue only occurred in a few areas. This provision would be applied citywide and make a lot of properties nonconforming. He thought they needed to construct something that was narrower.

The motion made by Ms. Nauser and seconded by Mr. Thomas to amend Amendment #20 so Section 29-4.7(g), which involved the building orientation provisions, was deleted was defeated by voice vote with only Mr. Trapp, Mr. Thomas, and Ms. Nauser voting yes.

The motion made by Mayor Treece and seconded by Ms. Nauser to amend the Unified Development Code associated with B43-17 by adopting Amendment #20 was approved by voice vote with only Mr. Trapp, Mr. Thomas, and Ms. Nauser voting no.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #21.

Mayor Treece understood this would expand the neighborhood protection standards from R-1 and R-2 to also include R-MF and require all lighting to be directed downward or otherwise situated so as to prevent visible glare beyond the property lines.

The motion made by Mayor Treece to amend the Unified Development Code associated with B43-17 by adopting Amendment #21 was seconded by Mr. Ruffin.

Mr. Thomas understood the effect of this amendment would be to both expand the zoning districts where neighborhood protection standards would apply and to change the lighting rule. Mayor Treece explained it did not necessarily change the lighting rule, but it would require downward lighting.

Mr. Trapp stated he thought this would bring more existing properties into nonconformance and would limit the ability to construct multi-family developments. He noted he would vote against this amendment as well.

Mr. Thomas asked for further clarification on what this amendment did with regard to the neighborhood protection standards.

Janet Hammen, 1844 Cliff Drive, commented that she intended for this to apply to all new residential construction or redevelopment in R-MF districts whether it was next to an R-1 or R-2 zoned property or not. In the other zoning areas, it would apply to R-1, R-2, or R-MF as it did now. She noted she felt less strongly about that, and explained she wanted to provide commercial, industrial, and manufacturing areas more leeway than the R-MF within the R-MF district. Mr. Thomas asked if this was limiting regulation or expanding it. Ms. Hammen replied it might be doing both with the way it was written.

Ms. Thompson commented that the applicability of standards in Section 29-4.7(b)(1) applied to all lots in the R-MF district that contained a principle use other than a single- or two-family dwelling. This meant it applied to all R-MF district lots. The amendment would exempt those that contained a single- or one-family dwelling. Section 29-4.7(b)(2) would apply to all lots in any other district than R-1, R-2, and R-MF that shared a rear lot line with R-1 and R-2. Ms. Hammen stated she would be happy to withdraw that part.

Mr. Thomas stated this underscored his concern that this was very nuanced and complex and noted he was hesitant to legislate on it without a lot more study and good technical support. Ms. Hammen explained the intent was to support neighborhoods within neighborhoods. Mr. Thomas thought this was something the PZC should review. He explained he liked the increase in lighting regulation.

Mr. Skala asked if this lighting regulation was redundant. He thought they already required shoebox type fixtures, downward facing lights, and the reduction of glare. Mr. Teddy stated if it was redundant, it would not be contradictory in any way. He thought it reinforced the lighting section.

Mayor Treece stated he would divide the question so they could vote separately on the two issues within Amendment #21, and those were Section 29-4.7(b) and Section 29-4.7(f).

Section 29.4-7(b) of Amendment #21 was defeated unanimously by voice vote.

Section 29.4-7(f) of Amendment #21 was approved unanimously by voice vote.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #22.

Ms. Thompson explained there were six different requests associated with Amendment #22.

The motion made by Mayor Treece to amend the Unified Development Code associated with B43-17 by adopting Amendment #22 was seconded by Ms. Nauser.

Ms. Peters asked for clarification. Ms. Thompson replied staff did not draft the language for Amendment #22. This had come directly from Ms. Zelenak. She explained it was a matter of time and resource allocation, and noted staff could draft something based on direction from Council.

Mayor Treece felt Section 29-4.7(e), which involved the parking and loading requirements, were dealt with more cleanly by Amendment #27, and there were two options. One was to remove discretion and the other was to remove it completely. He thought Amendment #25 did the same thing.

Mayor Treece withdrew his motion regarding Amendment #22. Ms. Nauser, who seconded the motion, was agreeable to the withdrawal.

Mayor Treece asked if anyone wanted to offer Amendment #23, which would delete the neighborhood protection standards in their entirety. He thought their previous discussion would render this obsolete. Mr. Thomas stated he was not sure, and explained he still favored deleting it and sending it back to the PZC.

Mr. Thomas made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #23. The motion was seconded by Mr. Trapp.

Mr. Skala stated he thought this was a bad idea without having something in the interim. He felt the neighborhood protection standards should remain as it did not preclude receiving advice from the PZC and making any changes deemed necessary.

Mr. Trapp commented that over 100 Second Ward residents had contacted him asking him to vote against neighborhood protection standards. He pointed out they did not want their properties made nonconforming, and there was not much within it that addressed Second Ward issues. He thought the PZC could narrowly target this where there were real areas of concern.

Ms. Nauser stated she would support this amendment as she believed the standards were overly broad, and did not believe there was animosity between R-1 and commercial property or R-1 and multi-family property that were adjacent to one another in the Fifth Ward. She noted issues had been worked out on individual projects and felt that was a good way to address these types of issues. She stated she was particularly concerned about redevelopment or a situation whereby a property was damaged.

Mayor Treece commented that he was opposed to this amendment. He stated there was such a disparity in the negotiations as neighborhoods were never able to hire lobbyists or lawyers so the negotiations were not fair. He noted he had received the same number of e-mails as Mr. Trapp to enact and enhance the neighborhood protection standards. He pointed out they had made a couple of amendments to enhance these standards and did not feel they should leave neighborhoods without any protection as it would only perpetuate the impact they had experienced over the last 5-6 years.

Mr. Skala explained he had received about 75 e-mails and the majority had asked to include some form of neighborhood protection standards.

Ms. Nauser reiterated this would apply communitywide, and the neighborhoods they had received communication from already had overlays and additional protections.

Mr. Thomas commented that he understood the need for protections and reducing density or maintaining a lower density in some of the inner parts of these neighborhoods, but firmly believed they wanted to increase density at key road intersections and along corridors so they could move toward a more walkable and transit-oriented community to relieve the terrible traffic problems, reduce the carbon footprint, create a healthier community, and create more equity in transportation and housing. He thought this should be considered if this went back to the PZC for review.

The motion made by Mr. Thomas and seconded by Mr. Trapp to amend the Unified Development Code associated with B43-17 by adopting Amendment #23 was defeated by roll call vote with Mayor Treece, Mr. Ruffin, Mr. Skala, and Ms. Peters voting no, and Mr. Trapp, Mr. Thomas, and Ms. Nauser voting yes.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #24.

Mayor Treece stated he liked this amendment as it likely allowed for gradual change, which would incentivize historic preservation and recognize the existing zoning instead of just the surrounding development.

The motion made by Mayor Treece to amend the Unified Development Code associated with B43-17 by adopting Amendment #24 was seconded by Mr. Skala.

Mr. Skala stated he believed this was a good example of something that was a seemingly minor change, but important in the context of what they were trying to do with the Unified Development Code.

Mr. Thomas asked clarification regarding the change. Mr. Skala replied it created a neighborhood concept versus an individual property concept.

Peter Norgard, 1602 Hinkson Avenue, commented that they found it difficult to make a coherent argument against a development when they had an objection, and thought it benefited everyone to be as clear as possible about what they meant about development.

Mr. Thomas understood Mr. Norgard was adding that the zoning district should be considered. Mr. Norgard stated he was asking that zoning or uses be added. Mr. Thomas felt "uses" was the same as "surrounding development," so this would add that the zoning district should be considered as well. Mr. Norgard stated he did not feel that was true. If someone was on the border of a neighborhood and commercial district, the adjacent development could be a commercial district. He provided the example of a small sewing shop that burned down being redeveloped as a 10-story sewing emporium, and noted the neighborhood would not necessarily have any argument if it was allowed by zoning. Mr. Thomas stated he was still confused.

Ms. Thompson commented that she did not feel this made a huge change in anything. This was the purpose of the district. It was the overarching principles by which they made the land use decision for the district. The specifics would be related to any specific request that came before the Council. She stated staff did not view it as something that would limit the Council or expand it so drastically that it would be of a concern. It was only a touch broader.

Mr. Skala stated he felt this would provide a bit more neighborhood context than the language there previously, which he thought was important. He explained this reminded him of the comprehensive plan in that it provided a guide.

Mayor Treece felt Ms. Thompson made a good point in that this was in the purpose section. It did not do anything except to describe what was to come in following chapter.

The motion made by Mayor Treece and seconded by Mr. Skala to amend the

Unified Development Code associated with B43-17 by adopting Amendment #24 was approved unanimously by voice vote.

Mayor Treece understood Amendment #25 would require all newly constructed non-accessory structures in the R-MF district to have a gable or hip roof. He thought it was primarily designed so the maximum height of the building was measured from the grade plane to the highest point of the roof. He understood the concern was that if they did not have a gable or hip roof, and had a flat roof instead, another floor could be added that would otherwise not be allowed if the roof was pitched. Mr. Zenner stated that was correct. The measurement currently was to the midpoint of a pitched roof. He commented that if the amendment was approved as written, it would likely encourage less diversity in the architectural environment with more flat roofs to maximize the building height. Mayor Treece understood that would be because there was no pitch or ratio.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #25. The motion was seconded by Mr. Skala.

Ms. Peters asked for clarification as she thought Mr. Zenner had indicated passing this amendment would encourage flat roofs for a maximum height. Mr. Zenner replied the reason it would encourage flat roofs was because they would measure to the top of the roof. Currently, the measurement was to the midpoint of peaked roofs. With a 4/12 pitch on a roof, they would measure to the midpoint of that roof line in order to obtain maximum height. If one had a steeper pitched roof, one might have much greater height above it in order to create architectural diversity. With a gable or hip roof, one could get to a flat portion at the very top, and potentially increase the livable or usable space below the roofline. Ms. Thompson noted this amendment also required a gable or hip roof in the R-MF district. Mr. Teddy agreed, but pointed out those types of roofs could be flattened. They would likely have flatter roof slopes since the requirement was the ridge line could not go above the maximum height. If someone was trying to get some yield out of what was under the roof, they would naturally tend to push it to a flatter roof. They would not see many 10/12 pitches and would see more 4/12 pitches.

