

## **MINUTES**

### **PLANNING AND ZONING COMMISSION MEETING**

**JULY 24, 2014**

#### **COMMISSIONERS PRESENT**

**Mr. Rusty Strodtman  
Mr. Steve Reichlin  
Ms. Sara Loe  
Mr. Anthony Stanton  
Mr. Bill Tillotson  
Ms. Tootie Burns  
Ms. Lee Russell**

#### **COMMISSIONERS ABSENT**

**Mr. Andy Lee  
Dr. Ray Puri**

#### **I) CALL TO ORDER**

MR. REICHLIN: At this time, I will call the Planning & Zoning Commission Meeting for July 24th, 2014 to order. May we have a roll call, please, Mr. Secretary?

#### **II) APPROVAL OF AGENDA**

MR. REICHLIN: Are there any adjustments to the agenda that we need to deal with?

MR. ZENNER: Mr. Chairman, I'd like to go ahead and, based on the fact that three of the case items that we'll be discussing this evening are from the same applicant, and the one case item 14-119 is not, if we can adjust the agenda to move 14-119 to the top of the Subdivisions, and then we'll be able to have the applicant and his representatives for the following three cases to just be carried in order.

MR. REICHLIN: So we're going to do Case No. 14-119 first?

MR. ZENNER: Yes.

MR. REICHLIN: And then will we then move on to the other Public Hearing items before we do 14-117?

MR. ZENNER: We'll come to 14-117 and then go into the Public Hearings.

MR. REICHLIN: Okay. All right. Okay. All right.

#### **III) APPROVAL OF REGULAR MEETING MINUTES**

MR. REICHLIN: That said, we need -- does anybody have any concerns regarding the minutes? I'll entertain a motion to approve.

MS. LOE: I'll make a motion to approve.

MR. TILLOTSON: Second.

MR. REICHLIN: All in favor, say aye. All opposed, same sign.

(Unanimous voice vote for approval)

MR. REICHLIN: Thank you.

#### **IV) SUBDIVISIONS**

##### **Case No. 14-119**

**A request by Tim Reed, Engineering Surveys & Services (applicant), on behalf of**

**Southport-Yarco, LLC (owner) for approval of a one-lot final minor plat on O-1 (Office District) zoned land, to be known as "Worley Street Subdivision Plat 2," and for approval of a variance to Section 25-43 (Street Widths) for reduced right-of-way. The 0.63-acre subject site is located on the north side of Worley Street, approximately 700 feet east of Bernadette Drive, and addressed as 1805 West Worley Street.**

MR. REICHLIN: May we have a staff report, please?

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the final plat, subject to the following condition:

1. The plat is revised to dedicate the required amount of right of way prior to forwarding this request to Council for approval.

MR. REICHLIN: Are there any questions of Staff?

MS. LOE: I had one question.

MR. REICHLIN: Uh-huh.

MS. LOE: It's just a clarification. I understood that -- from your report that the full 33 feet was granted on the south side of Worley. I just wanted to confirm that there is also properties on the north side that have also provided the full 33 feet.

MR. SMITH: Directly adjacent to this property, as you can see from this, to the east and to the west, and I think to the west is Joe Machens Ford adjacent to Bernadette Drive, when they platted it, it was in the 1970s and they had dedicated ten feet of additional right-of-way for a total of 63 -- 63 feet of right-of-way at that location. So that's consistent with what the applicant is requesting. However, at this time, the standards for a major collector do require the 66 feet.

MS. LOE: But that did not answer my question --

MR. SMITH: Oh.

MS. LOE: -- which was are there properties on the north side of Worley?

MR. SMITH: To the west of Bernadette, between Bernadette and Stadium, they have dedicated -- and there's a full at least 66 feet of right-of-way.

MS. LOE: Thirty -- there is full?

MR. SMITH: Yes.

MS. LOE: Okay. Thank you.

MR. REICHLIN: Are there any other questions of Staff? Seeing none. Typically, these -- these kind of items -- subdivision items are not for public hearing, but we do entertain comments from the public to help -- help us with our analysis.

MR. REED: Good evening, my name is Tim Reed. I'm with -- a land surveyor with Engineering Surveys & Services. We had split this little tract off many years ago when Shorty Hathman owned all this property and he sold it to the Red Cross, I think, in '72, and -- and it doesn't meet the definition of a lot. So we're platting it so that it will be a legal lot. And for 650 feet to the west across Joe Machens Ford, there is 30-foot half-width, and for over 500 feet to the east, across the Campus Square Apartments, there's a 30-

foot half-width. So -- and in addition, the City asked for and was granted a ten-foot street easement on this property in November of 2013 for a sidewalk project that's getting ready to commence, so the City felt the ten feet was adequate at that time for this sidewalk project. So now that we're platting the property, we're willing to grant that ten-foot strip as public right-of-way, but on a small lot like this, the additional three feet does cause quite a hardship. It's zoned O-1. We intend to develop it with a rather high-density senior housing and -- and it's about 140 feet deep by 200 -- or 200 feet deep by 140 wide, and three feet on this small lot will cause a practical hardship. And I -- when -- when I get into these situations, I look at them -- I look at the guidelines, the street standards, and it is a guideline. The three-foot strip that we dedicate, I can almost guarantee you will never be utilized. I wouldn't want to go to Joe Machens Ford and tell them they need to give up three feet of their parking lot for -- for any sort of a widening. There's -- there's plenty of room in here for Worley. We platted the Columbia Public Schools property on the other side. It was almost a quarter of a mile. It was proper and right to grant that 33-foot half-width on that -- it was, like, 17 acres, and we did. We recommended to our client that they dedicate the entire width. But it's difficult for me to tell our client in Kansas City that we're going to give three more feet than what the property owners on either side of this tract have given. So that's the reason for our variance request. It will impact our site and we would prefer not to. If you have any questions, I'll try to answer them.

MR. REICHLIN: Are there any questions of this speaker? Seeing none, thank you.

MR. REED: Thank you.

MR. REICHLIN: Comments of Commissioners? Ms. Loe?

MS. LOE: I have a few more questions for Staff.

MR. REICHLIN: Feel free.

MS. LOE: The implication in the statement that was just made was that the 13-feet was a guideline and not a requirement. Can you clarify that?

MR. SMITH: In the section that they're referring to -- I think it's 25-43 -- it is a requirement. Sixty-six feet is the lowest range. It does give a range, 66 to 76 feet for major collectors. That is a requirement. We do have an Appendix E or A, I think, that gives some -- some additional language, but it still requires a variance to -- to grant a 66-foot or something less than a 66-foot right-of-way for a major collector.

MS. LOE: Is the ten feet that was required for the sidewalk, is that just something that -- completely different, or why -- why is there some --

MR. SMITH: Yeah. In my discussions with -- with Public Works, it was something that the sidewalk project at that location was funded through CDBG funds, so -- Community Development Block Grant funds, and -- and it was identified actually as a one- to two-year in the CIP project as -- as a sidewalk, so I think they looked at it as they had ten feet of -- they had ten feet of right-of-way on the east of this property and to the west already, so I think they looked at it as getting that extra three feet for an easement for a sidewalk at that time didn't make sense because the roadway wasn't in the ten-year plan. So at some point in the future, if it does become in the plan and they widen it, they would probably have to relocate all that sidewalk. But I think at this -- they looked at it from a practical standpoint that giving that extra three feet for an easement, which they had to get granted to them as opposed to this process where

they're required to -- to provide it, to jog the sidewalk three feet onto this property wasn't necessarily practical at that time.

MS. LOE: Thank you.

MR. REICHLIN: I have -- I have a question for Staff. Mention -- mention was made of the parking lot at Joe Machens. Does it have a 30 width easement -- I mean, dedication right now?

MR. SMITH: Right. Yes. They have 30 feet of half-width as opposed to a 33, which would be the -- the requirement at this time, yeah.

MR. REICHLIN: And then the property just to the east --

MR. SMITH: Uh-huh. Same situation, yes.

MR. REICHLIN: Same situation. And was that by variance or by --

MR. SMITH: Not that I --

MR. REICHLIN: -- grandfathered or --

MR. SMITH: Not that I could locate. Basically, both of those properties were platted in the '70s, so there is not actually a really good records as far as that. I didn't -- I didn't see any indication that a variance was granted. We could look and see what the standard was at that time to see if that was the case, but, in this situation, with the current standards, the 66 foot would be required at this location. And we looked at the other surrounding properties that weren't necessarily immediately adjacent and found that the full right-of-way granting was consistent with the area, so --

MR. REICHLIN: Am I -- am I to interpret that to mean that there are several other properties on the corridor that meet the 33 feet from the half --

MR. SMITH: Correct.

MR. REICHLIN: -- the half point?

MR. SMITH: Yes. As Mr. Reed said, the property to the south, which is school district owned, they had dedicated a full 33 feet. And I think at that time when they platted it, it met -- dedicated an additional 13 feet. Every property on the south side of Worley west has an appropriate or a full right-of-way half-width on that side. And everything west -- both north and south, west of Bernadette has a full 66-foot right-of-way.

MR. REICHLIN: Thank you.

MR. SMITH: You're welcome.

MR. REICHLIN: Are there any other comments of Commissioners?

MS. RUSSELL: Actually, I have one. I think that since Joe Machens only has the ten feet and the other side, I think it's kind of inconsistent to require this one to have the full piece, that full variance. So I'm going to approve the plat, but I'm not going to approve that they change that right-of-way.

MR. TILLOTSON: My question then is --

MR. REICHLIN: Mr. Tillotson.

MR. TILLOTSON: -- if in the future, if the City wanted to do -- make a roadway through there

MR. SMITH: Uh-huh.

MR. TILLOTSON: -- and we've either -- we've got to deal with Machens for sure, and we've got to

deal with the other property, but then we would have to deal with this one. That's --

MR. SMITH: That's correct. Yes.

MR. TILLOTSON: We're either solving a problem now or moving it to solve it later.

MR. SMITH: Uh-huh. Uh-huh.

MR. TILLOTSON: And I do agree with the inconsistency issue, but I think when we deal with properties that are moving forward and the way the regs are today, we have to think why those are there, why those are put in place and maybe need to be more consistent. So I would tend -- I plan to -- intend to support it the way Council has recommended -- or Staff.

MR. REICHLIN: Anybody else care to comment?

MS. LOE: I'll make a motion to approve Case No. 14-119, a request by Tim Reed, Engineering Surveys & Services, on behalf of Southport-Yarco, LLC, for approval of a one-lot final minor plat on O-1 zoned land to be known as "Worley Street Subdivision Plat 2." That the -- is there staff -- sorry -- for the minutes, is this staff recommendation written to dedicate the required amount of right-of-way prior to forwarding the request to Council for approval?

MR. SMITH: Yes.

MS. RUSSELL: Can I leave it at that?

MR. SMITH: Yeah. I think that would be sufficient.

MR. TILLOTSON: I'll second that.

MR. REICHLIN: Mr. Tillotson seconds. Roll call, please.

MR. STRODTMAN: Yes, sir, Mr. Vice-Chair.

**Roll Call vote (Voting "yes" is to recommend approval). Voting Yes: Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Ms. Russell, Ms. Burns, Ms. Loe. Motion carries 7-0.**

MR. STRODTMAN: Recommendation for approval will be forwarded to City Council.

MR. REICHLIN: Okay. If I may indulge Staff, do we want to -- do we want to open all these up at the same time, or deal with them each individually?

MR. ZENNER: We will deal with them individually based on the fact that each case is unique in and of itself, even though they are related. But we will go through each case in the order that they are now listed on the agenda, starting with 14-117.

