



City of Columbia, Missouri

Meeting Minutes

Board of Adjustment

Tuesday, November 13, 2018

7:00 PM

Regular Meeting

Council Chambers

Columbia City Hall

701 E. Broadway

I. CALL TO ORDER

MR. WATERS: The November 13, 2018 Board of Adjustment Meeting will come to order. Will the liaison please call the roll?

MS. BACON: Mr. Clithero?

MR. CLITHERO: I'm sorry. Here. Wake me up.

MS. BACON: Ms. John?

MS. JOHN: Here.

MS. BACON: Ms. Hammen?

MS. HAMMEN: Yes, I'm here.

MS. BACON: Mr. Norgard?

MR. NORGARD: Here.

MS. BACON: Mr. Waters?

MR. WATERS: Here.

Present: 5 - Martha John, Janet Hammen, Philip Clithero, Andy Waters and Peter Norgard

II. INTRODUCTIONS

III. APPROVAL OF AGENDA

MR. WATERS: Is there a motion to approve the agenda?

MR. CLITHERO: So moved.

MS. JOHN: Second.

MR. WATERS: There is a motion and a second to approve the agenda. All in favor, say aye. Opposed, say nay.

(Unanimous voice vote for approval.)

MR. WATERS: The agenda is approved.

Motion to approve the agenda

IV. APPROVAL OF MINUTES**A. October 9, 2018 Regular Meeting**

MR. WATERS: The October 9, 2018 minutes were distributed to the members of the Board. Are there any corrections or additions to the minutes? If not, is there a motion for approval?

MS. HAMMEN: So moved.

MR. CLITHERO: Second.

MR. WATERS: A motion and a second to approve the October 9, 2018 minutes. All those in favor, say aye. Opposed, say nay.

(Unanimous voice vote for approval.)

MR. WATERS: The minutes are approved. Will the court reporter, please swear in the staff?

MS. BACON: One moment, Mr. Chair. Can you also please consider the work session minutes as well?

MR. WATERS: Oh, of course.

MS. BACON: Uh-huh.

MR. WATERS: Sorry about that.

MS. BACON: Thank you.

Motion for approval**B. October 23, 2018 Work Session**

MR. WATERS: Also distributed were the October 23, 2018 minutes from the work session. Is there a motion to approve? Are there any additions or changes?

MS. JOHN: Move to approve.

MR. CLITHERO: Second.

MR. WATERS: There is a motion and a second to approve the October 23, 2018 work session minutes. All in favor, say aye. Opposed, say nay.

(Unanimous voice vote for approval.)

MR. WATERS: Okay. Now please swear in the staff.

(Staff was sworn.)

Motion to approve

V. PUBLIC HEARINGS**Case # 16-2019**

A request by Robert Hollis (attorney), on behalf of TKG Biscayne LLC (owner), seeking approval of a 11'6" building height variance to permit exterior architectural features to exceed the maximum permitted structure height within the M-C (Mixed-Use Corridor) zoning district, on property addressed as 201 N. Stadium Boulevard and more specifically described as the former Macy's building located at the Shoppes at Stadium, which is not permitted per Section 29-4.1 of the Unified Development Code.

MR. WATERS: If there are any board members who have anything to disclose regarding this case, please do so now. If not, has the notice been properly advertised?

MS. BACON: Yes, it has.

MR. WATERS: Has the property been posted with a notice of public hearing?

MS. BACON: Yes, it has.

MR. WATERS: Have the parties in interest been notified?

MS. BACON: Yes, they have.

MR. WATERS: Have there been any inquiries?

MS. BACON: There have been inquiries from the press today.

MR. WATERS: Will the person making the application to the Board please come forward and state your name and address and be sworn in?

MR. HOLLIS: Good evening. Robert Hollis. I'm an attorney with The Van Matre Law Firm at 1103 East Broadway.

(Witness was sworn.)

MR. HOLLIS: Good evening. I'm mainly here to introduce the other folks who know what is going on. We've got architects, engineers -- real estate professionals. As I am the applicant, I have a little bit of history to give you as to why we're here instead of an alternative, which is briefly mentioned, I think, in the staff report. So when the architects put this together -- and you'll be able to see pictures of it -- and it came to the City staff, and City staff did their job and said this doesn't meet the ordinances. And so, well, what do we do? And after -- and I wasn't there, but it is my understanding that the discussions led to, well, let's apply the new UDC transit district standards. So we looked at that. We looked at it closely. And it took a while, but after a couple conversations and a very long discussion with City staff, I can say with confidence that we agreed that trying to apply the transit standard district -- sorry, transit district standards to this site would not work. And it was in nobody's best interest, and the only way to do that would be to modify the UDC. The Code would just have to change. So there was only one alternative, and that

was to come to the -- this Board and explain to you the importance of what is being proposed and hopefully answer any questions -- and hopefully meet the standards such that a variance could be granted in favor of what is proposed per the existing plans. Michael Chiodini is among the group that is here. He is the architect. You may be familiar with him. He was the architect for this building as well. And I'll defer to him and be happy to answer any questions now or later.

MS. HAMMEN: Could you answer why the transit district code was considered? I don't -- I don't see the --

MR. HOLLIS: Oh, sorry. I'm sorry.

MS. HAMMEN: -- connection.

MR. HOLLIS: Yes. So if you apply the -- if you -- so if it qualifies as a transit district, then the height isn't an issue because if it qualifies as a transit district and you apply those standards, which you have to go to City Council to those -- I think it's City Council -- to have those applied, we wouldn't be here. We wouldn't need a variance because the height goes up. Well, it would qualify for the transit district standards, but the transit district standards would destroy the -- well, there would be a whole lot of problems with -- the fact that it would immediately become a nonconforming use. There are lots of problems with it. It does technically work, but we couldn't think of any way to make it apply without being devastating to the property, even though it is a property that was -- I assume was envisioned to be a transit district because of where it is with regard to the arterial road and other structures -- and a bus -- I think there is a bus depo -- not a depo -- a bus stop close as well. It qualifies, but it's not a possibility, unfortunately. Thank you.

MR. CHIODINI: Good evening. My name is Michael Chiodini with Chiodini Associates.

MR. CALDERA: Sir, you need to be sworn in.

(Witness was sworn.)

MR. CHIODINI: Tonight we are here to present the --

MR. CALDERA: I apologize for interrupting, sir. Did you say your address? I may have just not heard it.

MR. CHIODINI: 1401 South Brentwood Boulevard, St. Louis, Missouri.

MR. CALDERA: Okay. Perfect. Thank you.

