

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



**Agenda Item Number:** B 245-14

**Department Source:** Community Development - Planning

**To:** City Council

**From:** City Manager & Staff

**Council Meeting Date:** August 4, 2014

**Re:** An Ordinance Amending Chapter 29, Sections 29-15 and 29-30 Regarding Use of First Floor Space, Residential Parking, and Tall Structures in the C-2 Central Business District (Case 14-48)

## Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

**Supporting documentation includes:** Summary of Board/Commission Reports, Maps, Excerpts from Minutes, Correspondence from Public

## Executive Summary

Attached for Council consideration is an ordinance that makes three changes to the C-2 Central Business District. The first change establishes a requirement that permits only non-residential space on the street-side, first floor level of buildings on Broadway (Hitt Street to Providence) and Ninth Street (between Walnut and Elm). The second establishes a parking requirement for new residential construction throughout the C-2 District. The third change establishes a public review and approval process for tall structures in the C-2 District.

## Discussion

On March 17, 2014 the City Council referred a draft zoning ordinance to address the topics of first floor space, residential parking, and tall buildings in the C-2 Central Business District to the Planning & Zoning Commission. The Council asked that these three issues be examined ahead of the schedule for the comprehensive development code update.

The ordinance makes three changes to the C-2 District. It limits the use of street-facing, first-floor space on Broadway and Ninth Streets to non-residential uses. The ordinance also establishes a parking requirement for new residential construction in new buildings or building additions. Finally, the ordinance subjects buildings taller than 10 stories or 120 feet in height to a public review process following the same procedural steps as a zoning amendment.

### C-2 District Background

The City has had zoning since 1935. Originally the downtown area was zoned "District F: Central Business District" with a maximum height of eight stories or 100 feet. In the 1950s the City updated the zoning ordinance to rename "F" District C-2 and retain the maximum height standards with a special provision for maximum 45 feet and three story height applying to C-2 properties west of Third Street (Providence Road). In the early 1960s the maximum height standard disappeared. When the City adopted minimum off-street parking requirements in the 1950s, it exempted the C-2 District though C-2 zoning permitted parking lots by right in the C-2 District until the late 1990's when they were made a

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



conditional use. In the 1980s for a time all dwelling units in C-2 required a conditional use permit and were made subject to the minimum lot area/maximum residential density standards of the R-4 District. In the 1990s residential uses became permitted by right with the only limitation on density a minimum dwelling unit size.

The C-2 District as it exists today generally extends from just east of College Avenue to Garth Avenue on the west, and from north of Ash Street to Elm Street, with a number of zig-zags around the perimeter. There are also several individual properties not contiguous to the downtown C-2 District, including a parcel on Paris Road north of I-70.

The current C-2 District has a minimum of rules. There are no required yards or setbacks and there is no maximum or minimum height of buildings. There is no parking requirement for any permitted use. Surface parking lots are permitted but only as a conditional use. There is a large list of permitted uses that incorporates all permitted uses in subordinate districts R-1 through C-1 as well as uses introduced in the C-2. The permitted uses include R-3 District permitted uses subject to a minimum dwelling unit size of 400 square feet.

## First-floor non-residential requirement

Traditionally buildings in the downtown have had commercial space on the first floor level and offices or dwelling units above. More recent development is frequently single-use: office buildings, restaurants, and recently apartment buildings. In compact downtowns it is not uncommon to see requirements that first floor space be commercial or at least “active” space to help enliven the downtown streets. Residential units on the ground floor create intervals of private space between shops, offices providing services, cafes, and places of assembly where the public is encouraged to enter or at least pass by. Some ordinances take a design approach, requiring a percentage of facades to have windows and doors.

The proposed amendment prohibits residential space on the street-side, first floor level of buildings on Broadway, between Hitt Street and Providence Road, and Ninth Street between Walnut Street and Elm Street. On the streets selected, the existing use of first floor space is non-residential: retail, office, government, institutional, and religious but no residential - no properties will be made non-conforming. Residential entries to upstairs dwelling units and rear first-floor dwelling units are permitted. The ordinance aims to preserve the public nature of the streets as well as the privacy of occupants in residential buildings.

## Residential parking requirement

In C-2 the City has taken a “district” approach to parking by consolidating parking supply in public, on-street spaces, public parking garages, and public surface lots. The strategy has generally been successful by allowing property owners, builders, and investors to maximize the use of land for productive building space instead of expensive amenities like guest parking. In downtowns many visitors park once for multiple visits and this lowers parking demand per unit in comparison to less dense and diverse areas of the City.

Residential parking is unique because it requires that parking spaces be available around the clock. The City owns a large supply of parking but the majority of it is either reserved or metered hourly. If new

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



residential development generates a demand for parking without contributing to the supply, spillovers of parked cars into neighborhoods and unauthorized parking spaces may be the result.

The ratio of parking proposed for new residential development, 0.5 spaces per bedroom, is roughly half the requirement in multiple-family housing elsewhere in the City. The proposed ordinance requires parking for all new residential buildings and additions to buildings; it does not require parking for dwelling units created in existing historic buildings. The ordinance also does not affect buildings that exist today that may need to be rebuilt after a disaster, or buildings that have a permit before the effective date of the ordinance. The minimum parking can be provided on or up to one-half mile off-site provided that off-site parking is secured by an appropriate long term agreement. Ten percent of required parking may be motorbike or motorcycle parking and required bicycle parking is counted toward satisfaction of the parking requirement. There is a procedure for “parking management plans,” incorporating transit, car sharing, and other measures to reduce parking required.

## Tall structure approval

The existing C-2 provisions do not limit the height of buildings. The majority of buildings in Columbia are below high rise (i.e., approximately 70 feet) construction heights but as land values rise and site area for development and redevelopment becomes scarce in the downtown the City is likely to have more high rise structures. A number of cities have special requirements for tall structures, including step-backs above a specified floor level; open space set-asides; and street level design and use requirements; a few include building energy performance provisions. In the initial review of the C-2 District Council received a committee suggestion that the City consider a two-tier approach to building height with buildings above ten stories subject to performance or bonus provisions with specific recommendations to be prepared by the City’s professional code consultants.

The proposed ordinance does not impose a maximum height but it does require review of plans by the Planning & Zoning Commission and the City Council for any structure that exceeds ten stories or 120 feet in height, whichever applies. The ordinance includes required items of information - preliminary building elevations, representative floor plans, site plan including adjacent streets, and a shade study - and it describes the procedural steps as the same as those for rezoning or planned development approval - notice and public hearing of the Planning & Zoning Commission, Council consideration of an ordinance. There are criteria for approval that relate to public safety, traffic, utility capacity, and impacts on adjacent property.

## Planning & Zoning Commission review and recommendation

The Planning & Zoning Commission conducted public hearings on the proposed C-2 amendments on April 24, May 22, and July 24, 2014 with a work session discussion on June 19, 2014. Ultimately the Commission voted on July 24 to approve the proposed ordinance by a vote of six in favor, one opposed and two absent on both the street level non-residential and the residential parking provisions; the Commission voted four in favor, three opposed, two absent on the tall structure approval provisions. Commissioners also voted seven in favor, none opposed, two absent that there be a “sunset” to all three provisions two years from passage of the ordinance by Council or upon adoption of a new development code whichever is first to occur.

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



The Commission differed on the height issue. Some commissioners objected to the plan consistency criterion that refers to height limits recommended in City plans because the ten story tall structure definition was already above the eight story maximum heights on Broadway and five story maximum heights on Walnut recommended by the *Downtown Charrette Report*. Motions to amend the tall structure height to recognize these lower height recommendations, or strike the plan consistency criterion as written, failed to carry a majority. The issue of transitional building heights - maximum buildings heights at the edges and in other special areas of C-2 - will most certainly be considered in the general update of zoning regulations led by Clarion Associates.

## Previous hearings and issues

The proposed ordinance has been revised twice in response to public and commissioner comments. Changes include the clarification that existing buildings and buildings with building permits will not be made non-conforming; the addition of flexible parking solutions and a procedure for reduction of required parking supply; clarification of the tall structure review criteria (general language changes and a historic preservation criterion was deleted by Commission suggestion because commissioners thought it singled out tall buildings). Staff made a change to street level non-residential use requirements to allow residential entries to upstairs and rear first story space on Broadway and Ninth.

Throughout the process critics of the proposed ordinance objected to the timing of the ordinance as an interim measure that would take effect before a complete revision to the development regulations. The City's consultant, Clarion Associates, follows what they believe to be a tried and true methodology of drafting districts and uses first, then development standards like height and parking, and finally administration and enforcement for the entire city and the entire ordinance. The consultant looked at the initial draft of the interim amendments and pronounced it to be a reasonable targeted approach to several issues of concern without disrupting the larger code amendment project.

## **Fiscal Impact**

Short-Term Impact: None. Preparation and implementation of the ordinance using City forces does not require additional resources.

Long-Term Impact: None.

## **Vision, Strategic & Comprehensive Plan Impact**

Vision Impact: Community Character, Development, Downtown

Strategic Plan Impact: Growth Management, Infrastructure

Comprehensive Plan Impact: Land Use & Growth Management, Infrastructure, Livable & Sustainable Communities

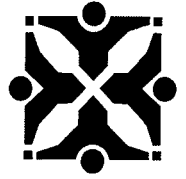
## **Suggested Council Action**

The Planning and Zoning Commission (by votes of 6-1 on the street-level non-residential; 6-1 on the residential parking; and 4-3 on the tall structures provisions) recommends approval of the ordinance and recommends (7-0) that it include a "sunset" provision that makes the new provisions effective only for a



# City of Columbia

701 East Broadway, Columbia, Missouri 65201



period of two years after passage or until a new development code is adopted by the Council, whichever shall be the first to occur.

## Legislative History

July 24, 2014: Commission hearing and recommendation

May 22, 2014: Continued Commission hearing

April 24, 2014: Initial Commission hearing

March 17, 2014: Council referral of draft to Planning & Zoning Commission

  
\_\_\_\_\_  
Department Approved

  
\_\_\_\_\_  
City Manager Approved

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 245-14

## AN ORDINANCE

amending Chapter 29 of the City Code as it relates to street-side non-residential first floor space on portions of Broadway and Ninth Street, tall structures and residential parking in C-2 (central business) zoning districts; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 29 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 29-15. District C-2, central business district.

(a) Purpose. This district is intended to provide for commercial facilities in the central business district. The principal land uses are retail sales, services, offices, mixed-use including housing and public facilities.

(b) Permitted Uses. In district C-2, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses (for exceptions, see section 29-28, Nonconforming Uses, and section 29-31, Board of Adjustment):

All permitted uses in district C-1 with the exception that dwelling units shall also be subject to section 29-8(d)(6)- and no dwelling units shall be permitted within the street-side first floor space in buildings on the following blocks within district C-2:

Broadway, from Providence Road to Hitt Street; and

Ninth Street, from the south side of Walnut Street to Elm Street.

The street-side first floor space may include separate doorways, entry spaces, and stair or elevator shafts that provide access to dwelling units on an upper floor level or behind non-residential building space.

...

(c) Conditional Uses. The following uses shall be permitted in district C-2 only after the issuance of a conditional use permit pursuant to the provisions of section 29-23:

...

- (10) All proposed construction, renovation, or alteration activities necessary to permit the facility to occupy an existing or new structure shall be in accordance with the requirements of chapter 6 and chapter 9 of this code. Activities begun before submission, review and approval of professionally sealed plans and the issuance of a building permit shall be a violation of the conditional use permit conditions and this code.

Uncovered, surface commercial parking for automobiles and light trucks abutting a public street, except for publicly-owned parking facilities. Parking areas located behind buildings, not directly adjacent to a public street (except an alley), are permitted.

Uncovered, surface off-street parking areas, except for publicly-owned parking facilities.

(d) Height and Area Regulations. In district C-2 any building, portion of a building or dwelling hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions, see section 29-26, Height and Area Exceptions):

- (1) Lot size. No minimum requirement.
- (2) Yards. No minimum requirement.
- (3) Building height. ~~No maximum height.~~ One hundred twenty (120) feet or ten (10) stories is the maximum building height permitted by right. Buildings that exceed one hundred twenty (120) feet or ten (10) stories shall be subject to review by the planning and zoning commission and approval by the city council according to the standards and procedures in section 29-15 (d)(7).
- (4) Vision clearance. No requirement.
- (5) Floor area. No minimum requirement.
- (6) Parking. On-site parking is required for dwelling units in new buildings and buildings expanded after [effective date of the ordinance]. There shall be no parking requirement for new dwelling units created in buildings or enclosed portions of buildings that are at least fifty (50) years old. There shall be no parking requirement for buildings or portions of buildings that exist as of [effective date of the ordinance] that are removed and rebuilt, in whole or in

part, to restore but not expand the previously existing building, and there shall be no parking requirement for buildings that have been issued a building permit prior to [effective date of the ordinance]. (See section 29-30, Off-Street Parking and Loading.)

- (7) Tall structure approval. All buildings that exceed one hundred twenty (120) feet or ten stories in height shall require council approval. Requests for tall structure approval in district C-2 shall require a petition on a form provided by the director and shall be referred to the planning and zoning commission for a recommendation and city council consideration of an ordinance approving the tall structure in the same manner and following the same procedural steps as described in section 29-33 of this code.

Petitioners shall provide the planning and zoning commission with preliminary building plans (elevations and representative floor plans), site plan including adjacent streets and alleys, and a shade study. A "shade study" represents, in graphic form, the shade cast by the tall structure on adjacent properties and streets, by time of day and by season. An example of adverse impacts revealed by a shade study would be complete shading of rooftop solar panels mounted on an adjacent, lower building.

A tall building may be approved by the city council if it satisfies the following criteria:

- (i) The height is consistent with adopted city plan recommendations for maximum building height in the specific location;
- (ii) The additional height will not impair emergency response to the subject building or other places in the immediate vicinity in the opinion of the fire code official and chief of police;
- (iii) The additional height will not have an adverse impact on the availability of air and light to adjacent buildings and public streets; adequate spacing exists between the proposed building and openings in the walls of an adjacent building or between the proposed building and rooftop spaces used as amenities to allow the penetration of sunlight to those openings or rooftop spaces;
- (v) The additional height will not create demand on any public utility or public infrastructure in excess of available capacity, as concluded by an engineering analysis of the projected utility loads and the existing and planned capacities of infrastructure to accommodate it; and
- (vi) Public sidewalks, crosswalks, and streets adjacent to the site are of sufficient capacity to handle the anticipated pedestrian and vehicular traffic generated by the tall structure, as concluded by a traffic impact analysis.

...

Sec. 29-30. Off-street parking and loading regulations.

(a) *General Requirements.*

- (1) Except for non-residential buildings in district C-2, existing buildings and portions of existing buildings fifty (50) years and older in district C-2 reused for residential purposes, and except as provided in subsection (a)(2), all uses established and all buildings erected, constructed, reconstructed, or expanded after November 19, 2001 shall be provided with off-street parking spaces, either in the form of parking garages or open parking areas for the parking of motor passenger vehicles, as specified herein.

...

(b) *Parking Requirements.* Off-street parking spaces shall be provided for all uses in accordance with the minimum requirement set forth in Table 29-30(b)(1).

Table 29-30(b)(1)

	<i>Required Parking</i>
<i>Residential</i>	
One- and Two-Family Dwelling Units	2 spaces/dwelling unit for one-family attached and unattached dwellings; 2 spaces/unit for two-family units having up to 2 bedrooms; three spaces/unit in two-family units of 3 or more bedrooms
One-family Attached Units	2 spaces/dwelling unit
Multi-Family Dwellings	1.0 spaces/dwelling unit for "efficiency" apartment (i.e., units without a separate bedroom); 1.5 spaces/dwelling unit for 1 bedroom units; 2 spaces/dwelling unit for 2 bedroom units; 2.5 spaces/dwelling for 3 or more bedroom units; In addition to required parking for residents, 1 space/5 dwelling units will be required for visitor parking
Dormitories	1 space/2 occupants the building is ultimately designed to accommodate
Fraternity/Sorority Houses	1 space/2 occupants
Elderly and Handicapped Housing	1 space/unit

Boardinghouse or Rooming House	1 space/2 occupants the building is ultimately designed to accommodate
Nursing (or Convalescent) Homes and Residential Care Facilities	1 space/4 beds plus 1 space/employee
Bed and Breakfast	1 space/guest room plus 2 parking spaces/dwelling unit
Motel, Hotel	1 space/room plus 1 space/20 rooms (to accommodate motel/hotel staff) plus 75% of the normal spaces required for accessory uses (e.g. banquet rooms, meeting rooms, restaurants, etc.) if applicable.
Mobile Home	2 space/dwelling unit
Temporary Shelters	1 space/employee plus 1 space/every 4 occupants the shelter is designed to accommodate
<u>Residential Uses within C-2 (Central Business District)</u>	<p><u>0.5 space/bedroom for new residential dwelling units in new buildings.</u></p> <p><u>Minimum parking supply may be located:</u></p> <ul style="list-style-type: none"> <li><u>a. Onsite in a parking structure,</u></li> <li><u>b. At-grade or below grade surface parking under a building,</u></li> <li><u>c. Surface parking behind a building,</u></li> <li><u>d. Surface parking for which a conditional use permit has been approved; or</u></li> <li><u>e. In a public or private parking structure or lot within 2,640 feet (one-half mile) of the residential entry; provided there is a written agreement to purchase or lease spaces in a public or private parking structure or lot for as long as the building is used as a residential dwelling.</u></li> </ul> <p><u>The parking requirement for standard motor vehicle parking spaces may be reduced by any of the following:</u></p> <ul style="list-style-type: none"> <li><u>a. Each motorcycle and motor scooter parking space may be counted as one vehicular parking space, up to ten percent (10%) of the total spaces required;</u></li> <li><u>b. Each required bicycle parking space shall be counted as the equivalent of one motor vehicle parking space, as specified in section 29-30(m).</u></li> </ul> <p><u>The community development director may recommend, and the city council may approve, a reduction in the calculated parking requirement based on a parking management strategy that may include some combination of:</u></p> <ul style="list-style-type: none"> <li><u>a. Car share programs;</u></li> </ul>

	<u>b. Purchase of bus passes for the use of the Columbia transit system by tenants;</u> <u>c. Provision of private transit services to building residents;</u> <u>d. A parking study that documents a reduced demand for parking.</u>
<i>Public and Quasi-Public Uses</i>	
. . .	

. . .

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



## SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Summary of Board/Commission Reports, Maps, Excerpts from Minutes,  
Correspondence from Public



**AGENDA REPORT**  
**PLANNING AND ZONING COMMISSION MEETING**  
**July 24, 2014**  
**(Updated report – Proposed Ordinance as Revised June 26, 2014)**

**SUMMARY**

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 in the C-2 District; and 3) add a "tall structure" approval procedure in the C-2 District. The City Council has requested that an ordinance on these three items be prepared for Council consideration ahead of the scheduled comprehensive update of the development codes (e.g., Chapters 29 and 25), hence the draft ordinance is labeled "interim." **(Case # 14-48)**

**DISCUSSION**

To recap, the attached ordinance would make the following changes:

1. Add a requirement that first floor building space be used for non-residential purposes on *selected blocks* within the C-2 District.
2. Add a residential parking requirement for new residential development (new dwelling units in new buildings) in the C-2 Central Business District.
3. Add a new process to approve "tall structures" (buildings exceeding 120 feet or 10 stories in height) only after the Planning & Zoning Commission has conducted a public hearing and after the Council finds that the tall structure complies with specified review standards.

Both after the initial hearing on April 24, 2014 and the continued hearing on May 22, 2014, staff produced revisions to the ordinance, the latest of which is dated June 26, 2014. A brief explanation of the proposed text and recent changes follows, and the attached draft highlights all changes including new annotations. **For an overview of the ordinance and the original public hearing draft, refer to the agenda staff report dated April 24, 2014 and the draft ordinance dated March 21, 2014.**

**First Floor "Non-residential" Requirement**

[note: Where excerpts of the proposed ordinance are quoted, new text is in **bold, underlined**; deleted text is in ~~strike through~~; recent changes are **highlighted in yellow**]

The section of the proposed ordinance limiting street side first floor space to non-residential uses reads as follows:

(b) Permitted Uses. In district C-2, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses (for exceptions, see section 29-28, Non-Conforming Uses, and section 29-31, Board of Adjustment):

Case 14-48  
"Interim" Amendments to C-2 District  
Commission Meeting Date July 24, 2014

All permitted uses in district C-1 with the exception that dwelling units shall also be subject to section 29-8(d)(6) **and no dwelling units shall be permitted within the street side first floor space in buildings on the following blocks within the C-2 District:**

**Broadway, from Providence Road to Hitt Street; and  
Ninth Street, from the south side of Walnut to Elm Street.**

**The street side first floor space may include separate doorways, entry spaces, and stair or elevator shafts that provide access to dwelling units on an upper floor level or behind non-residential building space.**

The only recent change to this part of the draft ordinance is a clarification that residential entries to dwelling units on second floor space and in rear first floor spaces are permitted on the street sides of buildings along Broadway, Ninth, and any future street where this requirement might be applied. This change is staff initiated and is intended to avoid exclusion of residential entry doors, already found on several buildings on Broadway, from the "first floor non-residential" requirement. (See p. 1, May 16, 2014 draft)

District Uniformity Issue

Staff followed up with the City Counselor on an issue raised in Columbia Board of Realtors correspondence regarding the possible violation of the state zoning enabling statute, in particular this requirement that all zoning districts be "uniform" within their boundaries:

*"The local legislative body may divide the municipality into districts ... and within such districts may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts."*

The Board of Realtors comment criticizes the proposed ordinance as singling out two streets within the C-2 district for more restrictive treatment. The ordinance in effect classifies buildings on Broadway and Ninth as distinct "classes" of buildings: Buildings on established shopping streets. Currently there are no instances of residential units (with the exception of entries) occupying first floor space on the street side on these two streets. The ordinance is intended to reinforce a pattern that has been driven by the market.

While not concluding that the draft ordinance is flawed because it violates this uniformity principle, the City Counselor advises that the City, to avoid a legal argument over the issue, can do one of two things: 1) Designate an overlay district along Broadway and Ninth to accomplish the same objective as the proposed amendment; or 2) Extend the first floor restriction to all property in the C-2 District, and allow first floor residential only by a conditional use procedure.

**Parking Requirement:**

The sections of the proposed ordinance that require parking for residential development now

reads as follows:

**(a) General Requirements:**

(1) Except for non-residential buildings in District C-2, existing buildings and portions parts of existing buildings 50 years and older in District C-2 re-used for residential purposes, and except as provided in subsection (a)(2), all uses established and all buildings erected, constructed, reconstructed, or expanded after November 19, 2001 shall be provided with off-street parking spaces, either in the form of parking garages or open parking areas for the parking of motor passenger vehicles, as specified herein.

...

(b) Parking Requirements. Off-street parking spaces shall be provided for all uses in accordance with the minimum requirement set forth in Table 29-30 (b)(1).

Table 29-30 (b) (1)

**Residential uses within the C-2 Central Business District:**

One (1) off street parking space for each 1,000 square feet of new residential development floor area (new buildings or expansions of existing buildings) in one (1) and two (2) bedroom dwelling units plus 0.5 parking spaces for each bedroom for new residential dwelling units in new buildings in dwelling units having 3 or more bedrooms.

Minimum parking supply shall may be located on-site in a parking structure, at-grade or below grade surface parking under a building, surface parking behind a building, or surface parking for which a conditional use permit has been approved; or the parking supply may be located in a public or private parking structure or lot within 2,640 feet (one-half mile) of the residential entry provided there is a written agreement to purchase or lease spaces in a public or private parking structure or lot for as long as the building is used as a residential dwelling.

The parking requirement for standard motor vehicle parking spaces may be reduced by any of the following:

Each motorcycle and motor scooter parking space may be counted as one vehicular parking space, up to one-third ten per cent (10%) of the total spaces required;

Each required bicycle parking space shall be counted as the equivalent of one motor vehicle parking space, as specified in Section 29-30(m)

The Community Development Director may recommend, and the City Council approve, a reduction in the calculated parking requirement based on a parking management strategy that may include some combination of:

Car share programs

Purchase of bus passes for the use of the Columbia Transit system by tenants

Provision of private transit services to building residents

A parking study that documents a reduced demand for parking

Case 14-48  
"Interim" Amendments to C-2 District  
Commission Meeting Date July 24, 2014

In response to comments that the draft ordinance would make a number of buildings non-conforming, the ordinance has been amended to allow buildings that exist or have a building permit on the effective date of the ordinance to be reconstructed or built, respectively, without a parking requirement – provided the previously existing or permitted buildings are not expanded. This language would allow the owner of an existing building that has residential units but no parking to avoid classification as a non-conforming building and have the ability to build back the structure to its original form if the building sustained a loss due to fire, storm, or other catastrophe.

