



Columbia City Council Meeting Recap
Council Chamber, Columbia City Hall
9:00 AM
Saturday, February 25, 2017

Pledge of Allegiance
Roll Call

INTRODUCTORY ITEMS

(X)

(Council Member Peters was absent at the initial rollcall but later joined the meeting. All members present for discussion of amendments and subsequent testimony with occasional absences for personal breaks.)

Adjustment of Agenda

(None.)

PUBLIC HEARINGS

PH2-17 Consideration of the Unified Development Code.
(Supporting Documentation is located with B43-17.) (Continued from the February 20, 2017 Council Meeting.)

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

[Amendments - Clerical Errors \(2-22-17\)](#)

[Correspondence from Public \(for the 2-25-17 meeting packet\)](#)

[Council Memo](#)

(Action: City staff presented an overview of the current status of the zoning code hearings and offered additional information relating to important aspects of the code that may be under discussion or consideration. (Refer to Council Memo for detail of that presentation.)

Public comment was then opened. (The following recap highlights testimony provided by local citizens. Some testimony recaps include discussions that resulted from questions from council members. **Items that refer to potential amendments are highlighted in RED.**)

Speaker indicated that she was a member of the P&Z Commission and that collectively that body sent this forward to the Council for consideration, **but that, even with a 9-0**

recommendation, and pride in the work, there were aspects of the code that were unfinished and awaited Council action or further consideration by referral back to P&Z. Speaker commented that this version of the code is in a different form than what was debated by P&Z. Speaker specifically indicated that questions about housing affordability and other aspects need more consideration.

Speaker presented a LEGO model of a multi-family development that could be built in a neighborhood context under current rules and asked for restrictions on that scale of development. Indicated that the model was not perfect, but that in a dramatic instance, her single-family home could fit into the model 20 times in an effort to illustrate scale. The speaker indicated that failing to build to scale affected the nature of the neighborhood on a human level; tended to decrease available affordable housing stock; could result in more calls to police for assistance; and that any rules that could help maintain the single-family dwelling size of the neighborhood should be embraced. The speaker was asked if there weren't other rules that protected neighborhoods such as the rule not allowing building across lot lines. Staff indicated that was true, but that the additional Neighborhood Protection standards simply added more tools to the toolbox. Staff did admit that property rights were important for all property owners and that this change may be difficult, but that people should keep an open mind. Council asked if there were no form-based controls for neighborhoods like there are in the downtown area. Staff indicated that there are some new articulation and appearance rules in the new code and that there are maximum height and length rules, but that form-based controls would have had to have been mapped and that was beyond the scope and capability of the new zoning project. Hubbell Street was the only place where such form-based rules were going to apply. Council asked why not put form-based controls on R-MF in neighborhoods. Staff again indicated it would have to be mapped.

Council continued to ask about other powers and specifically about the platting process that could allow people with multiple lots to replat those properties into a single lot and then build to the R-MF limits. Staff indicated that that could happen, but that the Council retained the right to deny replats if the council could show that more harm would accrue to the community and public health than benefit would occur. This is a carry-over from existing code language (Article 5, Pg. 19.) Discussion continued about transition areas between downtown and neighborhoods, and the speaker indicated that some four-story buildings could work in concert with existing housing, but it is all about scale. Indicated that the Ravipudi project across from Jeff Junior was good in many respects, even though it was longer than what she would prefer. Cited the breakup of the building into sections along the front; multiple front doors and parking in the rear of the building. Described it as actually being a row of small townhouses. Speaker asked for the rules to be strengthened even more and claimed this was part of the City's police powers that could be used for the public benefit. When asked if she liked the current language in the new code, she indicated that she liked the titles, but not much more and asked that it all be strengthened. Indicated that she would submit written remarks. Indicated that it was up to the Council to make the hard decisions.

