

**MINUTES**

**PLANNING AND ZONING COMMISSION MEETING**

**JUNE 9, 2016**

**COMMISSIONERS PRESENT**

**Mr. Rusty Strodtman  
Ms. Sara Loe  
Mr. Anthony Stanton  
Mr. Dan Harder  
Ms. Joy Rushing  
Mr. Brian Toohey**

**COMMISSIONERS ABSENT**

**Mr. Steve Reichlin  
Ms. Lee Russell**

**I) CALL TO ORDER**

MR. STRODTMAN: Good evening. I'd like to call the June 9th City of Columbia Planning and Zoning Commission. May I have a roll call, please?

MS. LOE: Yes, Mr. Chairman. Mr. Stanton?

MR. STANTON: Here.

MS. LOE: Mr. Strodtman?

MR. STRODTMAN: Here.

MS. LOE: Ms. Rushing?

MS. RUSHING: Here.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: Here.

MS. LOE: I'm here. Mr. Harder?

MR. HARDER: Here.

MS. LOE: Mr. McMann?

MR. McMANN: Here.

MS. LOE: We have seven present, so we have a quorum.

MR. STRODTMAN: Thank you, Ms. Loe.

**III) APPROVAL OF AGENDA**

MR. STRODTMAN: Any changes to agenda?

MR. ZENNER: Yes, we do, Mr. Chairman. We are going to have an item that is tabled this evening, and since we have a full commission, if we can move that item up to the top of the agenda. And that is Item Number 16-101. It is a request to -- I apologize, 16-118. So that will be tabled -- we'll table that item before we start our public session.

MR. STRODTMAN: Thank you, Mr. Zenner.

#### IV) APPROVAL OF MINUTES

MR. STRODTMAN: Approval of minutes. Everyone has had a chance to review the minutes from our previous meeting. Are there any changes, corrections, updates needed? I see none. Can we have roll call, please?

MS. LOE: Yes. Mr. McMann?

MR. McMANN: I have no changes.

MS. LOE: Mr. Stanton?

MR. STANTON: None.

MS. LOE: Mr. Strodtman?

MR. STRODTMAN: I'm good.

MS. LOE: Ms. Rushing?

MS. RUSHING: No changes.

MS. LOE: Mr. Toohey?

MR. TOOHEY: No changes.

MS. LOE: I abstain. And Mr. Harder?

MR. HARDER: No changes.

MS. LOE: We have six approving the minutes. The minutes pass.

**(Unanimous vote for approval.)**

#### V) TABLING REQUESTS

MR. STRODTMAN: Thank you. We'll move on to Case 16-118, a request by Caleb Colbert (agent) on behalf of Quonset on Tenth, LLC, to rezone land from M-1 (General Industrial District) to C-2 (Central Business District). The 0.42 acres is located on the northeast corner of Tenth Street and Park Avenue, and is addressed 300 North Tenth. **(The applicant is requesting this item be tabled to the July 7 meeting.)** May I have a staff report?

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

MR. STRODTMAN: Thank you. It is our practice to open this to the public. If there's any discussion needs to be had from the public, we would allow that at this time. Obviously, we wish you could come back to the July 7th meeting when we actually have the case in front of us, but if there's any input that you feel is necessary for us to know, I might ask for you to come forward.

MR. CULLIMORE: I'm Dan Cullimore, 715 Lyon Street. I'm president of the North Central Columbia Neighborhood Association. The owner of this property, John Ott, has been in conversation with our neighborhood association. We've been encouraging him to find alternatives to solve his concern for parking. We would not oppose tabling this at this time. Thank you.

MR. STRODTMAN: Thank you. Is there anyone else? As I see none, we'll close that portion of the meeting.

Commissioners, any concerns, comments on this matter? Do we have a motion to --

MR. ZENNER: Motion and a roll call, please.

MR. STRODTMAN: Can I have a motion? Can anybody make a motion to table this item?

MS. RUSHING: I move that we table Item 16-118, a request by Caleb Colbert on behalf of Quonset on Tenth, LLC, to rezone land from M-1, general industrial district, to C-2, central business district.

MR. STRODTMAN: Thank you, Commissioner Rushing. Is there anyone who will second that?

MR. STANTON: I second.

MR. STRODTMAN: Mr. Stanton. Can I have a roll call, Ms. Loe?

MS. LOE: Yes. Mr. McMann?

MR. McMANN: Yes.

MS. LOE: Mr. Stanton?

MR. STANTON: Yes.

MS. LOE: Mr. Strodtman?

MR. STRODTMAN: Yes.

MS. LOE: Ms. Rushing?

MS. RUSHING: Yes.

MS. LOE: Mr. Toohey?

MR. TOOHEY: Yes.

MS. LOE: I vote yes. Mr. Harder?

MR. HARDER: Yes.

MS. LOE: We have seven approving, motion to table carries.

MR. STRODTMAN: Thank you, Ms. Loe.

## VIII) PUBLIC INFORMATION AND COMMENT

### Case No. 16-110

(Staff report was continued by Mr. Pat Zenner of the Planning and Development Department.)

MR. STRODTMAN: Moving on to **Case 16-110, a Request by the City of Columbia to adopt a Unified Development Ordinance governing subdivision and land use regulations throughout the City of Columbia's corporate limits as requested by the City Council and supported by the City's 2013 comprehensive plan entitled "Columbia Imagined - The Plan for How We Live and Grow."** The UDO will replace Chapter 25 (Subdivisions) and Chapter 29 (Zoning) of the City Code as well as incorporate provisions from Chapter 12A (Land Disturbance), Chapter 20 (Planning), Chapter 23 (Signs) and Chapter 24 (Streets, Sidewalks, and Public Places) into its contents. This is the third in a series of public information and comment sessions on the proposed UDO. May I have a staff report, please?

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

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

(Staff report was continued by Mr. Pat Zenner of the Planning and Development Department.)

MR. STRODTMAN: Thank you, Mr. Teddy and Mr. Zenner. Commissioners, is there any questions for staff?

MR. TOOHEY: Yeah, actually, I have a question.

MR. STRODTMAN: Mr. Toohey.

MR. TOOHEY: With the subdivisions and the cul-de-sacs, so the 300 feet, is that the minimum and then 750 is the maximum? Is that how that will work?

MR. ZENNER: I would suggest that there's no minimum. You know, a cul-de-sac is a cul-de-sac. The -- typically, the general provision would be 300 feet is your maximum length on something that is not constricted or not impacted by topography or other reasons. So you will as an applicant in the subdivision plan have to identify why you need something that is greater than 300 feet but less than the 750.

So a variance requirement would be -- would be required for anything greater than 750. I think what we would end up doing, and again, this is something that is new to us as well as the staff, anything that's over 300 feet, we would probably identify to the Commission at the time of the staff reporting that this cul-de-sac does not meet the standard 300-foot maximum for following reasons. And that cul-de-sac, however, is less than 750. Anything over 750 is a variance or a modification request that you would have to act on and counsel would have to approve.

But in between those two numbers of 300 and 750, at this point, I from an administrator perspective would not see the need for a modification request. Applicant, however, would have to justify to staff that that length is necessary. Otherwise, you need to put in some type of street system or some other type of road or street that would accommodate meeting the requirements.

MR. TOOHEY: I got one more question. The situations that give the director authority to make decisions, is there an appeal process for those decisions?

MR. TEDDY: It's Board of Appeals -- sorry, Board of Adjustment hears appeals, among other things for decisions the director might make.

MR. ZENNER: And that, Mr. Toohey, is only applicable to the zoning requirements of the Code. Subdivision code requirements are actually appealed directly to counsel.

MR. STRODTMAN: Any other Commissioners? I've got came questions, if not.

I'm just looking for a couple clarification. The 20 percent transparency when you have detail of office for food on the first level, so obviously on the first level, you could have more than 20 percent, but every level above that would be required to have 20 percent; correct?

MR. TEDDY: Well, it's 20 percent in the aggregate, and then half has to be at a location where it's not more than four feet off grade. In other words, decent amount of windows at the street level or sidewalk level.

MR. STRODTMAN: But it's aggregate for however many you have?

MR. TEDDY: Right, right.

MR. STRODTMAN: Okay.

MR. TEDDY: And I just wanted to point out the way that language is written, I would interpret it as meaning the whole facade, even though there's a reference to use on the first floor level.

MR. STRODTMAN: Okay. The loading and delivery areas that are located in the rear of a building, help me understand how we would handle one of our current -- or -- our automobile -- the guys that are running the car dealerships. Predominantly, they do a lot if not all of their unloading on the city streets in a lot of cases. Would this apply in that case, too, or does that --

MR. TEDDY: I think that's something we'll want to look at when we do the parking standards because that's where you get into what type of facilities have to have a loading area. This design guidelines is taking for granted that there's a design process in which they're actually placing loading docks or roll-up doors in a building and directing employees and contractors to those service entrances, so it's really saying when you have them, you have to have them in the rear.

I think you're raising a question of at what point do we require the car dealer or whatever other user customarily unloads in the street. If the decision is that that creates some kind of nuisance impact, it might be something we want to look at as a requirement, we would actually make a facility where that car carrier has to go.