Several changes are proposed to the original draft ordinance. In response to a comment that the parking ratio should be based on the number of bedrooms or number of dwelling units, the minimum parking standard has been changed to 0.5 spaces per bedroom.

In response to comments that the on-site parking requirement needs to be more flexible, staff has added several alternative ways, including both on and off-site solutions, to comply with the residential parking requirement. These include:

- Allowing the parking requirement to be satisfied with parking spaces obtained off-site in an existing public or private parking facility, provided the parking is within a one half-mile radius;
- Allowing smaller "motorcycle and motor scooter" spaces to satisfy part of the parking requirement (the most recent draft reduces this allowance from 30 per cent – which was a staff error - to 10 per cent of the total);
- Affirming that minimum required bicycle parking spaces may count as required vehicle spaces (this is simply a clarification of a rule already in place, but currently not applicable in C-2 since there is no current parking requirement);
- Allow for the Community Development Director to recommend and the City Council to approve a reduction in the parking requirement, based on a "parking management strategy" that may include any of several measures that reduce parking demand

### **Building Height**

The sections of the proposed ordinance that require special review of tall buildings now read as follows:

(3) Building height. ~~No maximum height.~~ **One hundred twenty (120) feet or ten (10) stories is the maximum building height permitted by right. Buildings that exceed one hundred twenty (120) feet or ten (10) stories shall be subject to review by the Planning and Zoning Commission and approval by the City Council according to the standards and procedures in section 29-15 d(7).**

(7) **Tall structure approval. All buildings that exceed one hundred twenty (120) feet or ten stories in height shall require Council approval. Requests for tall structure approval in C-2 shall require a petition on a form provided by the director and shall be referred to the Planning and Zoning Commission for a recommendation and City Council consideration of an ordinance**

approving the tall structure in the same manner and following the same procedural steps as described in Section 29-33 (Amendments).

Petitioners shall provide the Planning and Zoning Commission with preliminary building plans (elevations and representative floor plans), site plan including adjacent streets and alleys, and a shade study.

A tall building may be approved by the City Council if it satisfies the following criteria:

- (i) The height is consistent with adopted City plan recommendations for maximum building height in the specific location;
- (ii) The additional height will not impair emergency response to the subject building or other places in the immediate vicinity in the opinion of the Fire Code Official and Chief of Police;
- (iii) ~~The tall structure will not adversely affect historic buildings resources by requiring demolition of historic buildings resources, as defined in Chapter 6 of the City Code (Buildings), or by the impairment of public views of historic buildings;~~
- (iv) The additional height will not have an adverse impact on the availability of air and light to adjacent buildings and public streets; adequate spacing exists between the proposed building and openings in the walls of an adjacent building or between the proposed building and rooftop spaces used as amenities to allow the penetration of sunlight to those openings or rooftop spaces
- (v) The additional height will not create demand on any public utility or public infrastructure in excess of available capacity, as concluded by an engineering analysis of the projected utility loads and the existing and planned capacities of infrastructure to accommodate it.
- (vi) Public sidewalks, crosswalks, and streets adjacent to the site are sufficient capacity to handle the anticipated pedestrian and vehicular traffic generated by the tall structure, as concluded by a traffic impact analysis.

In response to comments about the subjectivity and unpredictability of the tall structures approval criteria, staff has added some detail for each criterion:

- The City plan recommendations criterion now clarifies the City plan recommendations for maximum building height;
- The emergency response criterion now states that the public safety officials' opinions would be given weight;
- Following the last hearing, the historic preservation criterion has been deleted at the suggestion of the Commission. Commissioners expressed a concern that tall structures should not be singled out as a threat to historic resources and questioned the effectiveness of this criterion if there were not protections for historic buildings in other contexts;
- The "availability of air and light" criterion now states that continued access of windows and rooftop amenities on neighboring properties to natural light is the expectation;

Case 14-48  
“Interim” Amendments to C-2 District  
Commission Meeting Date July 24, 2014

- The utility and infrastructure capacity criterion now states that an engineering analysis will determine if capacity exists;
- The street and sidewalk capacity criterion now states that a traffic impact analysis will be used to make the determination that the streets, sidewalks, and crosswalks are sufficient capacity to handle the proposed structure.

Staff is also aware of the comment that the “tall structure” height threshold should be lowered from ten stories in those areas within C-2 where the *Downtown Charrette Report* recommends a lower maximum height. If desired, staff could revise the draft to make specific reference to those areas (for example, five stories on Walnut and eight stories on Broadway) where the *Downtown Charrette Report* makes specific district character recommendations. The pertinent excerpt from the *Charrette Report* is attached for reference.

### **PUBLIC COMMENTS**

Public comments are wide ranging, from emphatic objection, to concerns with the piecemeal amendment of the C-2 District, to general support of the ordinance. Some organizations and individuals have submitted several letters in response to the original and revised comments.

Where comments have identified problems and suggested changes to the ordinance, staff has made an attempt to strengthen the ordinance. The latest draft, though still the subject of concerns and objections of several interested parties, has satisfied some concerns. In particular some critics of the original draft have indicated that the simplified parking calculation, the flexible parking compliance provisions, and the provisions for existing or already-permitted residential development are improvements.

In response to a suggestion that all owners of property within the C-2 District receive notice of the proposed ordinance, staff prepared and sent 224 postcard notices (sample copy attached), one to each owner of property that, according to City records, is zoned C-2. To date two owners responded directly to staff, one to note that the ownership of the parcel had changed and the other to enquire about the applicability of C-2 to property located west of Providence Road. Another made a correction to the mailing address and eight cards were returned to sender.

### **Sunset Date Suggestion**

One public suggestion not included in the latest draft is a sunset date after which the proposed regulations will cease to have effect. The Commission could include in its motion a recommendation to Council that the regulations will cease upon a specified date, unless renewed by the City Council. If the regulations expire, presumably they will be replaced by the provisions of a new development code.

Should the current proposed ordinance be approved, the City's zoning consultants will handle the amendments as the City may direct. The consultants will need to know if the revised standards should be included in the new development code or revisited in the course of making the new code.

If the Commission favors the idea of a sunset, staff would recommend a sunset date of two

Case 14-48  
"Interim" Amendments to C-2 District  
Commission Meeting Date July 24, 2014

years from Council approval. In staff's opinion it would be better to treat the issue of a sunset date as a comment to the City's consultants that they should treat the three issues of street-level space, residential parking, and tall buildings as fair game for change in the comprehensive update. If a sunset date is recommended, it should be far enough in the future to allow the Council the opportunity to fully consider the new ordinance that replaces the current proposal, and the interim ordinance should be renewable to avoid a gap between expiration of the regulations and the adoption of new ones.

**CONCLUSIONS & RECOMMENDATION**

As indicated in the previous report, the Planning and Zoning Commission may:

- 1) Recommend approval of the ordinance (in whole or in part);
- 2) Recommend approval of the ordinance (again, in whole or in part) subject to specified modifications;
- 3) Recommend denial of the ordinance (or part)

Draft ordinance ("clean" and marked-up copies), correspondence, *Downtown Charrette Report* excerpt and a map are attached.

Report prepared by Timothy Teddy

Approved by Timothy Teddy



# Downtown Charrette Report Height Recommendations

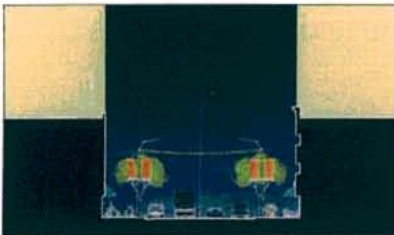
## URBAN DESIGN & PLANNING CHARRETTE



1 - PROVIDENCE EXISTING STREET SECTION



1 - PROVIDENCE EXISTING



2 - PROVIDENCE RE-CONFIGURED STREET SECTION



2 - PROVIDENCE STREETScape IMPROVEMENTS

### DISTRICT CHARACTER RECOMMENDATIONS

- **HEIGHT:** Established minimum building heights of 3 stories and maximum building heights of 10 stories
- **SETBACK:** Zero-lot line building placement
- **MATERIALS:** Primarily brick
- **USE:** Mixed-use with ground floor retail on primary streets. **NO industrial land uses** allowed within the district.
- **PARKING:** all new development shall require | include parking within their property boundaries. City will construct new parking garage located on Walnut Street between Orr Street & Hubble Street (see preferred plan for further details).

### TRANSPORTATION RECOMMENDATIONS

- Adoption of ITE Street Design Standards ("Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities")
- Embracing of the Complete Streets Policies on future transportation projects; and the development of the bike boulevard on Park Avenue connecting the proposed North Village Park & Market to the new healthy grocery on the old OSCO site, and connecting to Flat Branch Park along 4th Street and on to the MKT Trail.
- Development of the bike boulevard on Park Avenue connecting the proposed North Village Park & Market to the new healthy grocery on the old OSCO site, and connecting to Flat Branch Park along Fourth Street and on to the MKT Trail.





1- ORR EXISTING



2 - ORR STREETSCAPES, NEW PARK & MARKET, NEW DEVELOPMENT + DIVERSE HOUSING



## DISTRICT CHARACTER RECOMMENDATIONS

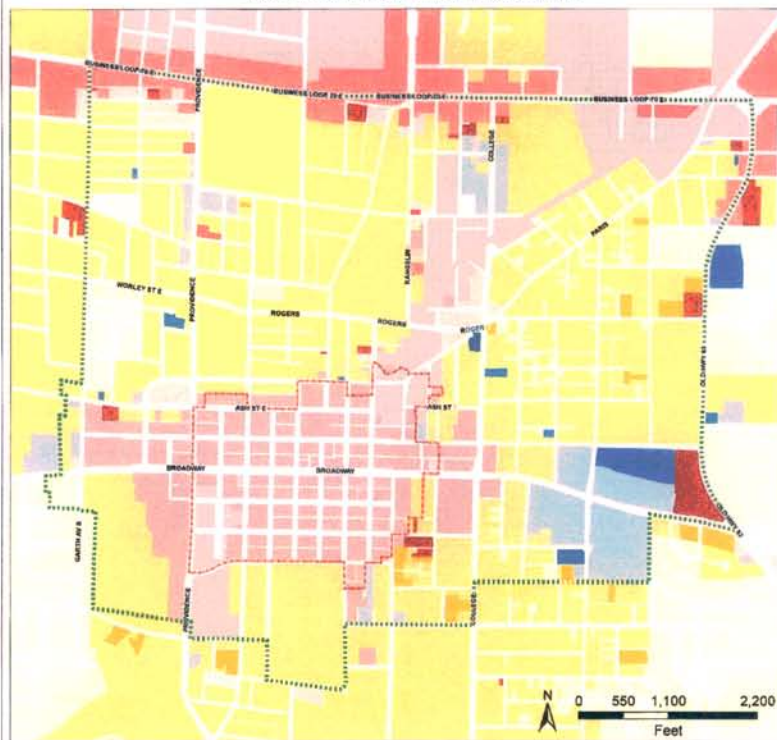
- **HEIGHT:** a 2 story minimum and 8 storey maximum on Broadway Street, a 2 story minimum and 5 story maximum on Walnut and within the neighborhood, and a 3 story minimum and 10 story maximum on Elm Street
- **SETBACK:** zero-lot line building placement or match existing within the neighborhood
- **MATERIALS:** primarily of brick materiality or match of existing within neighborhood
- **USE:** mixed-use with ground floor retail on Walnut and Broadway and area around Elm, with the remainder being residential except for corner retail, and **NO** Industrial land uses allowed within the district
- **PARKING:** all new development shall require | include parking within their property boundaries. City is currently completing a new parking garage at 5th & Walnut.

## TRANSPORTATION RECOMMENDATIONS

- Adoption of ITE Street Design Standards ("Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities"); the
- Embrace of the Complete Streets Policies on future transportation projects; incorporation of "Green Streets" Programs & Incentives; and the
- Development of the bike boulevard on Park Avenue connecting the proposed North Village Park & Market to new developments. See appendices E & F for additional imagery.

# Downtown Leadership Council Study Area Primary and Overlay Zoning Districts

City of Columbia, Community Development Department, EDD 8/3/2013



- CID Boundary
- DLC Downtown Study Area
- Zoning Districts**
- Agricultural
- Planned Unit Development
- One-Family Dwelling
- R-1 Planned Unit Development
- Two-Family Dwelling
- R-2 Planned Unit Development
- Medium Density Multi-Family
- R-3 Planned Unit Development
- High Density Multi-Family
- Residential Manufactured Home
- Office
- Special Office
- Planned Office
- Intermediate Business
- Central Business
- General Business
- Planned Business
- Research Development
- Controlled Industrial
- Underground Space
- General Industrial
- Planned General Industrial

Updated: 2/21/2014 - TAA

## EXCERPTS

### PLANNING AND ZONING COMMISSION MEETING

JULY 24, 2014

#### 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 be 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. Strodtman, 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. Strodman, 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.



2501 BERNADETTE DR.  
COLUMBIA, MO 65203  
PH: 573-445-1020  
FAX: 573-445-2613

BUSINESS PROPERTY  
LEASING & SALES

To: Tim Teddy & Pat Zenner for distribution to Planning & Zoning Commissioners  
From: Paul Land, 573-445-1020  
Subject: Interim C-2 zoning changes  
Date: July 8, 2014

Please pass this correspondence onto all Planning & Zoning Commissioners.

I have reviewed the latest draft dated 6/26/14 of interim changes. I can find no reference to a suggested sunset date of 12/31/15 (or any other date). If Council is truly committed to this being only "interim changes", then I think Planning & Zoning Commissioner's should establish a sunset date in this latest draft as part of the final product which will be sent to Council. Please don't overlook this important and relevant request.



DISCUSSION DRAFT C-2 DISTRICT *INTERIM* PARKING AND BUILDING  
HEIGHT AMENDMENTS

3/21/14

Updated 5/16/14,  
6/26/14

**Changes highlighted**

*[Note: "Interim" means this amendment is intended to be effective until the development code update project is completed. The update, scheduled to be completed by the end of calendar year 2015, may make other changes to the C-2 District and will make changes to the existing format of the Zoning Ordinance as a whole. To be successful, an interim amendment should be focused. This one focuses on the residential parking, maximum building height, and retail/commercial use at street level. Other issues should be considered in the context of the larger update to avoid disrupting the consultant scope of work and project budget]*

Chapter 29 ZONING

Section 29-15 District C-2, central business district.

(a) Purpose. This district is intended to provide for commercial facilities in the central business district. The principal land uses are retail sales, services, offices, **mixed-use including housing** and public facilities.

*[Note: Successful downtowns are mixed use, with housing providing a 24-hour downtown and a live-in market for downtown businesses. The District purpose should reflect that.]*

(b) Permitted Uses. In district C-2, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses (for exceptions, see section 29-28, Non--Conforming Uses, and section 29-31, Board of Adjustment):

All permitted uses in district C-1 with the exception that dwelling units shall also be subject to section 29-8(d)(6) **and no dwelling units shall be permitted within the street side first floor space in buildings on the following blocks within the C-2 District:**

**Broadway, from Providence Road to Hitt Street; and  
Ninth Street, from the south side of Walnut to Elm Street.**

**The street side first floor space may include separate doorways, entry spaces, and stair or elevator shafts that provide access to dwelling units on an upper floor level or behind non-residential building space.**

*[note: Previous version read "Broadway, east of 8<sup>th</sup> Street"; extended to Providence Road after Council review March 17, 2014; highlighted language clarifies that a*

*residential entrance space may occupy the street side of the first floor in mixed-use buildings]*

Armories.

Assembly and lodge halls.

Automobile repair facilities, provided that all repair shall take place within an enclosed building.

Bakeries.

Bars, cocktail lounges and nightclubs.

Billiard halls and game arcades.

Bicycle repair shops.

Bus stations.

Car washes, coin-operated or attendant-operated.

Electrical repair shop.

Garment storage facilities.

Government buildings and facilities.

Hospitals for small animals, if within an enclosed building.

Hotels.

Laundries, commercial.

Lumberyards.

Multi-level, underground or covered commercial parking for automobiles and light trucks.

Newspaper publishing plants.

Printing shops.

Restaurants, cafes and cafeterias.

Service stations, provided all fuel storage tanks are located underground.

Shops for custom work, or the manufacture of articles to be sold at retail only on the premises, provided that in such manufacture the total mechanical power

shall not exceed five (5) horsepower for the operation of any one shop, and provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) per cent of the total floor area of the entire building or the equivalent of the ground thereof, and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

Sign painting shops.

Theatres, not including drive-in theatres.

Trade schools.

Wholesale sales offices and sample rooms.

Customary accessory uses, including drive-up facilities, subject to the provisions of section 29-27.

Any retail business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

(c) Conditional Uses. The following uses shall be permitted in district C-2 only after the issuance of a conditional use permit pursuant to the provisions of section 29-23:

Halfway houses for not more than fifteen (15) occupants, provided that the board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, other halfway houses and halfway houses for young offenders for not more than forty (40) occupants.

Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.

Mortuaries, which may include a crematory.

Research and development laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.

Self-service storage facilities, subject to the following conditions:

(1) The application required by section 29-23 shall include a conceptual design plan that shows:

a. The location of the proposed facility in relation to the existing uses of the building.

- b. The square footage of the total building and area that will be allocated for the proposed facility.
- c. The means of ingress and egress to the proposed facility.
- d. The use group or groups that the building is currently permitted for as defined in chapter 6 of this code.
- e. How the altered building will address parking and loading demands generated by the proposed facility.

The conceptual design plan is not required to be “sealed” by a registered design professional. The plan may be drawn by the applicant. The plan shall be prepared in a manner that all details are legible.

- (2) The facility is incidental to the primary use of the building in which it is located (i.e., a mixed use occupancy building shall be required).
- (3) The facility shall not be used to store flammable gases, aerosols, paints, thinners, feed, fertilizer, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, construction materials, inoperable vehicles, or for bulk storage of any kind.
- (4) The use of power tools, paint sprayers, or servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment is prohibited in the facility.
- (5) The facility shall be used exclusively for the storage of goods. No individual tenant may convert, use, or otherwise alter a leased or rented unit to sell any stored item from the facility or to conduct any type of commercial activity at the facility.
- (6) When the facility is located on the first floor of a building, it shall not be located in front of the primary use so that it is the visible storefront of the building.
- (7) When the facility is located in the basement or on any floor higher than the first floor of a building, it may occupy the entire basement or floor only if existing exterior windows remain intact and are “black-out” to ensure that stored items are not visible and that the architectural integrity of the building façade is maintained. Building facades on new or renovated construction shall incorporate design elements that break-up the façade so it does not create a blank elevation.
- (8) When the facility is located in an existing or renovated building, loading and unloading activities, on public rights-of-way, shall not occur between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m. (Monday thru Friday).
- (9) When the facility is located in a newly constructed building, provision for off-street loading/unloading facilities shall be incorporated into the design of the

structure. The facility shall be of adequate depth from the right-of-way so that no blockage of the travel way will occur during loading/unloading activities. When such provision is made, the limitation on hours of loading and unloading, stated in subsection 8, shall not apply. On-site parking requirements shall be governed by the provisions of section 29-30.

(10) All proposed construction, renovation, or alteration activities necessary to permit the facility to occupy an existing or new structure shall be in accordance with the requirements of chapter 6 and chapter 9 of this code. Activities begun before submission, review and approval of professionally sealed plans and the issuance of a building permit shall be a violation of the conditional use permit conditions and this code.

Uncovered, surface commercial parking for automobiles and light trucks **abutting a public street**, except for publicly-owned parking facilities. **Parking areas located behind buildings, not directly adjacent to a public street (except an alley) are permitted.**

*[Note: The existing prohibition on surface parking is over broad. If surface parking is concealed by a building facade, should it still require a conditional use permit? The "decorative wall" provision encourages designers of parking lots to avoid the unwelcome flatness and emptiness that parking lots create adjacent to busy streets]*

Uncovered, surface off-street parking areas , except for publicly-owned parking facilities.

(d) Height and Area Regulations. In district C-2 any building, portion of a building or dwelling hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions, see section 29-26, Height and Area Exceptions):

(1) Lot size. No minimum requirement.

(2) Yards. No minimum requirement.

(3) Building height. **No maximum height. One hundred twenty (120) feet or ten (10) stories is the maximum building height permitted by right. Buildings that exceed one hundred twenty (120) feet or ten (10) stories shall be subject to review by the Planning and Zoning Commission and approval by the City Council according to the standards and procedures in section 29-15 d(7).** *[Note: The "or" is intentional. If somehow a building is ten stories and does not exceed 120 feet in height, it is still subject to the ordinance. Code requirements that result in an increased height can be accounted for in this way. "Height" excludes specified appurtenances]*

(4) Vision clearance. No requirement.

(5) Floor area. No minimum requirement.

(6) Parking. On-site parking is required for dwelling units in new buildings and buildings expanded after [effective date of the amendment]. On-site There shall be no parking requirement shall not be required for new dwelling units created in buildings or enclosed portions parts of buildings that are at least fifty (50) years old. There shall be no parking requirement for buildings or portions of buildings that exist on the [effective date of the ordinance] that are removed and rebuilt, in whole or in part, to restore but not expand the previously existing building, and there shall be no parking requirement for buildings that have been issued a building permit prior to [effective date of the ordinance]. (See section 29-30, Off-Street Parking and Loading.) [note: The ordinance would grandfather existing buildings such that developers after the institution of the parking requirement could add loft residential space within historic buildings without the burden of providing parking. Net residential expansion of the historic building would require provision of parking]

(7) Tall structure approval. All buildings that exceed one hundred twenty (120) feet or ten stories in height shall require Council approval. Requests for tall structure approval in C-2 shall require a petition on a form provided by the director and shall be referred to the Planning and Zoning Commission for a recommendation and City Council consideration of an ordinance approving the tall structure in the same manner and following the same procedural steps as described in Section 29-33 (Amendments).

Petitioners shall provide the Planning and Zoning Commission with preliminary building plans (elevations and representative floor plans), site plan including adjacent streets and alleys, and a shade study. [note: a "shade study" represents, in graphic form, the shade cast by the tall structure on adjacent properties and streets, by time of day and by season. An example of adverse impacts revealed by a shade study would be complete shading of rooftop solar panels mounted on an adjacent, lower building]

A tall building may be approved by the City Council if it satisfies the following criteria:

(i) The height is consistent with adopted City plan recommendations for maximum building height in the specific location; [note: selected City plans have recommended differentiated height limits in parts of the downtown. Though not the same as code, these recommendations acknowledge that tall structures are not appropriate in all locations]

(ii) The additional height will not impair emergency response to the subject building or other places in the immediate vicinity in the opinion of the Fire Code Official and Chief of Police; [note: In practice the PZC and Council would rely on the testimony and review comments of City emergency services experts that they believe the building makes adequate provision for fire, medical, and security emergencies]

(iii) The tall structure will not adversely affect historic buildings resources by requiring demolition of historic buildings resources, as defined in Chapter 6 of the City Code (Buildings), or by the impairment of public views of historic buildings; [note: The ordinance could single out selected "iconic" views]

such as Jesse Hall and Avenue of the Columns or it could define historic resources more generally. Language on demolition was added after Council review March 17, 2014. *A cross-reference to the City's definition of historic resources has been added.*]

**(iv) The additional height will not have an adverse impact on the availability of air and light to adjacent buildings and public streets; adequate spacing exists between the proposed building and openings in the walls of an adjacent building or between the proposed building and rooftop spaces used as amenities to allow the penetration of sunlight to those openings or rooftop spaces** [note: this section allows adjacent property owners, the City, and other users of public streets to object the impact of the building on the "livability" of neighboring places. *The highlighted language identifies the goal as maintaining sunlight to windows and selected rooftops that may need it*]

**(v) The additional height will not create demand on any public utility or public infrastructure in excess of available capacity, as concluded by an engineering analysis of the projected utility loads and the existing and planned capacities of infrastructure to accommodate it.** [note: this section allows the City to deny a building that requires utility service or infrastructure in excess of capacity. *The highlighted language requires an engineering analysis to verify infrastructure capacity*]

**(vi) Public sidewalks, crosswalks, and streets adjacent to the site are sufficient capacity to handle the anticipated pedestrian and vehicular traffic generated by the tall structure, as concluded by a traffic impact analysis.** [note: This criterion recognizes that vehicle and pedestrian trip generation from taller buildings may be out of proportion to the size and capacity of adjacent streets and sidewalks, and may be mitigated by developer contributions to improve public infrastructure with their plans. *The highlighted language requires a traffic study to substantiate the capacity of transportation and traffic systems to handle the tall structure.*

(Code 1964, § 19.163; Ord. No. 9958, § 1, 10-3-83; Ord. No. 11702, § 1, 12-7-87; Ord. No. 12088, § 1, 12-12-88; Ord. No. 13526, § 1, 12-7-92; Ord. No. 14777, § 1, 3-4-96; Ord. No. 15134, § 1, 2-3-97; Ord. No. 15471, § 1, 1-5-98; Ord. No. 16105, § 1, 8-2-99; Ord. No. 17667, § 1, 5-5-03 ; Ord. No. 20285, § 1, 6-1-09)

## **Section 29-30 Off-street parking and loading regulations.**

### **(a) General Requirements:**

(1) Except **for non-residential buildings** in District C-2, **existing buildings and portions parts of existing buildings 50 years and older in District C-2 re-used for residential purposes**, and except as provided in subsection (a)(2), all uses established and all buildings erected, constructed, reconstructed, or expanded after November 19, 2001 shall be provided with off-street parking spaces, either in the form of parking garages or open parking areas for the parking of motor passenger vehicles, as specified herein.