MR. REICHLIN: Thank you.

#### **Case No. 14-117**

**A request by P1316, LLC, and Discovery Office Park, LLC (owners) for approval of a ten-lot replat to be known as "Discovery Park Subdivision, Plat 2-B." The 39.10-acre site is located between U.S. Highway 63 and A. Perry Philips Park, north of the Discovery Ridge/Gans Road interchange.**

MR. REICHLIN: May I have a staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the plat, subject to:

1. No building permits being issued until full review of the stormwater/water quality protection plan has been completed and found to comply with the standards specified in Ordinance 18043 governing the development of the site.

2. A revised development plan is submitted/approved addressing staff's technical issues.

MR. REICHLIN: Are there any questions of Staff? Mr. Strodtman?

MR. STRODTMAN: Would you be able to give us an update as to where the City is with the Philips Farm Road piece of the park? I know a lot of the more southern part -- southern -- southwest part of the park has been developed with the boat ramps and things of that nature. Do you know where that kind of falls into timing?

MR. ZENNER: Well, the overall development of Philips Farm, the northern portion of our -- what we refer to as the South Recreation Facility, is part of -- it was part of the tax ballot issues with our park sales tax. There will be plans submitted to this body for approval since it is a planned development. We have a conceptual layout that we have seen, so the Parks Department is looking at different options for land use. It is my understanding, however, that the majority of the development will be occurring on the Gans Recreation Facility property, which is to the south of Gans Road to where we will start initial development efforts. Philips Farm Road itself specifically will be constructed with the development of Lot 2 of this project site, and that is actually going to be shown to you in Case No. 14-116. So Philips Farm Road would be built at that point to the park's property line, which would be the eastern -- or the western line shown here. And then the park, as they develop the northern half of Philips, would be able to connect to that and bring it back over to Bristol Lake Parkway. That would be the intended goal. Timing associated with that is probably based upon how the improvements on the northern portion of the south recreation facility proceed.

MR. STRODTMAN: Do -- do you foresee this with the conceptional -- is it going to be a heavy-used component as in soccer fields, or is it a lesser recreational-use park? You know, just have traditional throwing a Frisbee and just open space and --

MR. ZENNER: The field uses, as I understand it, and discussing improvements to the Philips Farm -- the Philips tract, are more active in nature. The southern portion of the project site are playing fields. They are more the passive recreational component. A pavilion is desired to be constructed on the southern portion of the Philips Lake, similar to what we have at Reichmann. There are other active amenity areas potentially planned on the northern portion of Philips Lake. So traffic movement across this portion of Philips Farm Road will see -- considered significantly in the platting of -- of the road right-of-way. Initially, on the first plat that came forward, it was Plat 1 -- Discovery Park Subdivision Plat 1, which has subsequently been vacated, there was a 66-foot wide road right-of-way. The Parks Department felt that that was inadequate to support or to meet what their traffic demands would be. Through additional negotiation with the applicant, that right-of-way was increased from 66 feet to 100-foot wide road right-of-way with a medianized entrance feature associated with it. It will be very similar to what you have at Cosmo Park when we're done. It will be sufficient to cover the traffic flow coming into the northern portion of the park, as well as provide the alternative circulation pattern out of the northern section of

Bristol Lake Parkway, which currently does not extend this far north. But, ultimately, those roadway networks will connect and provide cross-access both east and west. Philips Farm Road is shown on the CATSO plan as extending further west to Bearfield, as well. So there -- there are opportunities, once this roadway is installed, if it's constructed through the park as a public roadway, not a park drive, it is possible to create an alternative parallel corridor to Gans Road that runs north of the park and north of the Bristol Lake development.

MR. STRODTMAN: Thank you.

MR. REICHLIN: Any other questions of Staff? Seeing none. Thank you, Mr. Zenner. Once again, I would like to mention that this is not a public hearing, but, in these matters, if there is anybody who has anything they wish to add that will help our consideration of this matter, now would be the time to do that.

MR. HALL: Thank you. I'm Mike Hall with Columbia Civil Engineering Group, 3301 Berrywood Drive, here in Columbia. I am the engineer -- the owner's engineer for this particular replat. And as Mr. Zenner indicated, this is a replat, and what we are doing is reducing the number of lots and we're also reducing the amount of right-of-way dedicated in future streets the City will have to maintain as part of this development. One of the things this will do is not only reduce the linear footage of streets that the City has to maintain, it also will reduce the number of hard stormwater piping that they will have to maintain as well, which, again is more in lines with some of the aspects of the overall development agreement that Mr. Zenner referenced. And, finally, one other thing I would like to point out is at -- with Lots 4 and 5 that are -as proposed, by removing the old right-of-way of Kentsfield and Bertona, the actual overall development will be less dense than it was originally planned, meaning it will be actually less even though we will be changing up some of the uses, which we will get into in the C-P plans. If anybody has any questions, I'm more than happy answer them for them at this time.

MR. REICHLIN: Are there any questions of this speaker? Seeing none. Thank you very much.

MR. HALL: Thank you very much. I appreciate it.

MR. REICHLIN: Comments of Commissioners? Okay. Mr. Tillotson?

MR. TILLOTSON: I don't hear many comments, so I think we're kind of all on board with this one. So I would make a motion to approve Case 14-117, a request by P1316, LLC, and Discovery Office Park for approval of a ten-lot replat to be known as Discovery Park Subdivision, and with the recommendation of approval by staff for a revised plat addressing technical comments is reviewed and approved, and easements and right-of-way vacations have been introduced to Council.

MR. STANTON: Second.

MR. REICHLIN: Mr. Stanton. May we have a roll call, please.

MR. STRODTMAN: Yes, sir.

**Roll Call Vote: (Voting "yes" is to recommend approval.) Voting Yes: Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Ms. Russell, Ms. Burns, Ms. Loe. Motion carries 7-0.**

MR. STRODTMAN: Recommendation for approval will be forwarded to City Council.

**V) PUBLIC HEARINGS**

MR. REICHLIN: And now we'll enter into the public hearing portion of our meeting.

**Case No. 14-116**

**A request by Discovery Office Park, LLC (owner) for approval of a revised Statement of Intent and C-P development plan to be known as "Discovery Office Park South." The 6.15-acre site is located at the southwest corner of Philips Farm Road and Ponderosa Street and is commonly known as Lot 2 of Discovery Park Subdivision, Plat 2A.**

MR. REICHLIN: May we have a staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the proposed C-P development plan, subject to:

1. No building permits being issued until full review of the stormwater/water quality protection plan has been completed and found to comply with the standard specified in Ordinance 18043 governing the development of the site.
2. A revised development plan is submitted/approved addressing staff's technical issues.

MR. REICHLIN: Are there any questions of Staff? Mr. Strodtman?

MR. STRODTMAN: Do you know or do you remember the square footage of the six-story single building for comparison?

MR. ZENNER: That, I do not, but I believe -- I believe what is proposed here, if my recollection serves me correctly, it is significantly smaller. This is about 64,000 square feet total. If I recall correctly, we were about 90 on the six story.

MR. STRODTMAN: Okay.

MR. ZENNER: So that's my recollection.

MR. STRODTMAN: Thank you.

MR. REICHLIN: Are there any other questions of Staff? I have one with regard to the parking and how it's going to be administered. Each of these individual buildings are part of the C-P, but will it be on a per-building basis or will it be monitored on an infill, you know, tenant build-out of the spaces? How -- how are they -- how are they going to know when they're going to achieve the level of needing a variance or not?

MR. ZENNER: Typically, we would -- typically, it would be -- the parking assessment would be based on how the application comes in, so if we're going to get a shell for a general office, the parking associated based on the square footage of that general office and the distribution of the office suites would be how parking would be determined. If they came in and they applied for a medical building, we would calculate it based on medical -- the 1 to 200 parking requirements. That may be a question that Mr. Hall may be able to answer as I believe they're in the process of preparing final architectural and how they would submit them. But, typically, when we do -- when you -- if we white box a building -- in essence, white boxing, meaning it's -- there is not a tenant identified, we're going to go with a minimum requirement, which would be based on whatever the use class of that building would be. When you get a tenant infill to



a tenant upfit the building, the shell, at that point then, we will be looking at what that tenant is, and verifying parking. If, at the end, when the last building gets built and the last tenant space is filled, if we don't have enough parking, it's at that point that the permit would not be issued. The other aspect associated with this is, our internal review procedures, as it relates to planned district projects, we have what we refer to within the Community Development Department as an initial screening process for all building applications. The Planning Department is part of the ISP team. We review every project that comes in for permitting through the City's Community Development Department. C-P plans, O-P plans, and PUD plans take specific precedence over any other type of project because they are a planned district and often subject to additional requirements. One of our staff will look at the plan that's been submitted, confirm that, in fact, it does comply with the adopted plan, and then authorize our other permit review staff to proceed in issuing the permit after it has met other building code requirements. That's the other safety net we have. And that's how we'll manage parking, and I'll let Mr. Hall address potentially how they intend on making applications because it may make our life a lot easier if it's done all at once and in the right form.

MR. REICHLIN: Thank you very much. Are there any other questions of Staff?

MS. BURNS: So, Mr. Zenner, am I understanding correctly that all these buildings are white box now?

MR. ZENNER: I will let Mr. Hall answer that. They may have end users at this point that we're unaware of, but often when you go and you build office space, it may be speculative in nature based on, you know, the perception of need. Obviously, we don't have any roads out here to get to them yet, so until you have a road, it may be hard to market a piece of property.

MS. BURNS: Thank you.

MR. REICHLIN: Any other questions? Seeing none.

#### **PUBLIC HEARING OPENED**

MR. REICHLIN: I would like to just mention that we will entertain the three-minute limit. I don't see the need for opp-- you know, organized opposition or proponent in this matter, so we will be exercising a three-minute limit. So feel free.

MR. HALL: Mike Hall, Columbia Civil Engineering Group, 3301 Berrywood Drive, here in town. Some of things to address the questions that have been posed to Mr. Zenner, he is correct in the fact -- regarding square footage of the structures. The original C-P plan was slightly over 90,000. We are at 65,000 and some change with this new plan right now. That was a developer-driven decision to make, you know, based on current market conditions. To answer the other question regarding parking that has been addressed. Right now, as Mr. Zenner indicated, there is a difference in -- in parking counts. You have a 1 to 200 square foot ratio for medical office, 1 to 300 for general office. With this C-P plan, I believe we're at around 1 to 230-some, so it gives us some flexibility. So just so you're aware, we're not right at that general office lower-end limit, so it does allow flexibility for use in the future. And one of the reasons this comes up is my client has had a lot -- and does have a lot of medical office space within town, so that's one of the reasons why this question was brought up. So -- and full disclosure of that is

why we -- we had that discussion. At this time, we are planning to have -- I can tell you that one of the buildings -- that one of the single-story buildings will be general office for sure. One of the other ones that is backed up to Philips Park is also going to be general office planned at this time. So you have, you know, two of the four structures planned as general office going forward. In addition, just as a point of reference, Philips Farm Road is under construction as we speak -- well, as we speak, and paving on Ponderosa is happening tomorrow, so we're moving forward rapidly. And one of the things that was holding back Parks & Rec is there's no entrance road until we get this done. So hopefully this will spur a little bit of activity on the north side by Parks & Rec, and we've had some serious discussions about signage, and this will be the front door to Philips Regional Park from the north side. Barring that, the other thing I wanted to mention on stormwater, there -- as Mr. Zenner mentioned, there was a minor comment from the stormwater department and one of the things that they wanted to know in the last round of discussions was making sure of where the water was going prior to exiting our property. And basically what we call the drainage areas, where is water going to flow? Is it going to go through the shaded areas which you see prior to discharge, and that's some natural stormwater treatment, which I have provided that to them as, I believe, Monday. So that has also been addressed. One of the other things is we are implementing -- (inaudible) -- development as per the development plan. Thank you very much. I can answer any questions.