If it's something we think we can live with because it's relatively infrequent, then we let it go, but that would be my response there. I'm trying to recall if certainly service base and things might be a different category when you're dealing with something automotive. I think it's understood that the service bays are going to be located somewhere in the front of the facility. They might be side-facing, but -- or inward facing, but they're going to be at the front.

MR. STRODTMAN: Okay. And then my last question is currently or when forward the maximum light pole height would be 25 feet on any type of zoning?

MR. TEDDY: Yeah, the ordinary lighting light pole height requirement is 25 feet, and that's the same as the 2006 amendment that we made to the zoning ordinance. There's an additional three feet that's allowed for pedestals and poles stand on, so we like to say 28 feet is the tallest for that.

MR. STRODTMAN: So would the 20 foot just be for the outer parameter poles?

MR. TEDDY: That's correct. And over the years, having seen a number of plan districts that are commercial in nature that involve sight lighting, there was always a natural movement -- or a natural negotiation towards bringing those light pole heights down, so this kind of codifies that.

MR. STRODTMAN: Okay. Thank you. Commissioners, any other questions? If not, I'll open it up to the public.

#### **PUBLIC HEARING OPENED**

MR. STRODTMAN: We would ask that anybody who would like to come up and ask for clarification or ask a question to staff or to Commissioners, you can do that. Just please give us your name and address and we would welcome you to start coming up.

MR. CLARK: My name is John Clark. I live at 403 North Ninth Street. I'm an attorney and accountant in Columbia, Missouri.

So starting -- I was listening to the neighborhood predictions, and so -- I was particularly struck by the no parking or driveways next to. What I'm particularly interested in this stepping down stuff is not having the ability in that zone between whatever this new big building is that's impinging on a neighborhood thing, not having the ability to drop a parking lot in there, not having the ability to drop a -- mechanical equipment, put all this kind of stuff in the back of your building and this kind of stuff.

Now, I must admit, I could be wrong, maybe we're only talking about streets and across the street are some houses, and then the building all the facing is this. But I'm really worried about this. And particularly, back in the mid-2000s, when I was leading North Central, I led a negotiation with Kilgorse [phonetic]. And one of the things we put up -- and actually still on your agenda -- is basically corridor planning. What I'd like to see in this is to make sure that it says if you're going to build buildings, in addition to the step down and so forth, there's a requirement that they be designed as four-sided buildings to be neighborhood friendly on all four sides.

And actually, this is one of those things we negotiated with Kilgorse, and so they basically didn't just have brick on the front two sides, they had brick on the back. They made special arrangements about the mechanical equipment, about the Dumpsters and this kind of stuff. So that general concept, not only stepping down height and other kind of things, that you're referring just now to the issue about the height of poles to be in the parameter.

I'd like to see in this something that prevents that space between, especially in some of these things where they're being, in essence, being used for junk by some kind of standards. I think maybe this notion about the siding from four walls, this kind of stuff would work out, but somehow or another working that into this.

The second thing was I must admit, I was -- for the first hour, I brought this little PC thing that I had. Half the time that you were talking, there was slides up here, and whoever was guiding this thing was filming you talking or filming you talking. I would suggest, especially since this is going to be streaming and reseen, you might look at that. Because of course I'm trying to write and so forth, but especially people who are at home.

What they would really like to see, and I notice back here on these cameras, you can see the slides up here, but they had just -- these visions up here. I would like to have the slides about what you're talking about up there and maybe 5 percent of the vision time be on you two. It's not that you're not good looking, and it's not that -- you know, you are smiling, but I think 95 percent of that purpose for all this is good.

MR. TEDDY: That's a good point.

MR. CLARK: And this is probably just standard notion about what you film and it's no harm or foul, but you might direct them to that.

I'm going to take it when you're talking about specifically, and I like the idea of the sidewalk master plan. There's some really big issues, and they're not specifically in this project, about who the hell is going to pay for these things. And by that, I mean right now, I like the idea of the sidewalk master plan,

but I'm not interested in lots of things being totally paid for by the general public. And certainly in December, by HUD money.

So if you make a footnote, and I think we're working on this, and I think Councilman Thomas is working on this in particular, about how money gets put aside to pay for the sidewalks on arteriole collectors. When we have a really good road development charge, maybe we should have sidewalk development charge to go along with that.

The last thing I had is I attended the work session before were the handouts that you had, are they going to be up? We're talking about the spreadsheets and so forth. I know they weren't out in advance, but if I look tomorrow, I'll see those?

MR. ZENNER: Which handouts, John?

MR. CLARK: Whatever you're talking about, including the various comments, basically everything you passed out to the Commissioners tonight.

MR. ZENNER: We can post those. That won't be a problem.

MR. CLARK: I'm going to campaign for some other things, but I wasn't going to ask you for them, but I like that idea of the running spreadsheet and I would like to be able to see these, and I think everybody else would be able to see it. If you hadn't heard about this, the -- all the public comments are going to be a spreadsheet with various developmental stages about how you're reviewing them, referring to what they're referring to. Those are my four comments for tonight. Thank you very much.

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

MR. CLARK: I was that clear?

MR. STRODTMAN: Crystal.

MR. CULLIMORE: Dan Cullimore, 715 Lyon Street. Just a few questions, I suppose, mostly. Is there anything in the UDC that allows for the development of tiny houses? We have a significant interest in affordable housing in Columbia and tiny houses are typically under 800 square feet. They don't necessarily require 3,000-square-foot property lot to be built upon. And if we're not looking at this as a potential development or redevelopment model, we probably ought to and probably ought to codify it as well. Perhaps that would be included in the cottage district details. I haven't had a chance to look at those.

Something else, you mentioned a rural cluster design. I'm curious if there's not something that might be termed urban cluster design that would be applicable, perhaps within a cottage or tiny house district.

Recently, there have been a number of R-2 and R-3 redevelopments that appear not to have had to address stormwater mitigation. These -- I'm thinking of developments on Ash and Garth in particular. These are multiple duplexes that have been built on land which was cleared a number of years ago. They've been essentially functioning as green space, and apparently the redevelopment is almost entirely hardscaped, either with roof or paving. And if that is not addressed in the new code, it needs to be, because they added a significant burden to the stormwater issues that we face with that kind of thing.

Regarding the climax tree and forest areas, I'm pleased to see that the code recognizes that these need to be contiguous areas, 25 percent I think is a good starting point. I would recommend that there be something developed to attempt to lump as many of those 25 percent areas together so that they are contiguous across lots as well. Because that's really how you get a climax forest area. You don't have 25 percent here and 25 percent here, but they're clustered together. They're more likely to be significant habitat.

I would like to -- second, Mr. Clark mentioned about four-sided development, four-sided design. And the question whether or not it's enough to have wall and roof articulation on only the street side of large multi-family developments in particular. There is a unit on -- being developed right now on Rogers which is prompting my questions about this. It's very well-articulated on the street side, on the Rogers side. On the backside, however, this 19-plus unit development is completely flat. I think it's in two planes and the roof is entirely one plane, so.

And finally, I realize that staff is doing a significant amount of work already, it has done and will continue to do, but if some of the dimensional standards and design standards that -- if local exemplars can be identified for -- for instance, the 25-foot setback and 25-foot height, if there are local exemplars of that, it would be good to have some reference to those so that we could actually go out and see what this thing looks like in situ.

MR. STRODTMAN: Any questions for the speaker?

MR. CULLIMORE: Thank you.

MR. STRODTMAN: Thank you, sir.

MR. TRABUE: Good evening. My name is Tom Trabue, the residence of 3530 Old Ridge Road. I want to talk about three issues, two issues and ask a question about one.

The first is the climax forest. And I am a little bit concerned about having that one contiguous tract of climax forest. I do understand that it is important that the climax forest is preserved, is of significant size that it can be managed as a forest, but on a large tract, sometimes that does need to be spread out around the tract. And so I just wanted to voice my concern about that and give some considerations so that we don't codify that it has to be one contiguous strip.

The second item, Mr. Chairman, you talked about the loading docks. And I just wanted to voice a little bit of a concern with that. I would like for us to consider the loading docks to be possibly on the sides of buildings as well. And my biggest concern there is for a loading dock-type application, the amount of turning radiuses that are required for trucks and that type of thing will require an awful lot of real estate, but additionally an awful lot of impervious surface and I know we're trying to eliminate impervious surface. So I think a lot of times a loading dock on the side of the building that might be parallel to the side of the building allows us to get those trucks off of the street, certainly understand that's a problem in some of our areas. But it allows those trucks to get off the street, but not take up as much real estate and as much paving. So just -- I'd ask for consideration of that.

And then the last is a question, and it's on the screening and buffering Section 29-49 E, parking

loading and circulation. And this is just a clarification for me, whether this applies to lots that abut a zoned residential district or lots that abut a lot that has residential uses.

MR. TEDDY: It would be whether it's -- just a second. This is on the neighborhood protection standard for parking loading circulation --

MR. TRABUE: That's correct.

MR. TEDDY: -- that you're referring to?

MR. TRABUE: That's correct.

MR. TEDDY: Those facilities cannot be located between a principle structure. This would be the intense use, and a lot in any side property line abutting a lot containing a single- or two-family dwelling. So the single- or two-family dwelling is there.

MR. TRABUE: And so that's about a use. What if that particular residence use was on a commercially zoned piece of property? Not that we have a lot of that.

MR. TEDDY: You mean single-family on a commercial zone?

