



Columbia Planning & Zoning Commission Meeting Recap

Council Chambers, Columbia City Hall
7:00 PM Thursday, March 8, 2018

CALL TO ORDER (Members present: Loe, Burns, Harder, MacMann, Strodtman, Stanton, Russell, Rushing, Toohey.)
(Members absent: None.)

APPROVAL OF AGENDA (Agenda approved as submitted, although staff noted that a design adjustment for sewer compliance on Case # 18-41 had been withdrawn.)

APPROVAL OF MINUTES ([Minutes from February 22, 2018 meeting](#) approved as submitted.)

SUBDIVISIONS

Case # 18-41

A request by A Civil Group (agent) on behalf of Delta Tau Delta Association of Columbia, Missouri (owners), for approval of a replat of La Grange Place to be known as La Grange Place Plat 4, and design adjustments waiving the requirement that subject property have direct access to public sewer and to reduce the amount of right-of-way dedicated with the plat. The replat combines Lots 3 and 4 of La Grange Place into a single lot. The .58 acre site is zoned R-MF (Multiple-Family Dwelling) and is located at 506 Rollins Street.

(This item was tabled at the February 22, 2018 meeting.)

(Action: The applicant is seeking approval to replat two existing lots into a single lot to allow for redevelopment of the property. La Grange Place was platted in 1910. The current fraternity house is built over the lot line between Lots 3 and 4 of La Grange Place which is no longer permitted by the UDC. The Delta Tau Delta Association was granted several variances by the Board of Adjustment on January 9, 2018 to accommodate their planned new structure. The applicant was also originally seeking two design adjustments, but the second adjustment relating to sewer connections had been withdrawn due to the granting of an easement across a neighboring property that would allow connection to a public sewer.

The first design adjustment request is to reduce the amount of right-of-way (ROW) that must be dedicated with the plat. Rollins Street is identified as a major collector on the CATSO Major Roadway Plan that requires a total right-of-way width of 66 feet (33-foot half-width). The present roadway right-of-way corridor is 40 feet (20-foot half-width) and requires an additional 13 feet of dedication from the applicant from the centerline of the roadway/halfwidth. The applicant is proposing dedication of an

additional five feet rather than the 13 feet required. The City's Public Works staff has evaluated the design adjustment, as presented by the applicant, and does not find issue with the request. There are no future plans to improve or expand Rollins Street beyond its existing footprint. The dedication of an additional five (5) feet of right-of-way will bring the current 40-foot wide street into closer compliance with the minimum standard. A ten-foot utility easement is also being dedicated along Rollins Street in addition to the right-of-way. After considering the Public Works evaluation and the submitted information by the applicant, staff supports its approval.

The second design adjustment requested an exception to the requirement that the property have direct sanitary sewer access, but was withdrawn when a utility easement enabling sewer access was granted by the property to the south. The property was currently served via private sewer line along Rollins Street that is also believed to serve two other properties, Alpha Gamma Sigma (500/502 Rollins Street) and Kappa Kappa Gamma (512 Rollins Street).

The proposed replat has been reviewed by staff and found to comply with the provisions of the UDC except for one requested design adjustment which was withdrawn. The plat may be approved by the Commission without the approval of the design adjustment and recommends the following:

- 1. Approval of the final plat for La Grange Place Plat 4.**
- 2. Approval of the design adjustment to Section 29-5.1(c)(4)(ii) regarding the dedication of road ROW.**

Discussion ensued.

MacMann asked if the right-of-way being provided matched the right-of-way provided by neighboring properties. Staff indicated that there are varying rights-of-way along this street, but that it was roughly equivalent, and Rushing indicated that she thought it appeared that nearby properties had similar constraints.

An engineer appeared on behalf of the applicant and indicated that other area properties had been developed under an older version of the zoning code and were required to provide smaller rights-of-way than was currently required, but that this proposal generally matched what had previously been required. He also noted that it may be appropriate to change the CATSO designation for this street due to recent changes to the traffic pattern in this area including changes to access to Providence Road and the improvement of Turner Avenue. MacMann asked if other improvements were planned for this site. The speaker indicated that this would be a demolition of the current building, the construction of a new facility, and the addition of a new driveway configuration to improve access.

Public comment was closed.

Loe indicated that she thought an update to the CATSO Roadway Plan in this area may be warranted so future decisions about property in this area could be made based on updated information. Staff agreed and indicated that such changes could be considered by the CATSO technical committee during future sessions as a separate action, but that right now, the issue had not been considered.