...



(b) Parking Requirements. Off-street parking spaces shall be provided for all uses in accordance with the minimum requirement set forth in Table 29-30 (b)(1).

Table 29-30 (b) (1)

Add: Residential uses within the C-2 Central Business District:

One (1) off-street parking space for each 1,000 square feet of new residential development floor area (new buildings or expansions of existing buildings) in one (1) and two (2) bedroom dwelling units plus 0.5 parking spaces for each bedroom for new residential dwelling units in new buildings in dwelling units having 3 or more bedrooms.

Minimum parking supply shall may be located on-site in a parking structure, at-grade or below grade surface parking under a building, surface parking behind a building, or surface parking for which a conditional use permit has been approved; or the parking supply may be located in a public or private parking structure or lot within 2,640 feet (one-half mile) of the residential entry provided there is a written agreement to purchase or lease spaces in a public or private parking structure or lot for as long as the building is used as a residential dwelling.

The parking requirement for standard motor vehicle parking spaces may be reduced by any of the following:

Each motorcycle and motor scooter parking space may be counted as one vehicular parking space, up to one-third ten per cent (10%) of the total spaces required;

Each required bicycle parking space shall be counted as the equivalent of one motor vehicle parking space, as specified in Section 29-30(m)

The Community Development Director may recommend, and the City Council approve, a reduction in the calculated parking requirement based on a parking management strategy that may include some combination of:

Car share programs

Purchase of bus passes for the use of the Columbia Transit system by tenants

Provision of private transit services to building residents

A parking study that documents a reduced demand for parking

*[Note: The one space per 1,000 square foot standard is common in mixed-use urban environments with good pedestrian infrastructure and transit availability. The "new space" criterion is a bonus provision for developers that remodel existing historic buildings to create residential units. The 0.5 per bedroom requirement for 3-4 bedroom units is a mild disincentive to build 4-bedroom units. After hearing public comments, this section has been changed to: 1) Make a uniform parking ratio based on bedrooms in the structure; 2) Allow for both on- and off-site parking solutions; 3) Allow motorcycle/motor scooter spaces to count as parking spaces to a point; 4)*



*Affirm that minimum bicycle parking can substitute for motor vehicle spaces, as already permitted by the code; and 5) Allow a process by which developers can request adjustments to the required parking with Council approval. One correction made after the May 21, 2014 public hearing: motorcycle/scooter spaces now may only count up to 10 percent of total parking requirement ]*

**"CLEAN" DRAFT C-2 DISTRICT *INTERIM* PARKING AND BUILDING  
HEIGHT AMENDMENTS**

**6/26/14**

**Chapter 29 ZONING**

**Section 29-15 District C-2, central business district.**

(a) Purpose. This district is intended to provide for commercial facilities in the central business district. The principal land uses are retail sales, services, offices, mixed-use including housing and public facilities.

(b) Permitted Uses. In district C-2, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses (for exceptions, see section 29-28, Non--Conforming Uses, and section 29-31, Board of Adjustment):

All permitted uses in district C-1 with the exception that dwelling units shall also be subject to section 29-8(d)(6) and no dwelling units shall be permitted within the street side first floor space in buildings on the following blocks within the C-2 District:

Broadway, from Providence Road to Hitt Street; and  
Ninth Street, from the south side of Walnut to Elm Street.

The street side first floor space may include separate doorways, entry spaces, and stair or elevator shafts that provide access to dwelling units on an upper floor level or behind non-residential building space.

Armories.

Assembly and lodge halls.

Automobile repair facilities, provided that all repair shall take place within an enclosed building.

Bakeries.

Bars, cocktail lounges and nightclubs.

Billiard halls and game arcades.

Bicycle repair shops.

Bus stations.

Car washes, coin-operated or attendant-operated.

Electrical repair shop.

Garment storage facilities.

Government buildings and facilities.

Hospitals for small animals, if within an enclosed building.

Hotels.

Laundries, commercial.

Lumberyards.

Multi-level, underground or covered commercial parking for automobiles and light trucks.

Newspaper publishing plants.

Printing shops.

Restaurants, cafes and cafeterias.

Service stations, provided all fuel storage tanks are located underground.

Shops for custom work, or the manufacture of articles to be sold at retail only on the premises, provided that in such manufacture the total mechanical power shall not exceed five (5) horsepower for the operation of any one shop, and provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) per cent of the total floor area of the entire building or the equivalent of the ground thereof, and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

Sign painting shops.

Theatres, not including drive-in theatres.

Trade schools.

Wholesale sales offices and sample rooms.

Customary accessory uses, including drive-up facilities, subject to the provisions of section 29-27.

Any retail business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

(c) Conditional Uses. The following uses shall be permitted in district C-2 only after the issuance of a conditional use permit pursuant to the provisions of section 29-23:

Halfway houses for not more than fifteen (15) occupants, provided that the board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, other halfway houses and halfway houses for young offenders for not more than forty (40) occupants.

Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.

Mortuaries, which may include a crematory.

Research and development laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.

Self-service storage facilities, subject to the following conditions:

(1) The application required by section 29-23 shall include a conceptual design plan that shows:

a. The location of the proposed facility in relation to the existing uses of the building.

b. The square footage of the total building and area that will be allocated for the proposed facility.

c. The means of ingress and egress to the proposed facility.

d. The use group or groups that the building is currently permitted for as defined in chapter 6 of this code.

e. How the altered building will address parking and loading demands generated by the proposed facility.

The conceptual design plan is not required to be "sealed" by a registered design professional. The plan may be drawn by the applicant. The plan shall be prepared in a manner that all details are legible.

(2) The facility is incidental to the primary use of the building in which it is located (i.e., a mixed use occupancy building shall be required).

- (3) The facility shall not be used to store flammable gases, aerosols, paints, thinners, feed, fertilizer, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, construction materials, inoperable vehicles, or for bulk storage of any kind.
- (4) The use of power tools, paint sprayers, or servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment is prohibited in the facility.
- (5) The facility shall be used exclusively for the storage of goods. No individual tenant may convert, use, or otherwise alter a leased or rented unit to sell any stored item from the facility or to conduct any type of commercial activity at the facility.
- (6) When the facility is located on the first floor of a building, it shall not be located in front of the primary use so that it is the visible storefront of the building.
- (7) When the facility is located in the basement or on any floor higher than the first floor of a building, it may occupy the entire basement or floor only if existing exterior windows remain intact and are "blacked-out" to ensure that stored items are not visible and that the architectural integrity of the building façade is maintained. Building facades on new or renovated construction shall incorporate design elements that break-up the façade so it does not create a blank elevation.
- (8) When the facility is located in an existing or renovated building, loading and unloading activities, on public rights-of-way, shall not occur between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m. (Monday thru Friday).
- (9) When the facility is located in a newly constructed building, provision for off-street loading/unloading facilities shall be incorporated into the design of the structure. The facility shall be of adequate depth from the right-of-way so that no blockage of the travel way will occur during loading/unloading activities. When such provision is made, the limitation on hours of loading and unloading, stated in subsection 8, shall not apply. On-site parking requirements shall be governed by the provisions of section 29-30.
- (10) All proposed construction, renovation, or alteration activities necessary to permit the facility to occupy an existing or new structure shall be in accordance with the requirements of chapter 6 and chapter 9 of this code. Activities begun before submission, review and approval of professionally sealed plans and the issuance of a building permit shall be a violation of the conditional use permit conditions and this code.

Uncovered, surface commercial parking for automobiles and light trucks abutting a public street, except for publicly-owned parking facilities. Parking areas located behind buildings, not directly adjacent to a public street (except an alley) are permitted.

Uncovered, surface off-street parking areas , except for publicly-owned parking facilities.

(d) Height and Area Regulations. In district C-2 any building, portion of a building or dwelling hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions, see section 29-26, Height and Area Exceptions):

(1) Lot size. No minimum requirement.

(2) Yards. No minimum requirement.

(3) Building height. One hundred twenty (120) feet or ten (10) stories is the maximum building height permitted by right. Buildings that exceed one hundred twenty (120) feet or ten (10) stories shall be subject to review by the Planning and Zoning Commission and approval by the City Council according to the standards and procedures in section 29-15 d(7)

(4) Vision clearance. No requirement.

(5) Floor area. No minimum requirement.

(6) Parking. On-site parking is required for dwelling units in new buildings and buildings expanded after [*effective date of the amendment*]. There shall be no parking requirement for new dwelling units created in buildings or enclosed portions parts of buildings that are at least fifty (50) years old. There shall be no parking requirement for buildings or portions of buildings that exist on the[*effective date of the ordinance*]that are removed and rebuilt, in whole or in part, to restore but not expand the previously existing building, and there shall be no parking requirement for buildings that have been issued a building permit prior to [*effective date of the ordinance*]. (See section 29-30, Off-Street Parking and Loading.)

(7) Tall structure approval. All buildings that exceed one hundred twenty (120) feet or ten stories in height shall require Council approval. Requests for tall structure approval in C-2 shall require a petition on a form provided by the director and shall be referred to the Planning and Zoning Commission for a recommendation and City Council consideration of an ordinance approving the tall structure in the same manner and following the same procedural steps as described in Section 29-33 (Amendments).

Petitioners shall provide the Planning and Zoning Commission with preliminary building plans (elevations and representative floor plans), site plan including adjacent streets and alleys, and a shade study.

A tall building may be approved by the City Council if it satisfies the following criteria:

- (i) The height is consistent with adopted City plan recommendations for maximum building height in the specific location
- (ii) The additional height will not impair emergency response to the subject building or other places in the immediate vicinity in the opinion of the Fire Code Official and Chief of Police;
- (iii) The additional height will not have an adverse impact on the availability of air and light to adjacent buildings and public streets; adequate spacing exists between the proposed building and openings in the walls of an adjacent building or between the proposed building and rooftop spaces used as amenities to allow the penetration of sunlight to those openings or rooftop spaces
- (iv) The additional height will not create demand on any public utility or public infrastructure in excess of available capacity, as concluded by an engineering analysis of the projected utility loads and the existing and planned capacities of infrastructure to accommodate it.
- (v) Public sidewalks, crosswalks, and streets adjacent to the site are sufficient capacity to handle the anticipated pedestrian and vehicular traffic generated by the tall structure, as concluded by a traffic impact analysis.

(Code 1964, § 19.163; Ord. No. 9958, § 1, 10-3-83; Ord. No. 11702, § 1, 12-7-87; Ord. No. 12088, § 1, 12-12-88; Ord. No. 13526, § 1, 12-7-92; Ord. No. 14777, § 1, 3-4-96; Ord. No. 15134, § 1, 2-3-97; Ord. No. 15471, § 1, 1-5-98; Ord. No. 16105, § 1, 8-2-99; Ord. No. 17667, § 1, 5-5-03 ; Ord. No. 20285, § 1, 6-1-09)

## **Section 29-30 Off-street parking and loading regulations.**

### **(a) General Requirements:**

(1) Except for non-residential buildings in District C-2, existing buildings and portions of existing buildings 50 years and older in District C-2 re-used for residential purposes, and except as provided in subsection (a)(2), all uses established and all buildings erected, constructed, reconstructed, or expanded after November 19, 2001 shall be provided with off-street parking spaces, either in the form of parking garages or open parking areas for the parking of motor passenger vehicles, as specified herein.

...

(b) **Parking Requirements.** Off-street parking spaces shall be provided for all uses in accordance with the minimum requirement set forth in Table 29-30 (b)(1).

Table 29-30 (b) (1)

Add: Residential uses within the C-2 Central Business District:

0.5 parking spaces for each bedroom for new residential dwelling units in new buildings

Minimum parking supply may be located on-site in a parking structure, at-grade or below grade surface parking under a building, surface parking behind a building, surface parking for which a conditional use permit has been approved; or the parking supply may be located in a public or private parking structure or lot within 2,640 feet (one-half mile) of the residential entry provided there is a written agreement to purchase or lease spaces in a public or private parking structure or lot for as long as the building is used as a residential dwelling.

The parking requirement for standard motor vehicle parking spaces may be reduced by any of the following:

Each motorcycle and motor scooter parking space may be counted as one vehicular parking space, up to 10 per cent (10%) of the total spaces required;

Each required bicycle parking space shall be counted as the equivalent of one motor vehicle parking space, as specified in Section 29-30(m)

The Community Development Director may recommend, and the City Council approve, a reduction in the calculated parking requirement based on a parking management strategy that may include some combination of:

Car share programs

Purchase of bus passes for the use of the Columbia Transit system by tenants

Provision of private transit services to building residents

A parking study that documents a reduced demand for parking



# COLUMBIA

## BOARD OF REALTORS®

July 22, 2014

Members, Planning & Zoning Commission  
City of Columbia, Missouri  
c/o Timothy Teddy, Director  
Department of Community Development  
P.O. Box 6015  
Columbia, MO 65205-6015

via email to all parties

Re: Proposed Interim C-2 Zoning Changes

Dear Members of the Planning & Zoning Commission:

After reviewing the most recent proposed Discussion Draft C-2 District Interim Parking and Building Height Amendments updated on June 26, 2014, The Columbia Board of REALTORS® continues to oppose any interim changes to C-2 zoning. Our position is the same as stated to you earlier. The City should wait for recommendations from Clarion Associates and Ferrel Madden, LLC, the two consulting firms it hired to review the current zoning ordinance. While some of the most recent adjustments to the draft have made progress towards parking requirements, we still oppose passage of the draft by the Members of the Planning & Zoning Commission.

Our opposition is based on the following:

- 1) The draft still makes approval for buildings over one hundred twenty (120) feet a subjective, political decision by requiring approval from the City Council. Approval for any property should be a straight forward approval process based on current building code compliance.
- 2) The draft mentions "*The height is consistent with adopted City plan recommendations for maximum building height.*" This language does not specify which plan is to be used for the approval process. In addition, the plan recommendations are a guide for development, not an ordinance. The language in the draft states that a tall building "*may be approved by the City Council if it satisfies the following criteria*", logically implying that it may not be approved if it does not meet those criteria. With the passage of the proposed changes by the City Council, a plan that should only be guide would essentially become part of an ordinance and the process for changing the plan in the future is less rigorous than a change to an ordinance making this an area vulnerable to abuse.
- 3) The draft requires a tall building not impair emergency response in the opinion of the Fire Code Official and Chief of Police. This is ceding too much power over the owner's property rights to unelected city officials. It is difficult to see by what rationale a building height would present a police response problem.

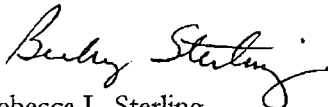


July 22, 2014  
Page Two

For a modern building, fire protection should be a design issue addressed by building codes, not an issue of political judgment on a case by case basis. What due process rights would the landowner have to challenge unfavorable recommendations by these officials? What would the standard of proof be and to what degree would you, members of the Planning and Zoning Commission, be required to defend your judgments? This provision is highly problematic to those interested in freedom, property rights and the rule of law.

Thank you for your time and we urge each of you to **not support** the proposed changes to the zoning ordinance.

Sincerely,

A handwritten signature in cursive script, reading "Rebecca L. Sterling".

Rebecca L. Sterling  
2014 President  
Columbia Board of REALTORS®

RLS:bjt

## **Discussion points for Commission on C2 amendments**

**June 19, 2014**

### **Ordinance language from latest draft (May 16, 2014)**

#### **1. First floor non-residential use requirement on Broadway and Ninth**

(b) Permitted Uses. In district C-2, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses (for exceptions, see section 29-28, Non—Conforming Uses, and section 29-31, Board of Adjustment):

All permitted uses in district C-1 with the exception that dwelling units shall also be subject to section 29-8(d)(6) **and no dwelling units shall be permitted within the street side first floor space in buildings on the following blocks within the C-2 District:**

**Broadway, from Providence Road to Hitt Street; and  
Ninth Street, from the south side of Walnut to Elm Street.**

**The street side first floor space may include separate doorways, entry spaces, and stair or elevator shafts that provide access to dwelling units on an upper floor level or behind non-residential building space.**

- Are first-floor “common spaces” within residential use acceptable to meet the requirement? (for example, rental offices, fitness rooms, lobby entrances but not rooms that are part of dwelling units)
- Impact of change on blocks cited: No building or use is made non-conforming
- Without design criteria, results will be general – not all non-residential use contributes positively to the public street
- Procedure to add streets or segments of street in future has been criticized. It should be clarified this would not be an administrative process but would require a Planning & Zoning public hearing and Council consideration of each and every change. Street segments could also be deleted
- The legality of separate treatment of two streets within C2 has been questioned. Missouri statutes say regulations within districts shall be uniformly applied. It is becoming common in zoning ordinances to make fewer and broader zoning districts but include some standards that vary according to context (for example, using two setback standards one for major and one for local street corridors). The alternative is to break out Broadway and Ninth as separate zoning districts.

#### **2. Special approval for tall buildings**

(3) Building height. ~~No maximum height.~~ One hundred twenty (120) feet or ten (10) stories is the maximum building height permitted by right. Buildings that exceed one hundred twenty (120) feet or ten (10) stories shall be subject to review by the Planning and Zoning Commission and approval by the City Council according to the standards and procedures in section 29-15 d(7)

...

(7) Tall structure approval. All buildings that exceed one hundred twenty (120) feet or ten stories in height shall require Council approval. Requests for tall structure approval in C-2 shall require a petition on a form provided by the director and shall be referred to the Planning and Zoning Commission for a recommendation and City Council consideration of an ordinance approving the tall structure in the same manner and following the same procedural steps as described in Section 29-33 (Amendments).

Petitioners shall provide the Planning and Zoning Commission with preliminary building plans (elevations and representative floor plans), site plan including adjacent streets and alleys, and a shade study.

A tall building may be approved by the City Council if it satisfies the following criteria:

- (i) The height is consistent with adopted City plan recommendations for maximum building height in the specific location;
- (ii) (ii) The additional height will not impair emergency response to the subject building or other places in the immediate vicinity in the opinion of the Fire Code Official and Chief of Police;
- (iii) (iii) The tall structure will not adversely affect historic buildings resources by requiring demolition of historic buildings-resources, as defined in Chapter 6 of the City Code (Buildings), or by the impairment of public views of historic buildings;
- (iv) (iv) The additional height will not have an adverse impact on the availability of air and light to adjacent buildings and public streets; adequate spacing exists between the proposed building and openings in the walls of an adjacent building or between the proposed building and rooftop spaces used as amenities to allow the penetration of sunlight to those openings or rooftop spaces
- (v) The additional height will not create demand on any public utility or public infrastructure in excess of available capacity, as concluded by an engineering analysis of the projected utility loads and the existing and planned capacities of infrastructure to accommodate it.

**(vi) (vi) Public sidewalks, crosswalks, and streets adjacent to the site are sufficient capacity to handle the anticipated pedestrian and vehicular traffic generated by the tall structure, as concluded by a traffic impact analysis.**

- The standards and criteria are still criticized as too vague. How will investors know that their proposal is likely to be accepted?
- Some alternatives to the above criteria the Commission may consider:
  - “Consistent with plan” could be more direct, indicating those areas where plans have recommended a height less than the two-story limit.
  - “shall not impair emergency response” could be more measurable, for example require public street/alley access on three if not four sides of the tall structure; emergency exits on at least three street frontages; a certification the building will comply with all high-rise construction requirements, including a preliminary fire flow calculation.
  - “Impairment of views” of historic structures language could refer to specific vistas (sight lines), the view of Jesse Hall, for example, or this part could be dropped.
- “Air and light to adjacent buildings and public streets is criticized as vague. There may be other means to resolve this.”
  - Require “step backs” above a particular building height, or option of uniform setbacks all the way up
  - Refer to a specific solar access standard, e.g., “four hours of access to sunlight as measured during winter solstice” and require an architect’s certification
- Demand on utilities statements require engineering analysis but the “level of service” targets are not clear. Several smaller buildings can have the same effect.
  - Water: Certification that fire flows can be met
  - Wastewater: certification from the wastewater utility that downstream sewers can pass calculated flows
  - Electric: Certification that sufficient electric power exists to meet Columbia Water & Light reliability standards
  - Stormwater – rely on Chapter 12A Land Preservation – no critical downstream storm water management structure will be breached.
- Transportation capacity relies on traffic study but it is not clear what level of service standard is desired
  - Could adopt a criterion that pre/post development conditions will maintain a constant level of service (LOS) or not degrade LOS below a particular level

Other criteria (additional or alternative) that could be considered for tall structures:

- Energy-conservation design: e.g., “thin” building design that maximizes access of natural light to interior rooms, placing less demand on non-renewable energy for heating;
- Setbacks or stepbacks, e.g., requirement that tall structures have a setback from lot lines either at grade or above a particular floor level;
- Open-space set-asides
  - A ratio-based contribution of usable open space on site or adjacent site
  - Amenity space requirement: plazas, parklets, pocket parks, bus shelters
- Design requirements
  - No exposed parking structure on streets/primary street (yet parking would be required) except for vehicle and pedestrian access. “Camouflage” or active space required in front of the parking ramp.
  - Lobby, common interior amenities, or commercial space required on ground floor
  - “Active” facades at street level – percentage of frontage with windows, entries, articulation of front

### 3. Residential parking requirement

(b) Parking Requirements. Off-street parking spaces shall be provided for all uses in accordance with the minimum requirement set forth in Table 29-30 (b)(1).

Table 29-30 (b) (1)

Add: Residential uses within the C-2 Central Business District:

One (1) off-street parking space for each 1,000 square feet of new residential development floor area (new buildings or expansions of existing buildings) in one (1) and two (2) bedroom dwelling units plus 0.5 parking spaces for each bedroom for new residential dwelling units in new buildings in dwelling units having 3 or more bedrooms.

Minimum parking supply shall may be located on-site in a parking structure, at-grade or below grade surface parking under a building, surface parking behind a building, or surface parking for which a conditional use permit has been approved; or the parking supply may be located in a public or private parking structure or lot within 2,640 feet (one-half mile) of the residential entry provided there is a written agreement to purchase or lease spaces in a public or private parking structure or lot for as long as the building is used as a residential dwelling.

The parking requirement for standard motor vehicle parking spaces may be reduced by any of the following:

Each motorcycle and motor scooter parking space may be counted as one vehicular parking space, up to one-third of the total spaces required;

**Each required bicycle parking space shall be counted as the equivalent of one motor vehicle parking space, as specified in Section 29-30(m)**

**The Community Development Director may recommend, and the City Council approve, a reduction in the calculated parking requirement based on a parking management strategy that may include some combination of:**

**Car share programs**

**Purchase of bus passes for the use of the Columbia Transit system by tenants**

**Provision of private transit services to building residents**

**A parking study that documents a reduced demand for parking**

- Criticism that staff has not taken into account impacts on property values
  - Parking is an additional cost of development; can it be recovered through rents/sales
  - Housing plus parking generally more valuable than housing without parking
  - Affordable housing impacts – possible approach is waiver for projects that do set-asides for affordable housing
- Motor cycle/motor scooter parking allowance is overstated; recommend maximum allowance of 10% of all spaces to count toward requirement
- Parking reductions are common for elderly housing – should that be included?

#### **4. General comments**

- Many comments that ordinance is premature; combine with Clarion code update
- If passed, consider a “sunset”
  - Ordinance could be an interim ordinance by design. This has been done in Columbia (e.g., electronic/changing signs in windows)
  - The possibility does exist that the general code update will be similar, or even more restrictive in one or more of the three topics
- Repeated concerns about “unintended consequences,” for example, destruction of buildings to make way for parking facilities.
  - Ordinance “testing”
  - Basis of all land use regulations is public benefit – does the benefit to the public outweigh the burden on the individual?



