

Columbia City Council Pre-Council Minutes

Monday, May 5, 2014 6:00 p.m.
City Hall – Conference Room 1A/1B
701 East Broadway

Council members present: Mayor McDavid, Ginny Chadwick, Mike Trapp, Karl Skala, Ian Thomas, Laura Nauser (arrived at 6:04) and Barbara Hoppe

Absent: None

Mayor McDavid called the meeting to order at 6:00 p.m.

City Manager Mike Matthes explained that we will be providing an overview of zoning and have a long awaited update from Clarion Associates.

City Zoning Consultant Update – Clarion Consultants:

Tim Teddy, Community Development Director introduced the Clarion Associates consultant team that is doing the development code update. The Clarion team is comprised of Don Elliott and Kristen Cisowski; the Ferrell Madden sub-consultant team focusing on downtown is comprised of Mary Madden and Geoffrey Ferrell.

Don Elliott, provided an overview of what he will be presenting this evening as well as some background information on Clarion Associates. He noted that they are a small firm and have over twenty-five years of experience in the business during which time they have competed over 130 zoning and development code revision projects. They are recognized leaders in hybrid form and use codes, sustainable codes and graphically illustrated codes.

He explained that they have been hired to integrate and update the city's land development code. Chapter 29 contains the Zoning Ordinance and Chapter 25 contains the Subdivision Regulations. They intend to create a new unified code, with limited zoning map revisions. The project goals include the implementation of the Columbia Imagined comprehensive plan, creation of a new unified development ordinance, focus on public involvement, reformat and reorganize, streamline administration, make this more user-friendly through more graphic illustration and incorporate targeted form-based controls for downtown.

He noted that there are six steps in this process and they are currently at step two. They have done the initial scope of work, analysis and direction and are now detailing an outline of the development code roadmap (being presented tonight). The next step will be for a staff draft of the revised development code with a public draft of a revised code to come in spring 2014 - spring 2015. They plan to have code testing during the summer of 2015; during which they can

refine and then adopt in the fall or winter of 2015. He added that they are beginning the second round of public input sessions.

He reviewed the code assessment and noted some general observations: Columbia Imagined is not reflected, there are few visual aids, uneven structure/disbursement of topics, repetitive structure (pyramid zoning), they are "use-driven", and have mechanical subdivision regulations. Some more specific observations included misleading zoning district titles, a heavy focus on planned districts, few controls on appropriate scale, and higher density development (e.g., near transit nodes) is not encouraged. He then provided a detailed outline of the new Unified Development Ordinance (UDO). He noted that it identifies where existing regulations (that work well) will be integrated into UDO, where (and how) existing, weak regulations will be revised, where new sections will be added and obsolete regulations that will be deleted. Having five chapters (General Provisions, Zoning Districts, Permitted Uses, Form and Development Controls, and Procedures and Enforcement) will allow for a structure with a lot less repetition. He made some comments on the Zoning Districts, and noted that we currently have 19 zoning districts, they will likely recommend reducing that to 14. He feels that Mixed-Use districts should be Mixed-Use Office, Mixed-Use Neighborhood, Mixed-Use Corridor, Mixed-Use Downtown Form (a new form based district replacing C-2). Mixed-Use Downtown responds to the charrette, stakeholder and public feedback; considers the C-2 Interim Ordinance, is tailored to address key downtown form issues, and serves as a regulating plan that will identify different subareas of downtown (i.e., Broadway and Walnut Streets may have different development standards). He continued to explain that new UDO integrates the following districts into a single planned development district: Planned Unit Development, Planned Office, Planned Business, and Planned General Industrial.

Mr. Elliott explained the substantial changes to Permitted Uses, Chapter 29-3 which includes: a new chapter, elimination of pyramid zoning, creation of broader and more flexible use categories, the removal of three existing zoning districts which are really land uses (Underground space, communications antennas & towers, and wind energy conversion systems) and the introduction of a Permitted Use Table. He reviewed changes to Form and Development Controls, Chapter 29-4 which include: addressing many Columbia Imagined goals, consolidation of size, form, layout, sustainability, and livability standards for development, presentation of standards in a dimensional table, incorporation of Subdivision Ordinance standards, and including form-based controls. Changes to Procedures and Enforcement, Chapter 29-5 include the consolidation and clarification of "how" the City grants permission (or does not require permission) for developments to proceed, and inclusion of a regulatory procedures table and flow-charts.