After brief discussion, it was agreed that the current proposal could be considered as a single request with a single vote. The motion to approve the replat and the remaining design adjustment was made. **Motion to approve passed unanimously.)**

(The following two items are being considered concurrently. Individual votes are reported separately.)

Case # 18-47

A request by the City of Columbia (owner) to annex approximately 47 acres of Boone County R-S (Single-Family Residential) zoned land into the city and apply R-1 (One-Family Dwelling District) as permanent zoning. The subject site is located southeast of the intersection of I-70 Drive SW and Strawn Road, and is addressed as 840 N. Strawn Road.

(Action: Staff presented a report on this request by the city. A donation of 47 acres of land was accepted by the City Council on March 20, 2017. At Council's October 16, 2017 meeting, Council directed staff to prepare a two-lot subdivision and annexation petition for the subject property. Council further indicated their preference for a more deliberate process to determine the development and ultimate use of the land. Given Council's desire for a more deliberate public process, staff held a total of three (3) public information meetings and solicited public comments from stakeholder groups outside the standard 200-foot radius of the subject site.

The property is currently located within unincorporated Boone County and is zoned R-S (Single-Family Residential). The requested R-1 zoning is similar in nature to the County's R-S zoning in terms of development density and use. As currently proposed, if the zoning, final plat, and annexation are approved, the site would support two single-family homes. There is presently a vacant residential structure on the property. The subject site includes one existing body of water, and tree coverage on the eastern portion of the property.

The site has contiguity with the City's existing municipal boundary along its east, south and west property lines. Across Strawn Road to the west is the existing Strawn Road Park, a City-owned facility. Surrounding properties generally from west, then south, then east are zoned agriculture, R-1, PD (residential uses), and R-1, respectively, with FP-O (Flood Plain Overlay) designated lands to the west, south and east. The 2.1- acre parcel directly south of the subject site, 702 N. Strawn Road, is also zoned Boone County R-S, and property to the north of the site is zoned Boone County M-L (Light Industrial). The proposed annexation request will ensure that the property has public utility accesses for the purposes of future development. The site is located in the City's Urban Services Area (USA) as presented by the Columbia Imagined Comprehensive Plan and can be served by City utilities; the property is in the City's water service area and electric service territory (the existing structure is presently served by Boone Electric and Consolidated Water District 1). Currently, there is sanitary sewer along the southern perimeter of the tract. Access to the property is provided from Strawn Road (Route ZZ); the tract also has frontage on I-70 Outer Road Southwest. The subdivision plat will dedicate right-of-way for the proposed future extension of Scott Boulevard.

The Comprehensive Plan's future land use map identifies the entire property as being located within the "Neighborhood District" classification. The Neighborhood District designation covers residential uses and the potential for commercial nodes that would provide neighborhood commercial services. The R-1 zoning action is consistent with the Neighborhood District. As the City formulates a plan for development of the property, further rezoning requests may be made that would be evaluated in terms of the Neighborhood District and Comprehensive Plan. Though a small "donut hole" of unincorporated county property will remain to the south of the property following annexation, the annexation of property with generally three sides of contiguity to the municipal boundary is consistent with the Comprehensive Plan's goals and objectives of a compact and contiguous municipal boundary. The proposed permanent zoning has been reviewed by staff and external agencies and has been found to meet the UDC requirements. Furthermore, the request is considered consistent with the Comprehensive Plan and is compatible with adjacent zoning and land uses.

The following discussion and testimony refers to this item and the following item.

Public input was accepted at this point and it was noted that many letters of support had been received from the Humane Society and supporters.

The first speaker indicated that she represented the Humane Society. She indicated that the group had offered to propose a land swap that would include the land they currently control for this parcel that would be more desirable. We are currently working on a memorandum of understanding to determine how this land acquisition could be accomplished. Loe asked if there was any particular part of this proposal that she would like to see. She indicated that she would like to see the land rezoned to commercial to accommodate the future intended use. Rushing asked if the Humane Society project would occupy the majority of the site. The speaker indicated that they would only occupy four acres on the northern section of the site.

Loe asked for clarification that future zoning could follow once an intended use was actually proposed.

A motion to approve was made.

The motion to approve passed unanimously to annex this property.)