MR. TRABUE: Commercial family on a.

MR. TEDDY: If it's used as single-family, it's not a single-family structure that's been converted to commercial. The principle is that you would be buffering it as a residence, so it would apply, yeah.

MR. TRABUE: Okay.

MR. TEDDY: Yeah, because it says -- it doesn't refer to zoning districts. It says no parking area, drive-thru lane or vehicle circulation driveway shall be located between a principle structure on a lot containing a use other than a single- or two-family use, meaning the intense use, and any side property line abutting a lot containing a single- or two-family dwelling. So it's any side property line abutting a lot containing. It doesn't say how that single- or two-family use is zoned.

MR. TRABUE: Right. And I wanted to clarify that. I'm a little concerned about -- and we are in this buffering area and this step-down area, and I understand the concept there, but we could actually have some commercially zoned property that for protection purposes somebody might go in there and build a residential structure, which would be allowed, and I think that would really upset the intent of what we're trying to do with this unified code revisions. And I don't know that there's going to be a lot of that, but that's one of those areas that I've noted as an area with a little bit of a concern. Thank you.

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

MR. FARNAN: Good evening. My name is Mark Farnan [phonetic], 103 East Brandon, Columbia, Missouri.

I have three things. First, I want to -- I had sent several documents to you guys earlier. Thank you for taking a look at those in your earlier work session meeting. They are designed to help move the process forward and to add clarity to the consideration of all the different questions that come up.

It looks like the staff has a way to keep track of that and to identify the issues that come up here in each of these individual hearings. I still fear that we're going to get through a big cluster at the end where that last meeting is going to be several hours long when we debate the final points or that some

things may seem like little things are going to get left behind somewhere. And to some people, little things are little things and to some people, they're going to make a whole lot of difference, and I want to make sure that those are discussed where people really feel good about it.

The second thing is also a process thing, and this one is really sticky and probably everybody hoping I didn't bring it up. This past Monday, they established a new parking and transportation task force, and they created that with a six-month limit. And that's how long those people get to do their work. That's right. Then they'll have their report, their final report on parking and transportation ready to go on December the 6th.

That -- their primary focus is supposed to be to make recommendations about the unified development ordinance as it relates to parking, particularly in the downtown area, and about other modes of transportation that might be appropriate and be addressed in this unified code. That is well beyond the time limit and the list that we showed here that shows that our last meeting like this will be in July, taking months, and then in August maybe we'll take a look at this great big Christmas package.

How are we going to incorporate the work of the -- of the parking task force into this code if they're not going to have their stuff done until December? In fact, that was created last Monday, and at that meeting, it was indicated that probably they're not even going to be able to appoint and have the first meeting of that task force for a month. And at the first meeting, then you say hello you-all, here's your duty, go do it. And that takes a month.

Except in this case, there are two very, very different opinions about how parking should be addressed. And some really want more and some really want less. So this will not be a slam-dunk decision, so add a month. And my sense is that they're not even going to have a preliminary report ready for three months. I think that there are a lot of people who think that we are pushing this pretty fast, that it needs more baking time. I've heard that reference. And that what we could do, then, instead of you-all having to have those extra sessions built in that were mentioned earlier and that you might do them every week, let's stretch this out a little bit.

Let's go ahead and do -- well, first of all, I don't think we can ignore what they're going to do. They were appointed for a reason. And their prime reason is to make recommendations about this code. If we just ignore that or act like that's not there, we're wrong. Or we could lengthen the time and use that time, or we could send -- we could do everything we can get done now and do that part and send that forward and then once they get their stuff done, then we could come back and reopen the hearing so we could do that part except for one thing.

This is the unified development code, not the bits and pieces development code. We have been in this position before and we have done legislation piecemeal, and that sometimes is really ugly. And so I don't think we should do that. I think that we should intentionally do this well and if it takes longer, that's okay. And I don't even know what the outcome of that parking task force is going to be, and I may not even agree with it when we see it.

But we've got to do this right and we have the opportunity to, and I think that is an important thing

for you-all to talk about, and I'd sure like to know where you stand on that, because I have to plan the rest of my summer.

The last thing I want to talk about is to address the dimensions in the subdivision part of what was talked about here tonight as it relates to the relationship of that to the comprehensive plan. This is the part where people have to submit a land analysis map. And in there, it says that some parts of it is just fine, and it tells you exactly what you have to do. You have to look at a USGS map, and it will say here's a dotted blue line or a solid blue line and this is what you need to show on your map. Or this report from the government about soils, and you have to show that, or this report about endangered species that's available as a government report. And it has been verified.

But then it says in part F, any area that is not covered in this code or not articulated, that's not articulated, then we're going to go to the city's comprehensive plan and if they have identified something, then we could include but not limit it to cultural and/or historical features, burial mounds, wildlife habitat, wildlife corridor.

How when I put together, if I did, a land analysis map, how do I know what do I have to put in there if the guidance says these are the things that you have to put in there that are not listed. Or how do I define things that the comprehensive plan did not define itself and make sense of it, or that -- or how do I determine which contradictory statement that is in that comprehensive plan rules today?

For instance, there is an -- there is reference made in this to the wildlife habitat, wildlife corridor, and it says whatever comprehensive plan. There is no map in there that shows wildlife corridors for the city of Columbia. There is not one. They run from my yard, from seller's yard, to across my street, to my neighbor's yard, jump in that little creek that bisects his yard and run down to the trail.

Am I a wildlife corridor and how do I draw that? What do I reference? It's not a USGS map, it's not any of that that has been issued and it's not in the comprehensive plan, but it seems because the comprehensive plan mentioned it, it gives that jurisdiction somehow.

I have had to have rabies shots in my family two times because bats fly and stay at my house. We are in the fly-over zone for bats. And it extends from McBaine and goes up through the grasslands and out through Benton-Stephens and out of the city. Is that a wildlife corridor? And how is that shown on the map? And who gets to define that? And why should it be the comprehensive plan?

There are a lot of references throughout this plan to the comprehensive plan, and I understand why that was made. And in fact, in the comprehensive plan, which I read again last night, every line, it says that that plan is a guide. It is not the law. That's the way it was sold to us when we made it, it's the way that at this meeting people have referred to it time and time and time again. It is simply a guide, and what I think this does is takes a step too far in trying to codify something that is a guideline into a regulation.

And weirdly, the Columbia imagined plan agrees with me. Because these are vague, because these are not well-defined, because they're not defined at all or non-existent in that, then I think that they are just kind of innocuous, I don't know.

But here's what the plan, that comprehensive plan that we may want to refer to as a guideline, says about things like this. It says we should reduce ambiguities in the subdivision and zoning codes by refining the language to be more specific in its intent and implementation and to encourage preservation of useable, accessible open space and then, dang it, it says in planned unit developments. And it takes us right back to where we were trying to get away from. This is not the document that was created years ago that we should use and use it as a guideline, but it should not be the basis for the legal requirements of the new thing that's being introduced in this zoning code.

I have one other thing that was bugging me about this, too. If I may, and can I switch over to this? There is -- there is the little quote I just read, but here's -- here is a map. Here's a map that is in the comprehensive plan and this is the future land use that is referred to, the future land use map. It's a little bit hard to see, but if you -- if you look at where it says that you can't do anything and you have to list on your deal anything that's in a sensitive area, you're going to get your deal knocked out if you're trying to do a subdivision.

But look at what this is. All that, all that area that I'm kind of running the cursor around on is this kind of hatch marked place that is defined as, and so is all that green out there on the southeast corner, all that that comes in there, that's all called sensitive area. It is also -- what that includes is also the place that the same plan says is an employment district and it is zoned commercial and discovery ridge.

Who wins that fight? Is it considered to be in a sensitive area or is it not? And is that map accurate or is it not? And is it just indicative and should be used as a guide? Or should we just delete that sentence from this code, rely on the specific language as is indicated here, that it appears in the rest of the code and we all get it? This is a reasonable request, I wish that it were different, and I'm asking you to make it so.

That's all I got tonight. I'm sure I'll be back. Thank you. Oh, and if you have questions, I know.

MR. STRODTMAN: Are there any questions for this speaker? I see none. Mr. Farnan, we do appreciate your help with helping us try to categorize the citizen's input and we do appreciate all the help you've done with helping us with that.

MR. FARNAN: I appreciate all your time as well very much, all of you.

MS. HAMMEN: I'm Janet Hammen, I live at 1844 Cliff Drive. Everybody keeps saying how many things they have. Two things. So the first is I've been asked several times about a draft copy of the code to be at the library. And so --

MR. TEDDY: That's in production. Yeah, we didn't get it done for tonight, but very shortly we'll have copies over there.

MS. HAMMEN: Thank you. And the other comment I'd like to make is about the median front yard setback. Many of us who live in the central city neighborhoods feel that protecting our neighborhood character is of utmost importance. And we have relied on this median front yard setback that has been in effect of the entire block to help us protect our streetscape.

So this current proposed change that would only apply to a dwelling on either side of a new

development or redevelopment would cause creep on the entire block, it would not protect the block from visual differences of the neighborhood, and so many of us feel, well, you know, our neighborhoods don't have homeowner's associations, which many new neighborhoods have.