MR. REICHLIN: Any questions of this speaker? Mr. Stanton?

MR. STANTON: Mr. Hall, so at this point, you think you've got your storm sewers solution?

MR. HALL: Yes, I believe so.

MR. STANTON: Okay.

MR. HALL: I believe we do have the storm solution. And -- and just so you guys understand, as we move forward, there will be some minor tweaks here and there as we go through final sizing. What we've done thus far is by far and above what is typically done at this level. And I'm working with stormwater folks -- (inaudible) -- and other staff to make sure that they feel comfortable with where we are headed.

MR. REICHLIN: Are there any other questions? Ms. Loe?

MS. LOE: You mentioned in your last presentation --

MR. HALL: Yes.

MS. LOE: -- that this proposal had less paving. And I noticed in the report that this project was coming in at 65 percent coverage of premium.

MR. HALL: Yeah. And you're talking about on this -- I was referring to the southern --

MS. LOE: Was it an overall?

MR. HALL: Yes. Overall, plus the southern portion, which is the next case that we will be having. And the 65 percent, we're right at that same as we were for this Lot 2 before. I mean, we -- it may be a rounding thing, so we were right around -- you know, under 1 percent difference, if I -- if my memory serves me correct.

MS. LOE: Okay. Well, if you -- if you've lost square footage, you've probably -- yeah. Thank you.

MR. HALL: Absolutely.

MR. REICHLIN: Are there any other questions of this speaker? Seeing none.

MR. HALL: Thank you very much.

MR. REICHLIN: Thank you. Is there anybody else who cares to comment for this project and/or opposed to this project? Seeing none.

**PUBLIC HEARING CLOSED**

MR. REICHLIN: Comments of Commissioners? Mr. Strodtman?

MR. STRODTMAN: I'll prime the well. You know, I think this is a -- a nice entrance to a portion of this park, and it's nice to see the office use in the area, nice to see a combination of general, as well as medical, and not an emphasis or a majority of one over the other, so I think it's a good balance. They've addressed all of the issues and, you know, with the lesser square footage, I would think that that's a -- a positive in a lot of impact scenarios, so I would plan on approving it.

MR. REICHLIN: Anybody else? Well, I would just like to say that I'm glad to see -- I wasn't opposed to the six-story structure, but I find this more pleasing, less imposing with regard to the other uses for the area. And given that and my overall approval of the nature of what they are doing, I intend to support this, as well. Does anyone wish to frame a motion? Mr. Stanton? Okay.

MR. STANTON: I move to approve Case No. 14-116, Discovery Office Park South C-P development plan subject to submission of revised plan addressing technical issues and that no permit is issued without complete stormwater plan review or approval.

MR. STRODTMAN: I'll second it.

MR. REICHLIN: Mr. Strodtman. May we have a roll call, please.

MR. STRODTMAN: Yes, sir.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Ms. Russell, Ms. Burns, Ms. Loe. Motion carries 7-0.**

MR. STRODTMAN: Recommendation for approval will be forwarded to City Council.

MR. REICHLIN: Thank you.

**Case No. 14-120**

**A request by P1316, LLC (owner) to rezone 20.99 acres from PUD-4, O-P, and C-P to PUD-4 and C-P and to obtain approval of a 17.55-acre C-P development plan to be known as "Lots 4 & 5 Discovery Park Subdivision Plat 2B." The subject site is located west of Ponderosa Street south of Philips Farm Road and north of the Discovery Parkway/Gans Road interchange.**

MR. REICHLIN: May we have a staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends:

1. Approval of the proposed rezoning.
2. Approval of the C-P development plan to be known as "C-P plan for Lots 4 & 5 Discovery Park Subdivision Plat 2B."

3. Approval of the requested 13-space parking reduction provided that the C-P plan note regarding the applicant's ability to reduce bicycle parking to the code minimum be removed.

4. A revised C-P development plan be submitted addressing staff's technical requirements.

MR. REICHLIN: Are there any questions of Staff? Mr. Strodtman, go right ahead.

MR. STRODTMAN: Need to be consistent. Need to be consistent. I'm having a little technical difficulty with my computer, and I'm not able to see several pages of the plan. How many -- and you might have said this, so I apologize. How many stories is the clubhouse?

MR. ZENNER: The clubhouse will be -- the clubhouse is one story. I believe the -- the units adjacent to it, three. And right now the -- one story for all of the clubhouse. The remaining buildings on the project site are three, so that would be overlooking your pool.

MR. STRODTMAN: The tallest buildings are -- the majority are three stories?

MR. ZENNER: Yeah. The majority are three stories all the way from the amenity facility. So they'll be on the periphery of the project overlooking, basically, Philips Lake and that element except the three that are in the middle.

MR. STRODTMAN: Thank you.

MR. REICHLIN: Any other questions of Staff? Ms. Loe?

MS. LOE: What was the parking requirement for the clubhouse based on?

MR. ZENNER: Parking requirement is based on the mixture of the land uses that are -- the mixture of the uses that are within it. At a fitness center, it had open space. It had a -- it has a model within in, so they have a show model within it. And, actually, I don't think Mr. Hall had anticipated me to count the show model as square footage, though I did, as an office, so we counted that at a 1 to 300. The fitness center had a threshold count with it. The pool has a count with it based on the water area or the surface area of the pool. And then there is a 20-percent internal reduction. There's a 20-percent reduction automatically granted to a residential amenity center. So it calculated the parking required, which I believe was a total of 36 total parking spaces, and there were 21 provided, somewhere in that area, and that was after we took the 20 -- the parking required was after the 20 percent was taken out. Give the difference and that's how we came up with the 13 that they were short. The parking otherwise within the site met all of our minimum requirements. So there is the 1 for 5 for all of the residential dwellings, and then the 21 additional parking spaces that was provided at the -- the pool already. So the parking that's on there, the 535 spaces, is the 21 extra at the clubhouse, less the 13 that would be required, and then all of our other parking requirements are met.

MS. LOE: In your report, you recommend removing the comment about reducing the number of bicycle parking spaces, but there is also a comment below that about reducing the total number of parking spaces by the number of bicycle spaces required -- 27.

MR. ZENNER: And I've -- I've failed -- I failed to comment on that. The revised plan addressed what the recommendation was. In the parking table on the graphic that you see in front of you right now, the very bottom of the table, if you can make it out, is the notation that indicates that the applicant reserves

the right to reduce the bicycle parking proposed, which is 121 spaces, to the minimum required. In order to ensure that alternative modes of transportation were available to the residents of this development, it was suggested -- it was recommended as part of our condition in the staff report that that condition be removed or that option be removed. The revised plan that has come in has removed that option, which means if you grant the variance -- if you were to grant the variance, the ability of the developer to reduce the bicycle parking, which is what part of our support of the variance would be based on, as well as its general proximity to the rest of the project, is assured. You will not get a reduction in bicycle parking. They will not be available to do it. It's no longer part of the plan. So 121 bicycle parking spaces are required, and they will be installed as the project is built based on each building.

MS. LOE: And they still reduce the number of total parking spaces by --

MR. ZENNER: That whole note was removed.

MS. LOE: Okay.

MR. ZENNER: Whole note was removed. So at this point, basically, what you see in front of you is what you get with some minor tweaks, obviously. There may be some development modifications that get made, but we expect a maximum parking of 535. If demand is less, if they change a building configuration, reduce it, that's what's going to change. You won't get more than 535 though without a revision.

MR. REICHLIN: Any other questions of Staff? Seeing none, I'll open the public hearing.

#### **PUBLIC HEARING OPENED**

MR. HALL: Mike Hall, Columbia Civil Engineering Group, 3301 Berrywood Drive, here in Columbia. Pretty much everything has been discussed on this particular plan. We talked a little bit before about how, by removing the road, we're reducing the impervious surface for the actual development parcels itself, not counting the roadway that we have removed, was -- some of them were up around 65 percent. This development, as a whole, including all the pavement, we're down around 54 percent. So we have significantly reduced the impervious area with this project. In addition, we've got more green space between buildings than we had planned before, and it is a much more functional, very nice laid out -- I -- you know, I feel a nicer -- nicer laid out development than what we had prior to this revision. So I just wanted to point out a few things with that. And like Mr. Zenner said, that note had been removed regarding the bicycle reduction. That was not a problem, and has been done. I know there is -- (inaudible) --

MR. SMITH: Could you please --

MR. HALL: Oh, I'm sorry. And also, on the stormwater side, same comment as with the office. Stormwater at this -- at this point had wanted to see where the water was going. We have -- with the revisions, we have provided that document to the stormwater folks. And, again, we will be working with them diligently to go through the development agreement, which is this thick, in regards to the overall project, the stormwater. So I'll be happy to answer any questions at this time. One other point is with this revision, we're taking away a roadway, Bertona Circle, that had a very tight radius that was -- that we -- we don't have that anymore. So there's a lot of positives with this. So I'm happy to answer any questions.

MR. REICHLIN: Are there any questions of this speaker? Mr. Stanton?

MR. STANTON: Just curiosity. On your stormwater issue --

MR. HALL: Yes.

MR. STANTON: -- are you -- are you addressing that with low-impact development or -- and I can't see the --

MR. HALL: Yeah. There's another plan sheet that shows some of the stormwater quality features and, basically, there's a couple ways, yes. We're going to use low-impact development type --

MR. STANTON: While there is --

MR. HALL: We're doing bioswales, we're doing curb cuts, broken curb, and those types of things, and we're also going to be discharging the water to Lot 6, which is a pond, prior to entering the lake, as well as Lot 3.

MR. REICHLIN: Any other questions of this speaker? Mr. Strodtman?

MR. STRODTMAN: How many points of entry does this development have to the park system?

MR. HALL: Well, right now, if -- it's kind of hard to see. We have planned, I believe, direct potential future links. You see the one coming off the clubhouse right there where the pointer is at.

MR. STRODTMAN: Uh-huh.

MR. HALL: Then there is another one that is down off of -- right along Lot 3, right above the cursor, and then one towards Ponderosa. And as we develop Lot 3 out, you know, that's going to be a park-type situation right through there where the -- that's the headwaters to Philips Lake right now, and there's a couple of concepts on the table that we're discussing. So that's the way that the -- there'll be some interconnectivity to the trail that goes around the lake, and that is the intent. We'll work out a few details with Parks & Rec because one entrance there, we'll have to route it around the rock trench drain that's providing some stormwater quality to the lake, but those are things we'll work out.

MR. STRODTMAN: Thank you.

MR. REICHLIN: Are there any other questions of this speaker? Thank you very much.

MR. HALL: Thank you very much. I appreciate it.

MR. REICHLIN: Is there anybody else who wishes to comment on this matter? Seeing none, I'll close the public hearing.

#### **PUBLIC HEARING CLOSED**

MR. REICHLIN: Comments of Commissioners? Who wants to jump in? Mr. Tillotson?

MR. TILLOTSON: Well, after sitting through Case 116 and 117 and 120, it's apparently that Staff and Mr. Hall has worked very hard on this in getting this put together. It's obviously been a lot of hours put into it and so really it's not much for me to say other than I intend to support it along with the staff's recommendations.

MR. REICHLIN: Mr. Strodtman?