Case # 18-48

The City of Columbia (owner) is seeking approval of a 2-lot final plat to be known as "Strawn Road Subdivision." The 46.86-acre parcel is located at the southeast corner of Strawn Road and I-70 Drive SW and is addressed as 840 N. Strawn Road. The annexation and rezoning of the property is being processed concurrently with this final plat, under Case # 18-47.

(Action: **The City of Columbia, as the applicant**, is seeking approval of a 2-lot final plat of recently donated located at 840 N. Strawn Road. The proposed plat is being considered concurrently with a request for annexation and permanent R-1 (One-Family Dwelling) zoning (Case # 18-47). The intent of the plat is to dedicate the right-of-way for the future extension of Scott Boulevard through the property, as depicted on the CATSO Major Roadway Plan, and create two lots for potential future development by the City or a third party.

Typically, the action sought by the City would involve the submission of a preliminary plat which would be followed by a final plat and public infrastructure construction plans. The UDC also provides the opportunity for an applicant to submit both a preliminary and final plat with construction plans for concurrent review and approval. At its October 16, 2017 meeting, the City Council directed staff to prepare the attached final plat. In providing such direction, there was no indication given to prepare a preliminary plat or infrastructure construction plans as would be typical of a non-City project or a specific development plan. While not specifically directed to submit the required preliminary plat or its application contents, this application did include the required land analysis map which indicated the existence of Harmony Creek and its associated floodplain/floodway along the eastern and southern property boundaries of the site. Additionally, the City's Arborist has identified the existing tree line and climax forest along the eastern property boundary of the site. The floodplain/floodway and stream buffer requirements of the UDC have been shown on the plat; however, the tree preservation has not been determined, but the tree preservation target areas are shown. Per the Unified Development Code tree preservation areas are to be maintained on a common lot for preservation, and/or under an irrevocable conservation easement. Given the fact that this property is currently under the control of the City and is not proposed for immediate development such omission can be addressed as the City identifies its future intentions with the property. Should additional

platting be required the preservation of these features could be addressed at that time or future permit issuance could be conditioned upon establishment of appropriate easements protecting these features.

Three public information meetings were held, and postcards were sent to neighboring properties. Notification of this property was made to at least 80 different entities including agencies and realtors. A revised version of the final plat is being prepared that provides a graphical depiction of where the trees exist on the site and will be provided at the Commission hearing. Additionally, a "climax forest" exhibit was provided that identifies the approximate location of the climax forest on the site from which the required 25% retention could be selected. The purpose for providing these graphic depictions is to establish the location of the trees at this time and ensure that any future user of the lots is aware that these features exist and that their preservation, in accordance with the UDC's requirements at the time of development, will be required.

The Scott Boulevard extension depicted on this plat is consistent with the findings of the Scott Boulevard & I-70 Interchange Location Study and Access Justification Report prepared by the City assessing access to I-70 on the west side of Columbia. This AJR and an associated environmental assessment, identified the path of the Scott Boulevard extension through the subject parcel, connecting to Sorrel's Overpass Drive, Case #18-48 840 N. Strawn Road Final Plat 2, where an interchange is now planned. The interchange will allow direct access from Scott Boulevard onto I-70. **Typically, the construction plans for such roadway infrastructure as well as other public infrastructure to serve the proposed lots would be required with the final plat. As with the issue of tree preservation, given this property is currently under the control of the City and is not proposed for immediate development such omission can be address as the City identifies its future intentions with the property.** Identification of the right of way as part of this platting action ensures that such area is reserved for the planned transportation improvements without being compromised by development of structures or uses within it. **To require submission of construction plans for such infrastructure at this time is not believed necessary since no final use or user has not been determine.** The design and construction of the proposed roadway infrastructure and utilities may be a joint effort of the City and subsequent property user. The proposed plat has been reviewed by internal and external agencies. With the exceptions of the aforementioned tree preservation and infrastructure plan requirements, the plat meets all applicable UDC standards and is supported for approval with the understanding that as future development activities are proposed such actions will require supplemental agreements that will allocate responsibilities for full UDC compliance between the City and a future land user. Staff recommends approval.

Staff added that if the commission wanted to, they could add advice or input to require more precise mapping before final platting is approved.

Public input was solicited but none was forthcoming.

MacMann thought the mapping and tree preservation areas should be presented to the city council before final approval.

A motion to approve as a conditional plan and the addition of a tree preservation and stream buffer area representation should be forwarded to the City Council.

Motion to approve passed unanimously.)