We can't set restrictions. So we have to rely on something that's traditionally been used. So we would ask that, you know, this continue in this way to use the entire block on the same side of the street as the way to determine the setback of a new development or a redevelopment. And having the cost, whether staff does the measurements of houses or dwellings or whether a surveyor does is actually a pretty small price to pay to preserve neighborhood character, so.

MR. STRODTMAN: Are there any questions for this speaker? Thank you, Ms. Hammen.

MS. HAMMEN: Thank you.

MR. COLBERT: Good evening. Caleb Colbert, attorney at 601 East Broadway.

First I want to echo what Mr. Farnan said about some of the land analysis map, some of his comments. I do want to follow-up on those a little bit. Just a couple of quick questions. On page 211 of the document that was published for this evening's meeting, the last sentence says, and the way I read it, is that in the land analysis map, you have to show two types of sensitive areas. Those sensitive areas shown on the map that Mr. Farnan displayed, and then all -- as well as all other areas known to be sensitive. I'm not real sure how -- what is included in other areas known to be sensitive. If it's not shown in the map that Mark --

MR. ZENNER: I would suggest, Caleb, that that is probably where one has to go to elicit criteria specifications. When we generated the future land use map that is part of the comprehensive plan, we did not look through the endangered species list that's part of that. So, hence the reason why we cover certain things and other documents that exist and have been produced by others are also referenced.

MR. COLBERT: So that is just intended to be a reference to the more specific items that follow in the next --

MR. ZENNER: And that -- I would tell you yes as the administer of that, and I would say that we probably could foreshadow maybe more so in the preceding paragraph that's there in I, that that's what the expectation is. Hence, I think the point F is the catchall statement that's really listed with I, and that last sentence that says show everything on the comprehensive plan land use map plus everything else.

MR. COLBERT: Gotcha. Okay.

MR. TEDDY: I want to add a comment that's referenced to the comprehensive land analysis map section, to me, is alternative language to a common phrase that's used in codes which is other information as may be required by the Commission. Codes I've worked with in my career when listing supportive data will list those things that often are requested, but there's that catchall statement just because you don't know all of the things that the Commission's going to consider relevant or the public's going to consider relevant.

And this is offering a little bit of wiggle room, if you will, for us to request on behalf of the Commission some additional data based on our professional judgment about a site.

We had a case recently who has an Indian burial mound on it. So that's not on our site analysis list, but that's something that we would want to see additional documentation on.

MR. COLBERT: But as a property owner, where would I note it on that whether or not there is wildlife on my property because anything can be wildlife.

MR. TEDDY: That's part of what we're here for. We do tried to guide applicants through the process. We do a preapplication stage of review where we advise on what kinds of documentation is needed to have a meaningful review process.

MR. COLBERT: Sure. But just as a, you know, on behalf of property owners, when they're coming forward, they want a degree of predictability and certainty on what they can do with their property and when there are some of these vague, nebulous terms, it creates a lot of uncertainty. And when you have uncertainty, you have unpredictability, and unpredictability adds more cost to the development.

So I think it would be helpful to have, you know, more specific -- either eliminate the catchall provision or give us some more rigid guidelines that we can follow.

MR. TEDDY: We can try to make it as specific as we can, but I don't know that we'll succeed in having the ones that are all exhaustive, one-size-fits-all list, you know. But we'll certainly try to make it as clear as possible what it is that's required to have a complete application.

Because that -- I think it's a concern that a property owner might get in a loop of having their application continuously rejected because the land use analysis is not an exhibit for you to prove. It's a support -- it's a supportive exhibit. It's not part of what's going to get approved. But in the sense that it might be deemed incomplete, you want language that you can advise a client, for example, if they follow this, you'll proceed in the process.

MR. COLBERT: Right. And we talk about subdivision classes being a ministerial and non-discretionary. Well, the more ambiguous language that we have, does that lend itself to making the subdivision action more discretionary as opposed to a ministerial.

MR. ZENNER: I would also suggest, Mr. Colbert, that part of what we're doing here with this land analysis map, it's a requirement of concept review, so preliminary plats, plan development, annexation requests, that requires a concept review within our procedural standards are going to allow us the opportunity to identify what may or may not have been collected at the time of producing that request for the concept review, before an applicant gets into a design exercise of greater cost.

So -- and that is, again, that is another major deviation, or I'd say from what we currently would require of the concept review today. This is somewhat detailed. You have to take the time as an applicant to consider the impacts that your proposal is going to create on that land and we are recommending that the land use analysis through the code be provided at the time of concept review. Not at the time of submission, because at the time of submission, you've already designed a project and by that point, then you get into an even greater level of uncertainty.

And I would agree with you that from a ministerial action at some point no longer becomes ministerial because we are going around and around. So we're trying to create a process by which we

get the biggest bang for the buck on the front end, so when the project comes in, you can take advantage of the dents and bonuses that may exist because we've already identified those lands as part of the development plan design.

I'm not going to tell you that it is -- that our staff nor from an administration perspective, we may identify every single feature on that property through the analysis map that may exist. But we're making a huge stride forward from what we currently have, which is basically almost ignorance to any type of preservation techniques or analysis of those features that should be preserved, which is the goal and an objective of the comprehensive plan. It's to preserve the environment that we have. We only have one, and as we develop, we continue to eliminate those land areas.

MR. COLBERT: As far as the preservation easement itself, will that allow any development -- that's not a defined term in the --

MR. ZENNER: That is correct, and that is something that we've identified as we were going through the process that preservation easement does need to be defined. It is not going to function like a conservation easement, a green space, conservation, or trail easement. That's not the intent.

The code does, as you probably observed, if you can't avoid a sensitive area, and it has to be included as part of a lot, the code does acknowledge that that's going to likely happen at some point. The building envelope of what would be built on that lot needs to be defined to be outside of it, however.

I would imagine, and again, it's not -- we have not looked through fully all of those implications as what's give-and-take. Where do you likely allow for stream buffer averaging in our current Chapter 12A? Is there an opportunity to allow for sensitive land averaging of some nature? There are probably options that exist that we just have not thought through far enough to be able to get there.

And I think, again, that's part of what I think Mr. Farnan's comments have been. We have some of these issues that may seem very small, but they may have a very large impact at the tail end, and I think that's the value of these sessions is, is to think about these things.

MR. COLBERT: Sure. And to follow-up on his map, that sensitive map overlay, I mean, that doesn't mean that every square inch of that property is a sensitive area?

MR. ZENNER: No, not at all.

MR. COLBERT: I just wanted to -- just wanted to clarify. As far as the -- switching topics on you, as far as the cul-de-sac length, am I correct in understanding the default is 300 feet?

MR. ZENNER: That is correct.

MR. COLBERT: Okay. On the tree clearing, there's a provision on page 268 which says that landowners in the county who annex into the city have to comply with the tree clearance that took five years to develop. Is there a lookback period -- explain to me how that would work.

MR. ZENNER: Well, this -- this is a provision that comes out of the temporary advance provisions that are currently in the county's regulations that have not been enacted since the city has not adopted parallel requirements. So yes, there would be a lookback period.

Again, it is a technical process. We have the capability through aerial photography that's

sufficient enough for us to be able to identify properties that have been cleared. There are a plethora of exemptions that are legal within the county as agricultural uses that can allow property to be cleared.

And I -- the hesitation I have had since I have been here over the last 20 and a half years before that this item is shown on our agency to adopt temporary advance ordinance has been fully surrounding that particular topic. There are a series of legal options for somebody to clear their land prior to annexation.

We cannot control on the county. And that, I think, creates some challenge with this particular provision. And I think that that is something that still has to be developed. We have to review that, I think collectively as a Commission and a staff to truly determine is this truly enforceable, is it reasonable, is there a different way of dealing with it such as a mitigation standard that needs to be developed.

If you have legally cleared your property and you are annexing into the city, you may have to provide some type of enhanced tree planting back to not avoid -- to not ban you from getting a permit. Those are the types of things that I think have to be evaluated before we basically jump all the way to say that you're penalized because you cleared your property legally in the county but you want to annex.

MR. COLBERT: And it may have happened four years ago. The five years seems like a pretty harsh penalty, and it could be a trap if your property changes hands in five years.

MR. ZENNER: I would tend to agree. I'm not -- the tree task force working with our arborist, I believe, has taken an approach that some of the tree protection standards that they would like to see implemented are made legitimate and may have some penalties associated with them.

Again, in work session with the Commission on this particular topic, we have talked about the idea that if you know the regulation, regardless of what side of the city boundary you're on, being the county or the city, you're put on notice. And I think the problem is that we don't have a regulation that anybody can know about today, and to jump immediately into a penalty phase without first being able to create some way of relief may not be the best way to achieve the end goal. That's forested tracts of land.

MR. COLBERT: That's all I have for this evening.

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

MR. COLBERT: Thank you.

MR. CLARK: Mr. Strodtman, could I provide one short piece of information that may help with this?

MR. STRODTMAN: Yes, Mr. Clark, if it's short. MR. CLARK: It's short, but I'm hoping you'll support it. John Clark again. I still live at 403 North Ninth Street.

I happened to hear John Engen, the mayor of Missoula talk about -- the same way you did -- about their rezoning update and a whole bunch of things they did in Missoula. And one of the particular things that they said was crucial to the implementation of their zoning as defined in quality development was some work that was done that created exactly the map that is being talked about.