MR. CHIODINI: As I said before, we are the architects for the City Hall as we sit, and in this Council Chambers. Hopefully, you like it or I'm in big trouble, but we'll proceed. So we were asked to help the Kroenke Group out in renovating the existing Macy's building, 139,000-square feet of empty retail as it sits right now. It's a very unattractive all

EIFS building. We plan on putting a lot of money into it, especially the front façade. As you can see, it sits on the corner of Ash and North Stadium Boulevard. What we are planning here is to show that -- we're going to have three tenants on the first floor, a retail tenant on the second floor and an office use on the second floor. The retail entries will be from the front, which will be the north, and then the new docks will sit on the back and the entry to the office use. Parking will be also on the back. Really what we are asking for is for our two architectural elements. Now, I'm on the Architectural Review Board in the city of Kirkwood in St. Louis, and I'll be honest with you, I'm not used to going for building heights from roof deck. This is probably the first I've seen around the country. We're also used to having buildings where we're allowed architectural elements to be a little bit higher than our building heights, as in the city of Chesterfield we're allowed 45 and 60 for architectural elements. Our two towers in this façade are technically architectural elements. They are not in line with the parapet. They set back four or five feet from the parapet, and you can actually walk around them. This is the north façade and what the new façade will look like. We are tearing off the entire north façade and replacing it with four entries -- three for the lower retail and the one entry will be to the escalators to get upstairs and cartilators for the retail on the second floor. We are going to renovate all four sides of the building in some way, shape or form. The building will not look anything like it stands right now. The Kroenke Group is putting a lot of money into this renovation. As you can see, the tower sits back at the corner from the -- from the parapet. Visibility due to, you know, development and some of the trees have grown hinders some of the views of our building. As you can see, the new towers will stick out and be a lot more visible for our retailers. That's the side on the south side of the building. So the view on the back side of the building, we're not adjusting any of the parapet heights. And our towers -- we're not asking for 11'6". Technically, I believe we're allowed 45 from the deck and six foot for parapet. So really, to the top of the tower, we're asking for 6'6". It's not 11' 6", as was mentioned. The problem from the back is that the retailers would like to see some sort of excitement without us tearing off all four facades. We feel the towers will bring some excitement and visibility when people are going down Ash to say, hey, something is going on in this building, rather than it looking like a big warehouse like it does today. These are some of the night views, and you can see the towers will be backlit with the opaque white glass on each end. I guess at this time if anybody has any questions or --

MR. WATERS: Ms. John?

MS. JOHN: Thanks. How did you choose the heights that you put your various parapets along the front?

MR. CHIODINI: It was more of a design of keeping everything, I guess, as far as massing, we didn't want anything too high, too low. And it sort of calls out -- each sign band calls out for each entry to the retailers. As far as the towers, we want those to stick higher than anything else and sort of set off the building differently than the other retail buildings on the site.

MS. JOHN: Is the existing parapet at 143'6"?

MR. CHIODINI: Yes. The top of the existing parapet is 143'6" or 43'6".

MS. JOHN: Yeah.

MR. CHIODINI: One hundred being finished floor.

MS. JOHN: Yeah. So you have set the parapet -- the lowest parapet across the front, two-and-a-half feet above that, plus than the parapets above the entry, what, five feet above that?

MR. CHIODINI: The parapets -- the top of the sign bands are at 151, and that's what we are allowed. So the only thing in the variance are the top of the two towers.

MS. JOHN: Okay.

MS. HAMMEN: A question. So the existing building is 43 --

MR. CHIODINI: The top of the parapet around all four sides is 43'6", yes.

MS. HAMMEN: The current building?

MR. CHIODINI: Yes.

MS. HAMMEN: Okay. Okay.

MR. WATERS: So you're going to go back -- the top of the parapet above the entrances now is the same as the building height exists today?

MR. CHIODINI: No.

MR. CLITHERO: No.

MR. CHIODINI: On three sides, yes. So on the east side, the back side and the west side, that will remain at 143'6", as it is now. The only thing we are adjusting is the front façade and where those towers simply turn the corner. But per the M-C district, we are allowed 45 foot, and then 6 foot for parapet. So that would be 51, and that's where the top of new sign bands are now.

MR. WATERS: Got you.

MS. HAMMEN: Are the sign bands those white things across the top?

MR. CHIODINI: When I mean sign band, it's sort of the area where the signage for the tenant will go above our sliding doors.

MS. JOHN: It's above the door --

MR. CHIODINI: Yes.

MS. JOHN: -- the entrances.

MR. CHIODINI: Right.

MS. JOHN: Right.

MR. CHIODINI: The white opaque glass between the tenants is just a decorative element that will be backlit, as will the tower glass at night. It will sort of serve as a beacon of light.

MS. HAMMEN: And so from your -- from that architectural drawing, the heights were -- well, the one because it said in the text would be 56'6", and the others were -- they were above 45. Correct -- on the north side?

MR. CHIODINI: They are above 45, but we are allowed six foot for a parapet.

MS. HAMMEN: Because those are parapets?

MR. CHIODINI: Right. Right.

MS. HAMMEN: Okay.

MR. NORGARD: So relative to other tenants in this shopping center, what are your heights?

MR. CHIODINI: A lot of the other tenants are single story. The only retail that has two stories would have the office use above them. So there's no retail on the second floor on any other tenant. Even the building to the east, that's all office use. I believe the Dick's Sporting Goods is up at 42 foot, and they are single story.

MR. NORGARD: So it is --

MR. CHIODINI: But they're element --

MR. NORGARD: So would you say that it is -- fair to say that these -- that this building already has an opportunity to stand out relative to its neighboring tenants?

MR. CHIODINI: Not with the architectural look of the building right now. It looks like a warehouse, I think. And in differentiating each different tenant, you know, if we were to take retail signage and put it on the building as is, I don't think these retailers would even look at going in there. They really -- you know, today, brick and mortar retail is difficult, as we all know with ecommerce. And to get these tenants to even look, we have to give them something they want to go into, and what is architecturally good looking.

MR. NORGARD: So these para -- I guess I'm just getting at the question, are the parapets necessary for it to stand out in the first place -- and maybe it's just something you like. That's okay. But, I guess, I'm struggling with the idea that this is somehow necessary to your design to have these parapets that --

MR. CHIODINI: Parapets are in within Code.

MS. BACON: Yes.

MR. CHIODINI: But we can be up to 100 -- or 51 feet --

MR. NORGARD: I'm talking about the lighthouse tower.

MR. CHIODINI: The towers. Okay.

MS. BACON: And I'd be happy to provide some clarification now or afterwards. But if I go, then they get a chance, of course, to rebut my statements. So I just want to be directed to speak, if that's the case or if you have questions.

MR. WATERS: Well, do you have something that you think would be relevant to add to the discussion right now?

MS. BACON: So at this point, the request was for a maximum height of 56' 6". So parapets right now, as they are showing at 43'6" are well within the 45 feet allowed by the M-C district. The Code does allow an additional six feet for a parapet or a cupola, which those towers could maybe be classified as similar. So it's nonstructural. It's much more an architectural element of decoration. So if the top of the building is 43'6", then you get an additional six feet on top of that, which would then put you at 49'6". Ultimately, if you are right at 45 with the top of your structure, then you get up to a max of 55. So there's a whole bunch of different variations within the architectural elements that come into play. And so the variance request is tying to the A2 elevations that were provided by the applicant. So we can -- we can definitely talk about the difference between different architectural elements if you would like, but the ultimate request is to tie really to the architectural elements as shown at each individual height on the A2 architectural elevation. Does that make sense?