PUBLIC HEARINGS

Case # 18-51

A request by Christine Gardner (applicant) on behalf of a group of homeowners for approval of a request to rezone 33 parcels from R-2 (Two-family Dwelling District) to R-1 (One-family Dwelling District), 4 parcels from R-MF (Multiple-family Dwelling) to R-1, and 1 parcel from R-MF to R-2 generally located within the boundaries of the West Central Columbia Neighborhood Action Plan.

(Action: This request includes the following addresses:

- 1 804 Again St R-1
- 2 805 Again St R-1
- 3 807 Again St R-1
- 4 809 Again St R-1
- 5 115 Anderson Ave R-1
- 6 112 Anderson Ave R-1
- 7 117 Anderson Ave R-1
- 8 14 Anderson Ave R-1
- 9 304 Anderson Ave R-1
- 10 103 Anderson Ave R-1
- 11 308 Anderson Ave R-1
- 12 320 Anderson Ave R-1
- 13 322 Anderson Ave R-1
- 14 211 Anderson Ave R-1
- 15 810 Broadhead St R-1
- 16 511 Donnelly Ave R-1
- 17 903 Hirth Ave R-1
- 18 704 Independence St R-1
- 19 117 Meadow Lane R-1
- 20 122 Meadow Lane R-1
- 21 110 Meadow Lane R-1
- 22 116 Meadow Lane R-1
- 23 124 Meadow Lane R-1
- 24 11 N. Glenwood Ave R-1
- 25 111 N. Greenwood Ave R-1
- 26 114 N. Greenwood Ave R-1
- 27 320 N. West Blvd R-1
- 28 311 Ridgeway Ave R-1
- 29 710 Ridgeway Ave R-1
- 30 711 Ridgeway Ave R-1
- 31 702 W. Ash St R-1
- 32 719 W. Broadway R-1
- 33 903 Jewell Ave R-1
- 34* 305 N. Fifth St R-1
- 35* 612 N. Sixth St R-1
- 36* 715 Lyon St R-1
- 37* 403 N. Ninth St R-2
- 38* 606 N Sixth St R-1

***Current zoning is R-MF, all others R-2. All moving to R-1 except property #37 which is moving to R-2.**

The applicants are requesting to “downzone” their properties to R-1, with the exception of parcel #37, which is requesting R-2. Downzoning, as used here, is merely a rezoning request that would place a property in a less intensive district, thereby reducing the range of uses that can legally occur on the site. The impacts of a downzoning are generally the loss of certain types of uses for the subject properties. There are very few differences between R-1 and R-2 districts in terms of permitted uses - the most significant difference being that one-family attached and two-family dwellings are not permitted in R-1. The action of downzoning will not trigger new zoning requirements for the subject properties or neighboring properties until either a non-conforming use is discontinued or redeveloped of the site occurs. Pursuant to the provisions of the UDC, buffering and neighborhood protection standards would apply if a property that is zoned R-MF is redeveloped, and is adjacent to a property zoned R-1 or R-2. Landscape screening will be required along the common property line and, if the new development will be between 30-35 feet in height, then the building height must be stepped down to no taller than 24 feet when such new construction is within 25 feet of the property line. An alternative to stepping down the building is to increase side yard setback by 10 feet from the minimum required. To reiterate, these restrictions will only apply upon the construction of a new building on an R-MF zoned parcel.

This request includes 33 parcels within the West Central Columbia Neighborhood Action Plan (WCC Plan) planning area. Most are centered around Anderson and Again Street areas and notice was sent to all surrounding neighbors. Most neighbors there are in R-2 zoning. This downzoning only affects about 8 acres of total property out of more than 300 acres of other types of housing stock. In addition to those 33 properties, there are 5 properties more generally located north of downtown (parcels #34-38). Most neighbors there are R-MF and are close to M-DT. In addition to not being located in the same general area as the other 33 properties, these 5 parcels are zoned R-MF instead of R-2, and one property (#37) has requested downzoning to R-2 instead of R-1. While these properties were not included in the WCC Plan, they share many of the same characteristics in terms of the existing single-family housing stock found on the properties and within the surrounding neighborhoods. However, the surrounding development context is noticeably different for three of these sites (#34,36,37). One in particular (#34) is located in close proximity to the M-DT district, and given this location, could be suitable for multi-family redevelopment as well. But the limiting factor for these 3 parcels is their current size - none meet the minimum lot size to allow the construction of a multi-family dwelling at this time. That could change if additional contiguous lots are consolidated for the purposes of redevelopment, but as it stands, the redevelopment of the site is limited by its size. One outcome of downzoning properties from R-2 (and R-MF) is that the parcel will only be allowed one dwelling unit, instead of 2 (or multiple dwelling in the case of R-MF). This may result in the loss of potential density for these sites. However, given that the existing density potential for a majority of the R-2 area has never been realized, the downzoning is unlikely to have any significant impact on the availability of housing. Furthermore, there is significant inventory that will remain zoned R-2 to accommodate potential redevelopment in the area. While on the surface, the downzoning represents a reduction of density, the WCC plan also identifies areas within its boundary that would be appropriate for higher densities as well - areas that would be in locations that provide for better land-use transitions between redevelopment and single-family areas.