We've talked about it -- and we can -- you can go to their Web site, I think, and find it. It was called a care and capacity kind of map. What it really did, both Missoula and the county in which it sits, it

did this massive analysis of features, caring capacity, all this kind of stuff. It provided a trusted base of facts for anybody who was applying to develop the city staff to use.

I would encourage you as part of this process to get a hold of that, look at that, follow-up with the -- with a staff person who had -- I think since left Missoula. I think it is the very document and tool.

Now, we might have had that going on with our area plans for the whole city, but that might be useful for us to figure out how to do in a time frame that would make it ready for the point at which we're ready to eventually adopt the UDO, and it might address what I think are the very pointed and good questions about where are we supposed to look.

In Missoula, apparently they solved it by developing this very detailed kind of map that really laid down the groundwork for anybody who's making application to do these things to use. I would encourage you to follow-up with that.

MR. STRODTMAN: Mr. Clark, did you have a name for that map?

MR. CLARK: I will go back.

MR. STRODTMAN: That's fine.

MR. CLARK: John Engen was here, and you may have been at the affordable housing symposium. You can hear the description of how valuable this was if you just listen to that two-hour section which he and his cohort, I think Ray Wendelman [phonetic] were talking about. But in that and the question-and-answer session, they make detailed reference to this and how it got done in general and how important it was to them in going forward with their -- they feel their zoning stuff defined quality development. That's why they didn't have the student housing problem there that we've had.

But one of the key -- there were multiple components to that. They're also an impact fee state, but in addition to that, they update their zoning codes and they make reference to this map, and I think it is the very kind of thing that is being talked here about what is needed. And I'll see what I can find as well.

MR. STRODTMAN: Thank you, sir.

MS. HAMMEN: I have some information on this.

MR. STRODTMAN: Yes, Ms. Hammen.

MS. HAMMEN: Thank you. Columbia has helped fund the natural legacy plan for Columbia Boone County. Are you aware of this? It's in conjunction with the parks department and the Green Belt Land Trust of Mid-Missouri. So you might look and find that and talk to Mike Riggs, the parks department, and there's an implementation phase that is being worked on at this time.

MR. STRODTMAN: Thank you, Ms. Hammen. Are there any speakers from the public that would like to have some time? As I see none, I will close the public hearing and that portion is done.

**PUBLIC HEARING CLOSED**

**VI) SUBDIVISIONS**

**Case #16-101**

MR. STRODTMAN: We've got three agenda items in the subdivision. Is Commission ready to

continue to move forward? Sounds good.

Our first -- under our first subdivision Case 16-101, a request by Engineering Surveys and Services on behalf of the City of Columbia for approval of a two-lot final minor plat to be known as "Sixth and Cherry Garage Subdivision," along with associated variance in Section 2546(b), the 1.6 acre subject site is located on the northwest corner of Sixth Street and Locust Street.

This was an item that was tabled from the May 19 meeting. May I have a staff report, please?  
(Staff report was given by Mr. Clint Smith of the Planning and Development Department.)

MR. STRODTMAN: Thank you, Mr. Smith. Do we have any questions for staff? Yes, Ms. Loe.

MS. LOE: If the 30-foot radius is being waived, what minimum radius is being established?

MR. SMITH: There would be no radius on the northwest and southwest corner.

MS. LOE: Has the radius ever been waived for a downtown block?

MR. SMITH: Yes, we do have examples of other ones in the downtown being waived with variances in this situation. Many times those are waived with situations where the building's actually in place, the building's built up to the corner property line, and so therefore granting a truncation would actually place them in the right-of-way. I think those situations, we look at that as a very practical hardship for dedicating that additional right-of-way, given the fact that the city is unlikely to come back and demolish the building to be able to actually use that corner truncation, so.

MS. LOE: So has there been any case where it's been waived prior to construction?

MR. SMITH: I don't know if I know the details of every case. I do know -- I think there was a -- one plat that was approved -- it might be a different situation, but I know the block where Stephens College is located, they did not have, I think, any type of new construction, per se, on that, and they granted the corner truncations, but not a situation where a building hadn't been constructed -- or in that situation where it was waived.

So not that I know of, but the situation doesn't come up very often downtown, given kind of the nature of most of the lots downtown are currently platted in some configuration, but as new development occurs, this does come up occasionally.

MS. LOE: If the Commission approves or recommends the corner truncation, is there a standard that identifies a minimum radius for the curb at the intersection? Because I couldn't find it anywhere.

MR. SMITH: Oh, if it's waived? No, then there would not be a -- a truncation on the lot.

MS. LOE: And it's not identified anywhere else in the code.

MR. SMITH: No, so that's something internally we've had conversation with, and I think with the UDO it may be something that's addressed as well as the necessity for a 30-foot truncation, which is like I said a little more akin to a suburban-type corner radius. So it's something that we've discussed, basically reducing that, some other options. I can't tell you if that's what the recommendation will be in the future.

MS. LOE: Now, I know in -- I live in the city, but I know I can't make a 90-degree turn in my car even if I am driving pretty slowly. And my purview of the city corners was none of them are at 90 degrees, so it seems a little short-sided not to have some minimum radius identified if --

MR. SMITH: I think there's a couple different things going on. The lot isn't truncated, but a lot of times the curb is truncated.

MS. LOE: RIGHT. And that's what I was trying to clarify.

MR. SMITH: So the city's traffic standards would still have, you know, you don't see curb intersections at 90 degrees downtown. They are truncated. So I think the issue there is if you have -- and one of the reasons we're looking at some other truncation-type requirements is if you have a 90-foot building, but you have to truncate the curb, you do lose a little bit of space there because you're not taking advantage of the entire space because the building kind of extends in that area.

MS. LOE: Right. So if you could tell me what the curb would be radius, that would give me an idea of how much the pedestrian --

MR. SMITH: I couldn't tell you what the exact truncation is.

MS. LOE: -- is reduced to when we got to the corner.

MR. SMITH: I do know that our fire department did review this and said that they feel confident they'd have adequate sidewalk.

MS. LOE: I appreciate that, but I would like numbers.

MR. SMITH: Sure, we can get you that.

MR. ZENNER: Standard curb radius, Ms. Loe, is generally -- it ranges, if I am correct, depending on traffic speed anywhere between a 30-foot -- 30-foot radius down to I believe 15-.

MS. LOE: I agree.

MR. ZENNER: And that is in many instances what you're seeing in the field, obviously, while you're not making a 90-degree turn is because we haven't built from property line to property line in the road. Standard -- standard road section basically has about 12-and-a-half to 14-and-a-half feet beyond the actual back of the curbed property line, hence where the green strip is and where the five-foot sidewalk is located. So in this particular instance in this site specifically, if you look at where the actual bulb-outs are located on the northwest corner, then on the southwest corner, that affords the radius that -- to allow for the sidewalk as well as reduce the pedestrian crossing distance between the opposing sides of the street.

We will have another request that will be coming to you in an upcoming planning Commission meeting for the Alpine Shops on Hitt and Broadway, which will also have a request for a waiver of a corner truncation.

Again, there is a planter sitting out toward the intersection of Broadway and Hitt that you have to pull beyond the existing property boundary of the Alpine Shop in order to make the right-hand turn to get out on to Broadway to head east. If we ever needed to put a radius in in order to be able to radius that curb more than it is today based on the curb line, it would take the planter out to do it. And you still maintain a reasonable distance for the sidewalk within our public roadway.

So what our engineers have evaluated as it relates to this, and hence the reason that this particular plat has been delayed, was to go back out and, in fact, verify that the right-of-way that exists

beyond what's being proposed to be platted here is actually sufficient in order to accommodate our standard sidewalk detail.

The concern -- the truncation would have allowed us the opportunity, obviously, to not have to worry about getting a temporary construction easement. Probably would have done nothing materially to the actual location of the sidewalk that's physically there today.

So that's one reason why the analysis on this particular request took a lot longer to mature than some. I will tell you that the corner truncation requirements in the downtown have not been equally applied across the board over time. Some of that is as Mr. Smith has pointed out due to the fact that we have existing buildings that are already built to the property lines, and in other instances our traffic engineering department has determined that there is no need to apply that particular standard because it is entirely impractical.

We're not widening streets downtown, and you may already have sidewalks in place that are consistent with our sidewalk detail, therefore let's not make the issue out of it. Here we've got a surface parking lot. We have an unknown. We wanted the corner truncations as a part of the platting truncation because of that unknown. We went to further review and determined that we could achieve what we wanted to get with the truncations by getting the TCE and that's why we're here.

The other aspect is many of our lots in downtown are deemed legal lots, they never need replatting, and therefore, you'd never have this particular issue come up. That's why this is a rarity. It was -- Mr. Reed's advice to his client and city to proceed forward with the plat for the purposes of being able to have two discreet lots that basically were not parts of previous platted lots in the subdivision. Some surveyors wouldn't be as diligent in trying to assure that clean title is given, but that's the history of what's occurred here. And we're cleaning up title, we're getting better platting.

MR. STRODTMAN: Any other questions?

MS. RUSHING: I have.

MR. STRODTMAN: Ms. Rushing.

MS. RUSHING: If we don't approve the variance, would the current owner be required to make any changes to the property at this time?