MS. HAMMEN: So is that why on the A2 it shows on the north side to be 46'2", and on the east side to be 49'4", and in another place 51-and-a-half inches?

MS. BACON: Yes.

MS. HAMMEN: That's --

MS. BACON: There are different elements on different -- I mean, we've got the north, east, south, west elevation -- well, not really so much the west because it connects to David Bridal, but we've got three-sided architecture here that we're really dealing with, and so that's why the motion, if you so choose to grant the variance would be to tie to the A2 Architectural Sheet. It's a little bit simpler that way. If you would prefer to break it down by façade and by element that is an option that you could pursue.

MS. JOHN: Janet, where are you seeing 46'2"?

MS. HAMMEN: On what was in our packet on the --

MS. JOHN: No. I'm --

MS. HAMMEN: -- Architectural --

MS. JOHN: I'm seeing 46'2" as the width on --

MS. HAMMEN: Well, that's what I couldn't --

MS. JOHN: And that's what I'm asking.

MS. HAMMEN: Okay. So that's what -- oh, that was the width of -- so we never saw

--

MS. JOHN: I guess --

MS. HAMMEN: We weren't given the height.

MS. JOHN: Yeah. The height is on the -- is on --

MR. CLITHERO: It's on there.

MS. BACON: They're on there. Yeah.

MR. WATERS: So help me understand. The space between the sign bands is 51 feet -- I'm sorry, 46.

MR. CHIODINI: Right. And then the top of the sign bands are 51.

MR. WATERS: Okay. So is the space between the sign bands, is the height of that the existing building height now? So, no?

MR. CHIODINI: The height between the sign bands is at 46.

MR. WATERS: So in your opinion what would the -- how would the structure be diminished if you had just tried to work within the existing Code and scale down the height of your building across the board?

MR. CHIODINI: I just feel that the design wouldn't be as appealing to these retailers. And they requested that -- some of the people we have looking at this were very, very impressed with what they saw, and we really need to make this stand out from the other retail buildings that are in there. To make it shorter, you know, some of their signs wouldn't even fit on there. They're double-stack signs, and the proportions would be a lot different if I had to go shorter. We are using an all masonry front, and then the EIFS sign bands, but everything else is brick masonry or stone. It will look a lot better than the drab EIFS that is there now.

MR. WATERS: Well, don't get me wrong. I agree that it's a dramatic improvement over what's there now. There's no question about that.

MR. CLITHERO: So is the building height 43 feet?

MS. JOHN: The existing parapet, as I understand, is 43'6" -- of the existing building, which is the same all way around.

MR. CLITHERO: The top of the parapet.

MR. CHIODINI: Which will remain on three sides. It will remain 43'6" on three sides.

MS. JOHN: How high above the actual surface of the roof is that, do you know? If this says --

MR. CHIODINI: And see, that's the --

MS. JOHN: -- the bottom --

MR. CHIODINI: -- that's the tricky part.

MS. JOHN: It says here the bottom of the deck is at --

MR. CHIODINI: But that's the front. All roof decks --

MS. JOHN: In the front. Yeah.

MR. CHIODINI: -- slope, which is another reason why I sort of disagree in getting building heights from decks because they all slope.

MS. JOHN: Yeah.

MR. CHIODINI: I think I'm used to what's your height of the parapet or --

MS. JOHN: Yeah.

MR. CHIODINI: -- items like that.

MR. CLITHERO: Well, I guess the reason I asked the question is because of what I understood was that the parapet can extend above the building height, so what are calling the building height?

MR. CHIODINI: The new building height? Because it varies on -- on -- from side to side.

MR. CLITHERO: Okay. I assume I don't understand this at all. So how do we determine that the top of a parapet meets code if it's limited to whatever that number was -- five or six feet, above the building height?

MS. JOHN: I think it's the --

MR. CHIODINI: You have to --

MR. CLITHERO: If we don't know what the building height --

MS. JOHN: I think it's above the roof.

MR. CHIODINI: You have to take it from --

MR. CLITHERO: From the roof. Okay. So let's --

MR. CHIODINI: -- the top of the deck.

MR. CLITHERO: -- call it the roof.

MR. CHIODINI: So the roof deck slopes from front to back.

MR. CLITHERO: I understand that.

MR. CHIODINI: So you have to take it --

MR. CLITHERO: So at the front --

MR. CHIODINI: -- from the front.

MR. CLITHERO: - is -- so what is it?

MR. CHIODINI: The deck at the front is 37'6".

MS. JOHN: It -- this says bottom of roof deck is 37'6"?

MR. CHIODINI: Uh-huh.

MS. JOHN: What's -- how much is built up on top of that, do you know?

MR. CHIODINI: Well, you'd add, you know, rigid insulation and membrane. It's -- it's

-- yeah, you might have six, eight inches of material, you know.

MS. JOHN: Okay.

MR. CLITHERO: So 37 and 6 is 43. Right?

MS. JOHN: Uh-huh.

MR. CHIODINI: But you're allowed 45. But then that's the thing. We're sort of dealing with a building that was given to us. Had we been building this now, we would -- top of our deck would be at 45 at the front.

MR. WATERS: So we're trying to determine, you know, whether to grant you a variance based on whether there is a hardship that exists. And so I guess where it would help us to understand better what the hardship is that's causing you to not be able to design within the parameters of the Code. And I understand, you know, that it's a more appealing building perhaps to retailers if it is larger. It would help to know if there are any tenants that have told you that they won't consider the building if it is six feet shorter, or, you know -- or something like that.

MR. CHIODINI: We would definitely have to go back to these tenants if we are not granted. They have approved the elevations.

MR. WATERS: Do you have leases with tenants now? Can you talk about that, Mr. Hollis?

MR. HOLLIS: Robert Hollis, again, 1103 East Broadway. It's -- it's not necessarily the same as dealing with, you know, residential tenants. So we're at the LOI stage, which is not, you know -- it doesn't sound like much because it's a letter of intent, but it's a big deal, and there's a lot of money being spent based on the LOI. So, yes, we think we'll have leases if we can get what -- if we can have a variance of the building constructed as is proposed because that is what the tenants are essentially demanding at this point in time. Would the tenants terminate the LOIs and walk away at this point with those? I can't say that to be -- you know, with 100 percent certainty. But we can say for sure that we've gotten to the LOI stage with two of the four. We think we can get all four. And that this design is extremely important --

UNIDENTIFIED SPEAKER: Three

MR. HOLLIS: Three?

UNIDENTIFIED SPEAKER: Three of the four.

MR. HOLLIS: Oh, three. Excuse me. Three of the four. And if -- this design is very important at this point in time.

MR. WATERS: I'm not saying it would make or break the decision here, but, I mean, have -- have the tenants, for example, come to you and said, hey, we really like the buildings, but if they were six feet taller, we would like them even more? Anything like

that?