MR. STRODTMAN: Just to kind of echo the same as Mr. Tillotson, I -- I think that, you know, a three-story along this lake, it'll be a very attractive, very pleasing, with the park amenities. I think it's a good transition, a good mixture. There's a school there. It's just really -- it's, you know, the office use that

we discussed earlier. I just want to compliment the ownership and the City for getting us to this point and it -- it's kind of starting to come together and it's -- I think it's going to be a very -- long-term, it's going to be very nice development with a very nice -- with the lake -- with the lake and the park elements incorporated. So I also plan on supporting it.

MR. REICHLIN: Anybody else? Ms. Burns? No?

MS. BURNS: Well, I'll go ahead and make the motion, if there are no other comments.

MR. REICHLIN: Any other comments? Feel free.

MS. BURNS: I move to support approval of Case No. 14-120, a request by P1316, LLC, to rezone 20.99 acres from PUD-4, O-P, and C-P, to PUD-4 and C-P, and to obtain approval a 17.55-acre C-P development plan to be known as "Lots 4 & 5 Discovery Park Subdivision Plat 2B," along with staff recommendations.

MR. STANTON: Second.

MR. REICHLIN: Mr. Strodtman seconds.

MR. STRODTMAN: Mr. Stanton.

MR. REICHLIN: Oh, Stanton. Excuse me. Sorry.

MR. STANTON: I know we look alike, but --

MR. STRODTMAN: Very similar.

MR. REICHLIN: Happens all the time.

MR. STRODTMAN: With that --

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Ms. Russell, Ms. Burns, Ms. Loe. Motion carries 7-0.**

MR. STRODTMAN: The motion for recommendation -- recommendation for approval will be forwarded to City Council.

MR. REICHLIN: A request has been made for a five-minute recess, if that is acceptable to everybody. That way, we'll be able to devote our full attention to the next item on our agenda. So we'll reconvene at 8:30.

(Off the record.)

MR. REICHLIN: Okay. We are reconvened.

#### **Case No. 14-48**

**A request by the City of Columbia to amend Chapter 29, Sections 29-15 (District C-2 Central Business District); and Section 29-30 (Parking and Loading) to (1) add a first floor non-residential use requirement in the C-2 Zoning District; (2) add residential parking requirement to the C-2 District; and (3) add a "tall structure" approval procedure in the C-2 District. (This is a continuance of the public hearings held on April 24 and May 22, 2014.)**

MR. REICHLIN: May we have a staff report, please?

Staff report was given by Mr. Tim Teddy of the Planning and Development Department. No recommendation was given by Staff.

MR. REICHLIN: Are there any questions of Staff? Ms. Russell?

MS. RUSSELL: Just for some clarification. The -- the traffic study that you refer to --

MR. TEDDY: Yeah. For tall buildings.

MS. RUSSELL: Okay. Is that performed by the City?

MR. TEDDY: Well, it would be typically done by the developer. In some cases, the City might want to engage its own expert. The County uses their own expert, but we've typically provided for review by our staff. We do have a larger staff here, so we have professional traffic operating engineers with the credential that basically qualifies them to review and comment on traffic studies.

MS. RUSSELL: Okay. And then I have one more question.

MR. REICHLIN: Go ahead.

MS. RUSSELL: I'm new to this. So by adopting an ordinance that refers to the plan, does that make the plan an ordinance? Does that make every part of that plan an ordinance?

MR. TEDDY: No. It -- it -- it's a criterion. And again, these are -- the phrase I'd use is no one of them is controlling in the sense that if -- you know, if there is a weakness in one area, it doesn't mean the project necessarily fails, it just means it's something that has to be weighed along with all these other things. So the plan reference is there so you -- you've got some sense of was any forethought put into height in this area. So to take the example of Broadway, we have a three -- I might be getting my blocks mixed up, but I gave you some language from the Charrette. There's -- for one block, there's a three to ten story recommendation. So the suggestion there is for that particular street, no more than ten stories. So that would be something for Commission and Council to weigh is, you know, how much thought did they put into the plan, you know. Did they -- did they really analyze it or was it more suggestive of a direction it might go. It's -- again, it's something that can be used. It's not -- we'd put it right in the ordinance if we wanted -- if we wanted to be a firm ten stories or a firm eight stories, we would just put that right in the ordinance. That's the way to do that kind of thing.

MS. RUSSELL: Okay. Thank you.

MR. REICHLIN: Other questions of Staff? Mr. Strodtman?

MR. STRODTMAN: I just have a couple of questions related to some of the correspondence that we have received that I don't think you quite addressed specifically. Is there any update or anything different on the notification to the ownership of the C-2 tracts? I know we talked about it last time a little bit, but is there anything different?

MR. TEDDY: I'm sorry I didn't touch on that. After our last work session, we did put together a postcard notice with a brief description of the project, a link to the website, and my name and number -- 224 property owners. Mr. Zenner oversaw that. We did get a few -- I think it was many as ten that came back?

MR. ZENNER: About a dozen.

MR. TEDDY: We had some came back return to sender, indicating that the address was not right or the ownership was not described properly. I find that that's a fairly typical rate when you're dealing with large record -- large public ownership records. I received three calls, I reported two in my staff report. I



had one after the report went out. In all three cases, they were just asking about the ordinance. They didn't leave me with really any comments on it. Oh -- and one -- actually one of the three was making a corrections, saying we no longer own the property, so you get that lag in the reporting. So we did make an effort. I want to emphasize to everybody though that, actually, in rezoning, sending the letter is explicitly said it's not requirement. It's a -- it's courtesy notice. I think it was a good suggestion, though, and we are glad we did it. You know, it's been well-publicized issue, but, clearly, there were a few folks that, you know, hadn't been following --

MR. STRODTMAN: I think with the -- the ability -- the potential for the ownerships to be in the state or, you know, help through some other type of structure nontypical to a resident that might have the ability to read the Tribune or some other forum to get knowledge or see a sign in the yard or -- or whatever, so I think it was a good recommendation and something that was good that we did. My last question is: Part of this ten-story, the height was -- was the -- related to the fire code, the chief of -- of fire, to have an opinion on the -- I guess, the safety of the taller building. Wouldn't there be some -- something that's a little more in writing or clear, black and white, that you could say pressure or ladder height or some other mechanism that's not an opinion as much as we only have ladders that reach ten stories or whatever and pressure that can only go eight stories. And so, obviously, if we can't get water to the ninth story, there's no reason to put a story up there.

MR. TEDDY: Yeah. And this -- this is not -- this reply is covering that, but also I think the sort of general criticism that we're not being technical enough in these things, you know. That --

MR. STRODTMAN: Because the applicant might be able to address a pressure issue --

MR. TEDDY: Right. Right.

MR. STRODTMAN: -- or a -- maybe not a ladder truck, but maybe --

MR. TEDDY: What you'll never get out of an ordinance is how much interaction there really is that just can't be expressed in the ordinance. I mean, we have very professional departments, especially public safety. They work with applicants. They do their best to communicate concerns and this kind of thing.

MR. STRODTMAN: Yeah.

MR. TEDDY: And, you know, for our police department, it might be just is there good surveillance of the common spaces that people are going to be in and out on. For fire, it might be what if we have to -- you know, a horn goes off and we have to evacuate this building, is the building code minimum requirement enough or is the way people are going discharge at the street level not quite adequate somehow.

MR. STRODTMAN: Right.

MR. TEDDY: Even if it meets minimum code. So -- but what I wanted to mention -- and this again doesn't relate to just that criterion, but the general criticism that we're -- you know, we're not -- we're not being explicit enough, we're not saying if you do this, you will get approval. In our conditional uses -- this is any condition use -- we have criteria expressed like this. The Board may grant a conditional-use permit stipulating any conditions deemed necessary to carry out the provisions and intent of this chapter.

And then some of the criteria are things like adequate utilities, drainage, and other facilities are provided; adequate access is provided and designed to prevent traffic hazards and minimize traffic congestion, you know.

MR. STRODTMAN: And I don't think -- I hope there's --

MR. TEDDY: Those are debatable.

MR. STRODTMAN: Right.

MR. TEDDY: Those are debatable things and that's the way this will be, too, inevitably.

MR. STRODTMAN: Right.

MR. TEDDY: But it does at least specify some aiming points, I think, for applicants, and then it also gives the staff a way to frame a report.

MR. STRODTMAN: Right.

MR. TEDDY: It would say this is what we found in our review. Gosh, we're concerned about this, but not so much about these others. And then -- and then it gives guidance to the Council so they won't simply say, well, I don't like it, you know.

MR. STRODTMAN: Right. Right.

MR. TEDDY: They'll -- they'll --

MR. STRODTMAN: Well, and I don't think our intent would ever be to override a -- the professional safety, you know, of their expertise, and they obviously -- if something was to happen, which we hope it never was, they would be the first person that fingers would be pointed at as to why you weren't able to do something to change the outcome. And I don't think that ever would happen, I just think to be as clear as possible for everyone's sake is the best thing, so --

MR. TEDDY: Right.

MR. STRODTMAN: So thank you.

MR. REICHLIN: Ms. Burns?

MS. BURNS: Mr. Teddy, I just had to -- just wanted to confirm. When you were talking about the first-floor nonresidential and the concern about the area that we're talking about, that if we were to do an overlay district for those two streets or include the entire C-2 district, we could not pass what we have here tonight. It would have to -- we -- can we make those changes?

MR. TEDDY: Your recommendation could come either as recommend the provision be passed as is, or you could say we recommend on that specific item that it come back to us as an overlay because we would want to do a legal description of it and just notice of the creation of a new overlay, and then similarly with the conditional-use approach, which would be the third option. We would want to describe what that looks like and it would come back to you.

MS. BURNS: Okay. So for our purposes tonight, that would -- we couldn't make those decisions tonight as far as to advise Council?

MR. TEDDY: I wouldn't advise people to change the text from the floor --

MS. BURNS: Okay.

MR. TEDDY: -- because I think it'll get a little bit complicated. But if you want to just make a

general comment that --

MS. BURNS: No. I agree with you, but I just wanted to confirm that in my own mind. Thank you.

MR. REICHLIN: Any other questions of Staff? Mr. Stanton?

MR. STANTON: State once again, what did you recommend as far as a -- I guess a sunset for these?

MR. TEDDY: Well, personally, I don't think one is necessary just because it should go without saying that because we're trying to improve our development code, that we're going to have new standards for height, parking, everything. Now, the possibility exists the consultant may say, well, since the City has adopted a height standard and a -- and a parking standard downtown, it may ask do you want us to just retain that in the draft. So that's why I put in the report perhaps you want to comment that these issues should be fair game for Clarion's work so that they don't -- for example, they're incorporating the ADU ordinance in the draft that they're working on because they feel that's a recent change. Council approved what you recommended and so I don't think they're going to do a whole lot more with ADUs until we tell them to, you know. So -- but if we give them the message that, well, we really regard this as interim, then they'll say fair enough, we'll work on new parking standards for you.

MR. STRODTMAN: Can I just expand on that? If they saw a problem with our recommendation, would they not, you know, say you -- you know, something different? I mean --

MR. TEDDY: Yeah. I think as they gather input, the reason they've been --

MR. STRODTMAN: You know, into their plan. If they felt a piece of this that's pulling away from the overall, they would say, hey, ten stories is not an issue --

MR. TEDDY: Yeah. Right.