MR. SMITH: No, there is no changes per se that will be required to the property currently. Part of that is because the City of Columbia still owns the property at this time, so I'm sure we -- we would probably be open to things that you would like us to do, but at some point in the future, I think the intent here is for the west part of this property, as Mr. Zenner has stated, have two discreet lots for potentially basically selling off or basically -- the city would retain the garage and the west property would potentially be sold or some other manner released.

MS. RUSHING: And then the second question which may sound unusual, but the truncation, does it apply straight up or just to the first story?

MR. SMITH: It would -- it essentially creates a new property line, and so no buildings above -- or no structure above ground level would be able to extend into and over that truncated area, basically

becomes a public right-of-way, with the exception of potentially balconies, which may extend into right-of-way in some situations.

MR. ZENNER: You'd end up having to -- if you were to extend into a public right-of-way, it would require a regular-use permit in a particular height that's defined within the code. So you could, if you so desire to have developed a turret building, for example, that basically mirrors the curves of the corner truncations and then put a dualing balcony off of it. You would have to get basically a regular-use permit to encroach into the right-of-way.

MS. RUSHING: But a developer could -- let's say we don't approve the variance, and then the developer comes in, they could for pedestrian traffic have a curve on that bottom floor that wouldn't exist on upper floors? I mean, that would -- they would have to ask for a variance at that time.

MR. SMITH: Yes, if the variance wasn't approved --

MS. RUSHING: Then when it's developed and they still needed some relief, they would have to request a variance at that time?

MR. SMITH: Yes.

MS. RUSHING: And at which time we would get to see the project?

MR. ZENNER: The property as it exists right now is actually -- it would constitute -- if I am correct, I believe it constitutes a legal lot right now. This platted action is to consolidate the lots.

MS. RUSHING: Right.

MR. ZENNER: So to be quite honest, if the variance isn't approved, the transaction that is transferring the ownership of this property has already been approved. This is basically an action that is becoming behind the documents to convey, and if the lot were not truncated, you could build the building out to the two corners.

In the process of building that building, you would be required to install the standard city sidewalk. That would either be at a curved corner or it would come out as it does today at a 90-degree intersection with the bulb bump-out.

And that is the -- that's the essence of the situation here is the current right-of-way that exists can accommodate a 90-degree sidewalk, and we basically have installed the bulb-out in order to be able to reduce the pedestrian distance between the adjoining blocks out of -- just out of public safety and convenience, traffic. But the sidewalks in and of itself, if this was just a standard square block, like any other city block, could basically be built and comply.

Again, what's being requested here is a plat to clean up what has previously existed as multiple lots from the original city survey. There is, based on our traffic engineers' analysis of the street network, the future for improvements to either Fifth, Cherry, or Locust, no need in order to get these truncations out of this lot.

The only thing we need is the ability should we as a city at some point come to build that sidewalk, get the TCEs that we need to get off. And that's completely a result of the grade differences between the streets adjacent and the elevation of the parking surface.

We may need to get further on the property in order to be able to install the retaining wall, tie the retaining wall back in, and then basically build a sidewalk afterward. No need for truncation. The sidewalk will never curve. You know, sidewalks in downtown basically come to 90 degrees at our intersections.

And given that there's no improvements desired here from the street network to widen the streets out any wider than they currently are, and we've got adequate right-of-way already, they can make everything work within it.

MS. RUSHING: Then I guess my problem is that I don't see why we would grant the variance, because I don't see a need not to have the truncation. I understand what you're saying, that it's going to work without it. So every lot downtown where you can say that we can do a bump-out and therefore it's going to work without the truncation, what happens to the truncation requirement?

MR. ZENNER: And I think that was what was pointed out in the staff report and I think Ms. Loe was trying to get at and Mr. Smith was addressing.

Our current corner truncation is a one-size-fits-all scenario for all property in the city. It does need to be considered to be revised with exceptions for downtown development. And that's just unfortunately the nature of how our code is constructed at this point.

This was one of these that, as I've said in the past, we sometimes have to check our brain at the door for common sense. We looked at this initially, we said no, we're replating, we need to follow the rule. We started looking at it a little bit more, and we said maybe we don't. But we have to follow-through with the way the regs are, and that's exactly what you guys are debating and you're having difficulty wrapping your mind around, like we did.

There is no real hardship here in the sense of a hardship, which is typically what you would approve a variance on. This is an impractical requirement, given the circumstances. And because of that, the only option you have is to approve or not approve a variance. You can't ignore the standard, because the standard exists, and if you look at it from the aspect of the evidence we're producing for you, that through analysis of the intersections, the right-of-way that we have, all of that mitigates having -- mitigates having the need for that.

That's the information that if you were a board of adjustment, for example, you would be hearing this testimony and you would be making your decision based on that, not just based on the hard facts of 30-foot radius as required. There's other circumstances.

I don't disagree with, I think, where you-all are wrestling with this. You just don't see the need for it. We didn't either; however, we've also acknowledge it's really not needed given the circumstances that are there.

MR. STRODTMAN: Yes, Ms. Loe.

MS. LOE: Just point of clarification. Is this clarified in the UDO?

MR. ZENNER: No. That's why we're begging, just tell us to take care of it in the UDO and we will. It's like the sidewalk issue. Ask us to take care of it and we'll do what we can.

MR. STRODTMAN: Yes, Mr. McMann.

MR. McMANN: Thank you, Mr. Chairman. This is a title issue, these TCEs afterwards, yes? We're going back and getting the buyer -- we are having them give us?

MR. ZENNER: They'll give us the TCE when we request it.

MR. McMANN: All right. The variance that -- TCEs are in no way dependent on the variance; is that correct?

MR. SMITH: No, the way we've worded it, the condition for staff's approval of the variance is that they agree to grant us --

MR. McCANN: So they are linked?

MR. SMITH: Yes.

MR. McMANN: Is it possible for them to be unlinked?

MR. SMITH: Absolutely, if that's a motion that the Commission would like to consider. But for right now, staff's recommendation is that those are linked two conditions.

MR. McMANN: I may follow-up on that. The TCEs make the -- and the variance make this a more attractive property for the buyer; is that correct?

MR. SMITH: I wouldn't think that the TCEs would necessarily have an impact.

MR. McMANN: These TCEs are for us?

MR. SMITH: For the city.

MR. McMANN: And the variance is for the buyer?

MR. SMITH: Yes.

MR. McMANN: Okay. And they are currently linked in the title language? That's where we're at in this?

MR. SMITH: They would be linked in the ordinance approving -- based on the staff's recommendation, they would be linked in the ordinance that approves the variance.

MR. McMANN: But the TCEs and the variance don't have to go together?

MR. SMITH: No.

MR. McMANN: They're not required in any way to be linked?

MR. SMITH: That's correct.

MR. ZENNER: However, Mr. McMann, there is no reasons, if you deny the variance, if you choose to deny the variance, there is very little reason at that point to potentially ask for TCEs. The arrangement or the arrival at granting -- at agreeing on a variance and obtaining the TCE upon request, that is the city. That's the city requesting that to protect our interest.

Typically, we have to acquire TCEs for money. The plat process is one of these opportunities to where we either would obtain the regulatory standards, so you deny it, Commission decides to deny the variance request. This request is going to proceed forward to city council with no corner truncations on it. Counsel approves the plat with no corner truncations, but does not include the TCE language as part of that approval, we sever, we have nothing. We go back and we buy the TCEs when we need it if we ever

build a sidewalk.

So when you ask if there's value to the property owner in not having the TCE or not having the corner truncation, yes, there is. Because that is land area that is left in their control. But again, the TCE is to favor of the city -- if we should go build the sidewalk, it's if we have to expand capital money to do it. If they redevelop this parking lot with a building, they will be building the sidewalks at their expense, and they have to then make accommodation for that in their building plan.

So, you know, they're having opportunity to have all of the land that they were contracted to be receiving without having the corner truncation, and therefore that fulfills that side of the agreement that's already then acted upon.

The TCE and the approval of variance basically accommodates the city's needs for something in the future. And that's how this is -- how they're linked together. You unlink them and it potentially puts the city in a position to where if we ever came to build those sidewalks before anything happened with this parking lot and structure, we'd be buying them, or we'd be obtaining them, we re-release them back to the property when we're done with the construction project, which is the typical standard practice for a TCE, but we still have to pay for them up front.

MR. McMANN: Thank you.

MR. STRODTMAN: Any other questions? I have a quick one for Mr. Smith. Do we know what the intended use is?

MR. SMITH: For the west side?

MR. STRODTMAN: Correct.

MR. SMITH: Nothing beyond what's currently there.

MR. STRODTMAN: Okay.

MR. SMITH: Not that I'm aware of.

MR. STRODTMAN: No further questions? I'll open this up to a public -- to the public. If you want to come forward and give us any information that would be relevant, this would be the time.

MR. REED: My name's Tim Reed, I'm a land surveyor with Engineering Surveys and Services. I don't really have much to add to the staff report. The corner truncation, it is a valuable design tool for new subdivisions. But the original town's been here since 1821 and the entire downtown area it consists of are rectangles. And traffic moves fine, pedestrian traffic moves fine.

You can see at the northwest corner, that's the actual traffic island that's in place at actually all four corners of that intersection. And it's relatively new. It was a city-initiated design, I think for traffic coning and pedestrian safety. There just isn't any reason to give up a 30-foot radius at this -- at these two intersections. And we're happy with those conditions. We're fine with those conditions. So I'd be happy to answer any questions.