The next speaker represented the Downtown CID and presented a list of items that the group would like to be addressed by amendment including: an exclusion from parking requirements and open space requirements for buildings under 10,000 square feet in the downtown district; exclusions from parking requirements for downtown residential projects of 20 apartments or less. Council asked if there were any examples of where existing buildings had provided open space through open seating arrangements. Speaker indicated that 10th and Broadway project was a good example with Medici on the first floor. Also, described several properties where requirement for onsite parking or private open space could be restrictive like at Kaldi's or Lakota Coffee. The Mayor indicated he might be willing to go for a lower number as a threshold for exemption in terms of parking onsite, but wanted to increase the required parking for other properties to avoid spill-over into the surrounding neighborhoods. Another council member indicated that if neighborhood parking programs could be instituted it could solve some of the problems, and that parking for new construction vs. rehabs could be different to keep new construction on an even playing field.

The next speaker represented the Benton Stephens Neighborhood and indicated that he supports the elements of the new Benton-Stephens overlay district as well as the proposed Neighborhood Protection standards to protect neighborhood integrity. Believed it was fair to both residents and business interests and believed that requiring new buildings to be built to scale was not an overwhelming request. The speaker also complained about day care centers in R-1 and R-2 and referenced some problems with the blanket up-zoning of Benton Stephens properties to R-3 long ago.

Speaker indicated that at least 9 properties in town that are general shopping districts would be harmed due to floor space limitations if they were migrated from C-1 to M-N classification. Noted that it could prevent properties from being reused or repurposed and that it could have impacts on both financing and insurance. Also, indicated that he should not have to bear the cost in time or money of asking for rezoning on these properties due to a rule change by the council. Added that he was in favor of having Neighborhood Protection standards reexamined by the Planning & Zoning Commission before passage of the new code. In response to questions, the speaker indicated that he would be in favor of some sort of grandfathering clause or a change in the Acts of God clause relating to reuse or rebuilding of properties, but that really, he wanted the council to simply apply the correct zoning to his properties. Staff indicated that it would probably be better to recode individual properties rather than amend the underlying rules of use in the zoning code. Conversion could be the best option, but no rules for conversion currently exist. Cannot simply change the zoning map because the map is supposed to represent the underlying text so something needs to be written to allow for conversion.

Trapp and Thomas both indicated that they would support conversion of the properties without changing the regular zoning requirements. Some relief is needed.

The next speaker represented the East Campus area and provided historical anecdotes of family life in that neighborhood. Indicated that now the neighborhood is the site of more college parties and that the police presence is more frequent because of problems. Acknowledged that

we can't go back in time, but that Neighborhood Protection standards should be implemented now to stabilize and preserve the neighborhood. The Mayor asked why not just go back to the pre-1988 zoning code until we can get this hashed out. Some people seemed to think that might be OK, but the suggestion did not seem realistic. Some said that might fix downtown but that it would not fix the neighborhoods around downtown. The speaker was asked about fixing the problem with the existing overlay district and indicated that there was some controversy about overlapping neighborhood associations. The speaker indicated that she had tried hard to work with all groups but that right now there was no clear solution. One council member indicated good parking programs and the use of public transportation could help solve the problem. He further suggested that they put parking meters in the neighborhoods, increase downtown parking rates and institute parking permit programs this could help solve the problem. Those suggestions with met with some skepticism by different parts of the crowd.

Speaker from the Ridgeway neighborhood indicated that he liked where he lived. That he bought the house while in school and was now renting to some friends. Believed that neighborhood protection was important to help preserve affordable housing options but that he would welcome the opportunity to work out some of these things with neighboring businesses if they were willing.

The next speaker represented the East Campus neighborhood and indicated that East Campus is already a dense neighborhood because of small lot sizes and that more density not built to scale was damaging to the neighborhood. Suggested that the Neighborhood Protection standards should require both a step down in building height and an additional setback, not either/or – and that the R-MF uses next to R-1 and R-2 should have a different set of rules than the other commercial classifications. **Asked that no parking be allowed next to existing single family houses and that additional lighting, maximum structure length and maximum building heights be ratcheted down.** Contended that none of these things violated property owner rights.

Another speaker form the East Campus neighborhood indicated that she favored a diversity in housing stock, but that some very large buildings in East Campus were way out of scale and should be prohibited in the future. Indicated that we can encourage density without being monolithic. Asked council not to relay on a builder's sense of aesthetics to get this right.