MR. STRODTMAN: -- or it should be eight or --

MR. TEDDY: Right. And this -- this -- they are trying to get us away from these discretionary approvals where it's more by right approvals, but there are going to more explicit standards. So -- and I'm just saying this is -- this is how some cities do it is they look at tall buildings as once you go to a certain height, there are some performance -- so-called performance standards that apply. It might be step-backs where the building then has to be a little farther from the lot lines. May have to provide a plaza, may have to adopt certain energy efficiency measures, create various amenities, this kind of thing. So there's -- there are different ways of addressing height, so they might go in one of those directions. The idea of absolute height in downtowns without some kind of conditional provisions that come in --

MR. STRODTMAN: I just don't want all this to trump what I would classify as the profession consultant's recommendation and I -- it would be interesting to see the recommendation, if it matches ours or if it's totally different. Just --

MR. TEDDY: Right. There's a message of -- the draft I mentioned that just came out yesterday. What they did for the downtown district is they provide a little text box that says here's the kinds of things we're going to be looking at in module two, which gets delivered in October, and height is right up there, so --

MR. STRODTMAN: Thanks.

MR. REICHLIN: Any other questions of Staff? Seeing none, we'll go forward with the public hearing. I just want to make a couple of comments before we start. Simply put, there's two six-minute slots available to the groups in favor of what we're doing this evening and/or the groups opposed. So if you consider yourself to be that representative, please state such at the time of your coming to the podium. Don't forget we need your address -- name -- full name, address, and things of that nature. And with that, I'll open the public hearing.

#### **PUBLIC HEARING OPENED**

MS. STERLING: Thank you. I'm speaking for the Columbia Board of Realtors in opposition to the passage of this. My name is Rebecca Sterling. I live at 4605 Apple Tree Lane in Columbia, and I'm the current president of the Columbia Board of Realtors. First, we want to thank you for having the opportunity to have worked with both the Commission and with the staff. Obviously, a lot of work has been done on this. Our -- our board still maintains that we have a report and now we know a draft, the first part of it coming in two weeks, the other part coming in two and a half months. And so the board continues to ask that you oppose this until we get what the recommendations are, and that's -- that's it. You should have all gotten a letter that was sent to Mr. Teddy, so you know -- expect -- you know what I'm talking about, but I'm open to questions.

MR. REICHLIN: Are there any questions of this speaker?

MS. STERLING: Thank you.

MR. REICHLIN: Thank you. Next speaker, please?

MR. LAND: Members of the Commission, my name is Paul Land. I appear tonight as a property owner downtown of a couple of properties. I reside at 4104 Jocelyn Court. As I have previously written to you and testified, I don't see the -- the need for this. I don't even think it's advisable. The City has retained a professional to help them -- guide them through a review of all their ordinances, and I think it would be wise to wait until that was completed. Interim changes to zoning codes produce uncertainty. Uncertainty affects investment decisions. Downtown where C-2 exists is right now one of the favored investment areas and I prefer to keep it that way. While I have -- I think the staff has done a good job of listening to the earlier expressed concerns and while I would characterize the draft that's before you today is a better version than what appeared here 60 days ago, I still view it as unnecessary. I'd like to see you vote against these proposed interim changes. However, I realize as Planning Commissioners that you have to be responsive to your City Council who has asked you to look at this, revise it, and send something to them. So I expect the Commission will vote on this tonight and I expect that you will probably want to pass this. Recognizing that, I think it's imperative that you insert an expiration date on this. I would suggest 12/31/15 is which -- which is when we thought these interim changes or these consultant's report would be done and completed and passed by Council. Tonight I hear that it might be two years from -- from today. I would suggest to you that you pick a date -- a hard date, a date that can be put into this ordinance and have that date be -- appear in this ordinance or the earlier of this consultant's report. By inserting such a date, I think you confirm to the Council and to those property owners downtown that this in fact an interim ordinance and not something that will hang around. Thank you for

allowing me to address you in the past, and thank you for this opportunity again.

MR. REICHLIN: Any questions of this speaker? Seeing none. Next speaker, please.

MR. CULLIMORE: Good evening. My name is Dan Cullimore. I live at 715 Lyon Street. I actually have a question initially. In -- in looking over the agenda and minutes from the previous meetings, I did not see the North Central Neighborhood Association resolution included in any of the documents, and I'm just wondering if that was distributed? It was sent in -- in June prior to the deadline.

MR. ZENNER: All right.

MR. CULLIMORE: And I have not seen it on the work session. The minutes aren't there yet for the --

MR. TEDDY: We'll have to check that, Mr. Cullimore. I think we've provided correspondence as it's come in. Now, in June, we didn't have a public hearing, we had --

MR. CULLIMORE: A work session.

MR. TEDDY: -- work -- a work session on it, but we'll -- we'll double-check, and I do offer my apologies if -- if we somehow missed that, but we probably should -- since it wasn't yet arrived in May for the public hearing, we probably should have attached it to this report.

MR. CULLIMORE: Yeah. We -- we sent it -- we sent it in time that the staff indicated the deadline was -- in time for that, so --

MR. TEDDY: We'll -- we'll make sure that is included in the packet that goes to the Council.

MR. CULLIMORE: Thank you. I'm -- if you do not have that in front of you, I'm extremely disappointed. I'm the president of the North Central Columbia Neighborhood Association. We have been involved in this since Council first sought comment on the proposal. NCCNA submitted to Staff and this Commission a resolution supporting the proposed interim changes to the C-2 zoning category. I will not reiterate that resolution here. I hope that you have it, except to note that we also requested any change to the code substantially follow the district character recommendations of the H3 Charrette report. Those recommendations were included in that resolution. Unfortunately, we do not believe that the proposed changes do this. However, we do believe that the proposed changes are the City's best bet for addressing immediate and very real on-the-ground consequences from what amounts to the unintended misuse of Columbia's open C-2 category, a misuse that has been noted by past P & Z Commissioners, and that regardless of what others may tell you, does result in unregulated residential development within a commercial district. NCCNA's endorsement of the proposed changes is prompted by the experience of our North Village Arts District. That experience was not unforeseen three years when R-3 lots were rezoned by Council to R -- to C-2. And this Commission rightly sought to influence those decisions by recommending for planned commercial instead. Council's contrariness made possible the Brookside projects at College and Walnut, and in the same stroke, made inevitable the City's after-the-fact attempts to repair harms to the existing residents and retail businesses, damages caused exclusively by Brookside residential development within that newly created open commercial zone. I would remind you that only one member of the council voted in line with your desires regarding the Brookside rezoning, and that short of requiring the planned commercial, the City lacked then any means to enforce higher standards; that is,

unless Council failed to grant a change in zoning, an unlikely position at that time given the composition of that Council. Council still lacks any means of holding --

MR. REICHLIN: You're coming up on the end of your time.

MR. CULLIMORE: The full six minutes?

MR. REICHLIN: Oh, you -- you -- I apologize. I didn't hear you say that you were asking for the six minutes. Go ahead.

MR. CULLIMORE: Council still lacks any means of holding residential development within the C-2 zone to the higher bar requisite for appropriate residential development. I also remind you that in requesting the interim changes, Council's intent was to avoid in the future inflicting on neighboring properties existing commercial interests, the City's infrastructure and budget, and the community at large, the same damages that have followed the Brookside developments and other damages yet anticipated. These are problems caused only by the current use of C-2 as an end run around residential zoning. Such zoning typically imposes for sound reason greater public control and oversight of private development. If you now doubt against your own prior better judgment the necessity for greater control, I would invite you to ask the residents and retailers of the North Village Arts District about their experiences over the past three years. Ask our public safety officials and our streets, sanitary, and stormwater utility departments about the number of calls received over the last three years. Ask our parking officials about instituting the only residential neighborhood parking zone in the City's history. These experiences, complaints, and new policies are facts, and facts are the reason I am dismayed and offended when members of this Commission and the City Council object to the interim changes because they believe the changes are a political power grab. Perhaps instead of politics, those Council members now supporting interim measures rue their Brookside decisions and the attendant consequences. Perhaps they are trying to encode the wisdom of Planning and Zoning's original recommendations. Recommendations that favored greater public control over gigantic residential infill projects going up in single-family neighborhoods adjacent to the central City. Perhaps these members of Council are finally listening to you. The one thing to object to the interim changes because you think they're the wrong ones, or that they will be ineffective in addressing known problems or even that they're premature. But do not dismiss as mere political power mongering the experiences of those damaged by misuse of C-2. Instead, side with these aggrieved citizens and demand that City government accept the responsibility for defending citizen interests before damages occur. Pass this to Council with your approval.

MR. REICHLIN: Are there any questions of this speaker? Seeing none, next speaker, please? Anybody? Seeing no one.

#### **PUBLIC HEARING CLOSED**

MR. STRODTMAN: I have a question.

MR. REICHLIN: Go ahead, Mr. Strodtman.

MR. STRODTMAN: I have a question of Staff.

MR. TEDDY: Yes, sir.

MR. STRODTMAN: If we look at the -- your recommendations, there's three recommendations

for this evening. If we were to go with recommend approval of modifications, is -- is the two-year sunset part of that modifications, or is that -- would that be included in that? If we were to pass an -- if we were to approve and pass a recommendation for approval with the -- with the current modifications, would that include that two-year sunset?

MR. TEDDY: You would have to add to your recommendation that --

MR. STRODTMAN: That there would be a sunset. So your two-year recommendation we saw earlier --

MR. TEDDY: That's not in the text of the ordinance right now.

MR. STRODTMAN: Okay. Okay.

MR. TEDDY: So you would have to add that as a motion. And the reason I said two years is really just to give a little bit of leeway.

MR. STRODTMAN: I understand. But I just wanted to make sure it was or wasn't in that as a modification so that if we were to vote it that way, I wasn't thinking it was.

MR. TEDDY: It's not written into the ordinance and, you know, we -- we don't know when that transition is going to occur. That's -- that's the main reason for our reluctance.

MR. STRODTMAN: I understand. Thank you.

MR. ZENNER: And just to clarify also, Mr. Strodman, that the modifications that Mr. Teddy makes mention to here, it's modifications, one, that staff has made, but it's modifications that you also, as a Commission, may want to make, and that has to deal with the other issue that Ms. Burns brought up as to how to deal with the -- that other topic. So, you know, if you want to make modifications, it's -- you can recommend approval as it's written that includes staff's changes, recommendation of approval with modifications, which could be both staff's changes plus what you want, or you could recommend denial.

MR. STRODTMAN: Thanks.

MR. REICHLIN: Ms. Burns?

MS. BURNS: Oh, just a point of information. We did receive, Mr. Cullimore, your letter in a packet on -- it's dated June 13th that Mr. Zenner sent to us.

MR. ZENNER: Received it at the June 19th work session.

MS. BURNS: Okay.

MR. ZENNER: That is why it has not shown up in a Planning Commission packet since.

MR. TEDDY: It's dated June 10, the resolution?

MR. CULLIMORE: Yes.

MR. TEDDY: Yeah. It was dated June 10, so --

MS. BURNS: Okay. All right.

MR. CULLIMORE: The -- the -- the reason I was asking is I did not see it in any --

MR. TEDDY: Yeah.

MR. REICHLIN: Let's -- so let's try and -- let's --

MR. TEDDY: It was in the packet. We -- we didn't --

MR. REICHLIN: Let's try and limit the intercourse like that.

MR. TEDDY: All right.

MR. REICHLIN: That's kind of -- you know, kind of unnecessary. So you're welcome to come back up to the podium if you would like to continue the conversation. Next -- Ms. Russell.

MS. RUSSELL: I really appreciate the -- the hard work that the City staff has done on this. This is really an incredible piece of work. I do, though, still have some concerns about the fiscal irresponsibility of hiring a consulting firm and then not waiting until their results are in, at least until October when you say that they're going to address the -- the same issues that we have here. So right now I'm really torn because I just think it's -- it's, at best, fiscally irresponsible use of taxpayer money. So thank you for your hard work, though.