Patrick Zenner <przenner@gocolumbiamo.com>

---

## [Planning]: Interim C-2, for P&Z

---

**Dan Cullimore** <dancullimore55@gmail.com>  
To: planning@gocolumbiamo.com

Fri, Jun 13, 2014 at 12:00 PM

To: Commissioners, City of Columbia Planning & Zoning Commission

Resolved, June 10, 2014, by the North Central Columbia Neighborhood Association Board of Directors:

Whereas, much of the property within the southern portion of the North Central Columbia Neighborhood Association is zoned C-2, and

Whereas, C-2 is an open zoning category, wherein the public interest and common welfare as exercised by city government has little control over development therein, and

Whereas, there is little opportunity to redress either the private or the public consequences of C-2 development, and

Whereas, development within the C-2 district has had negative consequences affecting existing private residential and private commercial uses including loss of property value, loss of sales revenue, loss of or restriction of parking access, increased vandalism and litter and increased public drunkenness, to name just a few, and

Whereas, these negative consequences have also added stress to public safety, public health and public infrastructure (including storm water, sanitary sewer and parking), necessitating unexpected expenditures by city government to address these consequences, and

Whereas, the Association is determined to support initiatives that:

1. Protects tree canopy
2. Deemphasize cars and emphasizes walkability
3. Maintains scale within the built environment
4. Increases density while guarding against gentrification
5. Expands mixed use through form based zoning code, and

Whereas, the Association believes the proposed interim C-2 zoning changes and do not address these goals in total, they are, none-the-less temporary steps toward these goals and will offer some protection from the above detailed consequences of maintaining the status quo,

The North Central Columbia Neighborhood Association Board of Directors has voted to support the proposed interim C-2 zoning changes, and recommend that the Planning and Zoning Commission forward them to Council with approval, but with the following recommendation:

That any interim C-2 zoning change adheres to the recommendations of the Charrette Report of 10/08/2010 as prepared by H3 Studio, and specifically the following:

District Character Recommendations for the North Village Eco-Arts District (as found on page 23)



- HEIGHT: a 2 story minimum and 8 story maximum on Broadway Street, a 2 story minimum and 5 story maximum on Walnut and within the neighborhood, and a 3 story minimum and 10 story maximum on Elm Street
- SETBACK: zero-lot line building placement or match existing within the neighborhood
- MATERIALS: primarily of brick materiality or match of existing within neighborhood
- USE: mixed-use with ground floor retail on Walnut and Broadway and area around Elm, with the remainder being residential except for corner retail, and NO industrial land uses allowed within the district
- PARKING: all new development shall require | include parking within their property boundaries. City is currently completing a new parking garage at 5th & Walnut.

And the District Character Recommendations for the Broadway & Providence (as found on page 29)

- HEIGHT: Established minimum building heights of 3 stories and maximum building heights of 10 stories
- SETBACK: Zero-lot line building placement
- MATERIALS: Primarily brick
- USE: Mixed-use with ground floor retail on primary streets. NO industrial land uses allowed within the district.
- PARKING: all new development shall require | include parking within their property boundaries. City will construct new parking garage located on Walnut Street between Orr Street & Hubble Street (see preferred plan for further details).

Daniel Cullimore, President

North Central Columbia Neighborhood Association

715 Lyons Street

Columbia, MO 65201

—

Daniel Cullimore, President

North Central Columbia Neighborhood Association

**BROWN, WILLBRAND, SIMON, POWELL & LEWIS, P.C.**

**ATTORNEYS AT LAW**

601 EAST BROADWAY, SUITE 203

P.O. Box 1304

COLUMBIA, MISSOURI

65205-1304

TELEPHONE (573) 442-3181

FACSIMILE (573) 874-3796

ED. M. BROWN (1926-1980)

H. C. WILLBRAND

B. DANIEL SIMON

JAMES M. POWELL

MARJORIE M. LEWIS

KAREN E. HAJICEK

MARY E. CARNAHAN

R. CALEB COLBERT

SENDER'S E-MAIL: bdsimon@bwsplaw.com

June 12, 2014

Timothy Teddy, Director  
Department of Community Development  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

Honorable Members, Planning & Zoning Commission  
c/o Timothy Teddy, Director  
Department of Community Development  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

Re: Proposed Interim Amendment of C-2 (Downtown Business District) Zoning Ordinance (Section 29-15 of the Revised Ordinances of the City of Columbia, Missouri) and Companion Amendments of Section 29-30 (Off-Street Parking Requirements) of such Ordinances

Dear Mr. Teddy and Honorable Commission Members:

As previously noted, I represent BMT of Columbia, LLC ("BMT"), which is developing the new building, that is currently under construction, on the northeast corner of Broadway and Tenth Street in the City of Columbia.

We do not take a position either supporting or opposing the proposed interim amendment of the C-2 Zoning Ordinance, and the companion amendment to Section 29-30, Off-Street Parking Requirements.

We have, however, expressed, on behalf of the members of BMT (Mr. Travis McGee, Mr. Mills Menser and Mr. Bruce Rice, all of whom are local business owners), concerns about the impact that the proposed C-2 amendment, and off-street parking amendments, can have on the project of BMT, which is already under construction.

I don't want to further burden you with a further description of BMT's project, or a further statement of our concerns about the impacts that the proposed ordinance amendments may have on that project. In these respects, I would refer you to my earlier letter of April 23, 2014, a copy of which is attached.

Our concerns were adequately dealt with by the last draft of the proposed interim ordinance amendments, which was presented to the Planning & Zoning Commission with its agenda report of May 22, 2014. If the changes proposed in that draft are incorporated into the new ordinance, then the concerns of BMT, and our concerns for its project, will have been adequately dealt with.

By way of further specification of the provisions of the last draft (the one presented on May 22), which we find to be important, we note the following:

1. On-Site Parking Requirements. The new language proposed for Section 29-15(d)(6), "Parking," which such language provides that the on-site parking requirements of the new ordinance will apply only for "... dwelling units in new buildings and building expanded after [effective date of the amendment]..." and that "there shall be no parking requirements for buildings or portions of buildings that exist on the [effective date of the ordinance] that are removed and rebuilt, in whole or in part, to restore but not expand the previously existing building, and there shall be no parking requirement for buildings that have been issued a building permit prior to [effective of the ordinance]" is language that is essential to dealing with our concerns, and it is language which **WE STRONGLY URGE BE INCLUDED THE IN THE NEW INTERIM ORDINANCES, IF THEY ARE ADOPTED.**

2. Amendment to Section 29-30 Allowing Flexibility for Parking. We believe that the new language inserted in Section 29-30(1)(b)(1), by the May 22 draft, allows for appropriate for appropriate flexibility in meeting parking needs and we urge that such language be included in any draft of the proposed ordinances, such language being as follows:

"Minimum parking supply may be located on-site in a parking structure, at grade or below grade surface parking under a building, surface parking behind the building, surface parking for which a conditional use permit has been approved; or the parking supply may be located in a public or private parking structure or lot within 2,640 feet (1/2 mile) of the residential entry provided there is a written agreement to purchase or lease spaces in a public or private structure or lot for so long as the building is used as a residential dwelling."

**PROVIDED THAT THESE CHANGES, THIS NEW LANGUAGE THAT WAS INSERTED IN THE MAY 22 DRAFT, ARE INCLUDED IN THE DRAFT OF THE ORDINANCE RECOMMENDED TO THE CITY COUNCIL AND ADOPTED BY THE CITY COUNCIL, OUR CONCERNS WILL HAVE BEEN ADEQUATELY DEALT WITH.**

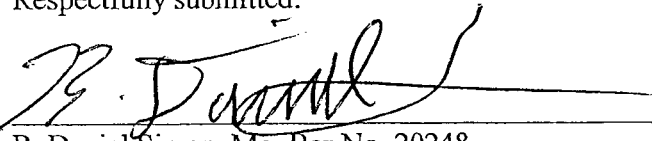
Page 3

Again, we do not take a position in support of, or in opposition to, the proposed interim amendment to the C-2 Zoning Ordinance. We do respectfully request, however, that the concerns which we have raised be dealt with, by the inclusion in the draft ordinance, or any draft of the ordinance, the language specifically referred to above in this letter.

Thank you for your very kind attention to these matters.

Respectfully submitted:

By:

A handwritten signature in black ink, appearing to read "B. Daniel Simon", is written over a horizontal line.

B. Daniel Simon, Mo. Bar No. 20248

*Attorney for BMT of Columbia, LLC*

BDS:lwg

cc: Mark Farnen  
Travis McGee  
Tom Mendenhall

Enclosure:  
4/23/14 letter

**BROWN, WILLBRAND, SIMON, POWELL & LEWIS, P.C.**

**ATTORNEYS AT LAW**

601 EAST BROADWAY, SUITE 203

P.O. Box 1304

COLUMBIA, MISSOURI

65205-1304

TELEPHONE (573) 442-3181

FACSIMILE (573) 874-3796

ED. M. BROWN (1926-1980)

H. C. WILLBRAND

B. DANIEL SIMON

JAMES M. POWELL

MARJORIE M. LEWIS

KAREN E. HAJICEK

MARY E. CARNAHAN

R. CALEB COLBERT

SENDER'S E-MAIL: bdsimon@bwsplaw.com

April 23, 2014

Michael Matthes, City Manager  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

Timothy Teddy, Director  
Department of Community Development  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

Members, Planning & Zoning Commission  
City of Columbia, Missouri  
c/o Timothy Teddy, Director  
Department of Community Development  
PO Box 6015  
Columbia, MO 65205-6015

Honorable Mayor Bob McDavid and  
Members, City Council  
c/o Sheela Amin, City Clerk  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

Honorable Mayor Bob McDavid and  
Members, City Council  
c/o Michael Matthes, City Manager  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

Pat Zenner, Manager  
Division of Planning and Services  
Department of Community Development  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

Nancy Thompson, City Counselor  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

Re: Proposed Amendment of C-2 (Downtown Business District) Zoning Ordinance and  
Concerns About Unintended Consequence/Suggested Changes/Amendments in Draft  
of Proposed Interim Amendment of C-2 Zoning Ordinance, Section 29-15 of the  
Revised Ordinances of the City of Columbia, Missouri

Page 2

Dear Mr. Matthes, Honorable Mayor and Council Members, Honorable Members of the Planning & Zoning Commission, Mr. Teddy, Mr. Zenner, Ms. Thompson, Ladies and Gentlemen:

**CONCERN ABOUT PREVIOUS LETTER OF APRIL 3, 2014**

I sent each of you a letter of April 3, 2014, a copy of which is attached hereto as **Exhibit 1**. We have discussed the matters raised in my April 3 letter with a number of you, but each of the individuals with whom we have discussed this matter has indicated that he or she has no familiarity whatsoever with, and no knowledge of, my April 3, 2014 letter. I am, therefore, taking the liberty of sending you this additional communication, concerning our concerns about the proposed interim amendment of the City's C-2 Zoning Ordinance, Section 29-15 of the City's Ordinances. We respectfully request that you consider the proposed changes in the most recent draft (at least the most recent draft that we have seen) of the interim amendment to the C-2 Zoning Ordinance, as described in this letter.

We are particularly concerned about whether or not these proposed changes in the draft interim C-2 Zoning Ordinance will be considered, because we noted that, at the City Council meeting of April 21, a gentleman was advised that proposed changes, which he proposed for an ordinance, had not been timely proposed by him.

**WE WANT TO BE ABSOLUTELY CERTAIN THAT OUR CONCERNS ABOUT THE PROPOSED INTERIM C-2 ZONING ORDINANCE WILL RECEIVE CONSIDERATION BY EACH OF YOU. WE WANT TO BE CERTAIN THAT WE HAVE COMMUNICATED THESE PROPOSED CHANGES IN A TIMELY FASHION, SO THAT THEY CAN BE APPROPRIATELY CONSIDERED.**

**NOTE THAT WHILE WE WILL MAKE ORAL PRESENTATIONS TO THE PLANNING & ZONING COMMISSION AND CITY COUNCIL, WE WANT TO MAKE OUR SUGGESTIONS AS TO THE PROPOSED CHANGES IN THE INTERIM C-2 ZONING ORDINANCE IN WRITING, IN ORDER THAT THEY MAY BE APPROPRIATELY CONSIDERED.**

**TWO MATTERS OF CONCERN**

There are two matters of huge concern to us as follows:

1. **Off-Street Parking Requirements Will Virtually Eliminate Mixed Use (Retail and Residential) Projects in Downtown Columbia.** The off-street parking requirement, which requires that off-street parking for residential uses be provided "on site" for all "new buildings" without there being any definition of "new buildings," and without there being any provision that would allow for providing the required off-street parking in "shared facilities" [including City owned parking garages], as allowed by Section 29-30(e) of the City's Ordinances [that ordinance which deals with off-street parking requirements], and without allowing that such residential parking requirements be satisfied in facilities located within 1,000' of the parking generator [such as would

be allowed for non-residential uses under Section 29-30(g) of the City's Ordinances], and without allowing for parking in above-grade facilities, will be requirements that will prevent our project described below and other highly desirable projects.

2. The Present Draft of the Existing Ordinance Will Have the Effect of Rendering a Project That Is Supported by a Substantial Segment of the Public and Some Members of the City Council an Unlawful Use/Unlawful Project. The proposed interim ordinance, without a change, will cause at least one existing, high quality, very desirable project (as described below), to become an unlawful project or unlawful use, or at best a non-conforming use, a result which we would respectfully submit would be a completely unintended consequence of the proposed draft ordinance.

### DESCRIPTION OF EXISTING PROJECT

I represent BMT of Columbia, LLC ("BMT"). BMT has purchased a vacant lot, a surface parking lot, which is located on the northeast corner of Broadway and Tenth Street in downtown Columbia. BMT proposes to construct on this property a mixed use (i.e., retail uses on the first floor and luxury apartments on floors 2 through 5) project on this property. This building will be known as "The Lofts on Broadway."

The Lofts on Broadway will consist of a five story building (which may be referred to herein as "the Building"). The first floor/main floor of the Building will be occupied by retail uses, and the top four floors will be occupied by residential apartments. Such top floors will contain approximately 32 residential apartment units ("the Apartment Units"), 28 of which are planned to be one bedroom apartments, and four of which are planned to be two bedroom apartments. BMT intends to market these Apartment Units as luxury, adult Apartment Units, to non-student residents, such as young professionals who desire to reside in a downtown, urban environment.

BMT's project represents a new, mixed-retail and residential project that meets the needs of a growing and vibrant community. Located in downtown Columbia, at the corner of Broadway and Tenth Street, this Building's concept, intended use and design comport well with both the long-term growth patterns envisioned for Columbia and with modern concepts of land use and planning.

In many ways, this new Building mirrors the recently opened Lofts on Ninth Street (directly across from Walter Williams Hall and next to the Chipotle restaurant). Many elements of design are shared by the two buildings. The same attention to energy efficiency and compactness are integrated into the design and floor plan of both structures. The first floor of both buildings is dedicated to retail use to maintain a vibrant and accessible streetscape experience. Both buildings will occupy space that previously served as surface parking lots – a land use that has fallen from favor in recent times in downtown areas.

Both buildings are designed to fit in well with surrounding structures in terms of scale, scope and use. And both are designed to promote walkability and the use of urban transportation modes.

The Lofts on Broadway Building, however, is much smaller in scale than most new downtown housing options that have been built within the past several years. The proposed Building will consist of only 32 individual living units – 28 one bedroom quarters and four units with two bedrooms – with the first floor of the Building dedicated entirely to retail use. This concept is intentionally designed to appeal to professionals who work in the downtown and surrounding college areas and to people who enjoy the urban living experience. It does not feature congregate apartment arrangements or amenities such as pools or large clubrooms.

The following is a short list of features that make the Lofts on Broadway Project a great fit for Columbia's downtown district.

A. Downtown Housing Options. The Columbia Imagined plan and dozens of specific recommendations from city commissions and neighborhood groups have indicated the desire to establish a mix of retail and professional businesses along with varied housing opportunities in the city's core. The Lofts on Broadway Project offers a mix of retail on the first floor with primarily single bedroom luxury apartments that offer urban living options not found in most new downtown housing complexes.

Close to 90% of new residential housing constructed in central Columbia caters to the increasing student population generated by growth at the City's three major colleges and universities. The Lofts on Broadway Project is designed to appeal to urban professionals or individuals who enjoy the convenience of downtown living and who are comfortable in one or two bedroom living spaces.

This addition of the Project to the downtown area actually fills a niche in what citizens and planners alike have envisioned for a vibrant downtown.

B. Infill Development. The site of the Lofts on Broadway Project has had a varied history, at one time housing commercial and retail operations, and more recently serving as a surface parking lot for some surrounding businesses. The use of this land as a mixed use retail/residential facility invokes the concept of building up – not out – and actually returns this downtown parcel to its highest and best use in terms of land use planning and density. In some regards, this could be considered to be a good example of urban revitalization.

In the larger picture, this type of strategic infill construction helps discourage urban sprawl and provides a more robust economic base for area retailers and businesses to draw upon.

C. Alternative Transportation Concepts. Urban living differs from many suburban living choices in terms of proximity to services, the availability of accessible parking and easy access to alternative modes of transportation. The Lofts on Broadway Project is located in the heart of the City,



providing easy access to Columbia's major bus routes, and making many services and amenities available within walking or biking distance of an individual's home. To this end, the Lofts on Broadway Project will provide each resident with an offsite parking space in the City's new Short Street parking garage, a city-owned garage, along with an annual pass for City bus service. Such a scenario helps reduce automobile congestion; discourages the use of automobiles for short trips; maximizes the use of existing parking facilities; and encourages the use of public transportation on a regular basis without impeding the mobility of any downtown resident. Such a scenario also discourages competition for on-street parking with surrounding neighborhoods or downtown workers.

D. High Quality Design Concepts. The Lofts on Broadway Project will be constructed using high quality materials and interior design techniques that will enhance the physical appeal and livability of the structure. In addition, the Building will be constructed to be highly energy efficient, making it less of a drag on existing infrastructure than many comparably sized existing buildings.

Currently, downtown Columbia reflects significant diversity in terms of its blend of both old and new structures. Although the Lofts on Broadway Project will have a more modern facade than some existing businesses, it will fit in nicely with the Broadway streetscape that includes historic Stephens College, the very modern Broadway Hotel, two older stately banking institutions, one more modern bank, a multitude of two-story retail and apartment structures and the recently renovated City Hall which offers a unique blend of old and new architecture.

E. Size and Scale. Building up does not necessarily mean building big. The Lofts on Broadway Project will feature just 32 living units with a first floor dedicated to retail use. The entire Building will be just five stories tall, making it substantially smaller and more compact than the new Broadway Hotel, less than one block away, that features 117 rooms and is substantially taller with retail at the top and bottom.

The Project is expected to have no negative impact on surrounding businesses, so much so that at least two surrounding business owners have become investors in this project.

F. Summary. In summary, The Lofts on Broadway Project represents a carefully thought out plan that matches the vision and desires for downtown improvement expressed by numerous groups and City commissions during the past several years. The attention to detail, the use of modern building practices and strategies and its unique location will make this project one that will endure and serve the community well – well past the 2030 date targeted in the Columbia Imagined report.

The Project is expected to get underway during the second quarter of 2014 and be open for business and residents by the third quarter of 2015.

**GENERAL CONSENSUS THAT LOFTS ON BROADWAY PROJECT IS A HIGHLY  
DESIRABLE PROJECT AND SHOULD GO FORWARD/SEWER ISSUES AND  
PARKING ISSUES ARE RESOLVED**

BMT, and its consultants and representatives, have engaged in substantial discussion about The Lofts on Broadway project, with members of the public and some members of the City Council. To date, a consensus of support for this project has been received. As of the date of this letter, we are not aware of any opposition to this project.

A. Sewer and Infrastructure Concerns. The sole concern expressed by the City staff about the project would be that, under most circumstances, sewer service for this Lofts on Broadway project would be provided through the use of an 8" City sewer main ("the 8" Main") which runs east and west, from approximately Tenth Street to approximately Fourth Street, within the right-of-way for an east-west running alley. That alley is the alley runs along the rear of the buildings that are located on the north side of Broadway, and which face Broadway. These buildings include the City of Columbia City Hall. The City has experienced difficulties with this 8" Main. Therefore, BMT will, at substantial expense, install a sewer force main which will direct the sewage from The Lofts on Broadway project, east, to the Park Avenue sewer main, which has the capacity to serve The Lofts on Broadway project, and which already serves a new large hotel. In addition, BMT will make a \$50,000 contribution to the City, to be used by the City at a time of its choice and in a manner selected by it, to help defray the cost of improvement of infrastructure, including sewers, that serve downtown Columbia. It is believed that BMT will be granted by the City a "Right of Use Permit" for the installation of the sewer force main described above.

B. Parking. BMT is dealing with the parking requirements of the tenants of the apartment units within The Lofts on Broadway Building by leasing 40 parking spaces within the City's Short Street parking garage, the City's newest parking garage. That parking garage is located within 1,000' of the BMT Building. Residents of the apartment units will, therefore, be provided with off-street parking. In addition, BMT will acquire bus passes for the apartment residents, which will encourage the use of the City's bus system. BMT's project is designed to decrease the need for use of motor vehicles and to encourage walkability and bikeability, as well as use of the City's municipal bus system.

**DESIRABILITY OF PROJECT**

For all of the reasons set forth above, it is respectfully submitted that The Lofts on Broadway project is the type of project which should be built in downtown Columbia and which should be encouraged and supported. It is not the type of project which should be discouraged or prevented. Yet the proposed interim amendment to the C-2 Zoning Ordinance will substantially interfere with, or even outright prevent this very desirable project and similar projects.

**PROPOSED ORDINANCE WOULD PREVENT THIS PROJECT AND SIMILAR PROJECTS**

The most recent proposed draft of the interim C-2 Zoning Ordinance amendment would have the effect of substantially interfering with The Lofts on Broadway project, and similar desirable projects; if not, in fact, totally preventing such projects, for the following reasons:

1. Off-Street Parking Requirements Cannot be Satisfied. The off-street parking requirements, which require that off-street parking for residential uses be provided "on site" for all "new buildings" without there being any definition of "new buildings," and without there being any provision that would allow for providing the required off-street parking in "shared facilities" [including City owned parking garages], as allowed by Section 29-30(e) of the City's Ordinances [that ordinance which deals with off-street parking requirements], and without allowing that such residential parking requirements be satisfied in facilities located within 1,000' of the parking generator [such as would be allowed for non-residential uses under Section 29-30(g) of the City's Ordinances], and without allowing for parking in above-grade facilities, cannot practicably, or even possibly, be satisfied by The Lofts on Broadway project, or similar projects, and these off-street parking requirements will, therefore, bar the placement of such highly desirable projects in downtown Columbia.

2. Unlawful Use. Unless the proposed ordinance is amended in a manner comparable to Section 29-30(a)(2) of the current City's Ordinances [Off-Street Parking Requirements], so as to exempt existing buildings, and buildings for which building permits have been granted before the new ordinance is adopted, and buildings for which building permits have been requested and plans for which have been substantially reviewed prior to such date of adoption, The Lofts on Broadway project and any comparable projects which are now underway, could be barred or, at best, become non-conforming uses, with the creation of resulting unfairness, injustice, and practical difficulties as hereinafter described in this letter.

**OFF-STREET PARKING**

Mixed use projects should be encouraged for downtown Columbia. Mixed uses should include some residential uses. Downtown lots are quite restricted, in size, and it is difficult, if not impossible, to provide on site parking on such lots and still provide dwelling units for reasonable rents. To allow that required off-street parking be provided offsite, in shared facilities, or City of Columbia parking garages, or within a distance of 1,000', would appear to be appropriate. Above-grade parking structures would also seem to be appropriate. The current draft of the proposed ordinance allows for none of these ways to meet the off-street parking requirements.

We would respectfully ask that you consider including a provision in the proposed change in Section 29-30 (as proposed for the new ordinance) as follows:

"Off-street automobile parking facilities for residential uses, as required in Zoning District C-2 by amendment of this Section 29-30 adopted effective \_\_\_\_\_ [here insert effective date of amendment], may be provided by either: (i) parking facilities which are located on the premises of the site of the building in a parking structure that is located below grade, under the building, or above grade within the building, or (ii) surface parking located behind the building; or (iii) surface parking for which a conditional use permit has been approved; or (iv) upon approval by the Director of Community Development, within shared parking facilities (as described in Section 29-30(e) of the Ordinances of the City of Columbia), or within City of Columbia owned and managed parking facilities; provided that such shared parking facilities or City of Columbia facilities are located within one thousand feet (1,000') of the parking generator building. Alternatively, the required residential parking for such a building in Zoning District C-2 (as required by amendment adopted effective on such date), may, with the approval of such Director, be located within facilities located in District C-2, which are located within one thousand feet (1,000') of the building, and which are owned or controlled by the building owner, or the ownership or control of which is shared by the building owner."

This change in the ordinance will allow for the placement in Zoning District C-2, Downtown Columbia, of mixed use projects such as The Lofts on Broadway. This change will provide appropriate flexibility for the meeting of the parking requirements. A failure to make this change in the proposed ordinance will have the effect of barring these types of developments in downtown Columbia, which would seem to be a completely unintended consequence of the proposed interim ordinance.