MR. STRODTMAN: Are there any questions for this speaker? Thank you, Mr. Reed.

MR. REED: Thank you.

MR. STRODTMAN: Are there any additional speakers to this topic? As I see none, we'll close

the public hearing.

Commissioners, comments, some motion? Don't be shy. Yes, Mr. Stanton.

MR. STANTON: In the case of 16-101, Sixth and Cherry Garage -- let me back up. Do I need to make two?

MR. STRODTMAN: Do you want to handle this together or two different motions?

MR. SMITH: I would probably go ahead and approve the variance first. The variance would be necessary to approve the plat as shown basically in your packet. Because if the variance is not approved, then the plat as displayed is not to current city standards with the truncation, so.

MR. STANTON: In case of 16-101, I move to approve the variance as recommended by staff.

MR. STRODTMAN: We have a motion.

MR. TOOHEY: I'll second.

MR. STRODTMAN: Mr. Toohey seconded the motion.

MR. STRODTMAN: Ms. Secretary, can we have a roll call?

MS. LOE: Yes. Mr. McMann?

MR. McMANN: Yes.

MS. LOE: Mr. Stanton?

MR. STANTON: Yes.

MS. LOE: Mr. Strodman?

MR. STRODTMAN: Yes.

MS. LOE: Ms. Rushing?

MS. RUSHING: No.

MS. LOE: Mr. Toohey?

MR. TOOHEY: Yes.

MS. LOE: I vote no. Mr. Harder?

MR. HARDER: Yes.

MS. LOE: We have five votes for, two against. The motion carries.

**Motion carries 5-2.**

MR. STRODTMAN: So would it be the Commissioners -- is there any additional input on this item or additional items that we would like to require as part of this condition?

MS. RUSHING: Well, I would like to say if this is not a requirement that is necessary downtown, that perhaps we do need to take that into consideration with the new code. My concern is it is the City of Columbia and I do have a problem voting for the city not following its own requirements.

MS. LOE: I would just like to add that we've been discussing a lot about how traffic might negotiate the intersection, and it's been studied and it seems to achieve that, but I think the truncated corners also deal a lot with site lines and pedestrian movement around corners, and we haven't taken that into account. And I would agree with Ms. Rushing that we've essentially set a precedent now that says we're not going to truncate corners downtown, so we should codify that versus doing it on a case-by-case

basis.

MR. STRODTMAN: So we -- do we need to -- is there any motion on the -- the conditions that were given to us by the city -- or by staff?

MR. SMITH: Mr. Chairman?

MR. STRODTMAN: Yes.

MR. SMITH: I took Mr. Stanton's motion as variance as recommended by staff, which would include the conditions. So if that wasn't the intent, we can clarify that.

MR. STRODTMAN: So his item was the TCE as well as the right-of-way. So we're good with this matter.

MR. STANTON: Yes.

MR. ZENNER: You need to do the plat, though, now, if you would please. The plat does need to be approved.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: In case of 16-101, I move to approve the final plat for Sixth and Cherry Garage Subdivision.

MR. STRODTMAN: Is there a second.

MR. TOOHEY: I'll second again.

MR. STRODTMAN: Mr. Toohey. Motion's been made, second. Can we have a roll call, Ms. Secretary?

MS. LOE: So this is 16-101, approval of the final plat.

Mr. McMann?

MR. McMANN: Yes.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Yes.

MS. LOE: Mr. Strodman?

MR. STRODTMAN: Yes.

MS. LOE: Ms. Rushing?

MS. RUSHING: No.

MS. LOE: Mr. Toohey?

MR. TOOHEY: Yes.

MS. LOE: I vote yes. Mr. Harder?

MR. HARDER: Yes.

MS. LOE: Six votes for, one against, motion carries. Recommendation of the approval will be forwarded to city counsel.

**Motion carries 6-1.**

**CASE NO. 16-105**

MR. STRODTMAN: Moving on to the next item, **Case 16-105, A Request by Crockett Engineering on behalf of Thomas Richards for a final -- for a two-lot final plat to be known as "Russell Subdivision Plat Number 6. The subject site is 2.94 acres and is addressed as 407 Russell Boulevard.** Do we have a staff report, please?

(Staff report was given by Mr. Rusty Palmer of Planning and Development.)

MR. STRODTMAN: Are there any questions from Commissioners for staff?

I have a question. The access for that lot would go on its own and there would be no combined -- it would have its own access to Russell Boulevard?

MR. PALMER: It hasn't been proposed yet, but that is the intention.

MR. STRODTMAN: Thank you. I see no further questions. We'll open this to the public. If any of the public would like to come up and speak on this matter, we would welcome at this point. As I see none, we'll close this hearing and Commissioners any comments, discussion, motion? Mr. Stanton?

MR. STANTON: As relates to Case 16-105, Russell Subdivision Plat Number 6, I move to approve the final plat for Russell Subdivision Plat Number 6.

MS. RUSHING: Second.

MR. STRODTMAN: A motion has been made by Mr. Stanton, second by Ms. Rushing. Ms. Secretary, do we have a roll call, please?

MS. LOE: Yes, Mr. Chairman. Mr. McMann?

MR. McMANN: Yes.

MS. LOE: Mr. Stanton?

MR. STANTON: Yes.

MS. LOE: Mr. Strodtman?

MR. STRODTMAN: Yes, ma'am.

MS. LOE: Ms. Rushing?

MS. RUSHING: Yes.

MS. LOE: Mr. Toohey?

MR. TOOHEY: Yes.

MS. LOE: I vote yes. Mr. Harder?

MR. HARDER: Yes.

MS. LOE: We have seven approving votes, recommendation for approval will be forwarded to city council.

**Motion carries 7-0.**

**CASE NO. 16-121**

MR. STRODTMAN: Thank you, Ms. Loe. Moving on to our last item, **Case 16-121, A Request by TH -- THHInc McClure on behalf of Drury Development Corporation for approval of a one-lot final minor plat to be known as "Drury Subdivision Plat 1."** The 3.49-acre subject site is located at

**the southwest corner of Keene Street and I-70 Drive Southeast and addressed as 3100 I-70 Drive Southeast.**

Yes, Mr. McMann?

MR. McMANN: Before we go on, I must recuse, so ladies and gentlemen, have fun.

MR. STRODTMAN: May we have a staff report now?

MR. SMITH: Thank you, Mr. Chairman.

(Staff report was given by Mr. Smith of Planning and Development.)

MR. STRODTMAN: Nice and --

MR. SMITH: I'd be happy to answer any questions.

MR. STRODTMAN: Thank you, Mr. Smith. Is there any questions for staff? As I see none, we'll open this to the public. If anyone in the group would like to come forward and give us any information in this matter, we welcome that. Just please give us your name and address.

MR. COLE: Good evening. I'm Mark Cole, I live at 22 Limp Road in Kirkwood, Missouri. I'm with Drury Development Corporation, and I just wanted to quickly thank you for your consideration of the replat, and also offer to answer any questions that you may have on the future redevelopment of this property.

MR. STRODTMAN: Commissioners, are there any questions for Mr. Cole? I see none. Thank you, sir.

MR. COLE: Thank you.

MR. STRODTMAN: Anyone else would like to speak on this matter?

(No response.)

MR. STRODTMAN: We'll close the public hearing. Just go slow until Mr. Stanton gets back, but would any Commissioners like any discussion on this matter? I hope he's coming back. I need him to come back.

MR. SMITH: I would point out as just a point of clarification that the northeast corner with the intersection of Keene and I-70 Drive Southeast is the site of a potential roundabout in the future. And just as a note, the right-of-way being dedicated is adequate to enable to have that construction occur without any future right-of-way needed at that site.

So that was something that we spoke with the applicant at the time of application, our traffic department to make sure that was facilitated. So we just happened to work out that it was generally coincident with the amount that they'd be required to dedicate, so.

MR. STRODTMAN: And that was the northeast corner?

MR. SMITH: The northeast corner where the truncation is located as shown.

MR. STRODTMAN: Thank you, Mr. Smith. Yes,

Ms. Loe.

MS. LOE: I have a question about that.

MR. SMITH:

MS. LOE: What is a cotton picker spindle?

MR. SMITH: That's a great question. That is apparently a -- survey approved a locating tool that actually came from a cotton picking machine or gin or however you would describe it, and that was allowed to be used because they apparently wear out and they were plentiful and so they were reused as markers for surveyors. Now what they look like, I'm not sure I can tell you.

MR. ZENNER: When they tear up the intersection, Ms. Loe, we will ask them to be gentle in that location.

MR. SMITH: I may have made a request to preserve one.

MR. STRODTMAN: If you knew what it looked like.

MR. SMITH: Yeah, that's the main problem.

MR. ZENNER: And I think we have delayed enough for Mr. Stanton to return enough so we can vote.

MR. STRODTMAN: Just in time for a quorum. We were just making a couple discussion points. Commissioners, any further discussion? Anybody like to make a motion on this matter?

MS. LOE: It looks pretty straightforward. I'll move to approve Case 16-121, Request from THHInc McClure on behalf of Drury Development Corporation for approval of a one-lot final minor plat to be known as Drury Subdivision Plat One.

MR. STRODTMAN: Thank you, Ms. Loe, for making that motion. Do I have a second?