Mr. Elliott explained that the next steps will include staff drafting of the new code (beginning May 2014). This includes zone districts and uses (Module 1), form and development controls (Module 2), and approval procedures (Module 3). This will be followed by the public draft of the new code (beginning July 2014). This includes the revision of staff drafts, presentation of three public draft modules and the inclusion of revisions in an integrated draft of a full UDO.

Council person Hoppe commented that we have an East Area Plan and sub-area plan and inquired if those have been looked at to make sure those recommendations are being considered throughout this process. Mr. Elliott replied that staff has provided many plans that are being considered and they will look at those plans and extract what ought to be included.

Council person Skala commented that on incentive based zoning by which you can build higher if you want to, but there is a lengthier approval process. He asked if that concept is what is being headed toward. Mr. Elliott stated that many codes have that, but we try not to have that as part of the approval process. They try to make it as objective as possible so that developers can look at a code and get a basic picture without going through discretionary approval process.

Council person Chadwick asked if it was their recommendation to be more regulatory on interim changes. Mr. Elliott did not recommend interim measures, but since the community wanted that, their recommendation was to do minimum interim measures. Parking, building heights and residential uses along street fronts are reasonable interim changes that they are comfortable with and provide the major requirements the community wants.

Mayor McDavid hopes that someone will tell Council when they are taking too big a step such as with the current situation in Ann Arbor. Mr. Elliott noted that Ann Arbor is still in Phase 1 of this process. He added that he is not aware of any cases where revisions to downtown zonings have resulted in cities losing regulatory takings claims through diminution of property rights.

Council person Thomas commented that there is logic and elegance to this process. The structure in the past on zoning has been very piece meal. This appears to maintain coherence of elements, but naturally work its way through in the right places. He likes the bus system portion that allows for extra density in those places. He asked if at the end of all this, will we have a formulaic transfer from old zoning codes to new codes and what happens if something then becomes out of compliance in new code, that was in compliance in the other form. Mr. Elliott replied that in order to get things lined up, there will need to be a translation map. Any issues of non-compliance in new map will be handled separately but the concept would be that everyone gets to keep the use

that was approved at the time you acquired a property. If the use of that property changes then the new owner would be required to comply. Most cities allow people to continue expanding businesses, etc. rather than drive them out because it is more sustainable to handle it that way. The job is to make it easy to comply, but there will be issues.

Mr. Skala asked if there will still be a need for Board of Adjustment cases. Mr. Elliott replied that Council can maintain that practice if they wish. He added that many cities allow a Planning Administrator to approve those types of requests. Mr. Thomas asked if Clarion could see a minimum parking for downtown after interim measures expire. Mr. Elliott stated that he was not sure at this time and noted that there is a clear trend to reduce or get rid of minimums. Ms. Madden added that they will be figuring out where the community wants to be on that issue and the parking issue has a large spectrum of options with many points on the spectrum that can be looked at to address the parking concerns.

Mayor McDavid asked for a best guess on when Council will have an ordinance or review. Mr. Elliott replied that their contract runs into the latter half of 2015, so that would be a best guess time frame.

Ms. Chadwick asked if they had any other language recommended on height restriction. Mr. Elliott replied that they can come up with objective contextual standards. Mayor McDavid suggested that the University of Missouri be involved in these discussions. Mr. Elliott replied that they do meet with them.

The full presentation from Clarion Associates can be viewed at the following link:
<http://www.gocolumbiamo.com/Council/Commissions/downloadfile.php?id=13602>

Zoning Overview – Tim Teddy:

Due to time constraints, this topic was not covered.

Other Topics Council Wishes to Discuss:

None.

There being no further discussion, the meeting adjourned at approximately 6:57 PM.