A landlord of some East Campus properties indicated that he had improved his housing stock, and that one of his buildings was a place where Harry Truman used to stay when he traveled to Columbia. He said many homes were converted to rental units to supply housing for soldiers returning to school on the GI Bill. Indicated that change was not always bad and that many farms had become beautiful subdivisions and that much of the housing stock in this area was made better – not worse- through landowner improvements. Didn't want people in one part of the neighborhood dictate rules for people in the other part of the neighborhood.

Another property owner in the East Campus area indicated that in the part of East Campus closest to the University, 95% of the properties were rentals – not owner occupied. Complained

that existing neighborhood association does not work with non-resident landowners and that these so-called protections do not protect them and will devalue the properties. **Asked that landowners be able to rebuild old properties to current scale and footprint and that driveways and parking no be restricted as is written in the new rules.** Said having students close to campus was a good thing to have. Indicated that she had put hundreds of thousands of dollars worth of improvements into her properties and that if they wanted to control student parties and crime in the area put a cop on a horse and let them ride through the area. We are not slumlords. We hire people who work in the trades, asked to be able to be exempt from new rules or at least be able to negotiate with neighbors for acceptable compromise – something that is not allowed. Staff indicated that if a homeowner moves to the nuisance, the existing property owner is not required to comply with the new rules, except, and until, they might redevelop on that property.

A downtown landowner stated that all studies about downtown land use suggested that density was a goal, and wondered why some rules restricted density – like required open space and step downs in areas that transition between downtown and neighborhood areas. Feels like this is an involuntary downzoning and loss of use even though the property was bought under the old rules, but within the expected uses of previous studies and stated goals. This is about fairness. **P&Z did a good job, but did not fully address Neighborhood Protection standards. Wants an amendment to delete Neighborhood transition language in the new code and revisit Neighborhood Protections in general.** Do not solve one problem created by mass upzonings by invoking another wrong rule that downzones properties involuntarily. The mayor asked if the speaker was in favor of or opposed to 2-story minimum height requirements in the downtown area. The speaker indicated he thought in some places it was OK, but not on all parts of the M-DT area. One Council member indicated that balance was the goal in the new code, but that in a transition to a somewhat form-based code he wanted to make sure that the general public good was protected. City staff engaged in the conversation and indicated that the conflicts that have emerged in the new code created situations that are an anomaly in some areas, and that restricting setbacks in some transitional areas don't make sense in retrospect. The intent was to control mass. Originally, the consultants suggested a form-based approach for properties in the Hubbell and St. James Street areas, but that was not brought forward in the current code. Staff indicated that edges of the M-DT district should be protected on some level, but that the District should be allowed to build out. Staff agreed that small projects are impacted most in terms of cost by imposition of the new code in the downtown area. A question about 4-sided architecture was posed but not discussed in great detail.

The next speaker from the West Ash neighborhood indicated that she liked her neighborhood and believed that current zoning rules had impacted her area. She believed that the next area of concern will be her neighborhood, and wants new rules to help protect the ideals of homeownership and housing affordability. She did, indicate, however, that she believed rentals are OK.

A commercial Realtor indicated that he thought this meeting was very positive but referred to a few issues that came up later in the process of the P&Z hearings. **He asked that commercial**

properties be exempted from the Neighborhood Protection standards as written since there were already many safeguards in place in the new code that insure setbacks, screening and protection. He further indicated that the transition from current zoning code designations to the new code to not translate perfectly and that some uses are not transferred under the new code. The ability to have restaurants in industrial areas was one specific example cited. The speaker indicated that at least 54 properties would have an imperfect transition and explained that Lindsey Rentals, which has contemplated redevelopment would be directly impacted. During discussion, it was indicated that some level of protection needs to be provided and the suggestion was made that these properties could go to the Board of Adjustment for relief. It was also suggested that the imperfect concept of migrating C-1 properties to M-N could be worked out. Trapp indicated that he thought there will be more properties affected and that he would like to make some uses “permitted” within different zones and that property use does change over time. The code should be flexible enough to accommodate that.