#### **ALLOWING CURRENT PROJECTS TO GO FORWARD**

BMT has, in reliance upon the current rules and regulations, and the current requirements of Section 29-15, Zoning District C-2 (Central Business District), purchased the property for The Lofts on Broadway project, and obtained engineering and architectural plans and specifications for such project, and submitted such plans to the City for review, and has sought a building permit for its project. These efforts have caused BMT to incur costs of almost \$1,000,000. These costs were incurred in justifiable reliance upon the currently existing City Ordinances. If the proposed ordinance is adopted, in its current configuration, without the changes described in this letter, then BMT's Lofts on Broadway project, and similar projects, will not be practicable. In other words, a very substantial monetary investment may be lost. To allow someone to make an investment in reliance upon current laws and regulations, and to then change those laws and regulations, thereby causing a loss of investment, would be to cause a great unfairness and injustice. The proposed interim amendment of the C-2 Zoning Ordinance requires "on-site" parking for all residential units (a requirement that cannot be practicably fulfilled as described above) for "new buildings." There is no definition as to what is or is not a "new building." In this respect, we would refer you to Section 29-30 of the City's existing off-street parking regulations. Section 29-30(a)(2) provides that

the new off-street parking requirements of Section 29-30, which were apparently adopted in November 2001, would not apply to:

"1. Any use or building for which a building permit was issued before November 20, 2001 ... (subject to certain limitations, including that the building be completed within two years). . . ;

2. Any use or building for which plans were submitted to the City and were under review by City staff on November 19, 2001; provided that the plans were in substantial compliance with all City ordinances and regulations, the plans are approved by the City, building permits are issued for the structure shown on the plans. . . "

Respectfully, the term "new buildings," as it appears in the proposed draft interim C-2 Zoning Ordinance, is imprecise. It is subject to a number of arguments and legal interpretations. This term needs to be defined. We would respectfully suggest that the term should be defined by reference back to Section 29-30(a)(2), and that the term "new buildings" should be defined so as to exclude from the off-street parking requirements, existing buildings and uses, and buildings for which building permits were issued or for which plans and specifications were submitted to the City for review before the date of adoption of the interim ordinance.

With this thought in mind, we would respectfully suggest that for purposes of the off-street parking requirements, subsection (d)(6) of the draft ordinance should be amended to read as follows:

"(6) Off-street Parking. Off-street parking is required for all dwelling units located in Zoning District C-2, as required by the following provisions of this subsection (d)(6) of this Section 29-15 and as required by the amendment made to Section 29-30 of the City's Ordinances \_\_\_\_\_ [here insert effective date of amendment], provided, however, that off-street parking shall not be required for:

i. Existing dwelling units in any existing building, which exists as of \_\_\_\_\_ [the effective date of the amendment]; or

ii. Dwelling units placed within a building, for which a building permit was issued by the City before \_\_\_\_\_ [here insert effective of the amendment]; provided that the dwelling units are depicted or shown on the plans presented to the City as a part of the application for the building permit for such building, and that the construction of the building is begun within one hundred eighty (180) days of such date, and such construction is completed within two (2) years of such date; or

iii. Any dwelling units placed within a building for which plans were submitted to the City and were under review by the City staff in conjunction with the procedures for obtaining a building permit from the City by \_\_\_\_\_ [the effective date of the amendment]; provided that the dwelling units are depicted on the plans presented to the City prior to such date, and that the plans are found by the City to be in substantial compliance with all City ordinances and regulations, and that the plans are approved by the City and a building permit for the building is issued for the building shown on the plans, and construction of the building is begun within one hundred eighty (180) days of the issuance of the building permit and is completed within two (2) years of the issuance of the building permit; or

iv. Dwelling units created after \_\_\_\_\_ [here insert the same date] in buildings or parts of buildings that are least fifty (50) years old;

provided further, however, that off-street parking is required for all dwelling units located within buildings in District C-2, other than those dwelling units located within buildings described in subparts i, ii, iii and iv above, and that off-street parking shall also be required for additional dwelling units which are placed in buildings that are (or the number of dwelling units in which are) expanded after \_\_\_\_\_ [here insert the effective date of the amendment] other than dwelling units created in buildings or parts of buildings that are at least fifty (50) years old."

#### **NON-CONFORMING USES AND UNLAWFUL USES**

Respectfully, we submit that you do not want this proposed interim ordinance to be "punitive" in nature; meaning that it would be an ordinance that will make current buildings and uses unlawful and non-conforming uses, or an ordinance which would prevent the completion of projects which are currently underway, such as BMT's Lofts on Broadway project described above. While it is true that under Section 29-28 of the City's Ordinances, the owner of currently existing non-conforming structures can continue to use such structures in the manner in which they were being used before the Zoning Ordinance is changed, there are nevertheless substantial practical difficulties for property owners of non-conforming uses as follows:

1. There is no clear, bright-line legal test for determining when non-conforming use rights vest in buildings that are not completed, when an ordinance change is adopted;
2. Buildings which are placed in a non-conforming use status are difficult (sometimes impossible) to insure for fire and casualty purposes;
3. Mortgage lenders, particularly large institutional mortgage lenders (such as insurance companies which make a number of mortgage loans in this area) are reluctant to provide

mortgage loans (or flatly will not provide mortgage loans) for facilities which are classified as non-conforming uses. [To the contrary, these mortgage lenders require a zoning endorsement for the applicable title insurance or a so-called "zoning letter" from the public officials, each of which indicates that the existing use of the facility is a "permitted use" within the zoning district within which the facility is located, and that "it is not a non-conforming or conditional use." Therefore, placing buildings in downtown Columbia in a non-conforming use status makes it difficult, if not impossible, for the owners of those buildings to engage in usual and customary mortgage financing and refinancing.]

4. Under Section 29-28 of the City's Ordinances, and particularly Section 29-28(b), "No structural repairs or alterations or extensions may be made to a non-conforming use structure (except those required by law or ordinance)" . . . provided that the board [of adjustment] by special permit in the case of evident hardship may grant an extension of a non-conforming use "not exceeding 25% of the first floor." So structural repairs or alterations are restricted.

5. Buildings which are non-conforming use buildings may not be replaced or repaired in the event of loss by fire or other casualty.

6. Past experience indicates that obtaining any building permit for a non-conforming structure is, at best, difficult to do.

Respectfully, we would submit that the proposed change in the C-2 Zoning Ordinance may well have the unintended consequence of placing buildings in a non-conforming use status, and that this circumstance will cause other unintended consequences, such as those described above.

#### SUMMARY OF PROPOSED CHANGES

For all of the reasons set forth above, we would respectfully suggest that the following changes/modifications should be made in the draft of the proposed interim C-2 Zoning Ordinance, and in the companion proposed changes in Section 29-30 (Off-Street Parking and Loading Regulations):

A. Definition of Buildings to Which Off-Street Parking Requirements Will Apply and Those to Which Such Requirements Do Not Apply. Subsection (d)(6) of the proposed ordinance be amended to read as follows:

"(6) Off-street Parking. Off-street parking is required for all dwelling units located in Zoning District C-2, as required by the following provisions of this subsection (d)(6) of this Section 29-15 and as required by the amendment made to Section 29-30 of the City's Ordinances \_\_\_\_\_ [here insert effective date of amendment], provided, however, that off-street parking shall not be required for:

i. Existing dwelling units in any existing building, which exists as of \_\_\_\_\_ [the effective date of the amendment]; or

ii. Dwelling units placed within a building, for which a building permit was issued by the City before \_\_\_\_\_ [here insert effective of the amendment]; provided that the dwelling units are depicted or shown on the plans presented to the City as a part of the application for the building permit for such building, and that the construction of the building is begun within one hundred eighty (180) days of such date, and such construction is completed within two (2) years of such date; or

iii. Any dwelling units placed within a building for which plans were submitted to the City and were under review by the City staff in conjunction with the procedures for obtaining a building permit from the City by \_\_\_\_\_ [the effective date of the amendment]; provided that the dwelling units are depicted on the plans presented to the City prior to such date, and that the plans are found by the City to be in substantial compliance with all City ordinances and regulations, and that the plans are approved by the City and a building permit for the building is issued for the building shown on the plans, and construction of the building is begun within one hundred eighty (180) days of the issuance of the building permit and is completed within two (2) years of the issuance of the building permit; or

iv. Dwelling units created after \_\_\_\_\_ [here insert the same date] in buildings or parts of buildings that are least fifty (50) years old;

provided further, however, that off-street parking is required for all dwelling units located within buildings in District C-2, other than those dwelling units located within buildings described in subparts i, ii, iii and iv above, and that off-street parking shall also be required for additional dwelling units which are placed in buildings that are (or the number of dwelling units in which are) expanded after \_\_\_\_\_ [here insert the effective date of the amendment] other than dwelling units created in buildings or parts of buildings that are at least fifty (50) years old."

B. Proposed Modifications in Draft of Changes to Section 29-30, Off-Street Parking and Loading Regulations. The parking requirements which appear at the conclusion of page 7 of the proposed draft ordinance (or at least on page 7 of the draft we have seen), and which starts "Add: Residential Uses Within C-2 Central Business District:", should be changed to read as follows:

"Table 29-30(b)(1):

Add: Residential Uses within C-2 Central Business District:



One (1) off-street parking space for each 1,000 square feet of new residential development floor area (new buildings or expansions of existing buildings) in one (1) and two (2) bedroom dwelling units plus 0.5 parking spaces for each bedroom in dwelling units having 3 or more bedrooms.

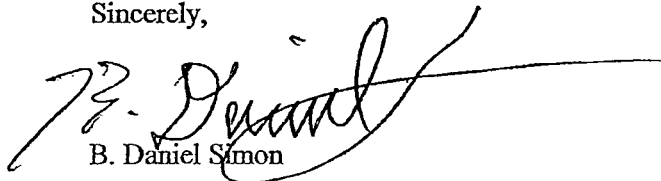
Off-street automobile parking facilities for residential uses, as required in Zoning District C-2 by amendment of this Section 29-30 adopted effective \_\_\_\_\_ [here insert effective date of amendment], may be provided by either: (i) parking facilities which are located on the premises of the site of the building in a parking structure that is located below grade, under the building, or above grade within the building, or (ii) surface parking located behind the building; or (iii) surface parking for which a conditional use permit has been approved; or (iv) upon approval by the Director of Community Development, within shared parking facilities (as described in Section 29-30(e) of the Ordinances of the City of Columbia), or within City of Columbia owned and managed parking facilities; provided that such shared parking facilities or City of Columbia facilities are located within one thousand feet (1,000') of the parking generator building. Alternatively, the required residential parking for such a building in Zoning District C-2 (as required by amendment adopted effective on such date), may, with the approval of such Director, be located within facilities located in District C-2, which are located within one thousand feet (1,000') of the building, and which are owned or controlled by the building owner, or the ownership or control of which is shared by the building owner."

#### RESPECTFUL REQUEST

For all of the reasons hereinabove set forth in this letter, we respectfully suggest that the changes in the proposed ordinance, which are suggested in this letter, be made. We believe that these changes will eliminate arguments, some uncertainty and some substantial hardships, practical difficulties and enormous unfairness. We do not believe that you intend to bring about these hardships, difficulties or other problems. If you can make these simple changes in the proposed ordinance, then we think you can make these changes without and adverse impact on the intentions behind the amendment to the C-2 Zoning Ordinance.

Thank you for your very excellent attention to these matters.

Sincerely,

  
B. Daniel Simon

BDS:lwg

**BROWN, WILLBRAND, SIMON, POWELL & LEWIS, P.C.**

**ATTORNEYS AT LAW**

601 EAST BROADWAY, SUITE 203

P.O. Box 1304

COLUMBIA, MISSOURI

65205-1304

TELEPHONE (573) 442-3181

FACSIMILE (573) 874-3796

ED. M. BROWN (1926-1980)

H. C. WILLBRAND

B. DANIEL SIMON

JAMES M. POWELL

MARJORIE M. LEWIS

KAREN E. HAJICEK

MARY E. CARNAHAN

R. CALEB COLBERT

SENDER'S E-MAIL: bdsimon@bwsplaw.com

April 3, 2014

Michael Matthes, City Manager  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

*via email to all parties*

Timothy Teddy, Director  
Department of Community Development  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

Members, Planning & Zoning Commission  
City of Columbia, Missouri  
c/o Timothy Teddy, Director  
Department of Community Development  
PO Box 6015  
Columbia, MO 65205-6015

Honorable Bob McDavid and Members, City Council  
City of Columbia, Missouri  
PO Box 6015  
Columbia, MO 65205-6015

Re: Proposed Amendment of C-2 (Downtown Business District) Zoning Ordinance and  
Concerns About Unintended Consequence

Dear Mr. Matthes, Honorable Mayor and Council Members, Mr. Teddy, Ladies and Gentlemen:

Without directing attention to any specific client, I would like to raise some substantial personal concerns with respect to the proposed "interim" amendment/change in the C-2 Zoning Ordinance.

There are two matters of concern as follows:

**"EXHIBIT 1"**

1. The off-street parking requirement, which requires that off-street parking for residential uses be provided "on site" for all "new buildings" without there being any definition of "new buildings," and without there being any provision that would allow for providing the required off-street parking in "shared facilities" [including City owned parking garages], as allowed by Section 29-30(e) of the City's Ordinances [that ordinance which deals with off-street parking requirements], and without allowing that such residential requirements be satisfied in facilities located within one thousand feet (1,000') of the parking generator [such as would be allowed for non-residential uses under Section 29-30(g) of the City's Ordinances], and without allowing for parking in above-grade facilities; and

2. The fact that the ordinance change will have the effect of rendering existing buildings to a "non-conforming use" status, which such effect will present some substantial practical difficulties for the building owners, as hereinafter described in this letter.

#### PARKING

My general understanding of the proposed interim amendment of the C-2 zoning ordinance is that such amendment will require that "on site" parking be provided for residential units placed in "new buildings" in the affected zoning district. I note that there is no definition as to what is or is not a "new building." In this respect, I would refer you to Section 29-30, the City's existing off-street parking regulations. Section 29-30(a)(2) provides that the new off-street parking requirements of Section 29-30, which were apparently announced in November 2001, would not apply to:

"1. Any use or building for which a building permit was issued before November 20, 2001 . . . (subject to certain limitations, including that the building be completed within two years). . . ;

2. Any use or building for which plans were submitted to the City and were under review by City staff on November 19, 2001; provided that the plans were in substantial compliance with all City ordinances and regulations, the plans are approved by the City, building permits are issued for the structure shown on the plans. . . "

Respectfully, the term "new buildings" is imprecise, and is subject to a number of arguments and legal interpretations and you need to define that term. I would respectfully suggest that that term should be defined by reference back to Section 29-30(a)(2), and that the term "new buildings" should be defined so as to exclude existing buildings and uses, and buildings for which building permits were issued or for which plans and specifications were submitted to the City for review before the date of adoption of this interim ordinance. In any event, it is respectfully submitted that a definition of "new buildings" is required.

I would also note that the general off-street parking and loading regulations of Section 29-30 of the City's Ordinances contain some provisions which should be considered for use in this interim C-2 zoning ordinance amendment as follows:

a. Section 29-30(e), entitled "Shared Parking," allows owners to apply to the Director of Community Development to use "shared facilities," and allows for the providing of certain of the off-street parking requirements by use of shared facilities. [The use of shared facilities, in downtown Columbia, would appear to be particularly appropriate, since the City has erected a number of substantial parking garages, and spaces are available in certain of those garages, and building owners can contract with the City to rent those parking facilities in what would be "shared facilities." For example, I have a client who proposes to build a building with residential uses and which has contracted with the City to acquire forty parking spaces, with attendant bus passes, in the City's Short Street parking garage. This garage is located within one thousand feet (1,000') of what will be the parking generator, and the use of this shared facility would seem to be appropriate.]

b. Section 29-30(g) provides that, elsewhere in the City, except for residential uses, the parking may be provided "either on the premises of the parking generator or within one thousand feet (1,000') therefrom." Respectfully, I would suggest that, perhaps, the proposed interim C-2 amending ordinance could include a provision as follows:

"The required off-street automobile parking facilities for residential uses required by this section may be located either on the site of the building, in conformity with the requirement of this section, or may be located within one thousand feet (1,000') therefrom."

I also note that the draft ordinance does not allow for above-grade parking. For example, if an owner wanted to place parking in a parking structure making up floors 2 and 3 of a building, such would not be allowed. It would seem that such should be allowed.

Mixed uses should be encouraged in downtown Columbia. Mixed uses should include some residential uses. Downtown lots are quite restricted, in size, and it is difficult to provide on site parking on such lots. To allow that the required off-street parking be provided offsite, in shared facilities or City of Columbia parking garages, or within a distance of one thousand feet (1,000'), would appear to be appropriate. Above-grade parking structures would also seem to be appropriate.

I would respectfully ask that you consider including a provision in this ordinance as follows:

"Off-street automobile parking facilities for residential uses, as required by this section, may be located either on the premises of the site in a parking structure, at grade or above or below grade surface parking under a building or within the building, surface parking behind the building, or surface parking for which a

conditional use permit has been approved, or may be located within shared parking facilities as described in Section 29-30(e) of the Ordinances of the City of Columbia, or within City of Columbia owned and managed parking garages, upon application to and approval by the Director of Community Development, provided that such shared parking facility or City of Columbia facility is located within one thousand feet (1,000') of the parking generator building, or, alternatively, the required residential parking for a building may be located within one thousand feet (1,000') from the building, within property that is located within Zoning District C-2."

### NON-CONFORMING USE

The proposed interim amendment of the C-2 ordinance will likely have the effect of placing existing buildings in a non-conforming use status. It is true that under Section 29-28 of the City's Ordinances, the owner of a non-conforming structure can continue to use that structure in the manner in which it was being used before the zoning ordinance. That fact notwithstanding, however, there are substantial practical difficulties for property owners of non-conforming uses as follows:

1. Buildings which are placed in a non-conforming use status are difficult (sometimes impossible) to insure for fire and casualty purposes;
2. Mortgage lenders, particularly large institutional mortgage lenders (such as insurance companies which make a number of mortgage loans in this area) are reluctant to provide mortgage loans (or flatly will not provide mortgage loans) for facilities which are classified as non-conforming uses. [To the contrary, these mortgage lenders require a zoning endorsement for the applicable title insurance or a so-called "zoning letter" from the public officials, each of which indicates that the existing use of the facility is a "permitted use" within the zoning district within which the facility is located, and that "it is not a non-conforming or conditional use." Therefore, placing buildings in downtown Columbia in a non-conforming use status makes it difficult, if not impossible, for the owners of those buildings to engage in usual and customary mortgage financing and refinancing.]
3. Under Section 29-28 of the City's Ordinances, and particularly Section 29-28(b), "No structural repairs or alterations or extensions may be made to a non-conforming use structure (except those required by law or ordinance)" . . . provided that the board [of adjustment] by special permit in the case of evident hardship may grant an extension of a non-conforming use "not exceeding 25% of the first floor." So structural repairs or alterations are restricted.
4. Buildings which are non-conforming use buildings may not be replaced or repaired in the event of loss by fire or other casualty.
5. Past experience indicates that obtaining any building permit for a non-conforming structure is, at best, difficult to do.

Respectfully, I would submit that the proposed change in the C-2 zoning ordinance will have the unintended consequence of placing a number of buildings in a non-conforming use status, and that this circumstance will cause other consequences which are not intended, such as difficulties for the owners in insuring their structures, financing and refinancing their structures, repairing and altering their structures, and replacing their structures in the event of damage due to fire or other casualty.

My respectful suggestion would be that you consider changing the proposed amended ordinance so as to provide, at the appropriate location in the ordinance, for the following (or the equivalent of the following):

"The provisions of this section notwithstanding, any lawful use of a building existing at the time of the passage of this section of the ordinances, and any structure or building which constitute a lawful structure or building at the time of the passage of this section, shall continue to be a lawful use of such building or structure, or shall continue to be a lawful building or structure, as the case may be, and the passage of this section of the ordinances shall not cause any such lawful use of a building or structure, or any lawful building or structure, which existed at the time of the passage of this section, to become a non-conforming use or non-conforming building or structure."

I would also respectfully suggest that to avoid confusion as to just what buildings the requirements of this new, interim amended C-2 ordinance applies, you should seriously consider inserting a provision as follows:

"The provisions of this section shall not apply to:

1. Any existing building or structure or use in existence or in effect as of \_\_\_\_\_; or
2. Any use or building for which a building permit was issued before \_\_\_\_\_, the effective date of the ordinance]; provided that construction of the building is begun within one hundred eighty days (180) days of the issuance of the building permit and is completed within two (2) years of issuance of the building permit; or
3. Any use or building for which plans were submitted and were under review by the City staff on \_\_\_\_\_]; provided that the plans were in substantial compliance with all City ordinances and regulations, the plans are approved by the City, building permits are issued for the structures shown on the plans, and construction on the structures is begun within one hundred eighty (180) days of the issuance of the building permit and is completed within two (2) years of the issuance of the building permit."

Page 6

Respectfully, I think that making the changes in the proposed ordinance which are suggested in this letter will eliminate arguments, some uncertainty, and some substantial hardships and practical difficulties which I do not believe that you intend to bring about.

I believe you can make these simple changes in the proposed interim C-2 zoning ordinance without gutting your intentions for that ordinance.

I would be pleased to discuss this ordinance with any of you at any time.

Thank you for your courteous attention to this matter.

Respectfully yours,

  
B. Daniel Simon

BDS:lwg

cc: Nancy Thompson, City Counselor

# COLUMBIA

## BOARD OF REALTORS®

June 12, 2014

Members, Planning & Zoning Commission  
City of Columbia, Missouri  
c/o Timothy Teddy, Director  
Department of Community Development  
P.O. Box 6015  
Columbia, MO 65205-6015

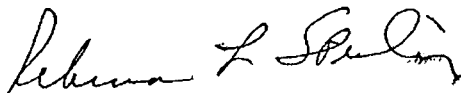
via email to all parties

Re: Proposed Interim C-2 Zoning Changes

Dear Members of the Planning & Zoning Commission:

Thank you for tabling the proposed interim changes to C-2 Zoning until all interested parties have been able to review the most recent document dated May 22, 2014 to offer suggestions. The Columbia Board of REALTORS® (CBOR) appreciates the updated changes resulting in the modified draft and the progress made in particular to parking requirements. However, the CBOR Board of Directors has been unable to meet and offer any additional input before the June 13<sup>th</sup> deadline. We want to reiterate the CBOR's previous concerns concerning interim changes (noted in my May 19, 2014 letter) and are anxious for your responses to our questions. We also want to re-affirm our position that the Planning and Zoning (P&Z) Commission and the City Council should wait for pending reports from Clarion Associates and Ferrell Madden, LLC before making any changes to Chapter 29 of the City Ordinances. Thank you for including the CBOR in this important dialogue. We look forward to continued participation.

Sincerely,

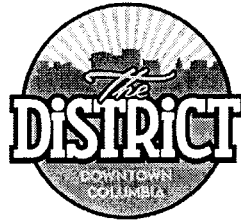


Rebecca L. Sterling  
2014 President  
Columbia Board of REALTORS®

RLS:bjt







June 11, 2014

Planning and Zoning Commissioners:

The Board of the Downtown Community Improvement District has reviewed the most recent changes to the interim C2 proposal.

I am including our initial recommendations so I won't belabor those, other than to emphasize the importance of notifying all affected property owners via mail as well as the need for a sunset to reaffirm the city's commitment to the consulting process. (While our recommendation was it sunset on Dec. 31, 2015, it would be more appropriate to read "December 31, 2015 or the implementation of the consultant's recommendations, which ever is first.")

First, we were pleased to see the parking requirements changed; it does make more sense to require parking based on bedrooms rather than square feet. We are also pleased to see off-site parking allowed as well as accommodations for bike parking and other creative transportation/parking solutions.

Second, we believe the ordinance needs to specifically allow for residential to be placed on ground floors behind active fronts. The goal is to maintain an active ground floor abutting the sidewalk and residential units tucked at the back of a long building will not negatively impact that goal.

Third, we would request that streets in which ground floor residential is prohibited remain limited to the streets currently listed and no allowance be offered for a later expansion of this prohibition. After all, this is an interim ordinance so we expect it to be replaced fairly soon by the consultant's recommendations.

We do appreciate the commission's efforts to solicit input from our organization. Please don't hesitate to contact me if you have any further questions.