Currently, given the mismatch between the predominantly single-family use of the area and the existing two-family zoning, it is difficult to anticipate if and where potential two-family redevelopment could occur, thus providing uncertainty for property owners. The proposed rezoning attempts to create a critical mass of R-1 zoning that will help to provide more certainty to residents in these areas, which could in turn create a more stable residential neighborhood and more opportunities for investment in the existing housing stock. Staff supports the requested downzoning of the 38 parcels for the reason identified in its analysis above as well as the following reasons:

Historical Basis - Downzoning has a history within the City, occurring in other neighborhoods with at least 9 separate requests approved by Council over the years. Most requests have been located within the Benton-Stephens and East Campus Urban Conservation Overlay District (UC-O). This request represents the largest number of individual properties included within one downzoning application. The last large-scale request was within Benton-Stephens and included 35 parcels.

Supports Comprehensive and Neighborhood Plan Goals & Objectives - Within the 2013 city-wide comprehensive plan, Columbia Imagined, one of the goals aims to facilitate neighborhood planning. Within the goal of Livable and Sustainable Communities, Policy Three: Facilitate Neighborhood Planning, neighborhood plans were identified as important in determining the direction of specific neighborhoods and identifying methods to preserve neighborhood character while identifying areas where transitions to potential residential redevelopment are suitable and will provide a wider range of housing options. In 2015, in response to the Columbia Imagined goals and objectives and at the request of neighborhood representatives, the Community Development Department initiated a neighborhood planning process for an area north of Broadway, between Stadium Boulevard and McBaine Avenue, and south of the interstate. The resulting plan, the West Central Columbia Neighborhood Action Plan (WCC Plan), included goals that supported efforts to preserve the existing single-family character of portions of the plan area that were zoned R-2. The Plan's recommendations were divided between three topics two of which - Neighborhood Character and Land Use and Zoning - are directly relevant to this requested downzoning. Priority 1 of the Neighborhood Character goal was to take steps to preserve single-family character within the area by supporting downzoning from R-2 to R-1 in areas where the existing building form was typically single-family (pg. 26). Within the Land Use and Zoning goal, Priority 1 was a more expansive description of the goal of downzoning the area to R-1. To summarize the priority, it states that new zoning districts were created in the 1950s and the plan area was included in the new R-2 district with the possible goal of facilitating higher-density redevelopment. However, in the following decades very little redevelopment has occurred and the existing housing stock, as well as the existing land use, remains single-family, creating a mismatch between land-use and zoning.

Supports Council Action on Neighborhood Conservation - Following completion of the WCC Plan and prior to the last large-scale downzoning, Council passed Ordinance #022651 which removed application processing fees for requests to rezone property from any district to R-1 and from R-3 or R-4 (now R-MF) to R-2. This action was intended to replace a pre-existing Council policy resolution (PR 195-92) that supported downzoning of property in residential neighborhoods as a means to support neighborhood revitalization and stabilization. The new ordinance eliminated restrictive guidelines pertaining to when and how group downzoning petitions may be filed and processed in favor of a simple application fee waiver.

Staff finds that this request is consistent with the goals and objectives of preserving the surrounding neighborhood character and promotes the ongoing preservation goals articulated in the City's comprehensive plan and the WCC neighborhood plan. Furthermore, staff does not find that this request will detrimentally impact existing development, and future development will only be impacted upon expansion or redevelopment of the more intensely used or zoned parcels adjacent to those lots sought to be downzoned.

If this commission wants to look at specific properties, staff has numbered all the properties.