Despite the fact that this was the public input part of the meeting, the discussion moved to Council discussion. The Mayor asked if we should just revert to the 1988 zoning code and work out details for the new code as we go? Skala indicated that there had been several items that had been considered by the council recently where some items seemed good based on face value but had other aspects that required an additional look. Trapp indicated that he had some concerns about broad implementation of Neighborhood Protection standards and principal permitted use conversion. He preferred re-evaluating how properties are migrated to the new code. It was suggested that special use permitted uses could be defined and brought back to the Council as an ordinance and that this would clean this part up a bit, but that all of those definitions and rules had not yet been completed.

Another speaker indicated that he owns property in this community and that we all have varying definitions of what looks good and what is appropriate. He also indicated that as a Realtor he cannot say with certainty what the new code would either allow or disallow, and that previous statements to buying clients may be invalidated by this change. People who bought R-3 properties and used them as R-1 knew what they were buying when they did. This creates an uncertain environment. He asked the Council to NOT take away opportunities for infill, which is a desirable goal in terms of density and land use, and that he was more interested in clean air and water than in how a building looked. He believed that the new code promotes sprawl and wastefulness. Requested that the new code not impose unreasonable new restrictions.

Speaker referred to non-conforming lots or uses. Asked for a change in non-conforming uses and would extend the time from 12 months to 24 months to transition to a new use. Referred to the expiration of preliminary plats under new code in 3 years rather than 7 years under the old code. Asked that the Council extend that right to 5 years as a compromise. Referred to the migration of C-1 to M-N. Believes that the migration is imperfect. Asked for reconsideration. Also, asked for reconsideration of Neighborhood Protection standards. Indicated that sometimes single family structures do not truly define an area, but that the new rules allow imposition of a single family right to take precedence over the existing commercial or multi-

family condition of the area. Asked for the Council to send special use permitted uses back to the staff so that such definitions could be written since they do not currently exist in some instances. The speaker further indicated that although a previous speaker in favor of neighborhood protections indicated that they would embrace the opportunity to work out differences with neighboring competing land uses, that option does NOT exist, and asked that that option, a sort of safety valve, be created. The Mayor asked if the speaker recognized that some lots had been combined and repurposed in a bad way including commercial truck cut through and other imposition. The speaker acknowledged that, but indicated that those rules prohibiting such intrusions exist in the old and new codes and that there was no room for negotiation or general consensus that a use should be allowed. The speaker advocated for sending this part of the bill back to P&Z for further consideration and asked for flexibility. Staff indicated that current rules do provide protections. Staff also indicated that there are protections in place, but also indicated that this should have some protection, and that the new ideas take us from where we are to where we want to go.

One Council member asked the speaker how he would deal with any items suggested for reconsideration by P&Z. He asked how it should be sent back. The speaker indicated that he believed that he thought the Neighborhood Protection rules should be sent back to P& Z now, and that rules relating to Special Use permitted uses could be given a 90-day window for consideration before implementation.

Speaker indicated that she was a member of the Planning and Zoning Commission. She indicated that some rules referenced earlier in the discussion relating to downtown property exemptions had been addressed in the new code, including exempting open space requirements for commercial properties of less than 10,000 square feet and residential properties with 4 or less units. Most downtown lots are less than 10,000 square feet. She noted that the Commission had accepted the parking Task Force recommendations as presented without changes and that some fenestration requirements had been removed for some small properties as referenced in Section 29-4.2 (2) ii. (Article 4, Pg. 17). Staff noted that small properties still have a two-story height requirement and a 25-foot rear setback for potential alley construction. The speaker indicated that she believed the Council should ask the P&Z Commission to develop additional density bonus provisions for multi-family housing in an effort to encourage affordable housing options. Currently, the only density bonuses in the code relate to solar arrangements and rural cluster bonuses and those relate to R-1 and R-2 but you can't use more than one bonus on any one project. Very narrow lots also present some additional problems. In terms of Neighborhood Protections, she believed that some protections should be protected, but thought that some of those problems could be solved through the Overlay process rather than in this section of the code.