MR. TOOHEY: I'll second.

MR. STRODTMAN: Mr. Toohey, thank you. Ms. Secretary, may we have a roll call, please?

MS. LOE: Yes. Mr. Stanton?

MR. STANTON: Yes.

MS. LOE: Mr. Strodtman?

MR. STRODTMAN: Yes.

MS. LOE: Ms. Rushing?

MS. RUSHING: Yes.

MS. LOE: Mr. Toohey?

MR. TOOHEY: Yes.

MS. LOE: I vote yes. Mr. Harder?

MR. HARDER: Yes.

MS. LOE: We have six votes for, motion carries recommendation for approval will be forwarded to city council.

**Motion carries 6-0.**

#### **IX.) COMMENTS BY THE PUBLIC**

MR. STRODTMAN: Thank you, Ms. Loe. Any comments by the public? Is there anybody in the public that would like to give us a final comment, we welcome that.

**X.) COMMENTS OF STAFF**

MR. STRODTMAN: As I see none, comments from staff? Mr. Zenner, we always know you have something.

MR. ZENNER: Well, you know, I have spoken enough tonight so I'll speak up some more. Your next meeting is on June 23. We will again have our regular work session. We will then come and convene at 6 p.m. for discussion of the MBT zoning standards for that meeting. So be prepared. It should be an interesting meeting.

But we have other items that will be carried on after 8 o'clock, and that is the Broadway and Hitt Street plat. This is the other one, as I was mentioning earlier that we will have a variance in the way of curb -- a curb truncation variance as well as a right-of-way variance.

I had to spit that out. We have also as a subdivision side that we will also have two public hearings, an annexation request up off of 763, American Truck Repair. This is just to the south of Prathersville Road. And then the Miller Family Funeral Chapel, and this is off of Ash, adjacent to their existing funeral chapel. They are looking into doing an expansion of the existing CP zoning to cover the vacant lot immediately to the west for potential expansion of the funeral chapel itself. So those are the items that are on the next agenda.

And as we discussed in work session this evening, we will be providing a summary of tonight's comments as part of the continuous spreadsheet that we are utilizing to capture all of the questions or issues that have been raised with each of the sessions we're going through. That will be provided to you as we produce our next agenda, and then the material that we have collected up to this point will be provided back out on to the city's Web site underneath the development code update project heading and it will be the spreadsheet as it exists as you saw this evening.

So for the public's purposes, they will hopefully have access to that and be able to see it, as well as, again, our meetings will be streaming live or accessible at any point by Monday of next week and we'll have full access to that. You can replay anything that Mr. Teddy and I have said or any of our other staff to your heart's content.

Here are your maps. Our Broadway and Hitt plat, as I indicated, that is the Alpine shop in the Saul [phonetic] building that is behind it that share a private alley. The American Truck Repair, annexation request just south of Prathersville Road, and Harvester is the industrial roadway -- industrial park road that leads -- that's in between Prathersville and Brown Station or International Drive.

And then our request for the Miller Funeral Home and chapels. This is actually an expansion of the existing CP plan. We're amending it to deal with some additional uses that were not included in the original CP plan in the vacant lot immediately to the west of that. And again, that is all of Ash right behind or to the north of our water tower site there on Walnut.

With that, that is all I have to offer for you this evening. Thank you very much.

**XI.) COMMENTS OF THE COMMISSION**

MR. STRODTMAN: Thank you, Mr. Zenner. Anybody looking for a motion for adjournment?

MR. TOOHEY: I do have a comment about, you know, with this issue with the parking cosmos, us being such a big part of the downtown part of this new development code, I mean, do we look at delaying some of this until we get the results back?

MR. STANTON: Look at maybe help coordinate with them on a timeline, or maybe shortening theirs, or you know.

MR. TOOHEY: It just seems like it's going to be a big part of what's required downtown in this code.

MS. LOE: It sounds like there's going to need to be some coordination already just to achieve the tasks ahead. We're talking about adding meetings or extending the schedule, so I think this is something that's getting added to that hopper and we'll need to get shaken out.

MR. STRODTMAN: I do think it's a valid point. And as we mentioned in our work session, the dates that we had are tentative, and as we discussed in our work session, those dates seem to be pretty challenging. And that's not even considering the parking task force portion of it.

So I think it is a valid item to consider and figure out what their timeline looks like and see if we can blend those together so that -- and specifically if their intent was for UDO comment as it was, then yes, we need to get their input, in my opinion.

MR. TOOHEY: Do we need to change the schedule and move the downtown portion towards the very end of this to give them time to get a feel of what that task force is?

MS. LOE: They're not commenting on the downtown.

MR. ZENNER: I believe -- I believe the assignment is to deal with downtown only.

MS. LOE: All right.

MR. ZENNER: It is not -- the parking regulations apply city-wide. We have specific provisions that are within the downtown. I think the scope of that exercise needs to be reviewed to determine are they supposed to be making recommendations on parking utilization, space, standards for particular uses that are in the downtown and the MBT district only.

The code as a whole and the parking standards that are within it apply city-wide. To delay the adoption of the code if all of the other pieces are correct and the focus of the parking task force is the downtown area only, would seem to be an unnecessary delay.

The amendment -- an amendment to the parking standards should the code move forward is not something that would be uncommon. I mean, if we adopt a set of standards that are based upon what we have completed because the study of a task force has not been complete at the time that counsel would like to move the document forward is no different than if we were to adopt a set of zoning standards and counsel asks us to go back and review a different piece of it at a different time.

I mean, I think that that's the perspective that we may need to be looking at the project as a whole in. We are always going to have pieces that are incomplete. As I have noted this evening, our sidewalk provisions that are within the code are incomplete. They are not satisfactory in whole to us as a staff, however they are what they are. And we will continue to work on them.

And we may have to produce an amendment shortly after we adopt the code as a whole. That would be no different in the parking scenario, but I think we can bring back to you for the June 23 meeting a better understanding of what that parking task force's actual objective was and how it may impact the overall code.

If they are looking at parking standards that apply outside of downtown or potentially parking issues that may be effecting mall development or shopping centers or things of that nature, that may be something that we do need to consider.

But again, parking is one of those things that you have to have it, we have landscape provisions that deal with how you deal with the impacts. The number of parking spaces, if that is what we ultimately get down to, is maybe where the task force focuses. And I think the task force may -- if it's focused on downtown, how do we deal with parking structures, meters, parking permit program, none of that is within the code's purview.

The UDO doesn't deal with those types of issues. It deals with what's required, where, and how. It's not placing meters in front of it or having a permit program. So I think that that's why -- I would suggest to the Commission that we need to get some more information about what the true assignment was, figure out once we have that, what do we need to do.

The MDT is much bigger than just parking, and I don't believe that it would be appropriate to delay the June 23 meeting to discuss the MDT to wait for the parking task force to complete its study on a very finite piece of that overall puzzle.

MR. STRODTMAN: Yes, Mr. Stanton?

MR. STANTON: Well, my thing is hopefully we're not working all in our own bubbles. I would feel like that they would understand the deadlines, especially if this was a task force from city counsel, that they would be aware of our timelines. So if his intent was to advise us on the new code, I think it should have been better coordination or maybe that wasn't the intent. So I don't know.

MR. STRODTMAN: I think Mr. Zenner is correct in saying that I think some questions asked to counsel as to what the -- or even to the task force exactly what their job is because they could be looking at marketing, how to promote employee parking versus customer parking. There might be components that have nothing to do with our part of it.

But at the same time, if they're looking at number of stalls and things of that nature that would have some impact on us, then that might be a point of discussion that we would want some time to coordinate with that task force. Similar to the infrastructure task force that's being ready to complete their report.

MR. TOOHEY: I think our issue is we just didn't see this coming when we started this process last month.

MR. STANTON: But somebody had to at city council. I mean, this has been an issue that's been on the table, money's been spent, this has been on the table for quite awhile. This task force was well aware of our task here. And that's what I'm saying. To slow our ship down, I'm cool with coordinating

and streamlining our calendar, but if that was the intent to advise us on parking, better coordination with a bigger deadline should have been done. Our ships don't keep sailing. Point blank.

MR. STRODTMAN: I'd like to have city staff do some research on that exact definition as to what their duties are or their scope of work and to advise us on June 23. And then at that point, we would have a better idea if this was truly the impact to what we're reviewing or if it's just more of a marketing type items that maybe wouldn't impact our decisions. Everybody okay with that?

Anyway, now we're kind of going through some unclear as to what their exact scope is, and I think the MBT is a much bigger issue than parking, and -- it's going to be a big component of it, but I don't think it's our only component.

MR. McMANN: If I may?

MR. STRODTMAN: Mr. McMann.

MR. McMANN: My -- the ITF, infrastructe task force, they're going to go long. They're going to get extended. That's my sense. But that's not written in stone. But anything that might apply to us, we want to keep that in mind also.

MR. STRODTMAN: Thank you.

### **XIII.) ADJOURNMENT**

MR. STRODTMAN: Any other comments? If not, I will take a motion for adjournment.

MR. STANTON: I move to adjourn.

MR. STRODTMAN: Mr. Stanton. Do we have a second?

MS. LOE: I'll second.

MR. STRODTMAN: Ms. Loe, thank you. We are adjourned.

(Off the record.)

(The meeting adjourned at 9:16 p.m.)