Mr. Trapp stated he felt this made the point of Mr. Thomas in that a better process was needed for them to deal with issues that were this technical. He commented that he would likely vote no and preferred they allow this to be further discussed by the PZC.

Ms. Nauser stated she concurred with Mr. Trapp.

Mayor Treece withdrew his motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #25, and Mr. Skala, who seconded it, was agreeable.

Mayor Treece understood Amendment #26 would not do what was intended so there was a request for it to be withdrawn.

Mayor Treece understood Amendment #27 involved the section of the code Mr. Ruffin had referenced with regard to Lindsey Rentals, and understood two options had been provided. One would remove the discretion of the Director to approve a parking lot in a hardship area, and the other would remove all of the parking and loading zone problems where there was an adjoining residential use. Ms. Thompson pointed out the title of the amendment was incorrect, and explained it was actually to modify the parking, loading, and circulation in the neighborhood protection standards, and not in the R-MF district.

Mr. Trapp stated he had brought the alternative forward because of a print shop that had a back yard that abutted R-1. He believed there were two reasons these provisions should be rejected. If one had a two-story building on property that had some slope, there was the ability to drive around the building to have access to both floors without an elevator. He thought most of the transitions worked well under the existing ordinance, and there was already a long and growing list of things that would protect people in R-1 zoning districts. He explained the print shop owner wanted to construct a loading dock, and the side yard and landscaping standards were increased in the proposed code so his

developable lot would be smaller. He commented that he suspected this situation was typical for small businesses. They would make a lot of structures nonconforming and would mess with people's business plans. He thought it would be best to eliminate the parking, loading, and circulation standards in the neighborhood protection standards. If PZC had something more targeted that would not impact job creation, he would be interested in learning more. He reiterated he did not feel these provisions worked.

Mr. Thomas commented that he thought the Russell Chapel CME Church was a good example where the lower level was assessable from the outside in the back and the upper level was accessible from the front. He asked for the purpose of these provisions. Mayor Treece understood this would not apply solely to the R-MF district as it was in the neighborhood protection standards, which was applicable citywide. He explained there was an issue in his neighborhood now where rental properties were taking what used to be a driveway and paving the entire back yard with a turnaround area and/or a parking lot so they could park 4-5 cars. He felt these provisions addressed that issue. Mr. Thomas understood it was about the dissatisfaction of R-1 residents living next to a rental property with a lot of cars and the impact on the view, and agreed that was an issue, but did not feel they should waste their time on all of these individual rules. He thought they needed to look at the big picture, political leadership view, boost the bust system, eliminate parking requirements, and move to a car-light society. He stated he would not support the rule.

Ms. Nauser made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #27 - Alternative 1, which would eliminate Section 29-4.7(e)(1) and Section 29-4.7(e)(2). The motion was seconded by Mr. Trapp.

Ms. Nauser commented that she felt they were requiring the entire community to adapt and be restricted because a few property owners were doing things they did not like. She thought that was inherently unfair. She referred to Table 4.4-4: Transitional Screening and Buffering, and pointed out Level 3 required a 10-foot wide landscape buffer and an 8-foot tall screening device for mixed-use, commercial, or industrial. Multi-family, single-family, or two-family required a 4-foot wide landscape buffer and 6-foot tall screening. She asked why someone could not drive or park behind an 8-foot fence. She commented that numerous places had parking behind the building causing the properties to be nonconforming because they had a few properties that were creating issues. She felt those specific issues should be addressed. She wondered why they would allow R-1 property to be able to pave the back yard and create a parking lot as that indicated more people were living in the structure than was allowed.

Mr. Thomas stated he would support rules that would stop paving as part of the stormwater ordinances.

Ms. Peters asked for clarification regarding these provisions because she felt property owners needed the ability to drive and park in the back yard or a garage instead of the front yard. Mr. Teddy replied this would apply to the more intensive districts that ended at a single-family environment, so it was another measure to preserve more of a peaceful transition between those properties. The assumption was that driveways, especially commercial driveways or driveways to apartment complexes would be used a lot. He explained the other provision would allow for exceptions when there was not a practical alternative or parking was needed in the back due to a grade change, but there would still be a 6-foot planting strip and buffer provisions. He understood they were debating whether this was an overly broad way to address the problem of a single-family residence that might have living space adjacent to a commercial lot or multi-family lot. He did not think they wanted a very busy driveway or parking lot adjacent to bedroom windows. He understood the Council was trying to determine if there was a better way to address that type of situation. He stated the intent was to not make a first choice of putting the driveway parking area or drive-through lane in between the building and the single-family residence. It would not apply to all commercial sites as it would not impact a commercial site surrounded by other commercial sites.

Mr. Skala commented that this theme of overly broad had come up on a number of occasions, and noted he had never been a huge fan of staff discretion, but felt staff was not fond of discretion either as it did not provide much guidance. He thought this was the right application of discretion in terms of the unusual circumstances with some of the individual cases they had discussed. It also provided some general guidance to the community at-large. He pointed out there was always recourse for an exception as well via the BOA.

Mr. Thomas asked which amendment they were discussing. Mayor Treece replied they were discussing Alternative 1, which would strike the entire Section 29-4.7(e).

Mr. Thomas stated he supported striking Section 29-4.7(e) because parking behind buildings made more sense than parking in front of buildings. In addition there were only two options as one could only go on the east side of the house or the west side of the house.

Mr. Trapp explained he felt this was about facilitating jobs. He understood the print shop owner could go before the BOA, but there was a cost to it. He thought they wanted to create an environment where entrepreneurs could do projects. In addition, this could create unintended consequences of extra civil engineer work and elevators. He suggested the provisions be stricken.

Ms. Nauser stated she believed there was already adequate screening and buffering to protect people. She noted she recalled discussions years ago whereby they wanted construction closer to the street and parking in the back for properties along Providence Road. These provisions were completely contrary to a philosophy they had pushed for years in terms of redevelopment on Providence Road. She did not agree with the concerns of a few properties dictating what they did in the entire community. She also was not sure they should provide discretion to staff as she preferred those developing property to have clarity on the expectations because variances would not be granted if there was another parking option. She suggested they pass Amendment #27 - Alternative 1.

The motion made by Ms. Nauser and seconded by Mr. Trapp to amend the Unified Development Code associated with B43-17 by adopting Amendment #27 - Alternative 1, which would eliminate Section 29-4.7(e)(1) and Section 29-4.7(e)(2), was approved by roll call vote with Mr. Ruffin, Mr. Trapp, Mr. Thomas, Ms. Nauser, and Ms. Peters voting yes, and Mayor Treece and Mr. Skala voting no.

Mr. Trapp made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #14.

Mr. Trapp stated the proposed code correctly brought waste disposal and recycling within the footprint of the building, and this amendment would add grease handling to it, which he thought made sense. It was a particularly odious thing to have in the alleys, and people with big new developments should accommodate their waste within their own footprint.

The motion made by Mr. Trapp to amend the Unified Development Code associated with B43-17 by adopting Amendment #14 was seconded by Mayor Treece.

Mayor Treece explained he had been given the opportunity to tour the kitchen at The Broadway and all of their grease containers were inside. Most of it was recycled, and what did not get recycled was picked up or pumped out through the alley. He thought it was a great use of the alley without actually having the grease dumpster in the alley.

The motion made by Mr. Trapp and seconded by Mayor Treece to amend the Unified Development Code associated with B43-17 by adopting Amendment #14 was approved unanimously by voice vote.

Ms. Peters suggested they discuss Amendment #34 and Amendment #40. Amendment

#34 was the suggestion of Mr. Waid that the amendment process for the East Campus Urban Conservation District go back to the way it was before. She understood the previous City Counselor felt that process was appropriate and that the current City Counselor did not. In listening to Mr. Waid, she felt his main concern was that everyone be notified, so she was proposing Amendment #40 as it would ensure a good faith effort was made to notify all property owners within the District.

Ms. Peters made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #40. The motion was seconded by Mayor Treece.

Ms. Thompson commented that she did not believe she and the former City Counselor were in disagreement over what the law was with regard to this particular provision. She explained, as any good City Counselor would, Mr. Boeckmann had supported the Council's legislative decision and would have supported it if it would have ever been challenged.

Mr. Thomas stated he liked Ms. Peters' revised amendment as he believed it addressed the issue. He understood Ms. Thompson was saying the existing version of this section in the overlay did not have the weight of law behind it. Ms. Thompson stated that was correct. Mr. Thomas understood if it had the weight of law behind it, they would not be able to change it without following the current procedure, so by making any change, they were explicitly saying what the Council had previously agreed to was not lawful. Ms. Thompson stated it was void.

Ms. Nauser understood the argument was that the language that existed in the current code placed a legislative obligation on future councils similar to the Lamar case. Ms. Thompson explained the legislative power, the enactment of ordinances, and the ability to change ordinances rested with the City Council. That legislative power did not rest with any particular group of citizens and could not arbitrarily be delegated to a group of citizens. Ms. Nauser asked why any recommendation could not come forward through the process in the current code since it would then have to go through the Council legislative process for approval. Ms. Thompson explained the citizens could always bring a request to the Council whether they were the majority or minority, and it was then up to the Council to determine the legislative action taken. The previous version that existed restricted the legislative authority of the Council by a group of citizens, and that was the unlawful provision. In the code currently before the Council, staff made the modification to mirror the notification of the neighbors so it was similar to what was in the Benton Stephens overlay district. She stated Amendment #34 would restore what she felt was an unlawful delegation of power. Ms. Peters had requested Amendment #40, which would keep it the way it was written in the proposed code before them while providing the added protection that every property owner be given notice if there was going to be a change to that district.

Mr. Skala understood this was restricted to the urban conservation overlay district and that they had other legal responsibilities in terms of notices with respect zoning, and those were independent of one another. Ms. Thompson stated this would be in addition to other notification requirements.