Sincerely,

Carrie Gartner  
Executive Director  
Downtown Community Improvement District

**CID Board**

Blake Danuser  
Binghams

Adam Dushoff  
Addison's

Tony Grove  
Grove Construction

Christina Kelley  
Makes Scents

Tom Mendenhall  
The Lofts at 308 Ninth

Michael McClung  
Dungarees, Resident

Allan Moore  
Moore & Shryock

John Ott  
Paramount Building

Tom Schwarz  
Landmark Bank

Deb Sheals  
Historic Preservation Consulting

Ben Wade  
Guitarfinder

Michael Wagner  
Boone County National Bank

Marti Waigandt  
808 Cherry

Skip Walther  
Walther, Antel, Stamper & Fischer

Andrew Waters  
Columbia Daily Tribune

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
May 22, 2014  
(Updated report)**

**SUMMARY**

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 in the C-2 District; and 3) add a "tall structure" approval procedure in the C-2 District. The City Council has requested that an ordinance on these three items be prepared for Council consideration ahead of the scheduled comprehensive update of the development codes (e.g., Chapters 29 and 25), hence the draft ordinance is labeled "interim." (**Case # 14-48**)

**DISCUSSION**

The attached ordinance would make the following changes:

1. Add a requirement that first floor building space be used for non-residential purposes on *selected blocks* within the C-2 District.
2. Add a residential parking requirement for new residential development (new dwelling units in new buildings) in the C-2 Central Business District.
3. Add a new process to approve "tall structures" (buildings exceeding 120 feet or 10 stories in height only after the Planning & Zoning Commission has conducted a public hearing and after the Council finds that the tall structure complies with specified review standards.

After the hearing on April 24, 2014, staff has produced a revised draft, dated May 16, 2014. A brief explanation of the changes follows, and the attached draft highlights all changes including new annotations. **For an overview of the ordinance and the original public hearing draft, refer to the staff report dated April 24, 2014 and the draft ordinance dated March 21, 2014.**

**First Floor "Non-residential" Requirement**

The only change to this part of the draft ordinance is a clarification that residential entries to dwelling units on second floor space and in rear first floor spaces are permitted on the street sides of buildings along Broadway, Ninth, and any future street where this requirement might be applied. This change is staff initiated and is intended to avoid exclusion of residential entry doors, already found on several buildings on Broadway, from the "first floor non-residential" requirement. (See p. 1, May 16, 2014 draft)

**Parking Requirement:**

In response to comments that the draft ordinance would make a number of buildings non-conforming, the ordinance has been amended to allow buildings that exist or have a building permit on the effective date of the ordinance to be reconstructed or built, respectively, without a parking requirement – provided the previously existing or permitted buildings are not expanded. This language would allow the owner of an existing building that has residential units but no parking to avoid classification as a non-conforming building and have the ability to build back the structure to its original form if the building sustained a loss due to fire, storm, or other catastrophe. (See page 5 of the draft)

Several changes are proposed to the original draft ordinance. In response to a comment that the parking ratio should be based on the number of bedrooms or number of dwelling units, the minimum parking standard has been changed to 0.5 spaces per bedroom. (See page 7 of the draft)

Case 14-48  
"Interim" Amendments to C-2 District  
Commission Meeting Date May 22, 2014

In response to comments that the on-site parking requirement needs to be more flexible, staff has added several alternative ways, including both on and off-site solutions, to comply with the residential parking requirement. These include:

- Allowing the parking requirement to be satisfied with parking spaces obtained off-site in an existing public or private parking facility, provided the parking is within a one half-mile radius;
- Allowing smaller "motorcycle and motor scooter" spaces to satisfy part of the parking requirement;
- Affirming that minimum required bicycle parking spaces may count as required vehicle spaces (this is simply a clarification of a rule already in place, but currently not applicable in C-2 since there is no current parking requirement);
- Allow for the Community Development Director to recommend and the City Council to approve a reduction in the parking requirement, based on a "parking management strategy" that may include any of several measures that reduce parking demand

(See p. 8 of the draft)

**Building Height**

In response to comments about the subjectivity and unpredictability of the tall structures approval criteria, staff has added some detail for each criterion:

- The City plan recommendations criterion now clarifies the City plan recommendations for maximum building height;
- The emergency response criterion now states that the public safety officials' opinions would be given weight;
- A cross-reference to the City's definition of "historic resources," which already exists in Chapter 6 of the City Code, is added to the impact on historic buildings criterion;
- The "availability of air and light" criterion now states that continued access of windows and rooftop amenities on neighboring properties to natural light is the expectation
- The utility and infrastructure capacity criterion now states that an engineering analysis will determine if capacity exists;
- The street and sidewalk capacity criterion now states that a traffic impact analysis will be used to make the determination that the streets, sidewalks, and crosswalks are sufficient capacity to handle the proposed structure.

(See pages 6-7 of the draft)

Staff is also aware of the comment that the "tall structure" height threshold should be lowered from ten stories in those areas within C-2 where the Downtown Charrette Report recommends a lower maximum height. If desired, staff could revise the draft to make specific reference to those areas (for example, five stories on Walnut and eight stories on Broadway) where the Charrette makes specific district character recommendations.

**PUBLIC COMMENTS**

Public comments are wide ranging, from emphatic objection, to concerns with the piecemeal amendment of the ordinance, to general support of the ordinance.

Where comments have identified problems and suggested changes to the ordinance, staff has made an attempt to strengthen the ordinance.

Case 14-48  
"Interim" Amendments to C-2 District  
Commission Meeting Date May 22, 2014

**CONCLUSIONS & RECOMMENDATION**

As indicated in the previous report, the Planning and Zoning Commission may:

- 1) Recommend approval of the ordinance (in whole or in part);
- 2) Recommend approval of the ordinance (again, in whole or in part) subject to specified modifications;
- 3) Recommend denial of the ordinance (or part)

Draft ordinance, correspondence, and the previous report are attached.

Report prepared by Timothy Teddy

Approved by Timothy Teddy



Patrick Zenner <przenner@gocolumbiainfo.com>

---

## Interim C-2 Zoning

---

**Jeremy Alexander Root** <jar281@nyu.edu>  
To: przenner@gocolumbiainfo.com

Thu, May 22, 2014 at 1:14 PM

Mr. Zenner:

I am writing in support of the interim C-2 Zoning regulations that are presently under consideration at the Planning & Zoning Commission. I believe these are important changes to protect the character of our downtown. Please pass this message along to the Planning & Zoning Commissioners.

Jeremy Root  
2417 Beachview Drive



Patrick Zenner <przenner@gocolumbiamo.com>

---

## Planning And Zoning Commission : 5-21-2014 03:43:27 pm

---

85rugnbaba@socket.net <85rugnbaba@socket.net>

Wed, May 21, 2014 at 3:43 PM

To: przenner@gocolumbiamo.com

The following form submission was received on the City of Columbia website. The sender has been notified of the successful receipt of this request. Recipients should respond to this request within a reasonable time frame, normally within 1 to 3 business days. For more information regarding origin of this message or to report spam contact the Webmaster at [webmaster@gocolumbiamo.com](mailto:webmaster@gocolumbiamo.com).

Below are the results of a Web form submitted on: May 21st, 2014 at 03:43PM (CDT).

Name: Barbara Wren

Email Address: 85rugnbaba@socket.net

Comments: To all Planning and Zoning commissioners:

Please add my name to the list of supporters of the interim C-2 zoning changes.

I am unable to attend the meeting on Thursday, May 22 and wanted to comment.

Without these interim measures, the city has no control over bad development. Without this control, good development cannot happen.

Without these measures our city's future lies in the hands of land traffickers, those who speculate at scale, road use, and carving out lots in search of profits through practices that range from negotiation with owners all the way to intimidation and coercion.

Please think deeply about this proposed interim C-2 zoning changes.

---

IP: 216.106.41.217

Form: Citizen Feedback Form



Patrick Zenner <przenner@gocolumbiamo.com>

---

## [Planning]: Planning and Zoning Commission Meeting

---

Maria Oropallo <moropallo@gmail.com>  
To: planning@gocolumbiamo.com

Wed, May 21, 2014 at 10:05 AM

Hello,

Please add my name to the list of supporters of the interim C-2 zoning changes.

I am unable to attend the meeting on Thursday, May 22 and wanted to comment.

Without these interim measures, the city has no control over bad development. Without this control, good development cannot happen.

Without these measures our city's future lies in the hands of land traffickers, those who speculate at scale, road use, and carving out lots in search of profits through practices that range from negotiation with owners all the way to intimidation and coercion.

Please think deeply about this proposed interim C-2 zoning changes.

—

Maria Oropallo

*She came a long way to give us something to believe in.*



Patrick Zenner <przenner@gocolumbiamo.com>

---

## Planning And Zoning Commission : 5-21-2014 06:46:19 pm

---

debsheals@aol.com <debsheals@aol.com>

Wed, May 21, 2014 at 6:46 PM

To: przenner@gocolumbiamo.com

The following form submission was received on the City of Columbia website. The sender has been notified of the successful receipt of this request. Recipients should respond to this request within a reasonable time frame, normally within 1 to 3 business days. For more information regarding origin of this message or to report spam contact the Webmaster at [webmaster@gocolumbiamo.com](mailto:webmaster@gocolumbiamo.com).

Below are the results of a Web form submitted on: May 21st, 2014 at 06:46PM (CDT).

Name: Debbie Sheals

Email Address: [debsheals@aol.com](mailto:debsheals@aol.com)

Comments: I am writing to express support for interim changes to C2 zoning, provided the recommendations of the CID are included in the proposed ordinance. Of particular importance is the need to include a sunset, prevent non-conforming uses for existing properties, and the addition of parking requirements for new residential development. Thank you.

---

IP: 72.161.219.15

Form: Citizen Feedback Form



# COLUMBIA

## BOARD OF REALTORS®

May 19, 2014

Members, Planning & Zoning Commission  
City of Columbia, Missouri  
c/o Timothy Teddy, Director  
Department of Community Development  
P.O. Box 6015  
Columbia, MO 65205-6015

via email to all parties

Re: Proposed Interim C-2 Zoning Changes

Dear Members of the Planning & Zoning Commission:

Thank you for the opportunity to voice our concerns regarding the proposed C-2 Zoning changes. I am writing to you as President of The Columbia Board of REALTORS® (CBOR).

After a great deal of discussion between our Leadership Team, Government Affairs Committee and Board of Directors, The CBOR Board of Directors voted to strongly oppose the interim changes to C-2 zoning. Our opposition is not only with the process of the changes, but also to items specifically included in the ordinance.

Our primary concern is the process used to draft these interim changes. We agree with other stakeholders in Columbia that these modifications are ad hoc reactions to recent and pending development proposals. In addition, the proposals appear motivated by the current political climate and not sound planning principles. It does not seem prudent the City make changes to C-2 zoning before reviewing the coming reports from Clarion Associates and Ferrell Madden, LLC, who were hired by the City to review the zoning codes. At the April 24, 2014 Planning and Zoning Commission (P&Z) meeting, it was stated that the two consulting firms have granted their "blessing" on these changes. Although the consultants approve the interim changes, the public, stakeholders and property owners were not initially granted-full access to the consultants. All stakeholders need the opportunity to debate and discuss their positions with appropriate elected City officials and City staff before add any changes to C-2 are made. Our board believes the proposed adjustments will result in unintended consequences to not only C-2 zoning, but all zoning categories.

Regarding the content listed in the proposed changes, our board opposes the changes because of the overreaching local government regulations and the potential of decreased property values within the bounds of the CID, in addition to the following:

1.) In the discussion draft, the City has noted, "Successful downtowns are mixed use, with housing providing a 24-hour downtown and a live-in market for downtown businesses, the



district purpose should reflect that." If the City's philosophical idea of a successful downtown includes housing, why would the City impose more stringent rules only for residential usage in C-2 zoning thereby discouraging residential development in the downtown area?

2.) The interim changes would force proposed buildings greater than 120 feet or 10 stories "subject to review by the Planning & Zoning Commission and approval by the City Council". The idea of the proposed changes having the City Council rule on "tall building" proposals will have the effect of converting what should be a straightforward approval process into a highly subjective political decision. The City Council is neither qualified nor justified in having that much control over property owners' rights. Decisions made by a legislative body such as the City Council are generally presumed valid in the court system. The practical result of this judicial deference is that the City Council's decision on any tall building application would be upheld, so long as the reasonableness of its decision was fairly debatable. This situation would task a property owner whose proposal meets all conditions in section 29-1S(d)(7) but was denied a Zoning Amendment with a high burden to prove the denial should be invalidated. With this burden falling on a property owner, the City is reducing property owners' rights and options.

3.) The parking requirements in the draft are narrow in scope. In addition, they could have adverse effects on housing affordability and discourage the creation of housing that will accommodate families. This type of discouragement could be a violation of the Federal Fair Housing Act (FHA), which applies to municipalities. Also, we believe the parking requirements could be adjusted to help reduce the number of vehicles in the CID area.

The City has not provided a good planning rationale for the proposed excess parking requirements for apartments with three or more bedrooms. The excess parking may undercut the City's land use objectives, as stated in the purpose statement for the C-2 district. The requirement will increase the cost of developing apartments with three or more bedrooms which will lead to higher housing costs for families with children that require such apartments for residence. With an already growing issue of a lack of affordable housing in the City, was the affordability issue even considered when creating the parking requirements?

The proposed changes do nothing to provide incentives to developers and property owners to reduce the number of vehicles in the downtown area. The ratio of parking spaces could be reduced if shared car services are provided, or some other program that will diminish the number of cars per household.

4.) The City has not provided clear justifications for its greater use restriction proposal that affects buildings in C-2 with dwelling units on the first floor (specifically buildings located on the east side of 8th street to Hitt St. and Ninth St, from the south side of Walnut to Elm St.). We are concerned this regulation might not conform to the State of Missouri's zoning uniformity requirement. The State's zoning enabling legislation says, "The local legislative body may divide the municipality into districts...and within such districts may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts." (Mo. Rev. St. 89.030) Has

the City's legal counsel determined whether this aspect of the Proposed Revisions conforms to Missouri's zoning uniformity requirement? From our point of view, it does not. It would seem if the City wants to add a restriction on first floor dwellings in part of downtown, the City would be required to develop another district or overlay for that specified area.

For the above stated reasons, the Board of Directors of the Columbia Board of REALTORS® opposes the interim changes to the City of Columbia's Zoning Ordinance. We strongly encourage the City to review the findings of Clarion Associates and Ferrell Madden, LLC before contemplating changes to Chapter 29 of the City ordinances. To make a change to one zoning class without reviewing others, could potentially lead to adverse affects for everyone in the City. Members of the Planning & Zoning Commission and the City Council should not be bullied by political pressure and growth of The University of Missouri to create an ad-hoc reason to initiate changes to C-2 Zoning.

Thank you for your time. We look forward to working with elected officials and staff after the consultants' reports have been released for the public to view.

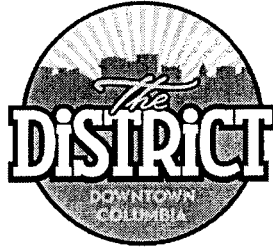
Sincerely,

A handwritten signature in cursive script, appearing to read "Rebecca L. Sterling".

Rebecca L. Sterling  
2014 President  
Columbia Board of REALTORS®

RLS:bjt

cc: The Honorable Bob McDavid  
Mayor, City of Columbia  
Michael Matthes, City Manager



May 12, 2014

Planning and Zoning Commissioners:

Thank you for the opportunity to offer input on the question of interim changes to C2 zoning. I want to reiterate the CID Board's support for the city's consulting process. This process is the best way to ensure public input and avoid any unintended consequences.

However, if the Planning and Zoning Commission does decide to make changes to the proposal for Council's review, we offer the following recommendations:

**First, we recommend these interim changes sunset on December 31, 2015.** A sunset would reaffirm the Council's commitment to the planned public input process and would ensure that any changes to the areas of parking, residential, or building height would fit seamlessly into the consulting team's other recommendations, both on a conceptual level and on the ordinance level. It would also ensure that we don't overlook some innovative solutions to these concerns, such as comprehensive parking and transportation plans to address parking and traffic congestion or bonus density to provide an incentive for good design choices.

**Second, we recommend adding language to ensure that these changes do not unintentionally create non-conforming uses, leading to problems with financing or insuring a project.** For instance, someone seeking to replace a building in the historic core of Ninth, Tenth or Broadway should ideally do so in a way that is sensitive to the surrounding buildings (ie, built to the lot line). However, if they want to add residential to the upper floors, under the proposed interim ordinance, they would be required to provide onsite parking. A quick stroll down Ninth Street will show that the high-density nature of this street is what makes it so vital. We certainly don't want to interrupt that streetscape to fulfill any new parking requirements (even if they are parking garages). This example is only one of the many ways that these proposed changes could create a non-conforming use.

We are supportive of the changes proposed by Dan Simon to avoid the creation of non-conforming uses (although we do have some differing recommendations regarding parking as outlined below).

**Third, we will support parking requirements of ½ a space per bedroom if it does not require on-site parking.** Many of our concerns with on-site parking are outlined above but overall, we are concerned that requiring on site parking is neither feasible nor desirable in every location.

#### CID Board

Blake Danuser  
Binghams

Adam Dushoff  
Addison's

Tony Grove  
Grove Construction

Christina Kelley  
Makes Scents

Tom Mendenhall  
The Lofts at 308 Ninth

Michael McClung  
Déjà vu, Resident

Allan Moore  
Moore & Shryock

John Ott  
Paramount Building

Tom Schwarz  
Landmark Bank

Deb Sheals  
Historic Preservation Consulting

Ben Wade  
Guitarfinder

Michael Wagner  
Boone County National Bank

Marti Waigandt  
808 Cherry

Skip Walther  
Walther, Antel, Stamper & Fischer

Andrew Waters  
Columbia Daily Tribune

While we understand and support the need to address the issue of parking, we believe it is important to provide a wide range of options to encourage creative solutions to the problem. Solutions may include, but are not limited to, parking structures, shared parking arrangements, or satellite parking lots. By expanding the options available for residential parking, we have a better chance of meeting the desired goal.

**Fourth, we strongly encourage the City Council to establish a Parking Commission.** This would be a permanent, public board that would oversee the city's parking utility and address issues such as fees, bonding, future needs, placement and funding of new garages, and creative parking solutions. The general makeup would be similar to the Mayor's Task Force on Parking and should include representatives from major stakeholders such as the CID, the development community, the colleges, and others. This commission would allow the city to assess needs and create a long-term strategy for addressing those needs.

**Fifth, we support the prohibition of residential on the street side first floor of buildings, with certain conditions.** We would not want to prohibit residential being placed on the first floor of a building behind an active space abutting the sidewalk. It's a much better way to use a deep, narrow space than trying to adapt the entire ground floor for retail. We would also like to ensure that below grade space that may be lower level on one side and street level on the other would not be included in this prohibition. Again, the configuration of these spaces is not well-suited for retail. Finally, we would limit this prohibition to the initial blocks of Ninth and Broadway outlined in the proposal.

**Sixth, we would recommend a target height of 10 floors with bonus zoning options for desired types of development (such as first floor commercial or internal floors of parking).** Bonus zoning is a common practice that allows increased density or height in exchange for certain types of development, such as first floor commercial. Bonus zoning can also be offered to developers who add elements that counterbalance the added density, including bike share stations, bike share funding, transit passes, transit station upgrades, zip cars, sustainability additions, and more. Overall, this approach is more "carrot" than "stick" and expands, rather than narrows, options.

**Seventh, these new rules should not apply to any existing buildings or to any projects that are currently in process.**

**Finally, we do request that proper notification be sent to all the property owners of C2 property.** This is a major change in zoning rules and public notification of these changes and of the various hearing regarding these changes is essential.

We still remain committed to the city's process and we are also moving forward with our own process of creating voluntary design guidelines for projects within the Downtown Community Improvement District. However, if the commission intends to move this issue forward, we encourage you to adopt the above changes.

Thank you for your consideration and don't hesitate to call me if you have any questions.

Sincerely,



Carrie Gartner  
Executive Director  
Downtown Community Improvement District



2501 BERNADETTE DR.  
COLUMBIA, MO 65203  
PH: 573-445-1020  
FAX: 573-445-2613

BUSINESS PROPERTY  
LEASING & SALES

To: Tim Teddy  
Pat Zenner  
**For distribution to Planning & Zoning Commissioners**  
From: Paul Land  
Re: Proposed Interim Changes to C-2 zoning district  
Date: May 8, 2014

Dear Commissioners:

Previously I wrote to you in opposition to the proposed interim changes to C-2 zoning. This letter will amplify that position.

- 1.) On Monday, May 5, 2014 the City Council considered, and favorably supported thru unanimous vote, a development agreement for a mixed use project consisting of 32 residential rental units and ground floor business uses at NE corner of Tenth St. and Broadway, Columbia, MO.

As that proposed development is a use that is currently defined as permitted in C-2 district the Council would not typically be involved in such project approval. This approval is usually administratively handled. It only took the extraordinary step of gaining Council approval, because of the sewer and electrical capacity constraint issues within the downtown area.

Under the proposed interim changes to C-2 zoning, this 10<sup>th</sup> & Broadway development which was unanimously supported by Council, would not have been able to proceed thru normal administrative approval as it would not be able to comply with the parking requirements as those are now described in the proposed interim changes to C-2 zoning district.

Let me reiterate my opposition to adopting C-2 changes prior to the consultant's report. This new development at 10<sup>th</sup> and Broadway is the kind of project that all council persons can today support, but if it would have been proposed 3 months from now, then it could not have even been considered, because of the interim changes.

This is a perfect example of when ordinance changes are rushed thru there is the potential (and reality) that oversights can occur, and favorable projects can become not allowable.

- 2.) The above discussion in point #1 demonstrates that an interim change to zoning ordinance that is not well vetted over an extended time period can cause problems that are unforeseen, until they are tested in the market.

The consultant hired by the City has promised after the ordinance changes they will propose, that their models will be "tested" in real marketplace examples of business projects before they are finally recommended to Planning and Zoning and Council. I think this is a critical step, to be performed by an experienced professional.

- 3.) I urge Planning and Zoning to just recommend against any interim changes to C-2. However, if you feel compelled to move it along with certain modifications, beyond the common sense position of just saying NO, then I recommend that:

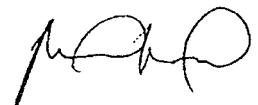
- a.) There be an absolute expiration date of 12/31/15 when such interim changes will automatically expire.
- b.) That Council be encouraged not to propose any additional changes to this interim measure, once Planning & Zoning corrects its flaws.

What can happen and does happen, is that when Planning and Zoning passes its recommendation to Council and Council holds its own open discussion forum, it then closes the public hearing. Then the public is no longer engaged and has to sit back and listen to council members debate among themselves. When that council banter is completed a council person can make a motion to further alter an ordinance thru Amendment. And this does happen. So an Amendment can be made at Council level to further alter the ordinance of consideration. A vote is taken – and the public never gets to offer additional input on the Amendment.

So, if Planning and Zoning and Council make further adjustments to this ordinance, rather than simply denying it (its denial is what I am lobbying for), I would appreciate if each group would respectfully allow 2 weeks after they think they have "perfected" it by further Amendment or until their next meeting, before considering their final vote, so that the public can comment upon any last minute Amendments.

Changes to C-2 ordinance has the potential to materially and substantially alter property values by creating uncertainty. These changes should be thought thru carefully and deliberatively. The public should have the right to comment on "final revisions", before Council's "final voting".

- 4.) Finally, if interim changes to C-2 district are intended for adoption by Council, then I believe there should be written notification, delivered by certified letter to each property owner in the C-2 district, in advance of the Council final voting date. The proposed changes are material enough to negatively impact property values and certified letter would ensure communication to out of town property owners, trusts that manage properties, those properties with number of partners, and older families that have held properties for long periods and might not otherwise be following this dialogue.



**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
APRIL 24, 2014**

**SUMMARY**

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 in the C-2 District; and 3) add a "tall structure" approval procedure in the C-2 District. The City Council has requested that an ordinance on these three items be prepared for Council consideration ahead of the scheduled comprehensive update of the development codes (e.g., Chapters 29 and 25), hence the draft ordinance is labeled "interim." (**Case # 14-48**)

**DISCUSSION**

The attached ordinance would make the following changes:

1. Add a requirement that first floor building space be used for non-residential purposes on selected blocks within the C-2 District.
2. Add a residential parking requirement for new residential development (new dwelling units in new buildings) in the C-2 Central Business District.
3. Add a new process to approve "tall structures" (buildings exceeding 120 feet or 10 stories in height only after the Planning & Zoning Commission has conducted a public hearing and after the Council finds that the tall structure complies with specified review standards.

**First Floor "Non-residential" Requirement**

The existing ordinance permits mixed-use buildings in the C-2 District but takes no extraordinary measures to require retail or more generally, non-residential uses, at the street level.