Toohy asked why we can allow 38 properties at a time when we don't do the same thing for multiple commercial properties. Staff indicated that Council has provided direction to achieve this in bulk and that the legal description of each parcel will be listed in the formal description. This is for efficiency purposes. Some multiple commercial properties can be brought forward together, although it is rare that this many do.

Strodtman opened the public hearing but asked individuals to limit remarks since so many properties could potentially be heard.

The first speaker was the person who organized the petitions for this group. She thanked the staff. She indicated that hundreds of hours have been spent by citizens and staff and further asked that the advertising fee be waived. She thinks this corrects a past mistake. This all came about because of the West Central Action Plan. She noted that the plan had no teeth, even though it said good things and cited important problems. Benton-Stephens accomplished downzoning, but it took them 7 years. They are not opposed to ADU's, but they are not allowed in R-1. This area is diverse, eclectic, short of green space, and somewhat walkable but some sidewalks do not work well for some people in wheelchairs. There has been a proliferation of student rentals, owner-occupied rental and we are not happy about that. There are also 6 traffic circles planned for this area and we fear that that will lead to more traffic. Some people think of their house as their home. Some think of it as an investment property. And some people will cheat other people out of their homes through rental arrangements. She asked for people to stand and indicate support. She asked for approval of all parcels and indicated that more requests are on the way.

Loe asked if they would accept a modified zoning classification that would include ADUs. The speaker said sure, but that there is no room for more traffic in this neighborhood. This is different than Stewart Road. We have suffered from benign neglect. There are ugly blocks. Some people are trying to fix up their homes. Some don't. Show us some positive improvements and we will give you our trust.

Mac Mann asked the speaker about long-term infrastructure problems. Does she believe that this will help improve infrastructure? She indicated that she did not believe there was money for that and that she would rather have good infrastructure than gateway to the neighborhood signs.

Staff indicated that the fee issue must be dealt with by the council. ADUs are now a conditional use.

The next speaker indicated that she did not previously have stormwater problems, but if that one neighbor does what he wants to do and put in more dense housing they will have problems. The new housing going in our area is for college student even though they are across from a middle school. She believed this would provide here with more protections.

President of West Ash Neighborhood Association appeared. The action plan was suggested back in 2015 in they have been working on this ever since. They are just citizens and have had a lot of help from the staff. She suggested that they should also develop an overlay at the same time, but Benton-Stephens said that was really complicated so they are going with this plan first. Loe indicated that ADUs are conditional uses in this neighborhood under the new code and the speaker indicated that they now understand that. She said she would rather pursue a conditional use rather than an overlay. We have narrow lots and the duplexes and apartments overtax the infrastructure in this area. Some people did not sign up this time because they were holding out for ADUs in the future potentially.

Stanton encouraged the speaker to not be discouraged and suggested that conditional uses are often granted. She noted that a lot of people don't have WiFi or computers and it is hard to access some information for regular citizens. Staff indicated that this is a rezoning action and suggested that the applicant could add the ADU use requirements at this time as part of the request, if it were amended. Adding a new zoning classification would go against the idea of simplifying the code. That could be added now. Procedurally, that could happen. We would have to do that in the future and readvertise. If we did that, we should suspend discussion now and move forward later.

MacMann indicated that that might be a good idea, but it would not be fair to get an answer from these people tonight. Staff indicated that the waiver of fees does not apply to conditional use requests. By combining them, then you could get this in under the old fee structure and it would be more economical. MacMann indicated that it might be more economical but not more democratic. Staff suggested that tabling, sending out 440 new notices, accepting input and then going forward might be a good idea.

Burns indicated that she is not sure that the applicant is sure about how to go forward with this, but that we should focus on this issue. Rushing agreed. Toohey indicated that adding ADUs would also add to infrastructure problems and that was one of the problems the applicants cited. Rushing indicated that this issue came up due to discussions during the worksession. She does not think this issue should be before us tonight. Stanton wanted to know if the applicant was up or down on the issue of ADUs? The original speaker returned and indicated that she would like to move forward with the original application.

The next speaker is an attorney, a CPA and is on the list for downzoning. He indicated that if you add ADUs in the future, you would not be entitled to ask for an ADU and waive the fees. He suggested that if they agreed on the ADU, they could do it tonight. He then suggested that some other people could ask to downzone and then add it to that and spread that out over more people who have already downzoned. He thought this was confusing and suggested approval tonight of the current request.