Mr. Trapp asked if they would also deal with Amendment #34. Mayor Treece thought Amendment #34 would be foreclosed on depending on how they handled Amendment #40.

Mr. Trapp commented that he understood the limits on subjugating their future legislative authority. He explained he believed a citizen initiative had been brought forward indicating the Council would not use eminent domain for the purposes of economic development, and instead of putting that on a ballot, Council had voted it into law. In general, he thought they wanted to create laws that were in the highest conformance with their legal advice, but it sometimes also sent a message. He was uncertain about eliminating the provision for what appeared to some stakeholders as an arcane legal reason. It had been nested within the City's law without issue for years, and he did not see a challenge emerging. He also thought it would send a message that the East Campus overlay was

up for revision, and noted he did not feel comfortable sending that message. He thought people had come into the process with a certain understanding, and did not feel it should be changed. He pointed out he liked the additional reporting requirements as it addressed some of the issues, but did not believe it addressed it as much as the original language, which had been nestled within the law without incident up until now. He understood the desire to tidy things up items, but did not feel they needed to tidy it up in a way that caused consternation and bother. He thought this might also limit other stakeholders from participating in future negotiations with the City. He stated he would oppose Amendment #40 out of support for Amendment #34.

Ms. Peters explained she thought Amendment #40 allowed everyone that was a stakeholder to be involved and to be noticed.

The motion made by Ms. Peters and seconded by Mayor Treece to amend the Unified Development Code associated with B43-17 by adopting Amendment #40 was approved by voice vote with only Mr. Trapp voting no.

Mr. Trapp made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #31.

Mr. Trapp stated he thought Mr. Waters had made the case for Amendment #31 as that area would be difficult to redevelop. Since this was specific to the area, he felt it was important to think about the specific parcels there. He pointed out there was an abandoned gas station in the area, which would be difficult to redevelop. He commented that two-story buildings were great, but noted there were small lots through the area so there would not be room for parking even behind the building. He thought it made more sense to allow the market to dictate development. He stated he would love to expand the footprint of the downtown, and if they put overly restrictive requirements upon it, there would not be anything new. He noted he did not want to look at an abandoned gas station for a generation while they waited for the downtown and walkability to catch up to justify a second-story building.

The motion made by Mr. Trapp to amend the Unified Development Code associated with B43-17 by adopting Amendment #31 was seconded by Ms. Nauser.

Mayor Treece asked if there was still access to the BOA for a variance from neighborhood transitions. Mr. Teddy replied yes.

Mayor Treece understood Amendment #37 would provide some type of criteria with regard to neighborhood transitions, and was something they could take up if they wanted after they made a decision on Amendment #31.

Mr. Skala commented that he did not feel they should make changes based on an exception when there were avenues by which they could deal with those exceptions if they felt it was in the best community interest to move forward.

Ms. Nauser stated she agreed with the comments of Mr. Trapp. While she agreed there would be a process to go before the BOA, she pointed out that process cost time, effort, and money. She felt they were requiring a certain class of property owners to continue to go to the BOA and prove a hardship, which would be difficult in some instances.

Mr. Thomas asked where this applied. Mr. Teddy replied it would apply to those building frontage types that were either urban general, urban storefront, or urban general west. He noted urban storefront, as currently mapped, did not abut any single-family properties, so it was essentially urban general and urban general west and where they abutted single-family and two-family zoning or lots that could only be used for single-family residences because of their size, area, and width. He was not sure how many lots would be impacted apply, but note it involved the edge of the district. Ms. Thompson explained the neighborhood transitions had been amended by Council via Amendment #36 to only apply to those districts that bordered R-1 or R-2 zoning districts, and not the uses.

Mayor Treece stated he would speak against the amendment because he felt it was fairly narrow in scope and did not affect a lot of properties. It also did what they intended in

terms of preserving the buffer of M-DT for residential neighborhoods. In addition, they still had access to the BOA if there was a legitimate hardship.

Mr. Thomas understood less of an urban style would be required on the edges. It would be more of a suburban style with larger setbacks and lower building heights. Mr. Skala stated that was correct. It was a feathered buffer. He thought it was similar to a density buffer, except it was a physical stepdown.

Ms. Nauser thought they wanted the downtown to be the most dense part of the community. Mr. Skala stated these were the edges of the downtown.

Mayor Treece commented that neighborhood transitions were not new, although they might previously have been more voluntary. He noted Lucy's Corner Café was originally a gas station that had signaled the end of the downtown. He did not feel the neighborhood transitions were particularly onerous and there was access to a variance if there was a hardship.

Mr. Trapp stated the neighborhood protections were already enshrined, and doubling that in the M-DT, which was supposed to be the more dense zoning district, did not make sense. He understood all of the lots were fairly small, and felt they would be difficult to redevelop. He believed they wanted to encourage redevelopment.

The motion made by Mr. Trapp and seconded by Ms. Nauser to amend the Unified Development Code associated with B43-17 by adopting Amendment #31 was defeated by roll call vote with Mayor Treece, Mr. Ruffin, Mr. Skala, Mr. Thomas, and Ms. Peters voting no, and Mr. Trapp and Ms. Nauser voting yes.

Mr. Thomas suggested they address Amendment #18 if anyone wanted to pursue it. He explained he did not plan to pursue it. Mayor Treece recommended they move on if no one felt strongly about it. Mr. Thomas commented that he thought they should have two-story buildings along Providence Road, but did not think it was smart to legislate it.

Mr. Trapp made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #9.

Mr. Trapp explained this addressed the expiration of preliminary plats. It was currently seven years and the new code would reduce it to three years. He understood they wanted people to move their projects forward, but thought they would receive a lot of requests for extensions due to the time it took to secure financing and obtain all of the approvals. He thought they should try five years, and if they still saw a lot of older items, they could then reduce it to three years in the future.

The motion made by Mr. Trapp to amend the Unified Development Code associated with B43-17 by adopting Amendment #9 was seconded by Ms. Nauser.

Ms. Nauser stated she would prefer to keep it at seven years as it had served them well and she could not find any reason to reduce it. She noted they had many area master plans and preferred dealing with large swaths of land. She provided Old Hawthorne as an example, and pointed out they were still developing areas of it when the zoning had been approved nearly ten years ago. She commented that she recalled former Council Member Jerry Wade stating the need to stop all of these small developments from coming forward as they needed to look at the big picture so they could have the larger conversations. She reiterated she preferred it remain at seven years as larger developments allowed those in the area to know what would be developed, but would support five years.

Ms. Peters asked for the opinion of staff. Mr. Teddy replied the PZC had staff look at other cities with regard to this issue, and they found the most common number was two years for preliminary plats with an option for an extension. He understood the idea was to avoid the obsolescence of the preliminary plat if the Council made a change in the meantime with regard to the codes or plans for infrastructure that would affect the layout. The PZC decided upon three years with the option for an extension. He explained another reason for a shorter time frame was that they might get an entirely different group

of people finding there were bulldozers moving dirt in an area due to a subdivision preliminary plat that had been approved six years ago. He noted the City issued land disturbance permits based upon a preliminary plat if the construction drawings were approved because it was a good way to get the infrastructure built.

Ms. Nauser asked if any of the other cities they had looked at were comparable to Columbia with large swaths of land around the city. She wondered if they might be more urbanized communities. In terms of the complaint of neighbors, she believed anyone that moved into a house next to vacant land should expect for that land to be developed at some point. She also felt it was the person's responsibility or the responsibility of the person's realtor to know about any preliminary plat for neighboring properties. She believed property owners should have some sort of responsibility to investigate these things on their own. Mr. Teddy explained they had looked at cities all around Missouri.

The motion made by Mr. Trapp and seconded by Ms. Nauser to amend the Unified Development Code associated with B43-17 by adopting Amendment #9 was approved unanimously by voice vote.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #33.

Mayor Treece noted this would add fire or explosion to the rebuild of a nonconforming structure.

The motion made by Mayor Treece to amend the Unified Development Code associated with B43-17 by adopting Amendment #33 was seconded by Ms. Nauser and approved unanimously by voice vote.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #32.

Mayor Treece explained this would delete the roundabout requirement.

The motion made by Mayor Treece to amend the Unified Development Code associated with B43-17 by adopting Amendment #32 was seconded by Ms. Nauser.

Mr. Thomas asked to hear the argument in favor of the roundabout requirement. Mr. Zenner replied the original text had been recommended staff. The City's Engineering Division believed the installation of four-way intersections in residential subdivisions could often be avoided through the design process, and therefore wanted to discourage that type of intersection alignment. If amended, it would still involve review by the Engineering Division and staff still had the ability to require other design alternatives through Appendix A. By taking roundabouts out with this amendment, it did not remove the ability for staff to recommend a roundabout be installed.

Mr. Thomas understood a roundabout took a lot more private right-of-way than a 4-way or 2-way stop. Mr. Zenner stated that was correct. He noted they would likely result in more long term maintenance as well. Mr. Thomas understood that was because the City would likely own that land even if it was not turned into a roundabout. Mr. Zenner stated that was correct.

Mr. Skala understood the recommendation of constructing or not constructing a roundabout would not be foreclosed upon whether this amendment was adopted or not. Mr. Zenner stated that was correct. Mr. Skala understood this was just a matter of emphasis. Mr. Zenner stated that was correct. Mayor Treece understood this did not prohibit a roundabout. Ms. Peters understood it also did not force a roundabout. Mayor Treece agreed the existing language would force a roundabout. Mr. Thomas noted it forced the roundabout to be platted. Mayor Treece stated that was correct.

The motion made by Mayor Treece and seconded by Ms. Nauser to amend the Unified Development Code associated with B43-17 by adopting Amendment #32

was approved unanimously by voice vote.

Ms. Nauser suggested they not pursue Amendment #38.

Ms. Nauser made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #10.

Ms. Nauser commented that she believed Mr. Land had made a compelling argument for some of the larger developments, and thought an extension to 24 months was better as it would provide more time if there were issues with the economy.