MR. REICHLIN: Ms. Loe?

MS. LOE: I still have an ongoing concern about height and plan in that, based on my reading of this, if I'm doing a ten-story building on Walnut Street, I don't come back to P & Z or City Council for additional review; correct?

MR. TEDDY: Yeah. This is making no distinction to where in the C-2 districts, anything below that --

MS. LOE: However, if I'm doing an 11-story building on Walnut Street, I would come back for review and per item one of the following criteria, the height is consistent with adopted City plan recommendations for maximum building height in the specific location, which we have identified as the downtown Charrette report. Am I okay so far?

MR. TEDDY: Yes.

MS. LOE: All right. So that Charrette Report identifies the maximum height on Walnut Street as five stories. So if I try to go 11 stories, I'm going to be knocked down to five stories? But if I go with ten stories, I'm okay? That's why -- that's why I'm confused still.

MR. TEDDY: Well, it all -- about all I can say is this is a simple amendment --

MS. LOE: But I believe there's an inconsistency included in here --

MR. TEDDY: Right.

MS. LOE: -- and that that's referring to a plan that includes height limits that are less than those --

MR. TEDDY: Yeah.

MS. LOE: -- that are posited.

MR. TEDDY: I understand that. Right. It's -- we'd be, in effect, saying that we've decided that no matter where you are --

MS. LOE: You can meet a norm.

MR. TEDDY: -- in C-2, ten is the special level.

MS. LOE: We should delete -- we should delete item one to make it consistent, but that means we're throwing out a City adopted plan that includes height limits.

MR. TEDDY: Of course, what we're starting with right now is no single parcel anywhere in C-2 has a height limit. We're not being more permissive --

MS. LOE: Do we -- do we ignore the Charrette plan currently?



MR. TEDDY: Pardon?

MR. ZENNER: Yes. The plan --

MS. LOE: We ignore the Charrette plan currently?

MR. ZENNER: The plan is not an adopted set of regulation, it is -- it is guidance. And under the current standard, there is no height restrictions. While the plan desires to implement one, it's not regulation.

MS. LOE: All right. This is an ordinance that is building on that recommendation to implement height limits. So why -- convince me why I should now recommend guidance that we have paid for with our fiscal dollars.

MR. TEDDY: It's not ignoring, it's simply we're not tackling that particular issue that you identify in this amendment. You're identifying an issue where there are certain areas of C-2 zoning where even to go to eight and nine stories is going to be considered excessive by the recommendations of the plan.

MS. LOE: The play only -- correct.

MR. TEDDY: All I can say is, we're not tackling that at this time. It's -- it's certainly a valid concern because with the larger effort to update the zoning ordinance, we want to get into transitions because that is what the consultant has told us they've gotten as feedback is that at the edges of downtown, you have issues of scale, you know.

MS. LOE: Why include item number one under criteria for City Council review?

MR. TEDDY: Most discretionary processes, whether you're approving a planned unit development, a subdivision, you refer back to the adopted plans.

MS. LOE: But we're specifically looking at City -- planned recommendations --

MR. TEDDY: Right.

MS. LOE: -- for maximum building height.

MR. TEDDY: Right. And if this were adopted today with the ten-story threshold --

MS. LOE: That --

MR. TEDDY: -- if our plan says eight is maximum, I think that's going to be a fairly significant finding in -- in the evaluation of the building.

MS. LOE: But the building doesn't come to City Council for review if it is a ten-story.

MR. TEDDY: Right. I'm talking about if there was a proposal for something ten stories in height.

MS. LOE: But it wouldn't come to City Council for review, so this wouldn't be flagged.

MR. TEDDY: Now we -- now what you could do is go back and revisit the standard to begin with, and this was suggested by our Downtown Leadership Council. They felt that those character areas should be written into this amendment, so you would say in cases where buildings are ten stories or in these areas, eight stories, five stories --

MS. LOE: Two of our advisory groups have recommended going with the --

MR. TEDDY: We could make -- we could make it -- yeah. And I'm not -- I'm not trying to create an argument, I'm just saying our direction was go ahead and run with the -- the ten-story threshold. It was our choice to put that language in there about the -- the plans, but --

MS. LOE: But you have also included the language about the plan height, which is lower than and inconsistent with the ten stories.

MR. TEDDY: Yeah. I -- that's understood.

MS. LOE: I -- I just have a very hard time supporting inconsistent language in an ordinance. Getting back to the it needs to be clear, this is a very unclear point for me.

MR. TEDDY: Well, what would probably be clearer though, is if someone was proposing a ten-story building, they would be --

MS. LOE: Eleven. You've got to get over that ten stories. Eleven, I can deal with it --

MR. TEDDY: Right.

MS. LOE: -- because it's going to come to me for review -- or City Council.

MR. TEDDY: Right.

MS. LOE: Ten, it's not going to hit the Charrette guidelines and it's not going to hit City Council's either. That's -- that's the -- that's the purgatory.

MR. TEDDY: Your recommendation would be just -- just eliminate that reference then to --

MS. LOE: If we're not --

MR. TEDDY: -- planned height recommendations?

MS. LOE: If we're going to choose not to consider the recommendations of the North Central group and Downtown Leadership Council, and the plan, yes.

MR. TEDDY: That -- you know, that's something that the Commission could do, and we have discussed this, so --

MS. LOE: So I'm going to put that on the table for discussion.

MR. REICHLIN: Is there any other discussion on that? Mr. Stanton?

MR. STANTON: So, Ms. Loe, you're saying -- (inaudible) --

MR. REICHLIN: Mr. Stanton, please speak (Unanimous voice vote for approval)--

MR. STANTON -- the height -- the height limitations, what -- what is your -- what is your threshold, lower or higher than -- than ten?

MS. LOE: I'm saying that this ordinance says if it goes over the ten stories, the building needs to be in conformance with a plan that currently identifies for specific areas height limits that are lower than that ten stories, and I see that as an inconsistency. So I can go ahead and build a nine-story building on Walnut, no problem. But if I build an eleven-story, I'm going to be knocked down to five stories because I've suddenly tripped the Charrette Plan.

MR. STANTON: The Charrette Plan is --

MS. LOE: The Charrette Plan, which is attached, identifies a couple areas, specifically on Providence --

MR STANTON: Right.

MS. LOE: -- as a maximum building height of ten, so that one, no difference. On Broadway, a maximum story of eight, so we would say along Broadway would be eight stories. And on Walnut, it's saying a five-story maximum -- on Walnut and within the neighborhood, so however that gets translated.

And Elm Street is also ten stories. Am I missing any?

MR. TILLOTSON: Well, are you wanting to add that Charrette Plan to this?

MS. LOE: I think --

MR. TILLOTSON: That's just there for reading purposes, that's not --

MS. LOE: It's -- no. It's already in here in that if it goes over ten stories, they go back to this plan.

MR. TEDDY: No.

MS. LOE: That's what this says.

MS. BURNS: I don't think it's adopted; is that correct? That's not adopted as far as City policy --

MS. LOE: Yes, it is adopted.

MS. BURNS: Okay. So then I'm --

MR. TEDDY: It's -- it's adopted as advice.

MR. REICHLIN: Hold on. We're going at the same time.

MR. TEDDY: I mean, we're not done with it, either. We're not -- any -- any plan, you have a -- you have a long implementation sequence. We are doing the code. We're -- we're looking at the downtown all standards -- height, for example. Simply creating a two-tier process for tall buildings in this amendment. What Clarion and Ferrell Madden will look at is the more specific needs, looking at downtown, looking at those character areas, and that is acknowledged in their reporting is looking at, you know, the character areas, which is what you're describing there. And I do see the problem with having a reference back to a plan in evaluating a building taller than ten stories if we know that's already exceeded, you know, in some areas. One way you can address that is to say this review process will be for buildings above ten and 120, and in these selected areas referred to in the plan, we use that review process with the lower building. Now, I don't know if I -- I think we're getting a little more complex than we intended this ordinance to be. I think those recommendations should be followed up on in the overall district amendments. But if Commissioners feel strongly that we need to get there today, that amendment can be written. It's --

MR. REICHLIN: Well, and -- Ms. Russell?

MS. RUSSELL: October is two and a half months away, and we will have professional advice on this. I don't see why we are rushing to get this through when there are so many inconsistencies that we're looking at, and we can look at what the consultants tell us in October -- my opinion.

MS. BURNS: Am I correct --

MR. REICHLIN: Ms. Burns?

MS. BURNS: I understand what you're saying. I think, though, those are -- there'll always be recommendations, whether they give them to us in October piecemeal, or whether they give them to us in two years when the report is finished. So I think what -- what we've been charged with by City Council is to come up with some amendments, some temporary fixes to the problems that were identified. And I understand what Ms. Loe is saying, that is -- but I'm hoping that we can tonight make some recommendations on the three items that we've been asked to make recommendations on. And I guess, in general, I just want to say that I think that significantly and appropriately, we have addressed what we've

been asked to do with the exception of the height. And I think that we can work on that. I think parking, it's particularly flexible. I think the first-floor residential -- I don't want to complicate it further with an overlay district or including the entire C-2. The building height, I understand what you're saying because it's, like, well, which one are we dealing with. But with the other two, I feel very confident and other -- with the exception of what you have brought up, Ms. Loe, I feel confident also with the height that we've addressed, what people have asked us to repeatedly and we're trying -- coming up with what's best. So I don't know if we do these all at once or if we do them one at a time or if we finish our discussion on height.

MR. REICHLIN: Mr. Stanton?

MR. STANTON: Ms. Loe, I agree with you in general, but we need to come up with a solution. We either (A) -- my recommendation (A) we say anything above five stories goes up for review. That covers everybody's concerns with height, or we insert the language from the Charrette and its limitations into the height issue because I think the height issue has come up before us because of historic sensitivities, certain corridors being protected. I think that's why we're discussing this now. So if that's the issue, the Charrette kind of discusses that. We can insert the height recommendations current in the Charrette, put that into our height language, and move on.

MS. LOE: Well, something Mr. Teddy mentioned that I would just like to put back on the table. And personally I just -- I just want it to be clear. I completely agree, I want us to reach a decision, but I believe this is a significant issue or it's not clear and I just want to make sure we nail this down before we pass it. Mr. Teddy mentioned discussing whether or not we believe the Charrette Report was vetted thoroughly enough that we agree that those height limits are indeed ones we agree with at this time, and this could come back to Ms. Russell's comment that we may be receiving additional information from the Clarion consultants that could inform the decision about height. I simply don't want to ignore it at this time and let it move forward as written. If we're going to keep the Charrette Plan reference in, I believe we need to recognize those heights that are identified there. If we don't believe those height limits are substantially informed at this time, we can delete it.

MR. REICHLIN: I have -- I have a question of Staff at this time regarding this issue. Can you -- can we clarify? Is -- is the -- is the Charrette as we know it today an enforceable document? And if it's not an enforceable document or part or a part of -- part and parcel to an ordinance, is this the right opportunity to legitimize it that way?