The next speaker wanted to focus on historic properties. There are 80 properties downtown that are on the register and wanted to make sure that they do not have to comply with all new building restrictions. Supports small building exemptions. Believes that the 25-foot setback in the rear and the two-story minimum can really impact small properties. If we make it too restrictive we will have a scenario where small properties are aggregated into larger projects. We have parking issues downtown. Enforcement is the key, but do not put new large scale

housing projects downtown without adequate parking allocations. Please establish a parking commission. Also, asked for used restaurant grease to be included in the definition of solid waste downtown to prevent grease bins in alleys. Believes Neighborhood Protections need more work. Suggested passing something then sending it back to P&Z for amendment. Cited the fact that parking is hard to find downtown and that every garage downtown has a waiting list for permits. Part of that problem is that people are storing cars there rather than using parking for trips. There are some spaces available at different times on the street, but there is a perception problem regarding availability.

Next speaker indicated that he believes our planning is developer driven. He believes that that should be our past, not our future. Believes we need more predictability and more prescriptive elements in the code. Thinks that rapid increase in downtown population was a disaster. Believes that Neighborhood Protections as written are modest proposals and will help address inequities created by mass upzonings several years ago. Believes that developers should not be allowed to bargain for individual application of the rules. Believes we should pass the rules first then amend them later. City legal staff refused to opine about the legality of past council actions or on hypothetical current actions being considered. Skala added that sometimes values conflict in local neighborhoods.

Public discussion was closed.

COUNCIL AMENDMENT DISCUSSION (This section starts at approximately the 5:00:00 time mark on the video of this session posted on the City website.)

Mayor Treece – Outlined 7 potential amendments he had gained from notes on today's session. Those included: Neighborhood Protection standards need to be addressed in some fashion (not sure on how proceed); amendments regarding adjoining property protections; Janet Hammen amendments regarding side drives, height and width of multi-family buildings in neighborhoods; exemptions for small properties in the downtown area (parking exemptions for residential properties of fewer than 20 units); add grease bins to the definition of solid waste. Need to deal with parking in an overall sense.

Trapp – Migration of C-1 properties to the M-C classification needs to be addressed to fix the Lindner situation.

Treece – Will there be a phase-in period for implementation?

Trapp – Wants to add restaurants as a permitted use in Industrially zoned areas. Wants to work through all conditional use issues that are being created and wants staff to work on those items.

Skala – Wants to establish a blue-ribbon committee to evaluate needed changes to the code after implementation, but did not provide details about its powers or composition. Indicated that this would be in addition to the regular appeals process. Mayor called it an exceptions

committee and that it should be advisory in nature. Group should be made up of people who are stakeholders but not affected property owners necessarily. Maybe should reflect real estate, legal and love of community knowledge.

Thomas – Asked questions regarding the application of Transit vs. Pedestrian standards for commercial properties. Staff explained that these were optional methods of implementation for the underlying rules and that to use these optional standards required approval by the Board of Adjustment. Such options would allow different parking scenarios for the businesses in question. The base standards are developed from national tables and local input, but need to be looked at on a case-by-case basis since other factors such as shared parking arrangements could come into play. Parking for multi-family structures and single family residential did not change except as requirements relate to the new M-DT district. A discussion of bicycle parking spaces ensued and it was explained that automobile parking spaces could be reduced by the construction of bicycle parking spots, with a cap of 50 such trade-offs being allowed on any single project. It was pointed out that allowing too many bicycle offsets could result in parking spillover in some neighborhoods. Thomas indicated he would seek an amendment to reduce required parking in the M-DT district. The Mayor countered that he would introduce an amendment to increase required parking in the downtown area.

Skala – Wanted to know what changes had been made to the regulating plan map for downtown. Indicated that he wanted to re-examine the boundary areas of the map in the north-east corner of the M-DT district. Also, wants to add in the Flat Branch park extension along Providence Road and examine how that section of Providence Road is treated regarding setbacks and building height requirements. Staff indicated that some properties in the M-DT that are being converted from industrial and C-2 should wait for reclassification until it becomes more apparent what the future use may be. This will also determine whether or not the M-DT district should be extended all the way to Rogers Street.