The motion made by Ms. Nauser to amend the Unified Development Code associated with B43-17 by adopting Amendment #10 was seconded by Mr. Trapp.

Mayor Treece asked for the current period of time for a situation where a nonconforming use was discontinued for any reason. Mr. Zenner replied 12 months. Mayor Treece understood the proposal was 12 months and asked what it was currently. Mr. Zenner replied it had originally been reduced through the PZC process to six months and then restored to 12 months with the ability for an extension by the BOA. Mayor Treece asked what it was now. Mr. Zenner replied it was 12 months in the existing Chapter 29.

Ms. Nauser commented that they had received a list of about ten properties from Mr. Land and asked if the nonconformities associated with them had been corrected when they changed the zoning for those to M-C. Mr. Zenner replied he believed those had been addressed by that previous amendment. He understood the concern with this involved buildings, such as the Pepsi Cola building and other large format buildings, whereby the use might be discontinued due to the loss of a business operation and it would take an extended marketing period for reoccupation. He pointed out this amendment would apply to any discontinuance of a business regardless of its size. In certain instances, he thought that could result in other impacts they were unaware of at this time.

Ms. Peters understood if they did not pass this amendment, the property owner had 12 months to find another tenant and the ability to ask for another 12 months or longer. She felt they already had safeguards in place. Mr. Zenner agreed.

Mr. Trapp commented that they would make a lot of places nonconforming when they enacted the new code, so he believed allowing this extra provision to market and find businesses to keep the use seemed appropriate. He planned to support this amendment.

Mr. Skala asked how critical this was in terms of the difference between 12 months and 24 months. Mr. Zenner replied in the nine years he had been with the City of Columbia, he did not believe there had been any instance whereby this provision had been enforced.

The motion made by Ms. Nauser and seconded by Mr. Trapp to amend the Unified Development Code associated with B43-17 by adopting Amendment #10 was defeated by roll call vote with Mayor Treece, Mr. Ruffin, Mr. Skala, Mr. Thomas, and Ms. Peters voting no, and Mr. Trapp and Ms. Nauser voting yes.

Mr. Trapp made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #12.

Mr. Trapp stated he thought it made sense for conditional use permits to be considered by the BOA instead of the Council. He felt the focus of Council should be on larger issues of policy. He noted they already had a lot of late night and weekend meetings, and over 1,000 pending requests of staff. He believed their hands were full with other things, and the BOA did a nice job.

The motion made by Mr. Trapp to amend the Unified Development Code associated with B43-17 by adopting Amendment #12 was seconded by Ms. Nauser.

Ms. Nauser commented that many constituents had indicated to her that they felt the Council purposefully had long meetings to inhibit people from speaking.

Mr. Skala asked how the PZC felt on this issue. Mr. Zenner replied he thought the PZC had some of the same expressed concerns as Council in reviewing conditional uses, and

that was the reason for their request to re-evaluate the conditional uses that were shown within the land use table. They wanted to create use specific standards and narrow the list to the fewest number of conditional uses needing their review and recommendation. According to advice received from the Law Department, land use decisions that could impact adjacent properties should go before the Council, and this was the reason for the transition from the BOA to the PZC and Council. Staff and the PZC did not feel all of them needed to be brought before the Council for final determination when looking at the potential conditional uses. He noted one example where use specific standards might be appropriate was with a neighborhood pool that was an amenity to the residential subdivision. If the request met the standards, it would be approved as a by-right use. If it did not, it would go through the conditional use process.

Mr. Skala asked if the change of conditional uses being reviewed by the BOA to the Council had been part of the deliberations of PZC. Mr. Zenner replied it had been a part of the deliberations, but it had been retained based upon the advice of the City's legal staff that land use matters needed to be reviewed by the elected authority.

Ms. Thompson explained the BOA was a quasi-judicial body that based decisions on hardship and granted variances from the requirements based upon quasi-judicial findings they made due to hardship. The City Council had legislative authority as it related zoning and zoning use, which was why the conditional use permits should come through the legislative body. It was a legislative action as opposed to quasi-judicial. She noted they would support any decision of the Council.

Mayor Treece stated he would oppose this amendment. He noted they wanted to set lofty policy, and in this case, the lofty policy was that they would have a UDC. He explained he would prefer to give the Council the authority to see how this works over the next 1-3 years. He thought this would prevent spot zoning and the incidental variances, loopholes, and exemptions that had triggered this complete zoning rewrite. He suggested they maintain some authority and see how it worked.

Mr. Skala commented that he was inclined to support the deliberations of the PZC and the advice of the Law Department.

Mr. Trapp stated he found Ms. Thompson's explanation compelling and he planned to vote against the amendment as well.

The motion made by Mr. Trapp and seconded by Ms. Nauser to amend the Unified Development Code associated with B43-17 by adopting Amendment #12 was defeated unanimously by voice vote.

Mr. Trapp suggested they discuss Amendment #13 next as it was a staff recommendation. Mayor Treece stated that he would like Amendment #13 discussed in the context of Amendment #17. Ms. Thompson commented that Amendment #13 was a technical request as they did not formally adopt the M-DT regulating plan as a part of the comprehensive plan of the City of Columbia anywhere in the code. This said the regulating plan as included with the UDC would be a part of the regulating plan and part of the comprehensive plan for land use decision-making moving forward.

Mayor Treece understood Amendment #13 would incorporate the map as a part of the ordinance and suggested they dispose of any amendments to the map prior to adopting that map. As a result, he preferred to discuss Amendment #17 first. He understood the area of St. James Street, St. Joseph Street, north of Park Avenue, and east of Ash Street had been moved in and out of the M-DT regulating plan. He thought they had been careful throughout this process to ensure someone was not disadvantaged in that their property was not becoming less valuable. He also wanted to ensure they were providing the same compensation on the other end and not unnecessarily enhancing someone's property value at the expense of the typical neighborhood notification process. He thought there had been various incarnations of this map and some of the neighbors had not been adequately notified of the changes. He felt the Hubbell Drive, St. Joseph Street,

and St. James Street area was a residential anomaly where some intense residential development was compressing on them. He suggested a more thoughtful engagement with the group.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #17. The motion was seconded by Mr. Skala.

Mr. Skala commented that he believed this should be referred back to the PZC for more discussion since there had been a lot of changes proposed. Meanwhile, he thought the text in place that had been the original recommendation from PZC was sufficient with an additional study. He stated he was inclined to support the position of Mayor Treece.

Mr. Trapp asked staff for its opinion on the map as written. Mr. Teddy replied one of the drivers of moving the regulating plan in that area was the Ameren tract, which was on the east side of Orr Street, north of Ash Street, as it was zoned M-1. Some thoughts had been expressed in plans for the redevelopment of that tract and the general area. The area was a legacy manufacturing district and was now a heterogeneous mix of zoning districts if they looked at the adjoining streets, so it was not an easy problem to address. He noted staff had suggested those streets be added to the M-DT. He understood the amendment would take the east side of Orr Street and the north side of Ash Street out, so the area would default to the existing map and the zonings located there. He noted there was also a small amount of C-2 in the area and they had deliberated what to do with it. They could not easily convert individual properties zoned C-2 to M-DT because it was a frontage based system so they looked at block corner to block corner.

Mr. Thomas asked for the history and noted he understood this area had been in the M-DT regulating plan area when the PZC had recommended the UDC be forwarded to the Council. Mr. Zenner replied the Council should have received the map series that had been requested by Mr. Skala. It had begun in 2014 with Clarion's original draft of the M-DT regulating plan boundary, and it had identified the Hubbell Drive area as the detached single-family frontage type that was no longer within the M-DT code. He noted the draft that had been a part of the November 2014 public hearing had included that particular area within the boundary as multi-family, small apartment, townhouse. Mr. Thomas understood that was a change. Mr. Zenner stated that was correct, and pointed out the very first map in the map series with the single-family detached frontage had never been presented to the public. It was an internal working document he had included just so Council knew where the discussion had started. The first public draft of the M-DT regulating plan was presented with this particular area as apartment, small townhouse. Mr. Thomas understood it was still within the M-DT then. Mr. Zenner stated that was correct. When the integrated draft was produced in October 2015, this area had been identified as urban general. He noted it had gone through a public process and had been open for public comment until January 2016. Staff then began its work on the integrated draft content, and he believed the area had remained with the urban general designation, even when the public hearing draft had been produced. He explained the area had been in there since the first presentation by Clarion, but it had changed street frontage, and that frontage had changed based on how the redevelopment of the area was envisioned to occur as had been indicated by Mr. Teddy. He stated he would defer to Ms. Thompson as to the legal ramifications of downzoning property by the regulating plan by making it in essence apartment, small townhouse versus its current industrial designation as they would likely be teetering on a challenge for a taking of the land use rights. He commented that removing property from the actual M-DT boundary potentially reduced the amount of neighborhood protection that might exist. He pointed out they had amended the neighborhood protection standards to R-1 and R-2 zoning, and most of the property on Hubbell Drive was zoned on R-3 and would convert to R-MF. The other setback requirements and stepdown requirements that existed within the M-DT plan would still apply. Mr. Thomas stated he did not believe Hubbell Drive was a part of this. Mr. Zenner agreed Hubbell Drive was outside of the boundary, but it was what the M-1 zoned property abutted today. He explained the biggest concern of the PZC had arisen

with the preservation of the Hubbell Drive properties and that particular corner, and reiterated the area had been within the regulating plan boundary since 2014. Mr. Thomas understood if the Council voted to take it out now, it would be the first time it had happened. Mr. Zenner pointed out the PZC had approved a motion during its public hearing process to amend the regulating plan boundary as it was proposed in this amendment and had then voted to move it back at a later meeting. He thought the basis for moving it back had been the uses that were physically on Orr Street today. He reiterated the street frontage designation had been changed by staff during its review, but it had been presented as part of the PZC public hearing process, which involved eight public hearings.