MR. TEDDY: If someone is seeking to build a building in downtown Columbia, meaning C-2 zoning anywhere, they ask what's the height limit, we say there is none. It's the existing rules. We will use opportunities to get buildings in scale using our plans, but, right now, that would have to be more by persuasion than compulsion. One thing, if -- if you want to follow those height limits that are recommended in the Charrette as the ones that trigger this process, we could insert a clause that says 120 feet or ten stories is the maximum building height permitted by right, and then say except in those areas and then we would specify the streets that are listed in those sections of the Charrette, and say for which the limit shall be, and then --

MR. REICHLIN: But --

MR. TEDDY: But, you know, that language is going to get fairly lengthy, but that would be one way to accomplish it. Then you would have a differentiated process where if you're on Elm Street, it's going to be -- Commission and Council review is going to be triggered by a lower building or if you're on Walnut --

MR. REICHLIN: My comment on that would be that you're legitimizing something that has not been made part and parcel to ordinance. And if -- if removing the reference to the Charrette is -- if there's -- if the presence of the mention of the Charrette is part of the concern that you have, Ms. Loe, my preference and however -- I mean, how the rest of us might feel about it, is that maybe those references to the Charrette should not be there in what we're passing forward.

MR. TEDDY: I wanted to -- I provided you those exhibits because it was included in the Commission comments that they wanted to see those heights recognized.

MR. REICHLIN: And which Commission?

MR. TEDDY: We had Downtown Leadership and I think Historic Preservation.

MR. REICHLIN: I see. Okay. All right. Mr. Stanton?

MR. STANTON: I think the trend of this City, the staff, and other elected officials is that we have these visioning organizations, we have Charrette, we have all these things in place because this is the voice of the City and how they want the City to look. Why are wasting our time if we're not going to look at these -- if we're not going to look at these reports and use them to make our policy. The citizens -- the citizens of Columbia have already stated how they want the City to look. I already discussed this. We used this same -- we used this same information when we were discussing the CVS project. And if I believe -- at least from my opinion, I was looking very heavily on what the Charrette said about that area, and I think a lot of our decisions were based on how we want the look and feel of that building based on what the citizens of Columbia in that particular area of the City to look like. This is our opportunity to use these different committees envisioning all this -- people are putting in many hours to come up with these recommendations and I thought the purpose was so that we can use this information. This is the time for us to use that information.

MR. REICHLIN: Mr. Tillotson?

MR. TILLOTSON: Well, my question is this: I concur, by the way, with what's been said. My concern is we don't have the language in front of us, so how can we pass it that way without Council or staff having provided us the language. As Mr. Teddy just said, well, that it would be quite a lengthy process. We'd have to write up and put in there, so we don't know what you're writing up or what you're putting in there, so we're passing something that we don't have. So do we need to table this and come back with that? To me, it's what you're asking, and I think I personally don't want to go there. I'd like to just move along and that's just going to be an issue to be dealt with by City Council and by the new recommendations coming out. You know, personally, I would like to wait till that came out. I -- I agree with you on that point, but I think what we're doing now, we're trying to totally rewrite this document again, and I don't think there's ever going to be an end to that, so --

MR. TEDDY: I -- I won't tell the Commission what to do. I can see it's a debate, but we do have it

within your scope of discussion to recommend approval with modifications, and the modification could be a modification to the height requirement such that it's consistent with the recommendations of the Charrette and then you would just rely on the law department to write in appropriate language. But if it's important to you to see the language before you act, I can understand and appreciate that, too. But, you know, I think it's possible you can make a recommendation with a modification and the language is to be determined. I think we know what you're after or what -- at least what Ms. Loe is after is that there are certain areas in the C-2 where a lower height would be considered the threshold in the review process because that's consistent with --

MR. ZENNER: The alternative to Mr. Teddy's suggestion is to eliminate item number one, and this would go to Mr. Stanton's point. When the CVS project was reviewed by the staff, we utilized the Charrette. We utilized it as an element of our evaluation. A ten-story structure, we're specifying, in essence, a height by which we have review within the downtown. Removal of this particular provision referencing an adopted plan does not mean that if it comes to our staff, we're going to ignore the adopted Charrette Plan in our evaluation, which you ultimately will still receive, and Council will still have to deliberate on. The difference is a building that does not meet that threshold standard, not unlike today, would continue to proceed forward with construction. So I guess the question to ask of the Commissioners to think about is, is it that you believe that the Charrette's height limitations in these particular areas was appropriately vetted, is correct for the City, without the additional evaluation of the consultant that we have hired, and do you want to adopt it into an ordinance at this point, or do you want to want to allow staff to produce staff reports for your consideration and for Council's consideration that would no differently evaluate a potential project over ten stories and allow you to make a decision at that point. That's really from staff's -- from my perspective, that's really what we get. If you eliminate the standard, you do not eliminate any opportunity for us to still come back to you and tell you what the Charrette requires. Council will have that at their discretion and Council, at that point, could say your 11-story building needs to be consistent with the Charrette. But we're not reducing the ability by referencing the Charrette at this point and potentially assuming that the heights were fully vetted and that they are consistent with what the consultant's professional evaluation may be. And it is interim, so, I mean, it is something that we will have a finite end to, and that may be the option that is available to you, because we're still going to do our evaluation as a staff, and it is going to rely on the adopted plan because that is what Council's directive to us has been. We have to use those plans as we evaluate projects that come before us.

MR. REICHLIN: I have a question as to point of order, protocol, so to speak. When we -- will it -- what would be an appropriate way to resolve this particular item, a straw -- a straw vote on -- on was it item one that we're referencing? It's either with -- as governed by the Charrette and ten stories, or just ten stories? Are -- are those our two? I'm asking everybody actually, you know. Are those our two items that we --

MS. BURNS: I see it that way, and I think -- you know, we've all looked -- read the Charrette Report. And so, I think by including that, the language has already been written. We're not creating new

language, we're simply inserting what's already been looked at and not adopted, but approved. So I guess I would say the ten story and the Charrette language, that gives us more options as we recommend approval for the City Council to look at buildings as they're presented, and it covers the bases that I think we've been asked to cover.

MR. REICHLIN: So correct me if I'm wrong, but I -- what I see here is that we're making -- we're proposing an amendment to item one to include the Charrette review as part and parcel to the height limitation review that is essentially item one?

MR. TEDDY: Yeah. In other words, you -- you would make a recommendation that the height that's allowed by right would be ten stories or 120 feet, or in those areas referred to in the Charrette, the heights recommended there?

MS. BURNS: Right.

MR. TEDDY: Did that sound --

MR. REICHLIN: That sounds -- that sounds fine.

MR. TEDDY: And then -- and then the second part of it is the process --

MS. BURNS: I'll make that motion, if we're going to them one by one, or are we going to --

MR. REICHLIN: I think -- I think this one -- this one in particular ought to -- feel free.

MS. BURNS: Okay. I -- what Tim -- what Mr. Teddy said. No. I would -- I move that we, as far as the building height amendment, adopt the ten-story or 120-foot recommendation, as well as applying the Charrette Report where it is applicable.

MR. STANTON: Second.

MR. REICHLIN: Roll call, please, on that amendment.

MR. STRODTMAN: Let me catch up here. Okay.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Ms. Burns, Ms. Loe. Voting No: Mr. Reichlin, Mr. Strodtman, Mr. Tillotson, Ms. Russell. Motion is denied 4-3.**

MR. STRODTMAN: The nos --

MR. REICHLIN: Okay. So we -- we resolved that part of it. So the -- so my interpretation of that is that we are going to leave item one as is -- no?

MS. LOE: I'm not -- I'm not --

MR. ZENNER: Well, that's not --

MR. STANTON: That's what it is --

MR. REICHLIN: At the basis -- as I understand the basis of this -- this vote is that then -- then we need -- then we might have to have a separate vote in order to decide what was the ten-story review going to be part and parcel to the -- Ms. Loe?

MS. LOE: My concern is that if we're not including specific reference to the Charrette Report, we should not be referring to their Charrette Plan, which is item number one. So I -- I don't think we should be leaving item number one alone if we're not --

MR. REICHLIN: Okay.

MS. LOE: -- including the Charrette high limits.

MR. REICHLIN: Okay.

MR. STRODTMAN: Let me -- a couple --

MR. REICHLIN: Mr. Strodman?

MR. STRODTMAN: I mean, a couple -- you know, a couple thoughts I have on that is, several, and they're in no particular order. One is, I think as -- as we, the City, engage with different consultants at different points of our time, that we're going to see some different outcomes. And I think part of it's just from the consultant. I think they're going to come with maybe some predetermined -- or not predetermined, but beliefs on previous projects or maybe a bias, if you want to call it that. And so I think you -- we could end up with six reports on the desk with the same somewhat of agenda and they're going to be somewhat different outcomes and maybe just on different times. You know, when the one -- when the Charrette came out, you know, the engagement of the community maybe was more or less than it is now, and so if we were to do one now, with the consultant that we're working on, the engagement of the community may be different and so I think the outcome might be a little different. I don't want you guys to get so hung up on that one report that we -- you know -- and I think, more importantly, we were -- I think what I'm hearing from the citizens and the issues is, it's not as much that they're concerned on Walnut that it's an eight or a ten. I think they're concerned about a 22 or, you know, the sky is the limit. And so, I think the ten kind of addresses my -- what I believe is a major point. And then I think the -- my last point to get across is this is an interim and be it if we put a sunset in it or if we don't put a sunset in it, it is still an interim, and I don't want us to get so hung up on it that we -- we can't get through it, though I do agree that the clarity is needed. I think ten stories is sufficient and -- and almost delete the report -- the reference to the plan would be my personal thought.

MR. TILLOTSON: Well, can we take another crack at making a motion as written and put that to the vote. That seems to be the consensus of everybody.

MR. REICHLIN: An amendment to the motion or --

MR. TILLOTSON: Well, the first one was turned down.

MR. REICHLIN: Okay. But you're still making an amendment.

MR. TILLOTSON: No. A new -- a new motion.

MR. REICHLIN: A new -- okay. All right.

MR. TILLOTSON: I -- I can do that, can't I?

MR. ZENNER: Yes. The first -- the first motion has failed. You're back to the base document, so any amendments to the base document are available.

MR. TILLOTSON: So I believe we're kind of going through this in three parts; right? Is that what we decided? Or --

MR. ZENNER: Yes.

MR. TILLOTSON: Okay. So the first part, I make a motion to approve it as written.

MS. BURNS: Second.



MR. REICHLIN: We have a motion and a second. Roll call, please.

MR STRODTMAN: And it is as written, for clarity. Correct?

MR. TILLOTSON: Yes.

MR. STRODTMAN: As -- as written by the City staff. Right?

MR. ZENNER: Right.

MS. RUSSELL: Did that include the sunset date?

MR. TILLOTSON: No. We're not -- we're not there.

MR. STRODTMAN: Not on that time.

MS. LOE: No.

MR. TILLOTSON: Not yet.

MR. STRODTMAN: Are you ready?

MR. REICHLIN: Yes.

MR. STRODTMAN: Okay.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr Strodtman, Mr. Tillotson, Ms. Burns. Voting No: Mr. Reichlin, Ms. Russell, Ms. Loe. Motion carries 4-3.**

MR. STRODTMAN: Do my math here, I'm going to do that real quick. One, two, three, four -- four yeses. It was approved.

MR. REICHLIN: Okay. Thank you very much. So, now to the second item.

MS. BURNS: Is that first floor nonresidential?

MR. STRODTMAN: Right.

MS. BURNS: Can that be item 2?

MR. TILLOTSON: I'm sorry?

MS. BURNS: Oh. First-floor nonresidential; is that the second item that we're moving on to?

MR. ZENNER: We're doing this in reverse order. I would suggest --

MS. BURNS: I know.

MR. STANTON: I was going say, it's not --

(Multiple people speaking simultaneously.)

MR. ZENNER: You just approved -- unless -- unless -- let's make sure we understand what you just voted on. Did you intend to vote on just height, or did you intend on voting on the entire ordinance?