MR. HOLLIS: Well, I --

MR. WATERS: I mean -- or is this just kind of speculative --

MR. HOLLIS: Yeah.

MR. WATERS: -- on your part that these would probably appeal more to a tenant if they are -- if the scale is a little bit larger?

MR. HOLLIS: Well, I think I'm not competent to speak to the un-- you know, the downscaling of the building. And we had this discussion before we got here, you know, what can you -- you know, what could you do. And the fact is -- and what I took away from the conversation was that the simplest thing is the parapets are -- the parapets look good and everything else can look good because of that. If you wanted to just decrease the height of the tower to make it fit within existing code, it doesn't work because you can't see it because the parapets are too tall, which means you have to change all of the parapets, which means you have to change the stuff that's below it. So it's a cascading negative effect is what I understood. That may be a poor way of putting it, but it's not simple -- it's not simple to go I'm just going to make that change because it doesn't work. So you're not just changing that, you're changing what the tenants have seen, so it turns out to be a relatively big deal, you know. And one of the other things -- so you brought that up and it's a great question. One of the other things is, you know, is this self-imposed? Have you just imposed this on yourself, TKG? And the real answer is no. We didn't expect -- TKG did not expect to be in this situation. TKG built a building essentially for Famous Barr, if you recall -- yeah, as part of a land lease. That's oversimplifying it. But the building was constructed at the behest, request and under the direction of a big box tenant. And then the world changed, and now we don't have a big box tenant and we're not going to get one to be there. And so -- but that -- you know, there was a long-term lease. They were supposed to be there for -- I don't know what it was -- 50 years or however long the expectation was. And so that changed. So I would argue that, no, we didn't put ourselves in this situation. This is not self-imposed. It has been put upon us by the world changing. You can't have a Famous Barr and you can't have a Macy's anymore, unfortunately. So any other questions, I'd be happy to try to answer.

MR. WATERS: No, I understand you're trying to work with an existing building. I mean, you could tear the building down and start from scratch, but that would be impractical. And I don't think that would serve anybody. And I think what you are trying to do is create a visually appealing building out of something that is not so much right now. And I think you have accomplished that, you know. The question for us just is that

whether designing the building to meet the parameters of the Code would create some kind of a practical difficulty for you.

MR. HOLLIS: Right. And --

MR. WATERS: And so I guess what we're asking for is, you know, some support for your case that there is some practical difficulty with designing it some other way.

MR. HOLLIS: And that -- and that was my dumbed down version of what -- he can probably explain it a lot better. But as I understand it, it is not just a single change. It is a change that would affect everything across the board, which has been in front of many eyes that expect something similar to what they are seeing. But I can turn it back over to Michael. Do you have other questions for me? Thanks.

MS. JOHN: Assuming if the bottom of the roof deck is 37'6", and you said, say -- let's just say six inches to the top of the roof deck from the bottom. So that makes it 38 to --

MR. CHIODINI: Thirty-eight.

MS. JOHN: -- the top of the roof deck at the front there. Then it's eight feet from there to the lower parapet and another five feet to the upper parapet. Is it really necessary to be that much higher? I understand that your -- your upper parapet is five feet above -- or six feet above the maximum building height, but I'm just trying to understand.

MR. CHIODINI: Well, they --

MS. JOHN: I mean, you've got -- you've got --

MR. CHIODINI: Yeah.

MS. JOHN: -- the second floor is 18 feet, so you've got like 20-some -- 20 feet there almost on the second floor.

MR. CHIODINI: Well, we're competing against Dick's Sporting Goods, who's already at 42.

MS. JOHN: Uh-huh.

MR. CHIODINI: The height of their building.

MS. JOHN: Uh-huh.

MR. CHIODINI: And unfortunately, we are a two-story building. We have inherited that in order -- and then you've got the distance of your slider, your windows. It just doesn't leave that much room for signage. I mean --

MS. JOHN: It looks like a big sign band, but that may be just me.

MR. CHIODINI: But to what Mr. Water's said, it probably would have been cheaper to wreck the building and build a single story, but, you know, it's a perfectly good structure. We don't want it all to end up in a landfill. We're going to try to use what we

have, and that's what we've accomplished. And they are spending a lot of money to do this. And the retailers that are looking at it are some of the top ten in the country -- economically sound right now, which is difficult to do.

MS. JOHN: Can you explain to me just the -- the two tower lights that you have at the ends? What is the allure of those? Why did -- why are those so special?

MR. CHIODINI: It will focus your eye more on this building. It's sort of two beacons of light on each side of the building.

MS. JOHN: They're lighted from the inside?

MR. CHIODINI: Yes.

MS. JOHN: Okay.

MR. CHIODINI: And similar to the panes of glass between the tenants that you see -

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MS. JOHN: Uh-huh.

MR. CHIODINI: -- there will be an opaque white glass that will be lit up at night, and it's sort of, you know -- focuses your eye on these tenants between the two towers of light. And like I said, it's not at the parapet, it's set back. It's sort of, you know, like a screening of a HVAC unit. It's square and you can walk around them on the roof.

MR. WATERS: Mr. Norgard?

MR. NORGARD: What was the decision to ask for an 11-and-a-half-foot building height variance? Since you admit -- mention that the M-C district has a 45-foot cap and you add your six-foot parapet to that, really you should be only asking for a five-and-a-half-foot variance if I did my math correct.

MS. BACON: I don't --

MR. NORGARD: So if we grant --

MS. BACON: I don't disagree with that. It was just how the application was submitted, so we go with that. It's also a simple way to do it in terms of motion, but you can -- you can split the motion and piece it up to that effect if you would prefer.

MR. WATERS: Any other questions from the Board of the applicant? Thank you, Mr. Chiodini. Would anyone else like to speak in favor of the application? Would anyone like to speak in opposition to the application? Comments from staff?

MS. BACON: So in determining whether or not we could support this variance request, we didn't look at, you know, the architecture in and of itself. It's lovely architecture. It's far superior than what's there now. It supports a lot of what's in our UDC in terms of foresight and architecture. It fits some of the objectives in terms of additional fenestration, breaking up large walls. All of that, you know, does not go into our determination. We also do recognize the challenge and difficulty to fill big box stores.