Mr. Trapp asked if it would be less of a taking if they adopted the amendment. Mr. Zenner replied there was no taking, but if they adopted Amendment #17, which pulled the boundary back, the conversion of M-1 to IG would still occur. It would not, however, have any of the M-DT design element requirements as it related to street frontage at least on the east side of Orr Street. Ms. Thompson commented that the Council could not keep it in the M-DT and alter the designation within the M-DT. Mr. Trapp understood it was safer to take it out than to keep it in and change it. Ms. Thompson stated it needed to either be in or out.

Mayor Treece stated he would like to leave it in the existing industrial category it was in now. He commented that if they had straight up expanded C-2 zoning in the neighborhood, it would not have been supported by the neighbors. He explained he did not agree with inserting an expansion of the M-DT without that same process in place as it seemed to be sneaky to him.

Mr. Thomas understood this specific issue had been debated multiple times by the PZC and it ended up in this manner. Mayor Treece stated he thought the map had changed multiple times and was not sure it had been debated multiple times. Mr. Thomas understood this was the recommendation of the PZC at the end. Mayor Treece noted they had voted one way and then had voted to return to this recommendation of an expansion.

Mr. Thomas stated he was uncomfortable overruling the recommendation of the PZC on a very nuanced issue.

Ms. Peters asked if anyone from the PZC could speak on this.

Michael MacMann, 606 Independence Street, commented that he was biased on this issue and explained it was his amendment that took it out by a vote of 8-1, and it was another PZC member's amendment that reversed that decision by a vote 8-1. He noted the argument he had made had been similar to the argument of Mayor Treece with regard to public process. The neighbors had indicated they had been unaware of the changes and were concerned. He stated it was his hope that the area in question would undergo a larger and more thorough public process to take in the input of those neighbors. He pointed out they were essentially talking about east St. James Street, and noted they had gone through great lengths to protect the Hubbell Drive neighborhood and this would counter those efforts. He understood St. James Street was essentially a business area, but St. Joseph Street was all residential with R-1, R-2, and R-3 uses, and they had not heard from those property owners. He commented that the area north of Park Avenue, bounded by Park Avenue, Tenth Street, and Rogers Street, would need to be reviewed to determine what would be done. He explained he wished this had occurred during a full public process rather than it being a done deal at this point because the protections that had been offered by townhouse were gone. There was now no feathering or stepdown.

Mr. Thomas asked if they could hear from John Clark, who had proposed the amendment, and John Ott, who was one of the property owners that would be affected.

John Clark, 403 N. Ninth Street, commented that the Charrette process had been a massively public process and involved this area, and the neighborhood map that had come out of a planning process for the North Central Columbia Neighborhood had indicated this area would be a part of the North Village and Market areas as neighborhood

scale areas. He noted North Village was mixed residential and business, and was nothing like the downtown. He felt they had read and heard the arguments of this area not being a part of the M-DT, and that the neighborhoods had spoken. He also suggested additional processes once they go through this about the next steps. He stated he thought this amendment was necessary to protect those people on Hubbell Drive and St. Joseph Street, and to help guide the really intense public use of the Ameren UE site as had been envisioned in the Charrette of neighborhood style purposes instead of downtown central city intensity purposes.

John Ott, 212 Bingham Road, explained when he came to school in 1979-1980, one of the buildings on St. James Street was the North Village Gym. The history of St. James Street had always been industrial and commercial with maybe a house or two. He explained they had worked with the neighborhood to create the uses and do what that had been done on St. James Street. He pointed out the property at 210 St. James Street had been zoned industrial and had two gutted R-3 homes that were likely to be condemned and torn down, so he had stepped in as he thought he could make them work as commercial buildings. The zoning had been changed from industrial to commercial. He noted he had worked with the neighborhood and had discussed the uses, etc., and had actually placed deed restrictions on the property. He felt they had made some great improvements to the benefit of the neighborhood and the downtown area. He pointed out the neighbors had supported those changes at the Council level. In terms of the regulating plan, he believed there had been a public process, and the PZC had voted 8-1. He explained he had also attended the meetings and had not heard any opposition. The only party that had asked for the change was Mr. MacMann.

Mr. Thomas asked Mr. Ott how he envisioned this area developing and how the two possible zoning districts that might apply there would impact it. Mr. Ott replied it was clearly commercial now, and mixed-use made the most sense, and noted a portion of it was within the Downtown Community Improvement District (CID). He pointed out a lot of the area was the Arts District and thought it had been a real asset to the downtown and the community. Every six months something new developed in the Arts District and became a bigger asset. He stated he hoped Ameren became a park as it could serve the Arts District. He did not feel it made sense for this area to be office and townhomes, except for maybe St. Joseph Street, which had been the dividing line historically. He noted he did not understand the desire for a change.

Mayor Treece commented that when PZC had first looked at segment three, the M-DT map that had been given to the public had this area all in the urban general expansion. At the November 10 meeting, which was the next meeting, the PZC had voted to move the M-DT away from this area, and in December they moved the line again. He felt a more thoughtful process to really preserve the true mixed-use and the residential that made the Arts District more vibrant and viable was essential.

The motion made by Mayor Treece and seconded by Mr. Skala to amend the Unified Development Code associated with B43-17 by adopting Amendment #17 was defeated by voice vote with only Mayor Treece and Ms. Peters voting yes.

Mayor Treece asked if they wanted to proceed with Amendment #13. Mr. Thomas asked if Amendment #16 played into this. Ms. Thompson replied Amendment #13 provided that the regulating plan as amended from time to time became the regulating plan so any amendments to the regulating plan afterwards would continue to be incorporated. Ms. Peters understood they could address Amendment #13 and then move on to something else.

Ms. Nauser asked if a new map showing all of the new zoning classifications would be generated after the UDC process was completed. Mr. Zenner replied a printed version was in the Lobby, and it would also be online as part of the CityView mapping software. He pointed out they were working with GIS staff to determine how the regulating plan area

for M-DT would be identified. Ms. Nauser asked if someone could see what their property had been and what it was today. Mr. Zenner replied that was available today as there was a tile on CityView whereby one could select current zoning and proposed zoning, and the proposed zoning tile was actually the zoning with the new designations.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #13. The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mr. Trapp made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #15. The motion was seconded by Ms. Nauser.

Mr. Trapp commented that these were real small parcels and they already had some exemptions from the form-based standards so they were really talking about rear setbacks and the second-story requirements, which seemed onerous to place on small parcels. He understood the idea of wanting to create and build alleys to make downtown more walkable, but did not feel that should be done one-quarter block at a time. He thought it would create short buildings in the front and more nonconforming issues that might cause people problems with financing. He understood there were relief valves, but that all added to the cost. If they could not redevelop small parcels in creative and interesting ways, they would encourage people to accumulate those parcels for very large redevelopment projects that there was a weariness of already in the community. He did not feel a lot of damage could be done in less than 10,000 square feet.

Mr. Thomas understood this amendment would exempt small lots from second-story requirements and rear setbacks. Mr. Teddy stated he thought it was a total exemption. Mr. Trapp understood there were already exemptions for some things. Mr. Zenner explained 50 percent of the property downtown would be exempted if the amendment were to pass as 50 percent of the parcels downtown were less than 10,000 square feet. Mr. Thomas asked if they would be exempted from the entire form-based code. Mr. Zenner replied yes, and noted that created the potential for real oddity on a block. He thought they would end up with odd configurations of buildings that had to comply along with buildings that did not, and that would impact the street frontage. He wondered how that would facilitate the idea of the urban form, which was the entire concept behind the form-based code. The exemptions for open space did not apply to a building that had less than 10,000 square feet provided there were not more than four residential dwelling units. The fenestration requirements did not apply if there was less than 100 feet of frontage. He commented that he was not sure the concerns of onerous requirements outweighed the loss of the application of the standard when 50 percent of the parcels in the downtown would not even be required to comply.

Mr. Thomas understood this amendment would only exempt them from the two-story requirement and the rear setback requirement because the fenestration and open space requirements would not apply. He asked what else they might be exempted from if this passed, and whether there was a front setback. Mr. Zenner replied the building had to be built within two feet of the front property line to be considered compliant, and this would exempt them from that requirement, but it was not an onerous issue because people tended to build to the building line to maximize the lot area. He noted there were certain restrictions that dealt with parking and street walls, which they would be exempted from with this amendment. Mr. Thomas asked if they could create parking in front of the building with this amendment. Mr. Zenner thought they might be able to, and noted the landscaping or the screening standards for parking would no longer apply. He noted a building could be demolished and a parking lot could be built because parking no longer required a conditional use permit in the M-DT. It was basically a principle permitted use, and the standards that provided the ability to bring parking within six feet of the front property line were imbedded within the building form standards and would be exempted if the parcel was less than 10,000 square feet.

Mayor Treece stated he believed this amendment would completely gut the code and everything they were trying to do downtown as it would exempt 50 percent of the properties. In addition, it did nothing to encourage historic preservation. He did not feel a blanket exemption from the form-based code would accomplish the unification they wanted. It would only perpetuate the situation they had now.

Mr. Thomas explained he was concerned they would have accumulating and large buildings across multiple lot lines. He noted they had spoken about building across lots lines in other contexts and asked if that applied to the M-DT. Mr. Teddy replied it was part of the subdivision standards so it would apply. Mr. Thomas understood it would be difficult to accumulate five lots and build across the lots with this amendment.

Mr. Trapp stated there were some implications he had not considered until hearing the comments of Mr. Zenner, and if the PZC was going to examine this further, he thought it would be nice if they looked at providing some relief to issues such as building alleys one-quarter block at a time. He pointed out that was his main concern, although he had some sympathy about the parking, wall and second floor requirements, and felt this amendment might be overly broad with some of the other changes they had already made to the downtown.

Mr. Trapp withdrew his motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #15, and Ms. Nauser, who had seconded it, was agreeable.

Mr. Trapp asked that this issue be reviewed by the PZC. Ms. Nauser thought this review was needed as well.

Ms. Peters understood the Downtown Columbia Leadership Council (DCLC) had asked for the amendments associated with Amendment #16 by suggesting the storefront designation be extended on Ninth Street north to Ash Street, which already existed in much of the area. She believed that was reasonable.

Ms. Thomas understood they had it on the west side, but there was not as much on the east side.