MR. TILLOTSON: Just height.

MR. ZENNER: Just height. Okay. So we're going in reverse order, so your next one would then be --

MR. TEDDY: Parking.

MR. ZENNER: -- parking would be if we're going to go in reverse, so parking -- your residential parking requirement is your next, and entertain a motion on that.

MR. STRODTMAN: I would make a motion to -- my recommendation would be to support as

written by City staff currently as the point half parking spaces for each bedroom, as well as the alternate ways of achieving that.

MR. STANTON: I'll second.

MR. REICHLIN: Is there any discussion on the motion?

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Ms. Burns, Ms. Loe. Voting No: Ms. Russell. Motion carries 6-1.**

MR. STRODTMAN: The motion for the parking as written by City staff has been approved.

MR. ZENNER: Street side commercial.

MR. REICHLIN: Mr. Stanton?

MR. STANTON: I have a question for staff. I have a question for staff. Before we go any further, I kind of want to ask Ms. Burns if she was concerned on the sunset. I don't want to vote on all this if we haven't addressed that. Is there a way we can vote on these individually and then come up with another amendment putting a sunset over all three issues?

MR. TEDDY: Yeah. I was under the impression you were going to consider the three sections and then you were going to have discussion of whether you should recommend the sunset.

MR. STANTON: Okay. Okay.

MR. REICHLIN: Okay. So who would like to frame the motion on the item at hand?

Mr. Tillotson?

MR. TILLOTSON: A question --

MR. REICHLIN: Oh. Go ahead, Mr. Tillotson.

MR. TILLOTSON: Just -- just a question on this street-level use. So if I have a building and then I have a business, can I have an apartment on that main level behind that?

MR. TEDDY: Yes, sir. That -- that is indicated in here that it may include --

MR. TILLOTSON: I thought I had read that. I wanted just to clarify it. But my -- my real question is -- not that we would have any landlords would do such a thing, but is there a minimum space that has to be used for your business? So they say, well, I have a business, and I'm going to two square feet up here and then I'm going to have a big apartment.

MR. ZENNER: Transparent wall between it and the shop space.

MR. TEDDY: We -- we would look at the front wall of the building or building plan. And as long as there is no visible residential space, other than access space, it would qualify. So there is no dimensional requirement to speak of, but if the space that occupies the -- the front wall that's adjacent to the street is residential space, you know, it's -- it's basically living rooms, bedrooms, you know, habitable rooms -- put it that way -- that's not going to be permitted. It could be permitted behind a commercial space, but again there's no dimensional requirement, so I suppose it -- it could be a very tiny, bandbox kind of space. But the idea of this is that, generally speaking, you're going to have places that are used and available to folks that are traveling the street on foot and you're not going to be intruding on someone's privacy, nor is

somebody who is seeking privacy going to be intruded upon, you know. That's -- that's really the -- the idea here. There's nothing from a design standpoint that says you have to have a minimum amount of window surface or doors, and those are the kind of things that might come up in the general ordinance review, but that's not part of this.

MR STRODTMAN: So -- so just to kind of echo on that, basically, what you're saying is then from wall to wall, it's going to be commercial other than maybe an entry to a residential upstairs or behind, and that entryway, wherever, or multiple entries to multiple apartments would be allowable, but other than that, it's pretty much wall to -- front -- side to side would be commercial application, whatever that might?

MR. TEDDY: Right. From the apartments that access off of alleys, and we have those in buildings that front Broadway, those are conforming. So that's -- that's encouraged by this, but -- but all you'll see on Broadway is the occasional door going to a stair shaft to access an upstairs apartment or a hallway to the back apartment. And those, you barely notice that they're there, you know, unless you're looking for them.

MR. REICHLIN: Would anybody care to frame a motion?

MS. LOE: I'll move that we pass the first-floor -- how are we structuring these -- first-floor street-level use requirement.

MR. TILLOTSON: I'll second.

MR. REICHLIN: May we have a roll call, please.

MR. STRODTMAN: Yes, sir.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Ms. Burns, Ms. Loe. Voting No: Ms. Russell. Motion carries 6-1.**

MR. STRODTMAN: That -- that motion has been passed by P & Z.

MR. REICHLIN: So then the next item would be the sunset and --

MS. LOE: I'll frame a motion.

MR. REICHLIN: Go right ahead, Ms. Loe.

MS. LOE: Okay. I move that we add, since this is an interim ordinance, a two-year sunset that -- provision for whenever the developer -- development code is approved, whichever is less.

MR. REICHLIN: You mean, whichever comes first or -- I'm just clarifying.

MR. ZENNER: Whichever occurs sooner.

MR STRODTMAN: I know.

MS. LOE: Whichever -- I'm -- that's how Mr. Teddy had it. I took notes.

MR. REICHLIN: Okay. I'm comfortable with that. I was just clarifying.

MR. STRODTMAN: Were you seconding or just clarifying?

MR. REICHLIN: I'll second.

MR. STRODTMAN: Okay. Okay. No pressure.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Reichlin,**

**Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Ms. Russell, Ms. Burns, Ms. Loe. Motion carries 7-0.**

MR. STRODTMAN: And that one also passes, so with that our recommendation for approval of those four items will be forwarded to City Council.

MR. REICHLIN: Does that take care of everything or is there still just one last item left?

MR. ZENNER: Well, that's all of the public items that we have for discussion this evening, unless you want to have more discussion on this.

MR. REICHLIN: No. I just wanted to make sure that we were -- we were clear of the issue -- of the matter. Okay.

MR. ZENNER: That's all.

MR. REICHLIN: Okay.

**VI) COMMENTS OF PUBLIC**

MR. SKALA: I really -- my name is Karl Skala, 520I Gasconade Drive. I really have a hard time sitting still and not saying anything. All I really wanted to tell you was that I appreciate the work that you have done on this and the staff's work that you've done on this. And I -- you know, I kind of reminisce that you guys really have the best volunteer job in town -- this advisory capacity. It's -- it's one that I kind of miss in some ways. But I really appreciate what you have done, and -- and I think the citizens are well served by this group. Thank you.

MR. REICHLIN: Thank you.

MR. CULLIMORE: Do you need my name and address again?

MR. REICHLIN: Please.

MR. CULLIMORE: Dan Cullimore, 715 Lyon Street. I particularly want to thank Mr. Stanton and Ms. Loe for your attention to the citizens work in developing the Charrette Plan and -- and the other planning documents that citizens have participated in for well over a decade. Your desire to see that our ordinances are consistent with those recommendations of the public is -- is commendable. I realize that all of you have come to this from various perspectives and -- and various interests and individual backgrounds. But as Mr. Stanton pointed out, the citizens really have spoken with regard to these things and -- and it is whether or not adopted as -- as legally binding ordinances by City Council, that's -- that's yet to happen, I think. And -- and whether or not those are -- are binding, they are policy recommendations and it behooves you and all of us to pay attention to those things. Thank you very much for your work.

MR. REICHLIN: Anybody else from the public at this time?

**VII) COMMENTS OF STAFF**

MR. TEDDY: Go ahead.

MR. ZENNER: No, go ahead.

MR. TEDDY: Before Mr. Zenner gives you the upcoming meeting summary, I wanted to mention to the Commission, our audience and those watching at home that Tuesday, August 5th, at 6:30, Clarion

Associates, the prime consultant on our development code, will be with us in this room, hour and a half forum, to explain their latest work which just arrived, and so we did put out a press release on this. But they're going to explain what they have done, get initial impressions since folks will have a little more than a week to at least start looking at it, but they'll also outline a process for gathering public comments on it. This text, which is called Module One of the Development Code, Zoned Districts and Permitted Uses, deals with the new zoning districts that they've outlined in the code. In other words, they're converting our existing zoning district structure to a new structure, and they're proposing a number of permitted uses and conditional uses for each district that will be some changes from what we have in our ordinance now. There's a number of new definitions. There's a number of what are called use specific standards also, and that actually occupies quite a bit of the document. But being that it's fairly lengthy and fairly dense, I think it's always best to hear from your consultant before you really dive into it because it's important for them to explain what all went into it and what their thinking is. So encourage everyone that can to attend that forum. We're aware that it's on National Night Out, so I think a lot of people have a lot of plans for that night. So -- but we hope that some can take 90 minutes to come down to City Hall and -- and visit with us. We'll also have opportunities to meet with the consultant during the day, so if you're a representative of an organization, neighborhood association, city commission, business and professional organization, we'll -- we'll be contacting you to see if you can drop by and talk to the consultant on either the afternoon of August 4th or during the daytime on August 5th. Thank you.

MR. STRODTMAN: Can I ask again what time that meeting was.

MR. TEDDY: Oh. Six-thirty p.m. in this room.

MR. STRODTMAN: August 5th?

MR. TEDDY: Yeah. Uh-huh.

MR. STRODTMAN: Thank you.

MS. RUSSELL: Is that going to stream over the internet?

MR. TEDDY: I think what we might do is look at getting a video done so those that can't attend can look at a video, and then they will leave us with the presentation, which we'll post online.

MS. BURNS: Mr. Teddy, did you say there were two meetings or just the one on the 5th?

MR. TEDDY: They're here for a day and a half.

MS. BURNS: Okay.

MR. TEDDY: But they do site visits, so they do work during the day, but they'll do an evening forum to take questions. But in this case, they're going to explain what they've done with this work. So it is available online at [gocolumbiamo.com](http://gocolumbiamo.com). Go to the community development page, the main page will have a link to it, so you can -- you can look at it, and there is about a three-page summary of what they've done, so I recommend starting with that.

MR. ZENNER: Well, and that meeting occurs just two days before our next Planning and Zoning Commission meeting, which is on the 7th of August. It will definitely be a less meaty meeting than this

evening, so you'll be able to relax and not have to think so difficult and hard on issues. We have two items only. They are both public hearings. We have a rezoning request for the Johnson Medical Building. This is a request to basically modify the existing statement of intent on currently zoned O-P land that is only permitted to be used for physicians' offices. It was one of these projects that was restricted to a single land use, something that we do not do anymore. The medical professional that owned the facility no longer is operating the business there. It is being used by someone else and they're wanting to be able to use it for professional offices, so you'll hear the story on that along with any opposition or support for it at our August 7th meeting. And then we have the Villas at Bluff Creek Estates. This is a rezoning with a PUD plan. This is off Bluff Creek Estate -- Bluff Creek Drive just north of the -- or I'm sorry -- just south of the Grindstone Creek and it backs up to U.S. 63. This is for a single-family residential development that would be for villas or duplex -- paired duplex buildings in a development that would have public streets. It is currently zoned O-1, and they are requesting to be zoned PUD to allow for lot reductions and a variety of other PUD-related modifications. Both sites are shown here on the graphics. Again the Johnson Medical Building, corner of Pratt and Ripley Street, and then our Bluff Creek Estates -- the Villas of Bluff Creek Estates on Bluff Creek Drive there overlooking U.S. 63 and the Grindstone Creek. We will have some additional information for you for the work session to present as it relates to comprehensive plan materials at the beginning of August, and then we will be continuing to move forward with other items that we have talked about recently at the work sessions at our upcoming meetings. Appreciate your attention this evening and thank you very much.

#### **VIII) COMMENTS OF COMMISSIONERS**

MR. REICHLIN: Anybody have something they would like to share?

#### **IX) ADJOURNMENT**

MR. REICHLIN: Okay. Then I'll entertain a motion for adjournment.

MS. LOE: Move to adjourn.

MR. TILLOTSON: Second.

MR. REICHLIN: We're all good. Have a good evening.

(The meeting was adjourned at 10:15 p.m.)