Columbia has traditionally been a center for regional retail, and we see, you know, that it's a challenge in this day and age to fill those big box stores. And, you know, it does not behoove the community to have an empty store. But our decision-making process is tied to the Code. The variance criteria specifically exists along with all of our dimensional standards for each different district, each zoning category in terms of height, setbacks, lot coverage, building sizes, et cetera to bestow the same rights upon equally situated property. So all property that has the same zoning category is generally given the same development opportunities as other property. So we consider all of these things when making our decision-making process. In our mind, this is a self-induced hardship. We recognize it is an existing building and that does provide some challenges, but to tear off the existing façade is basically starting from scratch in terms of the façade, and we don't have any evidence that this particular architectural scheme while very attractive and fitting with the whole nature of center is what is required in order to fill this particular building. It has not been proven to us that a different architectural style can't provide the same amenities to future tenants, and that, you know, there is no other option that could be pursued. In terms of the transit standards for this area, that is something that could potentially be pursued as Mr. Hollis mentioned; however, the transit standards which would allow up to 55 feet in height in the M-C district has some maximum building setbacks, so they would then have to come in and ask for a whole bunch of other variances. It is a very challenging standard to meet in an infill situation and existing construction. And so in terms of is this a good spot to provide more transit-oriented development, probably it is. There is a bus line on Bernadette, Stadium is a major arterial, you know, so that would offer some transit-oriented amenities as well. But as Mr. Hollis said, that standard is pretty hard to meet with our existing Code. In terms of signage, they are allowed a 30-foot monument side on three roadways, so that is something that potentially could be pursued in the future. So tonight we do ask that, you know, that your consideration uses the same consideration that we as staff are required to, that we are all tied to the Code, and you consider the approval of variance under Section 29-6.4(d)(3)(i). And so that's all I have, and I do encourage that you open it back up to the applicant to rebut anything that I have said.

MR. CLITHERO: So what would it take to convince you that this architectural plan is good -- is the best; there can't be anything shorter and better?

MS. BACON: You know, that's an interesting question. So it is really on the applicant to provide their justification to prove things, and then we evaluate. So I'm not saying the criteria by which they have to prove it to me. You know, it's really on them to bring it to us and then we evaluate based upon the variance criteria if there is a hardship.

MR. CLITHERO: So if there is something that they could do that would prove it to you, what would that be?

MS. BACON: I don't know, sir.

MR. CLITHERO: Okay.

MR. WATERS: I'm curious about the transit district standards. So somewhere in the Code in this transit district provision, it envisions a building that is this tall; is that correct?

MS. BACON: It would be 55 feet would be the max, and then you would still have an additional six feet above that for a parapet or similar architectural importance.

MR. WATERS: Okay. So that was an option except that there were problems with it that made that impractical for this applicant.

MS. BACON: It would -- it would have a cascading effect in that it would probably then need other variances because of some of the setback requirements with that particular standard. So just as this Board recently considered a pedestrian standard application, it's the same process. So it would be through the Board of Adjustment to approve or not approve the alternative design criteria based upon a set of standards outlined by the Code.

MR. WATERS: So are those difficulties unique to this applicant or would this be difficult to achieve for any applicant?

MS. BACON: It -- I think the defining line would probably be new construction versus, you know -- greenfield development versus an existing building. It's always going to be much harder for an existing building to meet different setbacks than the setbacks under which they were built under.

MR. CALDERA: And, Mr. Chair, if I may add onto what Ms. Bacon just said, just to be clear, it's my understanding under the Code that the request to apply the transit standards is up to the applicant to make that. And it's my understanding that they have chosen to go with the current standard. So if they opt to go with the transit standard, that is their prerogative, but the default setting is the current standard, thus the 45 feet.

MR. WATERS: Yeah. I understand. I'm just --

MS. BACON: Correct.

MR. WATERS: -- I -- thank you. I understand. I'm just trying to understand what the -- you know, the creators of the Code, you know, had some idea in mind that there was a -- you know, there's a -- there's some aspects of whatever is in the transit district that are worth motivating -- you know, incentivizing for -- in exchange for additional building height. But if those are really impossible for an existing building redevelopment to meet, then, you know, maybe the -- maybe that transit district standard is not all it is

cracked up to be. Maybe that's a question for a later date.

MS. BACON: We haven't had anyone apply for it yet, so I don't know exactly what that means. So sometimes the application thereof, you go through the process and then you start to see, you know, where the problems and the benefits are.

MR. WATERS: Anyone else have any questions for staff? I guess there will be an opportunity later. Thank you. Would the applicant like to make any additional comments?

MR. HOLLIS: You know, if you offer -- Robert Hollis, again, 1103 East Broadway. I just wanted to -- you asked about the transit district standard, and I totally agree with Jose that it would be on us to make that application. It's just that -- so, you know, Pat Zenner well, I'm sure. I bet we talked for two hours about trying to find a way to make this apply. And the farther we went into the process, the more we realized that we would have to rewrite that. It's not going to work. It is meant, we believe -- it's meant to apply to a place like this which is on an arterial road and is close to the -- it's on a bus line as well. So it's meant to, but it can't. So if that's important, it is -- that's sort of what -- you know, I wish Pat was here to explain that, but we talked about it at length for a very long time and couldn't figure out a way to do it, other than to try to rewrite the Code. And as far as -- I think it's a great question, Mr. Clithero, as you know -- and we could -- the problem here is that we're telling the truth, and that's -- the truth is we can't say with 100 percent certainty that we won't get the tenants. It -- nobody has said it's that or nothing, it's just that the likelihood of getting through the process, through the LOI, and to the actual executed lease is -- is much lower in the event that we don't -- we're not able to do this. We're sort of starting over and we going to lose that traction and as far as -- you know, the purpose of all of this and all of the time and effort that has been spent has been to woo these tenants. What else? That's what we do. Right? That's what this is for in trying to keep it from remaining vacant. So, you know, we would have to be really -- I guess it would be inexperienced to go this far through the process without this design being really important. So I'm not involved in that on a day-to-day basis, but that is why we are here. And I can answer any questions.

MR. WATERS: Any other questions for Mr. Hollis?

MR. HOLLIS: Thanks.

MR. WATERS: Thank you, Mr. Hollis. Okay. At this time, I'm going to close the public hearing. Comments of legal?

MR. CALDERA: So a few housekeeping measures, if you don't mind. I would like to ensure that we have a nice clean record, so at this time I seek to admit some exhibits. Starting off with the staff report to the Board of Adjustment, I submit that to the Board as

City's Exhibit 1 at this time.

MR. WATERS: Okay.

MR. CALDERA: I also move to admit the locator map -- and I'll go ahead and put that together with a few more documents -- the locator map, the application and denial letter, and the Architectural Sheet A2 dated June 22 of 2018. We submit that as Exhibit 2.

MR. WATERS: I'll allow that.

MR. CALDERA: Thank you. Next, we have the notice, parties of interest letter, and the list. We submit that as City's Exhibit 3.

MR. WATERS: I'll allow that.

MR. CALDERA: And then finally, I would like to admit some ordinances to ensure that we have a nice, fine record. At this time I move to admit 29-6.1, 29-6.4, and 29-4.1. That includes the relevant table that we're discussing today. And we move to admit that as City's Exhibit -- I believe it's 4 now.

MR. WATERS: Thank you.

MR. CALDERA: So as part of that process, as the Board knows, you have handy dandy laminated documents in front of you. Those documents lay out the criteria that you must determine the applicant has satisfied before granting a variance. Those criteria can be found in 29-6.4(d)(2). Again, there are five criteria that you must find have applied in this situation, and at this time I am happy to read those aloud if you would like.