Ms. Peters noted the second request was for the storefront designation to be extended on East Broadway west to Seventh Street.

Ms. Peters made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #16. The motion was seconded by Mayor Treece.

Mayor Treece commented that the urban storefront had been limited to three blocks on Broadway and three blocks on Ninth Street, and the DCLC was suggesting it be extended. He thought that was a good idea.

Mr. Trapp asked for comments from Katie Essing.

Katie Essing, 11 S. Tenth Street, stated she was the Executive Director of the Downtown Community Improvement District (CID) and explained this had not been discussed by the Downtown CID Board yet as it was on their agenda for Tuesday. The DCLC recommendation had been brought forward after their last CID Board meeting, so they did not yet have an official position.

Mr. Trapp asked how much square footage of additional retail this extension would create. Ms. Essing replied they had a question as to whether it would only be on the street itself or if it was a block zone, and thought the DCLC would need to clarify what they meant. Ms. Thompson stated she was not sure what the DCLC had meant, but the amendment was drafted so it was street frontage, and not the entire block.

Mr. Thomas understood the different frontages of urban, west general, etc. literally only legislated the front of the building or the façade. The rest of the M-DT rules were the same once they were behind the frontage. Mr. Teddy stated storefront only made a modification as to how the ground level front was handled. Mr. Zenner noted it removed the ability to have residential on the streetfront as that had been allowed by the urban general designation, and it would only affect redevelopment. If one looked at the regulating plan map, there were two parking lots attached to a church northeast of the intersection of Ash Street and Ninth Street and the Boone County Complex building at

Ash Street and Ninth Street. If redeveloped, there would need to be a shop front on the first floor. He explained the modification the PZC had included in the proposed code allowed the shop front space to be used for something other than restaurant or retail. It allowed for office uses within the shop front space. While the designation might be different, they might not get any different yield of uses than with the urban general.

Ms. Nauser asked if it had to be an active space more or less. Mr. Zenner replied not necessarily, and explained a financial office would be allowed in the urban shop front under the new definition. It would essentially remove residential from that portion of the corridor from the ground floor.

Ms. Nauser asked if the church parking lot would become nonconforming. Mr. Zenner replied yes as the parking lot would require some type of screening. He pointed out the church recently added parking through the conditional use permit process, and thought they had required landscaping that would have been consistent with the M-DT requirements.

Mr. Thomas asked for comments from a DCLC member.

Janet Hammen explained she was a DCLC member, but would like to yield her time to Pat Fowler as she had put forth this idea when she was on the DCLC.

Pat Fowler, 606 N. Sixth Street, commented that when she had been a member of the DCLC, she had partnered with the Historic Preservation Commission (HPC), of which she was currently a member, to map the downtown in terms of existing urban storefront uses, which were broader than what this amendment indicated. She stated the goal was to keep the downtown a downtown so that there were still active business uses present, and the prohibition of first floor residential would protect the facades of historic structures, particularly those along Broadway, which were outside of the narrow confines of urban storefront now. She explained they were only asking for this to the boundaries where it currently existed, so from Seventh Street to Hitt Street and Ash Street to Locust Street. She noted the amendment was different than the letter from the DCLC, and pointed out it was a compromise position of where urban storefront currently was vibrant and active.

Mr. Thomas stated he would like to move forward with this amendment.

The motion made by Ms. Peters and seconded by Mayor Treece to amend the Unified Development Code associated with B43-17 by adopting Amendment #16 was approved by voice vote with only Mr. Trapp and Ms. Nauser voting no.

Mayor Treece asked if anyone wanted to pursue Amendment #18. Ms. Peters replied she thought they had decided not to pursue Amendment #18.

Mr. Skala understood they had not addressed Amendment #3. Ms. Peters commented that she did not believe they were pursuing that because it was a policy.

Ms. Nauser asked if they needed to address Amendment #39. Mayor Treece replied they could discuss Amendment #39 and explained he did not necessarily need to move forward on it. He understood some of the original conditional use permit approval criteria included a sufficiency of services test, and this amendment would require the Director to determine sufficient infrastructure existed or would exist for any building permit issued for construction of a new building on a lot by the time construction was completed. This would include, but would not be limited to, utilities, stormwater, water, sewer, electricity, streets, and sidewalks.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #39. The motion was seconded by Ms. Nauser.

Ms. Nauser understood this was likely related to some of the electricity issues in the downtown, and felt this amendment was extreme. She believed it would be extremely burdensome if every home in a subdivision of 500 homes had to obtain a sufficiency of services after sewer, water, electric, streets, and sidewalks were identified through the platting process. She thought staff already looked at this when any development initially came to the City for review. Mr. Teddy stated a development would be flagged if there

was some known issue. He thought this amendment was saying there was a basis for denying a building permit.

Ms. Nauser asked if she needed to obtain permission to build a home on a lot in a new subdivision. Mr. Teddy replied there was not a special procedure. The infrastructure in a new subdivision would be brand new and capacity issues would be looked into prior to the approval of the subdivision infrastructure. He reiterated the amendment was providing a basis for denying a building permit if there was a problem in a system such as electric. Mr. Zenner explained it could potentially be viewed on a lot by lot basis, and provided a vacant lot on Walnut Street as an example. It would not apply in a situation where a more upfront review was completed, such as a subdivision approval process or a rezoning action. As part of the plan submission for a building on a lot in the middle of a developed portion of the City, they would evaluate whether there was adequate capacity to serve it. If they determined there was not, they would not issue a building permit. Once it was shown the service could be provided, they would then issue the permit.

Ms. Nauser pointed out that the southwest area of Columbia had a water pressure problem and asked if a building permit would be denied for someone that wanted to build a house in that area in a newer subdivision. Mr. Teddy replied the permit would be issued if fire flows were met. Ms. Nauser noted a new water tower was needed in the area and people were not allowed to water their lawns except on even and odd days so the water pressure problem had not been solved. She asked if this meant someone could not build a new home in one of the new subdivision. Mr. Teddy replied there were city standards for water pressure to any development for fire flow purposes. She understood they did not have sufficient water pressure for fire service on the peak days due to people watering their lawns, and asked if this would trigger the denial of a building permit. Mr. Zenner replied if the subdivision had been approved prior to the effective date of this code, he thought they would have to create an exemption, but if a subdivision plat were presented today, given the current condition, the sufficiency of services would become part of the approval process. Ms. Nauser noted it would be a previously platted lot if it were in the downtown so she was not sure that was accurate.

Ms. Thompson pointed out this provision existed in many different forms currently. This simply made it clearer. Ms. Nauser stated the amendment was worded whereby any building permit could be denied, and asked if it could be denied for a single-family residence. Ms. Thompson replied yes, and explained she did not feel someone would want to build a single-family residence if there was not adequate fire flows or the fire flow standards could not be met. She stated if there were not adequate fire flows, it was a public health, safety, and welfare issue, and that was a reason to deny the building permit until the necessary safety precautions could be met for someone to build and occupy a residence at the location. She pointed out she did not believe it had been determined there were inadequate flows, but if it was determined, denying those building permits was something the City could do until it was safe. She noted the watering of lawns was not the right of anyone if it had a negative impact, and ceasing the practice or regulating the practice in a way that did not negatively impact the public health, safety, and welfare could be done by the City.

Mr. Thomas stated he was confused by what would be the new language in the code. He explained only the (4) was underlined and (5) and the wording associated with (5) were underlined. Ms. Thompson clarified (5) was completely new, and (4) was existing. Mr. Thomas understood there were other procedures built into policy that essentially did this, and a building permit would not be issued without sufficient services. He noted he had been asking for a while for some kind of document or map that showed the amount of capacity by area, neighborhood, block, or subdivision they had for a certain number of homes, etc. because he wanted to see the amount of infrastructure capacity available in a predictable way that was available so they could determine if they needed to build more infrastructure. He asked if capacity was known to that level of accuracy. Mr. Matthes replied yes, and pointed out it was relevantly recent in the scheme of the life of the city.

In addition, it was not all locked down in one easy map. Sufficiency of services was reviewed on a case by case basis. He noted this was done for every development. Mr. Thomas understood the duplicated something already done. Mr. Matthes stated that was correct.

Mr. Thomas explained he heard from many people in the community that felt the City issued building permits when there was not adequate infrastructure, and believed a statement such as this might be helpful.

Mr. Skala assumed this language would clarify some of the issues they had run into with the lack of a sufficient sized water line to the Thornbrook subdivision. He asked if this would add leverage to the health, safety, and welfare idea. He wondered if they might have avoided some of the issues in Thornbrook if this had been in place at the time.

Mayor Treece stated he thought this closed a gap that the DCLC's Infrastructure Task Force had identified in that there was a disconnect between Public Works and Community Development when certain building permits were issued in terms of whether there was sufficient capacity. He felt this provided a nexus for the two departments to communicate. In the future when Council approved new developments there would be some connection as to the existing capacity and the capacity when the building permits were issued. Mr. Thomas wondered if they could create an opportunity to streamline the process so this could be dealt with when an entire plat was approved rather than when every single building permit was issued. Ms. Nauser agreed her concern was that this was reviewed at the building permit stage and not at the platting stage. Mayor Treece thought they should leave that up to staff to determine. He also noted that the practice was in place, but he was not sure a policy was in place. He felt this would put a policy in place.

Mr. Skala commented that there were issues in terms of infrastructure whereby they could not discriminate between the platting process and the building process as they were different. There were different types of development on the lots that were not specified at the time of platting. He thought those were issues they had to leave to policies and the discretion of staff so they could determine the sufficiency of services.

The motion made by Mayor Treece and seconded by Ms. Nauser to amend the Unified Development Code associated with B43-17 by adopting Amendment #39 was approved by voice vote with only Ms. Nauser voting no.

Mr. Thomas thought they only had Amendment #37 and Amendment #35 to consider that were not parking related.

Mr. Trapp made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #35. The motion was seconded by Ms. Nauser.

Mr. Trapp commented that 30 feet recognized that Council had expressed a will to do neighborhood protection. He noted the standard was 36 feet, and 30 feet instead of 24 feet would allow for a creative third floor. He explained lots of places had third floors in the East Campus neighborhood. He felt if they were going to have neighborhood protection standards, this would provide some middle ground.