The draft ordinance reads as follows:

"All permitted uses in District C-1 with the exception that dwelling units shall also be subject to section 29-8[d][6] and no dwelling units shall be permitted within the street side first floor space in buildings on the following blocks within the C-2 District:

Broadway, from Providence Road to Hitt Street; and  
Ninth Street, from the south side of Walnut to Elm Street"

[note: an earlier draft said "Broadway, from the east side of Eighth Street to Hitt Street"]

The intent of this section is to avoid discontinuity of use along walkable downtown streets within the C-2 District. Since dwelling units are by nature private, and business and institutional uses generally are open to the public, this type of provision enforces the continuity of the "public realm" along downtown streets and sidewalks. Mandated uses should be used sparingly. The draft only applies to selected streets where the continuity of non-residential uses at the street level already exists. Council members expressed some interest in including Avenue of the Columns in this section. The Commission or Council could recommend the addition of blocks (for example selected blocks of 10<sup>th</sup> Street or Walnut) or deletion of particular blocks from this requirement. Staff does not recommend that non-residential be mandated over the majority of C-2 streets simply because of the volume of space the market would then have to supply.

The ordinance attempts to accomplish its objective through regulation of land use rather than design or form controls. Any non-residential use (commercial, institutional, religious) would be permitted on the



Case 14-48  
"Interim" Amendments to C-2 District  
Commission Meeting Date April 24, 2014

first floor level of buildings at the street level, and apartments could be located on the first floor level if they were behind a non-residential use. There is nothing in the draft that controls the appearance and function of the first level building front. The ordinance relies on customary practice of non-residential uses in the downtown – e.g. storefronts, public entries, etc. – to achieve the desired effects. A "form control" approach could allow flexibility of use while still requiring that the building fronts be responsive to the public street.

**Parking Requirement:**

The existing C-2 zoning regulations take a "district" approach to parking rather than the familiar zoning approach of requiring each individual building and land use to account for its parking demand and provide on-site parking. This is appropriate given the downtown's history (most of it developed prior to zoning and prior to the automobile era); the compact nature of the downtown (not only compact blocks but compact lots and buildings leaving little space for parking) and common practice in cities. By providing parking through the City parking utility, businesses, institutions, and some residential developments have a mechanism to share parking, thereby conserving land that might otherwise become parking lots.

A case can be made that downtown resident parking differs from non-residential parking in that the former requires a "24/7" solution while employee, customer, and visitor parking may be accommodated on a periodic basis. If too many residents own too many cars, the lack of parking becomes a public problem. An ordinance requiring residential parking is at best a single tool in a toolbox of coordinated strategies, with transit, public parking, bicycle and pedestrian accommodation, and car-share, ride-share programs also playing a role.

The draft amendment introduces an on-site parking requirement for dwelling units in new buildings and expansions of existing buildings. Existing buildings 50 years and older that are altered to add dwelling units are not subject to the requirement. This exemption is intended to facilitate conversion of loft or other space within historic buildings.

**"Parking. On-site parking is required for dwelling units in new buildings and buildings expanded after [the effective date of the ordinance] On site parking shall not be required for new dwelling units created in buildings or parts of buildings that are at least fifty (50) years old. [See section 29-30, Off-street Parking and Loading.]"**

The ordinance proposes a two-part parking calculation. First, one space is required for each 1,000 square feet of space in one and two bedroom dwelling units. Then one-half space is provided *per bedroom* for all dwelling units with 3 or more bedrooms. Therefore one four bedroom apartment adds two required parking spaces while it is possible that two 500 square foot apartments of 2 bedrooms each would add only one parking space. The specific parking minimum standard is placed in the table of required parking found in Section 29-30, as shown in the following excerpt:

**"Table 29-30(b)(1)"**

**"Residential uses within the C-2 Central Business District:**

**"One (1) off-street parking space for each 1,000 square feet of new residential development floor area (new buildings or expansions of existing buildings) in one (1) and two (2) bedroom dwelling units plus 0.5 parking spaces for each bedroom in dwelling units having 3 or more bedrooms."**

**"Minimum parking supply shall be located on-site in a parking structure, at-grade or below grade surface parking under a building, surface parking behind a building, or surface parking for which a conditional use permit has been approved."**

The draft ordinance allows parking areas located behind buildings and not adjacent to a public street to be added without a conditional use permit, as in the following excerpt from the list of conditional uses in the C-2 District:

**"Uncovered, surface commercial parking for automobiles and light trucks abutting a public street, except for publicly-owned parking facilities. **Parking areas located behind buildings, not directly adjacent to a public street (except an alley) are permitted.**"**

This particular change is incidental to the residential parking requirement. It recognizes that there may be land behind buildings where parking spaces can be added without creating empty space on the walkable side of a block. In those cases a conditional use would not be required to add parking spaces on the surface.

### **Building Height**

The existing C-2 District has no minimum yard requirement and no maximum height of buildings. Theoretically buildings may rise to any height. The proposed amendment does not impose a maximum height but it does subject "tall structures" to a public review process and allows the City Council some discretion to approve or deny the structure. "Tall" is defined in the draft as one-hundred twenty (120) feet or ten (10) stories, whichever applies.

**"(7) Tall structure approval. All buildings that exceed one hundred twenty (120) feet or ten stories in height shall require Council approval. Requests for tall structure approval in C-2 shall require a petition on a form provided by the director and shall be referred to the Planning and Zoning Commission for a recommendation and City Council consideration of an ordinance approving the tall structure in the same manner and following the same procedural steps as described in Section 29-33 (Amendments)."**

A "tall" structure in the C-2 District would require review by the Planning & Zoning Commission and approval by the City Council. To accomplish this, the ordinance requires a number of exhibits that would allow staff, Commission, Council and the public to visualize the structure and assess its impacts on the site and surrounding property:

**"Petitioners shall provide the Planning and Zoning Commission with preliminary building plans (elevations and representative floor plans), site plan including adjacent streets and alleys, and a shade study."**

Besides requiring additional information with a "tall structure" application, the draft ordinance also proposes some standards of review. Though not objective "yes/no" standards, the language in this section at least allows an applicant a framework by which they may argue for approval of their project and a basis for Commission and Council approval/denial. Ultimately the City may want to either set maximum height standards, district wide or by sub-areas, or if a tall structure review process is desired, use illustrated form controls to show developers what is expected. The draft review criteria:

**"A tall building may be approved by the City Council if it satisfies the following criteria:**

Case 14-48  
"Interim" Amendments to C-2 District  
Commission Meeting Date April 24, 2014

- (i) The height is consistent with adopted City plan recommendations for the specific location;
- (ii) The additional height will not impair emergency response to the subject building;
- (iii) The tall structure will not adversely affect historic buildings by requiring demolition of historic buildings or by the impairment of public views of historic buildings;
- (iv) The additional height will not have an adverse impact on the availability of air and light to adjacent buildings and public streets;
- (v) The additional height will not create demand on any public utility or public infrastructure in excess of available capacity;
- (vi) Public sidewalks, crosswalks, and streets adjacent to the site are [have] sufficient capacity to handle the anticipated pedestrian and vehicular traffic generated by the tall structure."

#### **PUBLIC COMMENTS**

As requested by the City Council, staff solicited comments in writing from the several City organizations that initially reviewed the C-2 District and provided the City Council comments in the winter-spring of 2013. To date (April 18, 2014) the Downtown Community Improvement District has provided written comments (attached). Others may follow.

The Downtown CID letter expresses concerns regarding the concept of "interim" changes to the ordinance; the possibility of unintended consequences such as removal of buildings for parking; and a preference for pre-determined rules rather than case-by-case approaches as in the "tall structure" regulations.

Staff hosted a public information meeting on this case on April 1, 2014. Approximately 25 persons attended the meeting. Though the purpose of the meeting was to inform rather than request input on the draft ordinance, a number of persons in attendance expressed concerns with the draft. Some others expressed concerns regarding recent trends of development in the C-2 District.

Staff has received a letter from attorney B. Daniel Simon (April 3, 2014, attached) indicating a concerns that the draft ordinance provisions are not flexible enough on parking and the draft ordinance, if adopted, might have the effect of rendering a large number of existing properties legal non-conforming. Residential parking requirements could be revised, as suggested, to include alternative methods of compliance to on-site parking supply. The intent of the draft ordinance is to avoid adverse impacts on already-existing development, and language may be included that can exempt existing developed property from compliance with, for example, residential parking requirements should a building be lost to a catastrophic event.

#### **CONCLUSIONS & RECOMMENDATION**

The draft ordinance is labeled "interim" because it is an amendment within the existing structure of the zoning ordinance. The draft addresses three issues of current concern. As this is written, the City's consultant is working on an alternative code structure that will be better organized and easier to use; more reliant on objective, often illustrated standards; and achieve better integration of the many scattered threads of land use regulation that characterize the current City code. There is further work to

Case 14-48  
"Interim" Amendments to C-2 District  
Commission Meeting Date April 24, 2014

be done on the C-2 District but to comprehensively amend the C-2 section ahead of the new code structure is disruptive of the development code update as a whole. In the meantime it is legitimate for the City Council to consider smaller-scale amendments to the ordinance as the need arises (see letter from Clarion Associates dated March 17, 2014).

As with any multi-part ordinance, the Commission has a large amount of information to consider and there are several options for a motion. Upon concluding the public hearing, the Planning and Zoning Commission may:

- 1) Recommend approval of the ordinance (in whole or in part);
- 2) Recommend approval of the ordinance (again, in whole or in part) subject to specified modifications;
- 3) Recommend denial of the ordinance (or part)

Commissioners may also want to comment on the issues as guidance to the City Council.

Should commissioners favor the ordinance in concept but recommend substantive modifications to the ordinance, it may request that staff prepare revisions for commission review and continue the hearing accordingly. Staff would then prepare a revised draft – for an intervening work session if necessary – and then re-present the revised draft to the Commission and the public at the continued public hearing.

If commissioners favor the ordinance but recommend relatively simple modifications, it may be appropriate to recommend the ordinance with the specified modifications included in the motion.

Draft ordinance, correspondence, Council minutes, and zoning map are attached.

Report prepared by Timothy Teddy

Approved by Timothy Teddy

**DISCUSSION DRAFT C-2 DISTRICT *INTERIM* PARKING AND BUILDING  
HEIGHT AMENDMENTS**

**3/21/14**

*[Note: "Interim" means this amendment is intended to be effective until the development code update project is completed. The update, scheduled to be completed by the end of calendar year 2015, may make other changes to the C-2 District and will make changes to the existing format of the Zoning Ordinance as a whole. To be successful, an interim amendment should be focused. This one focuses on the residential parking, maximum building height, and retail/commercial use at street level. Other issues should be considered in the context of the larger update to avoid disrupting the consultant scope of work and project budget]*

**Chapter 29 ZONING**

**Section 29-15 District C-2, central business district.**

(a) Purpose. This district is intended to provide for commercial facilities in the central business district. The principal land uses are retail sales, services, offices, **mixed-use including housing** and public facilities.

*[Note: Successful downtowns are mixed use, with housing providing a 24-hour downtown and a live-in market for downtown businesses. The District purpose should reflect that.]*

(b) Permitted Uses. In district C-2, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses (for exceptions, see section 29-28, Non--Conforming Uses, and section 29-31, Board of Adjustment):

All permitted uses in district C-1 with the exception that dwelling units shall also be subject to section 29-8(d)(6) **and no dwelling units shall be permitted within the street side first floor space in buildings on the following blocks within the C-2 District:**

**Broadway, from Providence Road to Hitt Street; and  
Ninth Street, from the south side of Walnut to Elm Street.**

*[note: Previous version read "Broadway, east of 8<sup>th</sup> Street"; extended to Providence Road after Council review March 17, 2014]*

Armories.

Assembly and lodge halls.

Automobile repair facilities, provided that all repair shall take place within an enclosed building.

Bakeries.

Bars, cocktail lounges and nightclubs.

Billiard halls and game arcades.

Bicycle repair shops.

Bus stations.

Car washes, coin-operated or attendant-operated.

Electrical repair shop.

Garment storage facilities.

Government buildings and facilities.

Hospitals for small animals, if within an enclosed building.

Hotels.

Laundries, commercial.

Lumberyards.

Multi-level, underground or covered commercial parking for automobiles and light trucks.

Newspaper publishing plants.

Printing shops.

Restaurants, cafes and cafeterias.

Service stations, provided all fuel storage tanks are located underground.

Shops for custom work, or the manufacture of articles to be sold at retail only on the premises, provided that in such manufacture the total mechanical power shall not exceed five (5) horsepower for the operation of any one shop, and provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) per cent of the total floor area of the entire building or the equivalent of the ground thereof, and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

Sign painting shops.

Theatres, not including drive-in theatres.

Trade schools.

Wholesale sales offices and sample rooms.

Customary accessory uses, including drive-up facilities, subject to the provisions of section 29-27.

Any retail business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

(c) Conditional Uses. The following uses shall be permitted in district C-2 only after the issuance of a conditional use permit pursuant to the provisions of section 29-23:

Halfway houses for not more than fifteen (15) occupants, provided that the board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, other halfway houses and halfway houses for young offenders for not more than forty (40) occupants.

Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.

Mortuaries, which may include a crematory.

Research and development laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.

Self-service storage facilities, subject to the following conditions:

(1) The application required by section 29-23 shall include a conceptual design plan that shows:

a. The location of the proposed facility in relation to the existing uses of the building.

b. The square footage of the total building and area that will be allocated for the proposed facility.

c. The means of ingress and egress to the proposed facility.

d. The use group or groups that the building is currently permitted for as defined in chapter 6 of this code.

e. How the altered building will address parking and loading demands generated by the proposed facility.

The conceptual design plan is not required to be “sealed” by a registered design professional. The plan may be drawn by the applicant. The plan shall be prepared in a manner that all details are legible.

(2) The facility is incidental to the primary use of the building in which it is located (i.e., a mixed use occupancy building shall be required).

(3) The facility shall not be used to store flammable gases, aerosols, paints, thinners, feed, fertilizer, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, construction materials, inoperable vehicles, or for bulk storage of any kind.

(4) The use of power tools, paint sprayers, or servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment is prohibited in the facility.

(5) The facility shall be used exclusively for the storage of goods. No individual tenant may convert, use, or otherwise alter a leased or rented unit to sell any stored item from the facility or to conduct any type of commercial activity at the facility.

(6) When the facility is located on the first floor of a building, it shall not be located in front of the primary use so that it is the visible storefront of the building.

(7) When the facility is located in the basement or on any floor higher than the first floor of a building, it may occupy the entire basement or floor only if existing exterior windows remain intact and are “black-out” to ensure that stored items are not visible and that the architectural integrity of the building façade is maintained. Building facades on new or renovated construction shall incorporate design elements that break-up the façade so it does not create a blank elevation.

(8) When the facility is located in an existing or renovated building, loading and unloading activities, on public rights-of-way, shall not occur between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m. (Monday thru Friday).

(9) When the facility is located in a newly constructed building, provision for off-street loading/unloading facilities shall be incorporated into the design of the structure. The facility shall be of adequate depth from the right-of-way so that no blockage of the travel way will occur during loading/unloading activities. When such provision is made, the limitation on hours of loading and unloading, stated in subsection 8, shall not apply. On-site parking requirements shall be governed by the provisions of section 29-30.

(10) All proposed construction, renovation, or alteration activities necessary to permit the facility to occupy an existing or new structure shall be in accordance with the requirements of chapter 6 and chapter 9 of this code. Activities begun before submission, review and approval of professionally sealed plans and the



issuance of a building permit shall be a violation of the conditional use permit conditions and this code.

Uncovered, surface commercial parking for automobiles and light trucks **abutting a public street**, except for publicly-owned parking facilities. **Parking areas located behind buildings, not directly adjacent to a public street (except an alley) are permitted.**

*[Note: The existing prohibition on surface parking is over broad. If surface parking is concealed by a building facade, should it still require a conditional use permit? The "decorative wall" provision encourages designers of parking lots to avoid the unwelcome flatness and emptiness that parking lots create adjacent to busy streets]*

Uncovered, surface off-street parking areas , except for publicly-owned parking facilities.

(d) Height and Area Regulations. In district C-2 any building, portion of a building or dwelling hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions, see section 29-26, Height and Area Exceptions):

(1) Lot size. No minimum requirement.

(2) Yards. No minimum requirement.

(3) Building height. ~~No maximum height.~~ **One hundred twenty (120) feet or ten (10) stories is the maximum building height permitted by right. Buildings that exceed one hundred twenty (120) feet or ten (10) stories shall be subject to review by the Planning and Zoning Commission and approval by the City Council according to the standards and procedures in section 29-15 d(7)** *[Note: The "or" is intentional. If somehow a building is ten stories and does not exceed 120 feet in height, it is still subject to the ordinance. Code requirements that result in an increased height can be accounted for in this way. "Height" excludes specified appurtenances]*

(4) Vision clearance. No requirement.

(5) Floor area. No minimum requirement.

(6) Parking. **On-site parking is required for dwelling units in new buildings and buildings expanded after [effective date of the amendment]. On site parking shall not be required for new dwelling units created in buildings or parts of buildings that are at least fifty (50) years old.** (See section 29-30, Off-Street Parking and Loading.) *[note: The ordinance would grandfather existing buildings such that developers after the institution of the parking requirement could add loft residential space within historic buildings without the burden of providing parking. Net residential expansion of he historic building would require provision of parking]*

**(7) Tall structure approval. All buildings that exceed one hundred twenty (120) feet or ten stories in height shall require Council approval. Requests for tall structure approval in C-2 shall require a petition on a form provided by the director and shall be referred to the Planning and Zoning Commission for a recommendation and City Council consideration of an ordinance approving the tall structure in the same manner and following the same procedural steps as described in Section 29-33 (Amendments).**

**Petitioners shall provide the Planning and Zoning Commission with preliminary building plans (elevations and representative floor plans), site plan including adjacent streets and alleys, and a shade study.** *[note: a "shade study" represents, in graphic form, the shade cast by the tall structure on adjacent properties and streets, by time of day and by season. An example of adverse impacts revealed by a shade study would be complete shading of rooftop solar panels mounted on an adjacent, lower building]*

**A tall building may be approved by the City Council if it satisfies the following criteria:**

**(i) The height is consistent with adopted City plan recommendations for the specific location;** *[note: selected City plans have recommended differentiated height limits in parts of the downtown. Though not the same as code, these recommendations acknowledge that tall structures are not appropriate in all locations]*

**(ii) The additional height will not impair emergency response to the subject building;** *[note: In practice the PZC and Council would rely on the testimony and review comments of City emergency services experts that they believe the building makes adequate provision for fire, medical, and security emergencies]*

**(iii) The tall structure will not adversely affect historic buildings by requiring demolition of historic buildings or by the impairment of public views of historic buildings;** *[note: The ordinance could single out selected "iconic" views such as Jesse Hall and Avenue of the Columns or it could define historic resources more generally. Language on demolition was added after Council review March 17, 2014]*

**(iv) The additional height will not have an adverse impact on the availability of air and light to adjacent buildings and public streets;** *[note: this section allows adjacent property owners, the City, and other users of public streets to object the impact of the building on the "livability" of neighboring places]*

**(v) The additional height will not create demand on any public utility or public infrastructure in excess of available capacity.** *[note: this section allows the City to deny a building that requires utility service or infrastructure in excess of capacity]*

**(vi) Public sidewalks, crosswalks, and streets adjacent to the site are sufficient capacity to handle the anticipated pedestrian and vehicular traffic generated by the tall structure.** *[note: This criterion recognizes that vehicle and pedestrian trip generation from taller buildings may be out of proportion to the size and capacity of adjacent streets and sidewalks, and may be mitigated by developer contributions to improve public infrastructure with their plans]*

(Code 1964, § 19.163; Ord. No. 9958, § 1, 10-3-83; Ord. No. 11702, § 1, 12-7-87; Ord. No. 12088, § 1, 12-12-88; Ord. No. 13526, § 1, 12-7-92; Ord. No. 14777, § 1, 3-4-96; Ord. No. 15134, § 1, 2-3-97; Ord. No. 15471, § 1, 1-5-98; Ord. No. 16105, § 1, 8-2-99; Ord. No. 17667, § 1, 5-5-03 ; Ord. No. 20285, § 1, 6-1-09)

## **Section 29-30 Off-street parking and loading regulations.**

### **(a) General Requirements:**

(1) Except for non-residential buildings in District C-2, existing buildings and parts of existing buildings 50 years and older in District C-2 re-used for residential purposes, and except as provided in subsection (a)(2), all uses established and all buildings erected, constructed, reconstructed, or expanded after November 19, 2001 shall be provided with off-street parking spaces, either in the form of parking garages or open parking areas for the parking of motor passenger vehicles, as specified herein.

...

(b) Parking Requirements. Off-street parking spaces shall be provided for all uses in accordance with the minimum requirement set forth in Table 29-30 (b)(1).

Table 29-30 (b) (1)

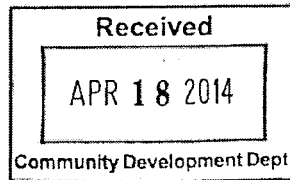
Add: Residential uses within the C-2 Central Business District:

One (1) off-street parking space for each 1,000 square feet of new residential development floor area (new buildings or expansions of existing buildings) in one (1) and two (2) bedroom dwelling units plus 0.5 parking spaces for each bedroom in dwelling units having 3 or more bedrooms.

Minimum parking supply shall be located on-site in a parking structure, at-grade or below grade surface parking under a building, surface parking behind a building, or surface parking for which a conditional use permit has been approved.

*[Note: The one space per 1,000 square foot standard is common in mixed-use urban environments with good pedestrian infrastructure and transit availability. The "new space" criterion is a bonus provision for developers that remodel existing historic buildings to create residential units. The 0.5 per bedroom requirement for 3-4 bedroom units is a mild disincentive to build 4-bedroom units]*

• • • • •  
**The District** • Downtown Community Improvement District  
11 South 10th Street • Columbia, MO 65201 • (573) 442-6816  
DiscoverTheDistrict.com



April 10, 2014

Planning and Zoning Commission:

I'm writing in regards to the City Council's proposal to revise the zoning standards within C2 on an interim basis.

The CID Board has presented a number of recommendations to Council, many of which are consistent with what neighborhood groups, our customers, and Council members are asking for as well. The CID Board represents a diverse group of stakeholders ranging from those who rehab historic buildings to those focusing on new infill, from local business owners to residents. Their recommendations show a strong consensus of opinion from constituencies that are often at odds. That consensus certainly could not have happened without a dedication to a thoughtful public input process.

We all want to see a vital downtown that fosters a mix of uses, a diverse group of users, and an interesting sidewalk culture. We want a sympathetic mix of old and new buildings, a high-density area with fewer surface parking lots, and appropriate space for new businesses and new residents. Above all, we want to approach the inevitable growth of a very popular downtown in a manner that preserves what we all love so much about it.

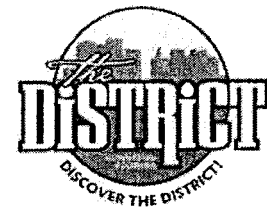
We think that a community consensus on C2 zoning is possible provided everyone is at the table and has the opportunity to fully discuss how we want our central city to grow. As we all know, acting too quickly on a hot-button issue can create artificial divides between constituencies that often aren't that far apart on the issues to begin with.

**As such, the Board of the Downtown Community Improvement District reaffirms our commitment to the city's consulting process and the deliberate community discussion that will arise from this process.**

Specifically, the CID Board believes:

**1) Interim changes to C2 zoning are inappropriate because they short-circuit the efforts of the city's consultants and the public discussion process.** Both the CID Board and the general public have voiced concern about other city planning processes moving too quickly. Regardless of the subject, all options must be weighed and all parties have an opportunity to participate before a decision is made.

**2) Ad hoc changes to zoning may have unintended consequences that negatively impact our urban fabric.** This isn't simply a matter of marking time until everyone has an opportunity to weigh in. Quick decisions about zoning issues can lead to unintended consequences such as:



#### CID Board

Blake Danuser  
Binghams

Adam Dushoff  
Addison's

Tony Grove  
Grove Construction

Christina Kelley  
Makes Scents

Tom Mendenhall  
The Lofts at 308 Ninth

Michael McClung  
Déjà vu, Resident

Allan Moore  
Moore & Shryock

John Ott  
Paramount Building

Tom Schwarz  
Landmark Bank

Deb Sheals  
Historic Preservation Consulting

Ben Wade  
Guitarfinder

Michael Wagner  
Boone County National Bank

Marti Waigandt  
808 Cherry

Skip Walther  
Walther, Antel, Stamper & Fischer

Andrew Waters  
Columbia Daily Tribune

- Increased parking requirements may encourage someone to tear down the building next to a development in order to build a parking garage. Or, it may increase the number of surface parking lots, interrupting an interesting and pedestrian-friendly stretch of sidewalk.
- The focus on simply providing more and more parking spaces ignores the need for a development to have an overall parking and transportation plan—one that could involve a mix of onsite parking, offsite parking, city garage permits, lot sharing, public/private parking facilities, bus passes for residents/employees, funding and placement of bike share stations, zip cars, etc. This approach would allow each entity to create a set of solutions designed to fit the needs of their tenants and would encourage creative solutions to the problem.
- These changes will create non-conforming uses, leading to problems with financing or insuring a project. For instance, someone seeking to replace a building in the historic core of Ninth, Tenth or Broadway should ideally do so in a way that is sensitive to the surrounding buildings (ie, built to the lot line). However, if they want to add residential to the upper floors, they would be required to provide onsite parking. A quick stroll down Ninth Street will show that the high density nature of this street is what makes it so vital. We certainly don't want to interrupt that streetscape to fulfill any new parking requirements.
- The long-term impact these changes would have on investment in our central city is unknown at this point. This isn't a question of whether we want to attract local rather than out-of-state developers, this is a question of whether or not the banks feel comfortable lending to *anyone* in the current atmosphere of uncertainty. If the rules can change this quickly, without important community discussion, any investment becomes a risk.