MR. WATERS: Thank you. Yes? Ms. Hammen, you would like them --

MS. HAMMEN: Thank you.

MR. NORGARD: I would like them read too.

MR. WATERS: Okay. Please read them aloud.

MR. CALDERA: Okay. So the criteria is the variance is required to address practical difficulties or unnecessary hardships related to the shape, size, terrain, location or other factors of the applicant's site, those difficulties or hardships are not generally applicable to property in the area, and the difficulties or hardships were not created by the actions of the applicant. The second element is the variance will not have the effect of permitting a use of land that is not indicated as a permitted or conditional use in Section 29-3.1 (Permitted Use Table) in the zone district where the property is located, nor shall a variance be granted to modify a standard that operates as part of the definition of any use. The third element, the variance will not permit a development that is inconsistent with the adopted Comprehensive Plan. Fourth element, the variance is the least change from the requirements of this Chapter necessary to relieve the difficulty or hardship. And lastly, the variance will not harm the public health, safety, or welfare or be injurious to

other property or improvements in the area where the property is located. I would add on to that that there is case law in our jurisdiction that does allow the Board to consider economic hardships as part of an application; however, that same case law specifies that economic hardship should not be the determinative factor in granting a variance. It is something that you can consider, but it should not be the sole reason you grant one. That's it. That's all I have.

MR. WATERS: Comments or discussion from the Board? Yeah. Mr. Norgard?

MR. NORGARD: So I thank you Juan [sic] for pointing that out. The idea that this is a hardship is a little challenging in my mind because it is technically an action that they are conducting in order to -- essentially, they're tearing the façade off and putting a new one up, which is something that they have control over to begin with. The idea that it is somehow somebody else's responsibility from long ago and that -- I just don't buy that argument. However, the financial hardship is an issue that I think is -- has some validity in this -- in this particular case, maybe, but we don't really know because they are not signed tenants. So in that regard, I have some problems. And another issue that I take is whether or not this is the least variance that they could request. As they point out the building height in the M-C district is 45 feet. They have a six-foot additional parapet height. That puts them at 51 feet, which is interestingly the exact height of the current front façade. It's the lighthouses that they are asking for essentially -- five-and-a-half feet of additional height. And so I just don't see that that is necessary enough -- I think that asking for an 11'6" variance is asking for too much, and I don't believe that is our purview to piece part this application to make it fit so that they get what they want, if that's clear. Is that -- I mean -- does that make sense?

MR. CLITHERO: If they had requested a 5'6" variance, how would you feel about it?

MR. NORGARD: I would think that that's the least variance that they could have requested in this particular case, but by asking for 11'6", that's a 62-and-a-half-foot building. That -- I don't know. It just seems to me that their ask is an overreach.

MS. HAMMEN: Is that what that could mean, that if a 11'6" variance were granted that they could build a 62-foot building?

MS. BACON: No. So it is specifically tied to the A2 architectural element. Now, let me just kind of clarify. You have essentially a parapet on top of a parapet. Right? So if you read the Code most literally, the top of the deck or the top of the roof -- we said 137'6" on the diagram -- maybe there's an extra six inches to do with the slope. So maybe we're at 138. You get six feet on top of the top of the structure. Right? So then we're looking at 38 plus 6, which would be 44'6". Right? So that doesn't really accomplish what they are trying to do with the architectural sheet at all. So the way our

Code reads is that you get an additional 6 feet for these architectural elements. When you have two architectural elements basically that are competing for additional height, it gets a little bit messy. The request on their application was to tie them to this A2 architectural element sheet produced by the architect. And so that I think is probably the simplest way to go about doing it. It helps take some of the interpretation of what is a parapet and what is this and what is that out of it where the top of the actual building is. If that is okay with the applicant, I'm saying, yes, that is how the application was filled out. I think that is probably the most simple motion that you could make.

MS. JOHN: That is to say that if -- if a variance were granted --

MS. BACON: If one were granted.

MS. JOHN: -- it would be to 56'6", not to a certain height above something else?

MS. BACON: You could cap it at 56'6". I would also because the application specifically references the architectural elevations, that it could be tied to that as well. So that's basically what the staff did in preparing the report --

MS. JOHN: 56'6", as shown on that?

MS. BACON: Yes. Uh-huh. And if that's okay with the applicant, I think that makes sense for every -- for also for our plan reviewers as well.

MR. WATERS: Any other discussion? Ms. John? Okay. Would you like to make a motion?

MS. JOHN: I could --

MR. WATERS: For discussion's sake?

MS. JOHN: I can make a motion. I assume we will have more discussion once I make it. But I will move that we approve a variance for the top of the lighthouse at 56'6", as shown on Architectural Sheet A2 dated whatever it is dated. I can't remember what the date is.

MR. CALDERA: I believe it was June 22nd, 2018.

MS. BACON: Correct.

MR. CALDERA: Okay. Admitted as Exhibit 3, I believe.

MS. JOHN: Yeah. Like that.

MR. CLITHERO: I second that.

MR. WATERS: Okay. There's a motion and a second. Any discussion?

MR. CLITHERO: Well, the motion is stated. I think that should allay some of the concerns. And I just think about all the good things that will happen with this building and how it meets what Columbia Imagined imagined for this site. I doubt they imagined a warehouse at this site. I just feel like it's the right thing to do, and in my opinion, they have met all five of the criteria. And I am going to support this.

MR. WATERS: Any further discussion? Okay. There is a motion to approve a variance for the top of the lighthouse to be 56'6" as shown on Architectural Sheet A2 for the property located at 201 North Stadium Boulevard, more specifically described as the former Macy's building, and a second. Will the liaison please call the roll?

MS. BACON: Mr. Clithero?

MR. CLITHERO: Yes.

MS. BACON: Ms. John?

MS. JOHN: Yes.

MS. BACON: Ms. Hammen?

MS. HAMMEN: No.

MS. BACON: Mr. Norgard?

MR. NORGARD: No.

MS. BACON: Mr. Waters?

MR. WATERS: Yes. Okay. The motion carries.

MR. CALDERA: No, it does not. It does not. It requires four votes --

MR. WATERS: Oh, four votes. Sorry.

MR. CALDERA: -- in the affirmative to grant a variance.

MR. WATERS: Motion is denied. Thank you.

MR. HOLLIS: Thanks.

MR. WATERS: Okay. Next on the agenda are a couple of reports

Move that we approve a variance for the top of the lighthouse at 56'6", as shown on Architectural Sheet A2 dated June 22nd, 2018 and admitted as Exhibit 3.