Ms. Nauser commented that while she did not like this at all, she would agree to the 30 feet as it was better than 24 feet.

Mayor Treece noted this was in effect a 25 percent increase in the building height. Mr. Trapp understood, but pointed out 36 feet would normally be allowed so there would still be protection.

Ms. Peters understood the 36 feet would be in the middle and not the step down amount. Ms. Nauser asked if they were considering 30 or 36 feet. Mayor Treece replied the amendment was for 30 feet.

The motion made by Mr. Trapp and seconded by Ms. Nauser to amend the Unified Development Code associated with B43-17 by adopting Amendment #35 was approved by voice vote with only Mayor Treece, Mr. Skala (per a change in

his vote - see discussion later in the minutes), and Ms. Peters voting no.

Mayor Treece understood Amendment #37 would create some type of criteria for the approval of a variance for neighborhood protection standards and neighborhood transition standards.

Ms. Nauser made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #37. The motion was seconded by Mr. Trapp.

Ms. Nauser commented that they had standards for sidewalk and other variance requests, and felt it was appropriate to have standards in this situation as well.

Mayor Treece stated he felt this weakened the standards they already had in place to access a variance, and it would take away some of the authority the BOA might want to apply on a case by case basis.

Mr. Trapp asked staff to comment on the amendment. Ms. Thompson replied she did not have any particular comment on the amendment. She explained she thought it had been written and submitted to the Council in a way whereby any single one of the criteria would be the basis for a variance, and felt that might be overly broad when it came to granting a variance from those standards. She believed this had been requested if no modifications had been made to the neighborhood protection standards or the neighborhood transition standards, and suggested it not be passed at this time.

Ms. Nauser asked if this should be sent back to the PZC to review. Ms. Thompson replied yes. She thought this would be something to look at in the future, and if there continued to be a problem, the Council could then consider adopting standards.

Ms. Nauser withdrew her motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #37, and Mr. Trapp, who had seconded it, agreed to the withdrawal.

Mr. Skala commented that on the vote on Amendment #35, he had misspoken as he had meant to vote no. He asked that be changed. No one objected to allowing Mr. Skala to change his vote as it did not impact the outcome.

Mayor Treece thought they were down to the last three amendments, Amendment #28, Amendment #29, and Amendment #30. He believed it made sense to deal with Amendment #29 first as it would increase parking for developments with more than 20 bedrooms. He felt the parking issue was an issue of equity and accessibility. If one looked at the impact of multi-family residential in the downtown area and how they were physically described, they technically met the definition of R-3, and at the edge of downtown, they had several R-3 requirements. The parking ratios for the R-3 multi-family were currently 1 space per dwelling unit for efficiencies, 1.5 spaces for one-bedroom units, 2 spaces for two-bedroom units, and 2.5 spaces for three-bedroom units, and 1 space for every five dwelling units for visitor parking. He pointed out the proposed UDC did not change the parking requirements for that type of use, but if one moved across the street to what would become M-DT, the parking requirement was 0.25 spaces per bedroom or 1 space for every four bedrooms. He commented that there had been an increase of over 3,600 beds downtown in the last five years with no appreciable increase in parking, and they likely had another 1,000-1,500 beds coming online in the next year. He explained all of the comments he was receiving focused on students bringing cars, but noted he was more concerned about having residential options for young professionals, seniors, retirees, etc. as they might not be able to or want to commute to and from downtown on their bicycles. He wanted to ensure they had residential options available for those that wanted to be in this mix and have parking available to them. He thought this amendment would help level the playing field between the R-3 developments and the C-2 developments. No one would build a parking lot or parking deck when it was more lucrative to put in beds at \$1,000 per month as the profit margin for the square footage required to build a parking deck was often cost prohibitive. He believed increasing the parking requirements would make it easier for downtown shop owners, customers, church-goers, etc.

Mayor Treece made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #29. The motion was seconded by Mr. Skala.

Mr. Skala made a motion to amend Amendment #29 so 0.50 parking spaces would be required per bedroom.

Mr. Skala explained this issue had been discussed at the last meeting and there had been references to smart growth principles. He noted some of them had attended the New Partners for Smart Growth conference, and the message from that group was to reduce parking requirements in downtown areas. Examples provided were cities that had reduced parking requirements from 1-2 parking spaces per bedroom to 0.50 parking spaces per bedroom. He understood 0.50 had been required in Columbia until the interim C-2 zoning rules had been approved changing it to 0.25, and pointed out he had voted against it as he thought those parking requirements were equitable and necessary given the uniqueness of Columbia's built environment. He believed 0.75 might be a bit onerous as they wanted to discourage too much parking, and suggested moving to what they had previously.

Mr. Thomas commented that he did not recall the parking ever being 0.50. In the 1990s, there was no parking requirement for C-2 zoned properties, and when Ms. Hoppe brought the change forward for interim C-2, it had become 0.25. Mr. Teddy thought Mr. Skala might be recalling the recommendation that had gone through the PZC process in review of the interim C-2 as it had been 0.50. Mr. Thomas understood the 0.50 had never been adopted as it had only been a recommendation. The parking had gone from zero to 0.25 spaces per bedroom. He understood they were now talking about 0.50 parking spaces per bedroom, and felt they were going in the wrong direction. Mr. Skala apologized for misspeaking and explained he must be remembering the recommendation as he had been in favor of it. Mr. Thomas stated he believed that recommendation had not been adopted for good reasons.

Mr. Thomas stated his first concern with regard to this amendment was that there was a level of non-transparency to it. He had heard from several people supporting the 0.75 and 0.50 space requirements indicating the real purpose of this was to stop residential development in the downtown as parking was seen as a convenient way to do it. He understood Mayor Treece had referred to the old parking requirements outside of the downtown, which had been discussed, and noted Clarion had originally proposed lowering those requirements, but it had been overridden despite the fact the need for parking requirements outside of the downtown had never been tested. He commented that one only had to walk, bike, drive, or ride a bus around to see acres of empty parking everywhere, which he felt created an ugly city, a sprawled city, and a city that was not supporting a good bus service. He believed the parking requirements they had outside of the downtown had been extremely damaging, and opposed perpetuating those. In terms of the downtown, he felt there were several reasons not to have any minimum parking requirements. He explained a parking workshop had been held a year and one-half ago that had demonstrated amply that there was lots of parking downtown in the garages and on the streets at all times of the day, so there was no need to invest money by either the private or public sector. He noted they had also established a Parking and Traffic Management Task Force with the specific mission to look at the 0.25 requirement and make a recommendation. He did not recall any interest by that Task Force in raising the requirement. He believed the feeling had been to get rid of it, lower it, or create an in-lieu-of fee. He believed the fee was a very good idea. He stated he did not understand why they wanted to force downtown residential developers to build parking that was not needed as it would not make any difference in the parking supply to the public. He agreed it was more difficult to find parking downtown than previously. Most of the time, one could not find parking on the exact block one wanted which could have been done ten years ago. A person would now have to park a few blocks away and walk. There were always acres of parking in front of Lucky's and Office Depot, and this was a short walk from most locations downtown. Parking had changed, which he felt was good,

because more people were coming downtown. He agreed 3,500 residents had been added to the downtown, but did not believe they were creating the problem. He pointed out the City was selling blocks of permit parking in the public garages to allow downtown developers to accommodate the 0.25 spaces per bedroom parking requirement, and thought this should stop. They should not allow any more downtown developers to use public parking garages to satisfy the parking requirements. The developers would then either be forced to build their own parking or advertise their apartments to people that did not have a vehicle. Although he believed students living outside of the downtown area were the ones storing their cars in the neighborhoods, he agreed some downtown residents might be doing it as well. He thought this could be resolved with a residential parking permit program in each of the neighborhoods that abutted the downtown where there was a problem, and suggested increasing the downtown parking fees to fund those permit programs more quickly. He reiterated that forcing additional vehicle parking downtown would not make any difference to the publically available meters or private parking lots that businesses and downtown visitors used. It was a different problem, and this solution would not address that problem. He commented that with these two changes to their parking legislation and effective enforcement of existing laws, he did not feel there was any reason to increase the mandatory minimum parking requirement. If a developer did not build enough parking, the tenants would have the choice to get rid of their car, park their car out of the downtown area long term, or live elsewhere. He noted the developer of the Rise had told him that they had leased two-thirds of the 400 bedrooms and only one-third of the 100 parking spaces. Young people did not have cars or want cars. He stated they would need to support other modes of transportation as they moved forward in order to create a true multi-modal community. By forcing developers to build more parking, they would continue to enable an old fashioned and damaging practice, and undermine efforts to move to a much more efficient, healthy, and sustainable transportation paradigm. He suggested they leave the parking requirement at 0.25 as it currently existed. He noted the Parking and Traffic Management Task Force had recommended the establishment of a permanent commission, and suggested this issue be sent to them to review and provide recommendations. He thought they should look at an in-lieu-of fee as well, and if an in-lieu-of fee was established, he would support a larger parking requirement as the money could be used to improve the bus system, walking, biking, and parking enforcement.

Ms. Nauser stated she agreed with Mr. Thomas on this issue, and in looking at the younger generation, she felt they tended to forget there were companies such as Uber. Kids could fly into Columbia and get a taxi to the apartment or have their parents bring them, and they then had unlimited inexpensive rides throughout the community without the expense of owning a car. She commented that she liked the idea of ceasing to offer people the ability to buy out all of the City's parking spaces in the parking garages. She did not feel there was an issue with walking and people did not have to park right in front of the door of the establishment they wanted to visit. She stated she supported not increasing the parking requirement. She noted some apartments had ride share cars and bicycles for residents, and due to the number of people residing in the downtown, they had more services to accommodate them, such as grocery stores.

The motion made by Mr. Skala to amend Amendment #29 so 0.50 parking spaces would be required per bedroom was seconded by Mayor Treece.