Nauser – Cited Article 4 and the requirement for developers to provide easements to the city for future road projects identified in a funded CIP or CATSO list. Suggested that some projects may be envisioned, but are not yet funded, and that the rule should be changed to indicate that such properties should be required to be obtained at the time of platting regardless of the funding status. Staff suggested that the time frame noted in the new code could be eliminated and that this would allow the city greater leeway in acquiring needed right-of-way. Nauser asked for such an amendment.

Thomas – Wants to extend the time period for neighborhood notification of changes to overlay plans from 15 days to 45 days. Staff explained that the process starts with P&Z, so there is some built in time frame for hearings already. Thomas withdrew the suggested amendment.

Treece – March 6 meeting. Staff will come back with first blush versions of these amendments. Public comments will be allowed initially, then amendments will be discussed, then public comment will be re-opened for discussion of those amendments.

Treece – Wanted to take another look at properties around Hubbell and St. James on the downtown regulating map. Staff will investigate changes that have occurred over time and will present that history. Wants a more intensive process about that part of town. Staff indicated that even with additional protection rules, there will still be a definite difference between the bungalows and any commercial use.

Meeting was closed and continued until March 6.

OTHER ATTACHMENTS FROM MEDIA SOURCES

(This information is presented as an addendum to the information presented during the Special Council meeting described above.)

[LINK TO VIDEO OF MEETING TESTIMONY](#) – CITY OF COLUMBIA

[LINK TO NEWS COVERAGE OF THE FEBRUARY 25, 2017 HEARING](#)

[COLUMBIA TRIBUNE](#)

[KOMU TV](#)

[COLUMBIA MISSOURIAN](#)

[KMIZ TV](#)

[KFRU](#) (Interview with Mayor Treece prior to first zoning code hearing. Discussion starts at 6:15 in recording.)

[KBIA](#) – (Story based on Council hearing from February 20, 2017)

OTHER KNOWN AMENDMENT PROPOSALS

Section 29-6.5 (a)(1)(i)(C): Nonconforming Uses (Article 6, Page 27)

(C) If a nonconforming use of land or buildings is discontinued for any reason for a period of more than ~~twelve (12)~~ twenty-four (24) months, any future use of such premises shall comply with the provisions of this Chapter. Such time period may be extended upon application to the Board.

This change reflects the practical problems that could be encountered due to the terms of existing leases; the time required to recruit new tenants for a reasonable use on any individual property; and potential market conditions that may require timing for a project that may extend beyond a 12-month period.

The proposed new Unified Development Code changes the time of expiration of a preliminary plat from 7 years under current rules to just 3 years in the new code. The change in time from 7 to just 3 years is a dramatic change in time in this market and adds some level of uncertainty to the process of acquiring, planning, financing and construction on properties and does not fully account for market fluctuations that could significantly impact the timing and execution of plans for completion of individual projects. The following proposed change would change that 3 year expiration for preliminary plats to a more manageable 5 year time frame. (Changed text is show with a strike through. New language is show as underlined text.)

Section 29-5.2 (c)(3)(ii)(G) – Subdivision of Land Procedures (Article 5, Page 15)

(G) Approval of a preliminary plat by the Council shall confer upon the applicant for a period of ~~three (3)~~ five (5) years, beginning at the effective date of Council approval, the following rights:

- 1) The terms and conditions under which the preliminary plat was given approval shall not be changed except as required in subsection 3) below.
- 2) The subdivider may submit on or before the expiration date a final plat for the whole or any part of the subdivision for approval.
- 3) Each final plat for land included in the preliminary plat application shall comply with any new technical or engineering standards or requirements adopted by Council between the date of the preliminary plat approval and the date of each final plat application for land included in the preliminary plat.
- 4) If the subdivider fails to submit a combined total of one-fourth (1/4) of the preliminarily approved lots (in either a single or multiple) final plats before the expiration date, the preliminary plat approval shall expire and be of no force or effect.
- 5) The Director may grant a one (1) year extension if no change to a City ordinance would require a change in the plat. Appeal for an adverse decision shall be made to the Council. Any subsequent extensions shall be made to Council for a specified period on such terms and conditions as the Council may approve.

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