Yes: 3 - John, Clithero and Waters

No: 2 - Hammen and Norgard

VI. REPORTS

A. Council Correspondence re: Potential UDC text change - Discussion/Approval to Forward

MR. WATERS: The first report is Council Correspondence regarding potential text change to the Unified Development Code. This is a discussion that grew out of a case we had a couple of weeks -- months ago regarding a building height variance request. And the gist of that conversation was that we seem to be getting similar requests come back for similar issues with the Code. And we decided at that point to hold a work session and discuss the possibility that there may be some ways to tweak the Code so that we could streamline the process for applicants and for the Board. So we did meet on September 11, 2018 and I think came to the conclusion of the Board that most of the issues had to do with requests in the Greek Town area near campus. And so

we drafted a letter to Council that outlined some of these issues and so that's been included in the Board packet. Has everyone had a chance to read the Board -- the letter that has been drafted?

MR. CLITHERO: Uh-huh.

MS. JOHN: I finally did. Yeah. I did have one comment. The last sentence of the second paragraph starts out in singular and then changes to -- no, starts out in plural and then changes to singular, and it should be one or the other, I think.

MR. CALDERA: Got you.

MS. JOHN: For example it says "Historically, the Board has approved these types of requests for Greek Town", and then it goes on saying, "as requested by the applicant", in singular. And if you wanted to say in plural, "as requested by the applicants after evaluating unique facts associated with each property and following the required hearings". Or you could turn around and switch the first part to singular.

MR. CALDERA: Is there a preference or do you just want to defer to us and we'll clean it up?

MR. WATERS: I think it's okay to stick with the plural there.

MR. CALDERA: Plural. Ms. Bacon?

MS. BACON: So noted.

MR. WATERS: Okay. So the question before the Board is do we approve this letter

--

Ms. Hammen?

MS. HAMMEN: So -- so is it the draft was sent out and then there were -- I just wondered what changes were made, if it was anything of any importance? Two people --

MR. NORGARD: I suggested a couple of typographical changes. Nothing significant.

MS. JOHN: I didn't see the previous draft. I only saw this last one.

MS. HAMMEN: And then in the -- the third paragraph, so we don't -- we can't pull that up, can we? In the third paragraph, I believe -- I didn't print it off. There's -- in the second paragraph there's a listing of what the different type of variances are, and then in the third paragraph there is also a listing. And I just wondered if height should be included in that second listing, since that --

MS. JOHN: Building heights is included in the second paragraph.

MS. HAMMEN: Yes, but not in the third. Not in the third listing --

MS. JOHN: I don't --

MS. HAMMEN: -- I don't think. So that was my question. Is that important, because it said something -- the third paragraph said something like these are the most

common or --

MS. JOHN: Such tailoring may reduce -- well, let's see. Such as --

MS. HAMMEN: Uh-huh.

MS. JOHN: It's giving such as -- it's not trying to list everything.

MS. HAMMEN: Well, height seemed to me to be one of the major requests on the variances, and I just wondered if we're going to have two lists, maybe they include height in the second list also. I may be --

MR. CALDERA: Ms. Bacon, do you -- do you have a copy of that? I did not bring a copy of the --

MS. BACON: You know, I do. And if you'll give me a moment, I can pull it up electronically. I tried to use the document viewer, but I can't say that I've used that in maybe five years or so. So if you'll give me a moment, I am happy to bring it up on this screen.

MR. WATERS: I don't have a problem with that. I think it's fine to add that in the second instance.

MR. CALDERA: Okay. Ms. Bacon, were you following along with what they are wishing to add there?

MS. BACON: The third paragraph, and then we'll add height again to that so that it will be included in both categories?

MR. CALDERA: Yeah.

MS. BACON: Yeah.

MR. CALDERA: So essentially, a revision would -- could benefit that area in, you know, addressing the height issue. Is that my understanding? Is that correct?

MS. HAMMEN: Uh-huh. That's what I was wondering.

MR. CALDERA: Thank you. Thank you.

MR. WATERS: That's fine with me if you want to just mirror the language of the second paragraph in the third paragraph.

MR. CALDERA: Okay. Anything else?

MR. WATERS: So the way this would work if we decide to forward this on, it would be to make a motion to send this to Council. And at that point, it would be with a suggestion really more than anything else that these are some issues that the Council might want to address. We're in a unique position at the Board of Adjustment to see how the Code is implemented kind of at the ground level. And, you know, as -- in that position, we're able to say, okay, well, here's some things that, you know, may be -- issues that we'll want to take a look at to avoid wasting time and effort in the future. The Council is -- you know, we don't have any ability as the Board of Adjustment

to make any changes to the Code, but we can make suggestions or recommendations to the Council that they might want to take another look at this. And if that is the case, they would most likely refer the case back to the Planning and Zoning Commission, and then at that point, we might be -- I think we've decided in our work session that we would be willing to meet in joint session with the Planning and Zoning Commission to explain what we're seeing and, you know, be available to answer any questions and discuss this with them.

MR. CALDERA: So, Mr. Chair, if I can add to that. I just want to be clear that this is essentially a correspondence to the City Council, which is within your purview. In it, as you correctly highlighted, because of your unique position, you see certain things. And so you are essentially relaying information to the City Council. And just to reiterate, it is exclusively within their jurisdiction and their purview if they want to assign this to Planning and Zoning. So it's completely possible they will choose not to and take no action. So I just want to make that very clear for the audience or whoever is paying attention.

MR. WATERS: Is there any other discussion, comments, motions?

MS. HAMMEN: Well, I move that we -- we accept the letter as -- with the additions and --

MR. CALDERA: As amended.

MS. BACON: As amended.

MS. HAMMEN: -- as amended and send it on to Council

MS. JOHN: I'll second that.

MR. WATERS: All right. A motion to accept the letter with the amendments and send it to Council and a second. Do we need to --

MR. CALDERA: I think we should probably --

MR. WATERS: -- take a roll call on that?

MR. CALDERA: We should probably do a roll call given that it's a unique step that we don't normally do.

MR. WATERS: Okay. Can we please take the roll?

MS. BACON: We will. Mr. Clithero?

MR. CLITHERO: Yes.

MS. BACON: Ms. John?

MS. JOHN: Yes.

MS. BACON: Ms. Hammen?

MS. HAMMEN: Yes.

MS. BACON: Mr. Norgard?

MR. NORGARD: Yes.

MS. BACON: Mr. Waters?

MR. WATERS: Yes. Okay. The motion carries.

Accept the letter as amended and send it to Council

Yes: 5 - John, Hammen, Clithero, Waters and Norgard

B. 2019 Submission Calendar

MR. WATERS: All right. The next item on the agenda is a discussion of the Board of Adjustment application deadlines. Is there any staff comment about this?

MS. BACON: This is generally an administrative item. This is something that we obviously post on our website for applicants and the public to be aware of. As is similar practice, you know, you may not always have an application deadline in which you have a submittal, in which case, we will do proper notice to cancel the meeting as needed.

MR. WATERS: Okay. So we don't necessarily need a motion to accept this --

MR. CALDERA: No.

MR. WATERS: -- do we?

MR. CALDERA: No.

MR. WATERS: This is --

MR. CALDERA: It's more of an FYI.

MR. WATERS: All right.

MR. CALDERA: Unless there are some changes that you absolutely must do.

MS. BACON: Or you see an error.