Ms. Peters stated she would support the 0.50 parking spaces per bedroom, and noted it could always be changed later. She pointed out she lived in the East Campus neighborhood and traveled through the Benton Stephens neighborhood, and students were parking their cars there. She agreed permit programs were needed, but they were not easy to implement.

Mr. Trapp commented that he believed 0.50 was better than 0.75 so he was supportive of the amendment to the amendment. He noted he also felt the argument of Mr. Thomas was compelling as it was very expensive to building downtown parking spaces. He

thought a fee in-lieu-of would meet a lot of needs, but they did not yet have data. He stated single use parking spaces were particularly wasteful because they were only used at certain times. It was more efficient to combine or pool parking and have public parking with commercial and residential uses as they would be used at different times. They would get more value from the spaces then. He thought this was a step in the wrong direction, but was supportive of the amendment to the amendment.

Mr. Skala stated he agreed they should consider a payment in lieu of option and of the recommendation of the Parking and Traffic Management Task Force to form a permanent commission to review the issue. He commented that he believed the position of the Task Force was to maintain a holding pattern until direction was provided via a permanent commission. He noted he agreed millennials were using their cars a lot less, and that there had been a trend to move from the suburbs back to the city, but pointed out he had recently learned many millennials were moving back to the suburbs at the Smart Growth conference. The reason for this was because older people were giving up their houses in the suburbs to move into condominiums at bargain prices. This trend was countering the trend of kids moving to the city.

Mr. Thomas commented that he had not seen data showing millennials were moving back to the suburbs, and noted he would appreciate Mr. Skala sending him that information. Mr. Skala stated he would provide it.

Mr. Zenner asked for a clarification on the amendment. Mayor Treece replied there was an amendment to Amendment #29 to require 0.50 parking spaces per bedroom. Mr. Zenner noted the beginning of item (B) had 0.25 and asked if that was changing to 0.50. He noted the new text that was being added had 0.75. Mr. Skala stated the intent was to go from 0.75 to 0.50. Ms. Thompson stated Amendment #29 was to increase the parking requirement to 0.75 for anything in excess of 20 bedrooms. The amendment of Mr. Skala would change that so they would increase the parking requirement to 0.50 for anything in excess of 20 bedrooms. The 0.25 would be retained for anything less than 20 bedrooms. She asked Mr. Skala if he wanted 0.50 for everything. She reiterated the current code provided 0.25 for everything, and Amendment #29 would increase that requirement to 0.75 for anything in excess of 20 bedrooms. Mr. Skala stated he was amending that to 0.50. Ms. Thompson understood the amendment of Mr. Skala was for anything in excess of 20 bedrooms. Mr. Skala stated that was correct. Ms. Thompson noted 0.25 would be retained for anything less than 20 bedrooms. Mr. Skala stated that was correct.

The motion made by Mr. Skala and seconded by Mayor Treece to amend Amendment #29 so 0.50 parking spaces would be required per bedroom for newly constructed buildings containing 20 or more bedrooms was approved unanimously by roll call vote with Mayor Treece, Mr. Ruffin, Mr. Trapp, Mr. Skala, Mr. Thomas, Ms. Nauser, and Ms. Peters voting yes, and no one voting no.

Mayor Treece commented that the parking audit had identified that residential neighborhoods adjacent to the downtown had a negative excess capacity meaning they were 130-140 percent over-parked. He stated not everyone was able to ride their bike to work and it was often not practical to ride a bike to participate in downtown activities. He noted he was not insensitive to the comments of Mr. Thomas and believed a higher parking requirement would probably make the incentives and offsets more attractive to developers.

The motion made by Mayor Treece and seconded by Mr. Skala to amend the Unified Development Code associated with B43-17 by adopting Amendment #29, as amended, was approved by roll call vote with Mayor Treece, Mr. Ruffin, Mr. Skala, and Ms. Peters voting yes, and Mr. Trapp, Mr. Thomas, and Ms. Nauser voting no.

Mr. Thomas stated he would withdraw his request for Amendment #28 as it had been predicated on the 0.25 parking space per bedroom requirement and was designed to create an additional incentive to developers to provide bicycle parking. He assumed they would create a parking and traffic management commission and he planned to ask them to look at this issue and make a recommendation.

Mr. Trapp made a motion to amend the Unified Development Code associated with B43-17 by adopting Amendment #30.

Mr. Trapp commented that he thought people were more supportive of these types of small projects. It was hard to add a few units on to an existing building if they had to accommodate parking. He noted these spaces would not impact the cosmological significance in interring neighborhoods. These were small developments with a 0.25 minimum parking requirement so they were talking about four spaces, and it could make or break cool redevelopment projects and creative reuses that could provide an economic incentive to keep some historic buildings.

The motion made by Mr. Trapp to amend the Unified Development Code associated with B43-17 by adopting Amendment #30 was seconded by Ms. Nausser.

Mayor Treece stated he would oppose Amendment #30 as he did not feel these were small units. They were talking about five four-bedroom units, which would create a demand. He suggested changing 20 to five or ten, which had been recommended by the DCLC because that would encourage historic preservation. In addition, it might incentivize making 2-4 two- or three-bedroom units that were appropriate for families.

Mr. Thomas noted these laws did not prohibit someone from building parking, but if in place, it would be mandated. He commented that if he was a developer of a 20-bedroom apartment building and thought some of his tenants would need cars, he would include that parking in his development or make some arrangement. He did not feel they should require small developments to provide parking, and did not believe it would negatively impact public parking.

Mr. Skala stated he would support reducing the number to ten.

Mayor Treece made a motion to amend Amendment #30 so "twenty (20)" was changed to "ten (10)". The motion was seconded by Mr. Skala.

Mr. Zenner asked if they were referring to bedrooms or residential units. There was a big difference because a residential unit could have up to four bedrooms in the M-DT. As it was currently written, it would allow 80 bedrooms in the 20 units. Mr. Thomas suggested they ask Katie Essing since this came from the Downtown CID. Mayor Treece asked who drafted the ordinance. Ms. Thompson replied she had based upon the request of the Downtown CID and did not recall the specifics.

Katie Essing, 11 S. Ninth Street, clarified it was bedrooms.

Mayor Treece withdrew his motion to amend Amendment #30 so "twenty (20)" was changed to "ten (10)". Mr. Skala, who seconded the motion, was agreeable.

Mayor Treece made a motion to amend Amendment #30 so "units" was changed to "bedrooms". The motion was seconded by Mr. Trapp and approved unanimously by voice vote.

Mayor Treece made a motion to amend Amendment #30 so "twenty (20)" was changed to "ten (10)". The motion was seconded by Mr. Skala.

Mayor Treece understood this meant five two-bedroom units on the top floor of a building would not have to provide any parking. He believed this would encourage historic preservation and encouraged the adaptive reuse of the vacant second-story of buildings. He agreed with Mr. Thomas in that if someone was crafting that type of professional unit and believed the tenants would expect parking, they would build the parking. Mr. Thomas thought that situation would be the same if the number of bedrooms were between ten and 20.

The motion made by Mayor Treece and seconded by Mr. Skala to amend Amendment #30 so “twenty (20)” was changed to “ten (10)” was defeated by roll call vote with Mr. Trapp, Mr. Thomas, Ms. Nauser, and Ms. Peters voting no, and Mayor Treece, Mr. Ruffin, and Mr. Skala voting yes.

Mr. Trapp reiterated this amendment involved a small number of parking spaces and the same logic applied whether it was ten or 20 bedrooms.

The motion made by Mr. Trapp and seconded by Ms. Nauser to amend the Unified Development Code associated with B43-17 by adopting Amendment #30, as amended, was approved by roll call vote with Mr. Ruffin, Mr. Trapp, Mr. Thomas, and Ms. Nauser voting yes, and Mayor Treece, Mr. Skala, and Ms. Peters voting no.

Ms. Nauser stated she would like amendments considered that had been identified in a letter from Crockett Engineering regarding steep slopes, the number of entrances into a subdivision, the length of cul-de-sacs, and tree preservation, and asked that those be drafted by staff for consideration at the March 20 meeting.

Mr. Matthes pointed out if amendments were made on March 20, Council would need to delay a vote on B43-17, as amended, to the April 3 meeting. Ms. Nauser stated she was fine with the delay. Ms. Peters asked if they could vote on the UDC without the amendments made on March 20, and approve those on April 3. Mr. Matthes noted it would have to left on the table for at least seven days. Ms. Nauser stated she did not have a problem with voting on the UDC on April 3 if necessary.

Mayor Treece understood the Charter required any substantive change to lie on the table for a week, and asked if those amendments rose to the level of a substantive change. Ms. Thompson replied she would have to take a look at it prior to making a determination.

Mr. Skala understood the administrative delay would expire on March 30 so there would be a gap until April 3. Ms. Nauser noted they could always extend it as well.

Ms. Nauser wondered if they should summarize what they had indicated they would like the PZC to review as they had withdrawn a few amendments for that reason. Mr. Skala thought they could send anything to the PZC for review.

Mayor Treece explained the notice for today’s meeting did not advertise public comment, but he wanted to be fair to those that were here and those that did not attend because they did not have the expectation of public comment. He commented that he had been contacted by a few people and had told them he thought they would deal with the amendments upfront and only allow public comment if there was time. He noted they were still taking written comment.

Ms. Amin asked anyone that had written comments they wanted included in the March 20 meeting packet to submit those by noon on Wednesday.

Mayor Treece commented that they would allow public comment at the March 20 meeting, and anyone could also offer an amendment then even though he felt they had held an exhaustive amendment process today. He understood the expectation was that they still hold a vote on March 20.

Ms. Amin asked how public comment would be handled on March 20. She wondered if people would be allowed three minutes instead of six minutes and if signing up in advance would be required. Mayor Treece suggested allowing three minutes only since this would be the second opportunity for people to testify. He asked what had been advertised with regard to signing up in advance. Ms. Amin replied she did not recall. Mr. Skala thought signing up had worked well. Mayor Treece agreed it created some efficiency. Mr. Trapp also agreed.

Mayor Treece continued the public hearing to the March 20, 2017 Council Meeting.

III. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 6:02 p.m.