The next speaker indicated that she has lived here for 20 years. When she bought her home, she did not understand the nature of this area. She is the house that was on the front page of the Tribune because a tree fell on it. It is also the house she bought from Don Stamper. Maybe she should run for office like he did. She is a one-acre lot on Broadway. When she first moved in, all of the homes around her were rentals. Now, it has all changed and there has been improvement. We have improved our lot, planted trees, grow peaches, and she joins her neighbors in asking for this downzoning. She wants to see green grass around her, not more apartments. She has heard she lives on the wrong side of the street. She wants to get rid of that idea.

The next speaker represented Benton-Stephens neighborhood. He thanked the P&Z Commission for approving a downzoning in Benton-Stephens. He thought it was important that they all came together to do this. Since the Benton-Stephens downzoning, 3 people have moved in and two of them are restoring old homes. This is a neighborhood that values its space and you should support this.

Public hearing was closed.

Loe made a motion to approve downzoning all parcels included in the request.

MacMann thanked Mr. Norgard for his comments that this process has brought people together.

The motion to approve passed unanimously.

SPECIAL ITEMS

Case # 18-83

A request by the City of Columbia to amend Section 29-5.1(b) of the Unified Development Code as it relates to avoidance of sensitive areas, land analysis mapping, and preservation of sensitive areas.

[LINK TO ACTUAL LANGUAGE PROPOSED FOR TEXT CHANGE TO UDC](#)

(Action: Staff presented the following report. At the February 22, 2018 work session, the Planning and Zoning Commissioner discussed proposed revisions to Section 29-5.1(b) of the Unified Development Code (UDC) as they related to development restrictions within areas identified as “sensitive features” or within the FP-Overlay (FP-O) district. The discussion and revisions were prepared following the Commission’s January 22, 2018 work session at which the Commission was made fully aware of language within Section 29-1.6 of the UDC that permits development in these areas when such development meets the requirements of the FP-O district (Section 29-2.3(d)) of the UDC. Concerns were expressed that the conflict needed correction to ensure that UDC’s provisions were being properly administered.

This amendment proposes to eliminate the conflict between Sections 29-5.1(b) and Section 29-1.6 regarding the designation of the floodplain, specifically flood fringe areas, as a sensitive feature that is restricted from all development. Furthermore, the amendment proposes standards that would incentivize property owners/land developers to avoid development within such areas in efforts to maintain the original spirit of the protections proposed within Section 29-5.1(b) at the time the UDC was adopted. Staff indicated that lot bonuses could not be combined with other programs to ensure that lots were of sufficient size. Protection of the flood fringe is believed to be appropriate and can benefit the general public; however, such protections must be balanced given the existing FP-Overlay standards and their acceptance by FEMA for the purposes of the City’s participation within the Flood Insurance Program.

It should be noted that the proposed amendment will not eliminate the existing exemption for development within areas identified within the FP-Overlay as afforded by Section 29-1.6. The proposed text will encourage property owners/developers to avoid floodplain development. This text is in direct response to the Commission’s work session discussion.

If the Commission finds the proposed amendment acceptable a public hearing would need to be held to amend the UDC. For the purposes of efficiency staff recommends such hearing be held as part of a more inclusive set of proposed amendments to the UDC. However, if the Commission desires a separate hearing focused on this single amendment staff can prepare the appropriate notice.

Tonight, the Planning and Zoning Commission will receive public comments on this revision. Based upon public comment, the Commission may direct staff to make revisions to the current draft amendment language. This item is tentatively scheduled for a public hearing at the Planning Commission’s March 22, 2018 meeting. If a recommendation is made on March 22, the requested amendment will be forwarded for Council introduction on April 16 and final reading on May 7. This is an informational session only although you may want to hear from some speakers.

Public comment was opened.

The first speaker indicated that he was an engineer and that he wanted to note a few items that should be addressed. He wants to make sure that man-made slopes were exempted. Wanted to make sure that they were addressing what were truly sensitive areas. He believed that man-made slopes of certain intensities should not be included as a sensitive area. He also thought that 2 to 1 slopes would be stable. He thought that a 33% slope would be stable most of the time and suggested that a ten-foot vertical change in height should be exempted from the definition of a steep slope. He also wanted to make sure that lots that contained sensitive areas but that were not dominated by such land should not be precluded from development. He thought that the bonus was fine, but that for non-residential uses there should be some additional bonuses considered. He also thinks that an ordinance that says NO development in a floodway will be overly restricted, but he thinks that generally this is a good ordinance.