MR. CALDERA: Or if you see that. Yes.

MS. BACON: We're not -- staff is not perfect.

MR. WATERS: It looks great to me. Okay.

VII PUBLIC COMMENTS

MR. WATERS: Would anyone else from the public care to speak?

VIII. STAFF COMMENTS

MR. WATERS: Any other items the Board or staff wishes to discuss?

MS. BACON: I have none.

IX. BOARD COMMENTS

MR. WATERS: If there is no further discussion, the next --

MR. CLITHERO: Move to adjourn.

MR. WATERS: Well, let me --

MR. CLITHERO: Go ahead.

MR. WATERS: Let me tell you when the next meeting is going to be first, and then

you can move to adjourn. How about that? December 11, 2018 is the next scheduled tentative -- tentatively scheduled meeting.

MR. CALDERA: Ms. Bacon, do we have any applications --

MS. BACON: I do not believe so.

MR. CALDERA: Okay. So that's a tentative date, December 11.

MR. WATERS: And then the filing deadline is what?

MS. BACON: Has passed.

MR. WATERS: It's passed, so we -- okay.

MS. HAMMEN: So we don't have a meeting?

MS. JOHN: As far as we can tell.

MR. CALDERA: We don't have a case. But it's my understanding that a few meetings ago, you all asked to keep these dates, and if we didn't have a case, we would turn it into essentially a work session, if I'm not mistaken. Again, you know, if there are no cases, that's completely up to you whether or not you want to carry that through.

MR. WATERS: Well, we decided we were going to. Should we -- should we agree to meet?

MR. CLITHERO: What are we going to talk about?

MR. WATERS: Well, that's a question. So I guess we've got until the meeting to decide if we have an agenda that we can put together to justify --

MS. JOHN: Meeting.

MR. CLITHERO: When will we see the results of the submission of this letter to Council? When would they make a decision on it?

MR. CALDERA: Do you know when that will be on Council's agenda?

MS. BACON: The earliest it could be on would be December 3.

MR. CALDERA: Okay.

MS. BACON: The application -- or the submittal deadline for November 19 has already passed.

MR. CLITHERO: Oh.

MR. CALDERA: And --

MS. BACON: To the Council. Yeah.

MR. CALDERA: Okay.

MS. BACON: And it would go -- it would go under report, so it's just a one-time type of thing. They don't have to have first read or second read or anything like that.

MR. CALDERA: Okay. Okay.

MR. WATERS: Well, there was, you know, kind of an ongoing open discussion about building heights that we started the first work session that we never really resolved.

So I think we have stuff to talk about. Whether we'll be prepared to continue that discussion on December 11 is another question.

MR. CLITHERO: I would like to see the outcome of this. I mean, we can have work sessions and talk all we want to --

MR. WATERS: Yeah. If this isn't --

MR. CLITHERO: -- but if Council --

MR. WATERS: -- meaningful --

MR. CLITHERO: -- is not going to do anything --

MR. NORGARD: If it doesn't result in anything, then what's the point of following through with more?

MR. CLITHERO: Exactly.

MR. WATERS: Well, that's a good point.

MR. CALDERA: Ms. Bacon, do you know if whenever these reports go to Council, do they have a discussion about it at that time?

MS. BACON: Often they do.

MR. CALDERA: They do? Okay.

MS. BACON: They typically would have a discussion at that time if they have anything to add. Now occasionally, they will just accept a report for information purposes if it doesn't generate any sort of discussion on their end, but since you -- this is an action-oriented letter, there potentially could be some discussion.

MR. CALDERA: So then in all likelihood, you would all have an idea of how Council is -- even if they haven't delegated anything to the Planning and Zoning, you would have an idea after their December 3 meeting. So it could be a wait and see. Now, Ms. Bacon, how much time do you all need to post an agenda? I know under Sunshine, it's 24 hours, but I believe you guys have to post sooner than that.

MS. BACON: We typically do advertise an agenda the week prior. That's, you know, good public service to not do it at the last minute under Sunshine.

MS. HAMMEN: So that date would be what?

MS. JOHN: The 4th of December.

MR. WATERS: So --

MS. JOHN: The day after the Council meeting.

MS. BACON: And I can ask Mr. Zenner to follow up with you also. He may potentially have some training that he would like to do or something else that might be timely.

MR. WATERS: Why don't we plan on meeting --

MR. CALDERA: Okay.

MR. WATERS: -- since we kind of decided that we were going to do that. And if --

MS. JOHN: If we don't have a whole lot to do --

MR. WATERS: -- we decide that because of what the Council does or some other reason we don't think it's necessary to meet, we can cancel the meeting; is that correct?

MR. CALDERA: That is absolutely correct. We will want to do it with plenty of time so that way if there is anybody that wants to show up, they're not, you know, making plans and inconvenience themselves by coming. So essentially, we would need, I'd say, at least a week's notice of exactly what you want to talk about because our agenda does have to have some specificity to it. And really at that time, you can decide okay, well, we don't have anything substantive, so let's go ahead and just cancel. So I would plan on basically a week before letting us know definitively.

MS. HAMMEN: So if we do have a meeting, Andy, you would like to talk about building heights?

MR. WATERS: Well, that's -- that's a discussion we started, and I think, you know, we kind of owe it to ourselves to continue with that since we all sat around and decided that we needed to discuss that.

MS. HAMMEN: So in the N-M -- or M-N designation zoning? So we have a topic if we are going to -- if the Council acts favorably.

MR. WATERS: Yeah. I think so. You know, I guess if we see that the Council has no interest whatsoever in taking our recommendations to look at the Code, then we might change our mind about the meeting. But, yeah, I think that's -- I think that's something that we all agree that we needed to discuss, and we should follow through with that.

MR. NORGARD: I had one other thing. I noticed the case numbering scheme changed a little bit, and I was wondering if staff could comment on that?

MS. JOHN: Yeah.

MS. BACON: Yes. So that is the case for Planning and Zoning Commission reports also -- cases. So we have recently gone to electronic plan review with Energov software. It's going to be a great service, I think, ultimately for our clients -- for our applicants so they can upload their documents online through the system. They get notice when we've made revisions or comments or requested something. And so under this new system, it is a little bit different in terms of the numbering scheme moving forward. If you have any challenges with that, you know, we're happy to hear them and work with you as well, but it just has to do with our changeover in software conversion.

MR. CALDERA: Good catch.

MR. WATERS: All right. So we'll meet on December 11 unless we decide --

MS. JOHN: We decide otherwise.

MR. WATERS: -- not to meet on December 11.

X. NEXT MEETING DATE - December 11, 2018 (tentative)

XI. ADJOURNMENT

MR. WATERS: And now, Mr. Clithero, would you like to make your motion?

MR. CLITHERO: It's on the floor. All we need is a second.

MS. JOHN: I'll second.

MR. WATERS: All right. Meeting adjourned.

(Off the record.)

(The meeting adjourned at 8:12 p.m.)

Move to adjourn