MacMann asked about the last statement made by the speaker regarding the reduction of tree island in a parking lot. Would that reduce permeability and create problems? The speaker thought that such a change could be mitigated by other measures but that he did not go after buffers. MacMann asked if he thought flood fringe areas have greater need for protection. The speaker indicated that he thought that with good engineering it would not be a problem. He specifically indicated that there are other ways to go about this. MacMann indicated that some people might disagree with that. The speaker indicated that he thought we are now paying for past sins, but that the rules now are better overall than in the past. MacMann indicated that he believed that there have been past problems.

Loe asked if you removed tree islands from parking lots wouldn't you create a heat island. He said that there are often offsetting problems created no matter what you choose to do. If we don't have incentives, things will be pushed to the max and this helps address the real underlying problems.

A representative of the Sierra Club indicated that she did not realize that the battle of the steep slopes had begun. The Sierra Club supports slopes of 15%, not 33% or 25%. We are looking at old flood plains and we believe problems will increase in the future due to climate change.

The next speaker indicated that he has now changed his understanding of this proposal. He believes that the bonus actually decreases pervious surface and would result in more lots in the same space and it will result in more runoff. More water runoff will be detrimental. The city of Houston was built by planning commissions and engineers and they have had problems. The same thing has happened in Chesterfield, MO and on Again Street. I don't understand the need to give developers this break because the homeowners will be the ones paying the price. I am confused by the intent.

Toohey indicated that Houston does not have zoning and that that is a different place. He also indicated that when people buy homes they are aware of flood problems that need to be disclosed. The speaker countered that if you put more water in the same pipe, it is different. Toohey indicated that the floodplain maps change over time. The speaker indicated that the houses don't change location, and what if the map change impacts the homeowner?

The next speaker spoke about the impact of the great flood of 1993. She was involved in a study about that event. She said back then that people were impacted and started drinking and that there was more domestic abuse.

The next speaker indicated that he helped fight back against a concrete channel on Again Street. He believes that this is a lessening of restrictions on development and he thinks this goes the wrong way.

He submitted that if we don't have a good population projection for the current space within the city, we don't have the ability to make a good plan for protection, so you need to be very careful. He indicated that economist Alan Greenspan admitted that some of his most famous his analysis of trends went from 1940 to the current time. He admitted that if he had looked all the way back to the 1800s, his determination would have been different. He believes that this proposal should be rejected because the outcome of the comprehensive plan was encouraging more density, but that that idea puts more people at risk. He concluded that the concept has not been adequately studied.

Public comment was closed.

Strodtman asked staff if they were hopeful that this commission would come forward with a formal hearing on March 22. Staff responded that depending on what this commission decides, they will bring this back then. Staff suggested that the bonus encourages protections of both sensitive areas and the floodplain. Right now, it is a free for all and we cannot control that. We need to encourage that. Right now, we lose our ability to limit development to a process that is developed nationally, and we have no regulatory power. We need to provide a carrot to help get this right, even though the regulatory rules have become better over time. We cannot put the sins of the past on the future. This is a measure designed to eliminate confusion between conflicting parts of the code. If we want to add additional changes like the steepness of a slope, we need to go back to our engineers. If we want to clean up some language, I believe that there are some confusing parts in the code that bear review.

MacMann suggested that the hearing could go forward, then the vote could be tabled. Loe thought that some valid points were brought up, and that they should be discussed, and that she agreed that we could table a vote. Staff indicated that they should make sure that people understand that they could provide input at the net meeting but that the commission reserves the right to table a vote at that time.

MacMann asked if the staff could somehow provide the commission with a graphical representation of what the bonus being suggested would look like in real life. Staff indicated that they could.

No action was required on this item at this time, but the issue will be revisited with public comment on March 22, 2018.

PUBLIC COMMENTS

(No public comments were received.)

STAFF COMMENTS

Staff indicated that the next regular meeting will be held on March 22, 2018 at 7 PM.

Included on the agenda at the next meeting are the following items:

Subdivisions: Waugh and Locust. (This is the Lee Expressive Arts Elementary School resubdivision to consolidate lots.)

Public Hearings: Colonies Liberty Bridge, Old Hwy 63 rezoning case from R-1 to M-OF, and further discussion of Floodplain text changes to the UDC.

COMMISSION COMMENTS

(None.)

NEXT MEETING DATE - March 22, 2018 @ 7:00 pm

ADJOURNMENT
(Time: 9:31 PM)

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