**3) The goal should be a consistent standard for C2, not a permitting process where the rules are determined on case-by-case basis.** A pre-determined set of rules brings certainty to the development process and guarantees a fair and transparent process. Any changes should be codified, easy to understand, and applied to all properties equitably. A case-by-case approach to decisions is not only inequitable, it is a poor use of Council's valuable and limited time. Council's role should be establishing overarching policies and we need to make sure there are the time and resources to do so.

Finally, the CID Board and our consultants, Winter and Company, just concluded the first step to developing a set of design guidelines for the downtown area. Mr. Winter and his team presented an initial set of goals, including:

- The development of aspirational standards for what development should look like.
- A wide range of suggestions for how for a developer can meet these standards.
- A focus, not simply on the number of floors, but on massing and scale.
- Options for activating ground floors with commercial uses, community space, or public art.
- A focus on durability and sustainability.
- Sensitivity to context, particularly in the historic areas.
- Options for shared, private parking structures that are better integrated into the urban landscape.
- Sample designs for everything from infill development to institutional buildings to residential.
- Ways to encourage and incentivize smart design.

Winter and Company have already been in discussions with Tim Teddy and Clarion Consulting and see their efforts as a complement to the city's review of the zoning process. Mr. Winter and his team will be conducting a workshop in May and we anticipate a full set of design guidelines by the fall.

Of course, the process of developing design guidelines is different than revising zoning categories but we believe the work of Winter and Company may allow us to address some of the current concerns on a more specific level.

Overall, we realize that revising C2 is a contentious issue but again, we believe that the various parties can eventually reach a community consensus on what downtown should look like now and in the future. Quick changes like this tend to divide people while a more thoughtful process will give everyone the time to consider the issues, have full and lively discussions, and negotiate agreements.

We urge you to forgo any ad hoc changes to C2 in favor of a community-wide discussion lead by the city's current consulting team. We also encourage you to look to the CID's current efforts to develop downtown design guidelines as another way to approach this issue.

Thank you for your consideration and please don't hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Carrie Gartner", written in a cursive style.

Carrie Gartner  
Executive Director  
Downtown Community Improvement District

- B73-14 Amending the FY 2014 Annual Budget to add and delete positions in the Water and Light Department; amending the FY 2014 Classification and Pay Plan to make title changes.
- B74-14 Amending Chapter 16 of the City Code as it relates to marijuana.
- B75-14 Appropriating funds to Public Safety and Joint Communications for FY 2014 personnel and operating expenditures.
- B76-14 Appropriating funds for emergency management services and siren upgrades.

#### REPORTS AND PETITIONS

**REP23-14 Appointments to the Human Services Commission.**

Mr. Matthes and Mr. Hollis provided a staff report.

Ms. Hoppe made a motion to appoint Shirley Patterson and Eva Trumbower to the Human Services Commission to finish out their existing terms. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

**REP24-14 C-2 District "Interim" Amendments.**

Mayor McDavid stated he presumed the process would be to refer these to the various stakeholder groups. Ms. Hoppe suggested it be referred to the Planning and Zoning Commission only.

Mr. Skala understood the draft ordinance took up the three issues of building height, parking, and street level retail, but they had received a series of recommendations from various boards and commissions about potential C-2 zoning changes, and suggested all of those materials and the draft ordinance be referred to the Planning and Zoning Commission, so they could review all of it and provide recommendations to Council.

Mayor McDavid asked if it would be appropriate to refer the language to the Downtown CID Board since they were a stakeholder. Ms. Hoppe replied she thought they could provide input to the Planning and Zoning Commission. She noted the purpose of this was to speed up the process so they had something in the interim. She explained they had provided their opinion previously as well.

Ms. Hoppe understood the draft recommendation with regard to retail was very narrow as it included Broadway from the east side of Eighth Street to Hitt Street, and thought it should incorporate a longer stretch of Broadway. She suggested the Planning and Zoning Commission consider it all of the way to Providence. Mr. Teddy understood Ms. Hoppe wanted that as a requirement for street-level retail. Ms. Hoppe stated that was correct.

Ms. Hoppe stated she also wanted the Planning and Zoning Commission to consider adding a provision indicating designated buildings to be demolished within the Downtown Historic District had to go before Council for approval, which was similar to the wording regarding building height. She explained there were currently no protections. Mr. Teddy understood she was referring to buildings in a National Register district or within a city historic district designation. Ms. Hoppe stated that was correct.

Mayor McDavid commented that he did not agree with the height restrictions, and referred to a study completed by Gordon Crosby, Jr. at the University of Missouri that

compared Columbia with other towns similar in size. It indicated Ann Arbor, Michigan had 114,000 people and 22 high rises with the highest being 26 stories, and Gainesville, Florida having 124,000 people and seven high rises with the highest being 26 stories. He noted Columbia grew 2.8 percent in the last census decade, and although they did know how the City would grow in the future, a one percent growth in 20 years would mean a population of 140,000. He noted this was a moot point because no one would build a 26-story building in Columbia since the City could not service it with electricity.

Mr. Skala noted the H3 Charette Report provided varied height recommendations across the community, and wanted to ensure the other recommendations that had previously been received from the stakeholders were provided to the Planning and Zoning Commission along with this draft ordinance and the suggestions of Ms. Hoppe.

Ms. Hoppe thought they had to remember this was an interim regulation, and that there might be additional changes and recommendations in the future. She wanted to ensure they had the basics in place now.

Ms. Nauser stated she agreed with Mayor McDavid and did not know why they wanted to discuss placing limits on the heights of structures, and thought they should require a minimum height instead. She noted they did not have ocean views to protect and was not sure why they were afraid of building upward. She was also concerned with the Council deciding which streets should have retail and felt that should be left to the market to decide because they did not want to have all of the retail in one area. She was also unsure of the need for an interim solution when they had not really defined the problem. She noted the City had just hired a consultant to review and provide recommendations on the zoning codes, and wondered what would happen if this was contrary to their recommendations. Ms. Hoppe stated the report indicated the consultants were aware of this and would make some initial suggestions for the interim. Ms. Nauser commented that they were creating a climate of uncertainty because this would be an interim solution for a year at most prior to receiving the new recommendations. People developing in the downtown would not know which rules would apply due to the timing of all of it. She noted some projects took two years to get to the City, so she could not support this.

Mayor McDavid stated he agreed with Ms. Nauser, but thought the issue was moot due to the lack of infrastructure.

Mr. Skala stated he did not understand why they were foreclosing on comments about a report when they had not yet received a recommendation from the Planning and Zoning Commission. Ms. Nauser pointed out that she did not feel a recommendation was necessary at this time.

Mr. Thomas asked for clarification on the process. He wondered if they were making specific zoning changes to the C-2 zoning rules for input from the Planning and Zoning Commission, and whether those changes would come back to Council as an ordinance to make the changes permanent. Ms. Hoppe replied yes. Mr. Teddy explained the initial draft ordinance and the background materials would go to the Planning and Zoning Commission for their recommendation. He noted he had spoken with the consultant who provided a letter he would provide to Council tomorrow, which indicated they concurred with the approach and liked the idea it was limited to only those three issues because they were within the existing



structure of the ordinance. He pointed out they were working on restructuring the ordinance. Mr. Thomas asked if this would occur after the ordinance came back to Council. Mr. Teddy replied yes, and explained the consultant was working on an overall ordinance update, which meant they were reviewing all of the zoning districts.

Mr. Thomas understood the draft ordinance would restrict the building height to not more than ten stories or 120 feet for any downtown building. Mr. Teddy stated Council approval would be required for anything above 120 feet or 10 stories, so it was still an unlimited height.

Mr. Thomas understood there was currently not a parking requirement for C-2 zoned property, and asked for clarification on the proposed change. Mr. Teddy replied the parking standard would be for new residential space in C-2, and there would be an allowance for converting existing building space and historic buildings to loft apartments without additional parking being required. Any new residential would require a lesser ratio than what was currently in the parking table, and it favored the 1-2 bedroom mixes. Mr. Thomas asked if there was a number. Mr. Teddy replied it was one space per thousand square feet for one and two bedrooms, and an additional half space for each bedroom for three and four bedrooms. Mr. Thomas asked what that would mean for the Opus development. Mr. Teddy replied it would require more than they were providing.

Mr. Thomas noted there had been a lot of interest in requiring downtown residential developments to buy equity in the bus system, and asked if that would be an appropriate provision for zoning that would offset parking. Mr. Teddy replied he thought it could be considered. Mr. Thomas wondered if there could also be offsets for on-site solar generation to alleviate electrical capacity load or low-flush toilets to alleviate sewer capacity issues. Mr. Teddy stated there was likely not a limit to what could be added, but suggested they not add too much more if they wanted this returned quickly. Mr. Thomas understood, but wanted to ensure these things were discussed when they reviewed the codes for the long-term.

Ms. Hoppe made a motion to refer the draft amendment with the two additions she had suggested to the Planning and Zoning Commission to hold a public hearing, which would include input from the stakeholders that submitted letters as well as the consultant. The motion was seconded by Mr. Skala and approved by voice vote with only Ms. Nauser voting against the motion.

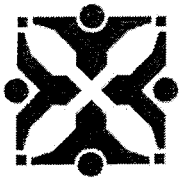
Mr. Matthes asked if by retail Ms. Hoppe meant retail and office space. Ms. Hoppe replied yes, she meant retail and office space.

#### **REP25-14 American Airlines Air Service Year End Report.**

Mr. Glascock provided a staff report.

Mayor McDavid understood this market had been driven by demand. Mr. Glascock stated that was correct, and pointed out they were first in load factor and yield in the American Eagle network.

Mayor McDavid commented that he thought the City was positioned to move to 70-75 seat aircrafts as the industry moved away from the smaller aircrafts to larger aircrafts, and that would create more capacity and competitive fares. Mr. Glascock noted they expected to exceed 50,000 enplanements with the new flight.



# City of Columbia

## Community Development Department

701 EAST BROADWAY • PO BOX 6015 • COLUMBIA, MO 65205-6015

**TO:** Columbia Chamber of Commerce  
Columbia Downtown Leadership Council  
Downtown Community Improvement District  
East Campus Neighborhood Association  
Historic Preservation Commission  
North Central Columbia Neighborhood Association

**FROM:** Timothy Teddy, Community Development Director

**DATE:** March 21, 2014

**RE:** Draft C-2 Ordinance - Request for Review and Comment

Attached please find a copy of a draft ordinance amending building height, residential parking requirements, and street-level commercial space provisions in the C-2 Zoning District. The draft ordinance is an "interim" measure that may be considered by the City Council in advance of comprehensive revisions to the entire zoning ordinance, including the C-2 District. The City Council has referred the ordinance to the Planning and Zoning Commission. The Council has requested your input as one of the six groups that provided comment on the C-2 District to Council last year.

Attached for your review and comment is a draft of the ordinance as well as a number of background materials. This item is scheduled for a public hearing of the Planning & Zoning Commission on **Thursday, April 24, 2014 at 7:00 P.M. in the City Council Chambers, 701 East Broadway, Columbia.**

You may send any comments and questions to the Planning & Zoning Commission at [planning@gocolumbiamo.com](mailto:planning@gocolumbiamo.com) or write c/o Community Development Department, City of Columbia, 701 East Broadway, Columbia, Missouri 65201-6015.

Thank you for your service to Columbia. Should you have any questions regarding this notice or need additional time to respond please contact Tim Teddy at [ttteddy@gocolumbiamo.com](mailto:ttteddy@gocolumbiamo.com) or (573) 874-7318.

**C:** Planning & Zoning Commission  
Planning staff

Building & Site Development  
(573) 874-7474  
Fax (573) 874-7283

Neighborhood Services  
(573) 817-5050  
Fax (573) 442-0022

Planning & Zoning  
(573) 874-7239  
Fax (573) 874-7546

TTY 1-800-676-3777 MO Relay

[www.gocolumbiamo.com/communitydevelopment](http://www.gocolumbiamo.com/communitydevelopment)

Clarion Associates, LLC  
621 17<sup>th</sup> Street, Suite 2250  
Denver, Colorado 80293  
303.830.2890  
303.860.1809 fax

Community Planning  
Zoning/Design Standards  
Impact Fees  
Growth Management  
Sustainability

**CLARION**

March 17, 2014

Mr. Tim Teddy  
Community Development Director  
City of Columbia  
701 E. Broadway, 5th Floor  
Columbia, MO 65201

RE: Draft C2 Zone District Interim Ordinance

Dear Tim:

We have now had a chance to review your draft ordinance addressing the immediate challenges facing the C2 (Downtown) zone district.

We think the proposed interim controls on residential parking requirements, maximum building heights, and active street frontages on selected streets reflect a focused attempt to address the most pressing challenges in that district, and we support the use of these tailored controls pending the much broader changes to the C-2 zone district anticipated as part of the overall Development Code update process.

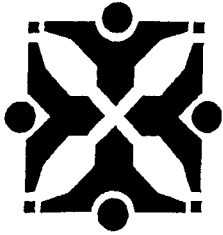
Because of the much broader rethink of the C2 zone district currently underway, we hope that the interim controls can be limited to these specific issues, and we would discourage the City from adopting more broad-ranging interim controls for the C-2 district.

If the City decides to move ahead with this interim ordinance, the Clarion / Ferrell Madden team would be happy to discuss the draft ordinance with Staff in more detail and possibly offer our suggestions for further tailoring the language so that the ordinance achieves its purposes most effectively and efficiently.

Sincerely,



Donald L. Elliott, FAICP  
Director



Source: Community Development - Planning

Agenda Item No: REP24 - 14

To: City Council  
From: City Manager and Staff

Council Meeting Date: March 17, 2014

Re: C-2 District "Interim" Amendments

#### **EXECUTIVE SUMMARY:**

Council members have indicated a desire to move forward quickly with amendments to the C-2 district provisions in the City zoning ordinance. Staff has prepared for Council review and comment a draft amendment to selected provisions in the C-2 Central Business District. Since the City has a comprehensive zoning amendment process underway that will improve the structure of the ordinance as well as institute new and revised standards, the attached ordinance should be thought of as an "interim" measure meant to respond to three issues of current public and City Council concern: residential parking, building height, and first floor retail space. The ordinance is drafted within the existing structure of Chapter 29. The future amendments may consider other aspects of downtown development and will restructure the regulations in a more user-friendly illustrated format.

#### **DISCUSSION:**

The C-2 District Business District is a compact zoning district of approximately 144 total acres located primarily in the Original Town of Columbia area as indicated on the attached map. The District allows a mix of commercial, institutional, and residential uses in buildings that may be placed with no setback from lot lines and without restriction on building height. The district has a minimum of restrictions on development. Besides controlling the use of buildings, the district requires a conditional use for on-site, surface parking areas, and specifies a handful of other conditional uses. A "conditional use" is a permitted use that may not be appropriate for all sites within a zoning district. The Board of Adjustment must examine each proposed conditional use and approve them case-by-case. Besides these use regulations, C-2 requires, through appropriate cross-references, landscaping when buildings are setback from lot lines and, when dwelling units are involved, each dwelling unit is subject to a 400 square foot minimum floor area.

There is currently no parking requirement for new construction or changes in use in C-2. As is often the case for compact downtown districts, the public relies on public parking to provide spaces for vehicles in the form of public garages, parking lots, and on-street parking spaces.

The draft ordinance changes three things:

1. **Building height.** Instead of unlimited building height, buildings greater than 10 stories or 120 feet in height are subject to a special review by the Planning and Zoning Commission and the City Council. The Commission and Council are to apply specific criteria to each proposal for a tall building: plan consistency, impact on emergency response capability, impact on views, air and light, availability of public utilities and infrastructure, and traffic impacts on streets and sidewalks.

2. **Residential parking.** Instead of no parking requirement, new residential uses are required to provide on-site parking spaces. The ratio of parking supply to dwelling units is less than the ratio for dwelling units outside of the C-2. The parking requirement is graduated such that it increases as the number of bedrooms per unit increases. There is also an exemption for the retrofitting of historic buildings with new residential units. To allow some flexibility in meeting the requirement, no conditional use is required for surface parking lots that are located behind buildings and are not adjacent to streets.

3. **Street-level retail.** On several specified blocks, all of them on Broadway and Ninth Street, no street level residential use is permitted in the draft ordinance. The draft language specifies that this condition applies only to specific blocks. Staff advises against a general requirement that first floor space be reserved for retail uses throughout the District. Many successful downtowns feature particular streets that have a strong, pedestrian-oriented retail function while nearby streets are "role players," accommodating residential and other non-

commercial uses on the first floor space, much of which complements the pedestrian-oriented retail found nearby. By specifying particular blocks, the Council may use the C-2 to ratify strong development trends that have concentrated retail on particular blocks rather than risk "over-zoning" street frontage for retail to the exclusion of other viable uses. The selection of blocks may be changed from time to time.

Staff recommends that this item be referred to the Planning & Zoning Commission for a public hearing. The City's zoning consultants have been advised of the pending amendment and are prepared to comment on it and suggest possible revisions to the Commission and Council.

**FISCAL IMPACT:**

There is no fiscal impact associated with this report

**VISION IMPACT:**

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

*6.2 Goal: Downtown Columbia will have a variety of safe housing options, including new and revitalized units, for all age groups and income levels with easy access to desirable amenities. Development and design guidelines will be instituted.*

*6.3 Goal: People and vehicles will have easy access to downtown businesses and services and enhanced movement within and through the downtown area.*

**SUGGESTED COUNCIL ACTIONS:**

Refer the draft amendment to the Planning and Zoning Commission for a public hearing and recommendation to the City Council

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Epands on existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	Yes
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	6.2
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	6.3
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	

## DISCUSSION DRAFT C-2 DISTRICT *INTERIM* PARKING AND BUILDING HEIGHT AMENDMENTS

*[Note: "Interim" means this amendment is intended to be effective until the development code update project is completed. The update, scheduled to be completed by the end of calendar year 2015, may make other changes to the C-2 District and will make changes to the existing format of the Zoning Ordinance as a whole. To be successful, an interim amendment should be focused. This one focuses on the residential parking, maximum building height, and retail use at street level. Other issues should be considered in the context of the larger update to avoid disrupting the consultant scope of work and project budget]*

### Chapter 29 ZONING\*

#### Section 29-15 District C-2, central business district.

(a) Purpose. This district is intended to provide for commercial facilities in the central business district. The principal land uses are retail sales, services, offices, **mixed-use including housing** and public facilities.

*[Note: Successful downtowns are mixed use, with housing providing a 24-hour downtown and a live-in market for downtown businesses. The District purpose should reflect that.]*

(b) Permitted Uses. In district C-2, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses (for exceptions, see section 29-28, Non--Conforming Uses, and section 29-31, Board of Adjustment):

All permitted uses in district C-1 with the exception that dwelling units shall also be subject to section 29-8(d)(6) **and no dwelling units shall be permitted within the street side first floor space in buildings on the following blocks within the C-2 District:**

**Broadway, from the east side of 8th Street to Hitt Street; and Ninth Street, from the south side of Walnut to Elm Street.**

Armories.

Assembly and lodge halls.

Automobile repair facilities, provided that all repair shall take place within an enclosed building.

Bakeries.

Bars, cocktail lounges and nightclubs.

Billiard halls and game arcades.

Bicycle repair shops.

Bus stations.

Car washes, coin-operated or attendant-operated.

Electrical repair shop.

Garment storage facilities.

Government buildings and facilities.

Hospitals for small animals, if within an enclosed building.

Hotels.

Laundries, commercial.

Lumberyards.

Multi-level, underground or covered commercial parking for automobiles and light trucks.

Newspaper publishing plants.

Printing shops.

Restaurants, cafes and cafeterias.

Service stations, provided all fuel storage tanks are located underground.

Shops for custom work, or the manufacture of articles to be sold at retail only on the premises, provided that in such manufacture the total mechanical power shall not exceed five (5) horsepower for the operation of any one shop, and provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) per cent of the total floor area of the entire building or the equivalent of the ground thereof, and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

Sign painting shops.

Theatres, not including drive-in theatres.

Trade schools.



Wholesale sales offices and sample rooms.

Customary accessory uses, including drive-up facilities, subject to the provisions of section 29-27.

Any retail business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

(c) Conditional Uses. The following uses shall be permitted in district C-2 only after the issuance of a conditional use permit pursuant to the provisions of section 29-23:

Halfway houses for not more than fifteen (15) occupants, provided that the board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, other halfway houses and halfway houses for young offenders for not more than forty (40) occupants.

Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.

Mortuaries, which may include a crematory.

Research and development laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.

Self-service storage facilities, subject to the following conditions:

(1) The application required by section 29-23 shall include a conceptual design plan that shows:

a. The location of the proposed facility in relation to the existing uses of the building.

b. The square footage of the total building and area that will be allocated for the proposed facility.

c. The means of ingress and egress to the proposed facility.

d. The use group or groups that the building is currently permitted for as defined in chapter 6 of this code.

e. How the altered building will address parking and loading demands generated by the proposed facility.

The conceptual design plan is not required to be "sealed" by a registered design professional. The plan may be drawn by the applicant. The plan shall be prepared in a manner that all details are legible.

- (2) The facility is incidental to the primary use of the building in which it is located (i.e., a mixed use occupancy building shall be required).
- (3) The facility shall not be used to store flammable gases, aerosols, paints, thinners, feed, fertilizer, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, construction materials, inoperable vehicles, or for bulk storage of any kind.
- (4) The use of power tools, paint sprayers, or servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment is prohibited in the facility.
- (5) The facility shall be used exclusively for the storage of goods. No individual tenant may convert, use, or otherwise alter a leased or rented unit to sell any stored item from the facility or to conduct any type of commercial activity at the facility.
- (6) When the facility is located on the first floor of a building, it shall not be located in front of the primary use so that it is the visible storefront of the building.
- (7) When the facility is located in the basement or on any floor higher than the first floor of a building, it may occupy the entire basement or floor only if existing exterior windows remain intact and are "blacked-out" to ensure that stored items are not visible and that the architectural integrity of the building façade is maintained. Building facades on new or renovated construction shall incorporate design elements that break-up the façade so it does not create a blank elevation.
- (8) When the facility is located in an existing or renovated building, loading and unloading activities, on public rights-of-way, shall not occur between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m. (Monday thru Friday).
- (9) When the facility is located in a newly constructed building, provision for off-street loading/unloading facilities shall be incorporated into the design of the structure. The facility shall be of adequate depth from the right-of-way so that no blockage of the travel way will occur during loading/unloading activities. When such provision is made, the limitation on hours of loading and unloading, stated in subsection 8, shall not apply. On-site parking requirements shall be governed by the provisions of section 29-30.
- (10) All proposed construction, renovation, or alteration activities necessary to permit the facility to occupy an existing or new structure shall be in accordance with the requirements of chapter 6 and chapter 9 of this code. Activities begun before submission, review and approval of professionally sealed plans and the issuance of a building permit shall be a violation of the conditional use permit conditions and this code.

Uncovered, surface commercial parking for automobiles and light trucks abutting a public street, except for publicly-owned parking facilities. Parking areas located behind buildings, not directly adjacent to a public street (except an alley) are permitted.

*[Note: The existing prohibition on surface parking is over broad. If surface parking is concealed by a building facade, should it still require a conditional use permit? The "decorative wall" provision encourages designers of parking lots to avoid the unwelcome flatness and emptiness that parking lots create adjacent to busy streets]*

Uncovered, surface off-street parking areas , except for publicly-owned parking facilities.

(d) Height and Area Regulations. In district C-2 any building, portion of a building or dwelling hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions, see section 29-26, Height and Area Exceptions):

(1) Lot size. No minimum requirement.

(2) Yards. No minimum requirement.

(3) Building height. ~~No maximum height.~~ One hundred twenty (120) feet or ten (10) stories is the maximum building height permitted by right. Buildings that exceed one hundred twenty (120) feet or ten (10) stories shall be subject to review by the Planning and Zoning Commission and approval by the City Council according to the standards and procedures in section 29-15 d(7) *[Note: The "or" is intentional. If somehow a building is ten stories and does not exceed 120 feet in height, it is still subject to the ordinance. Code requirements that result in an increased height can be accounted for in this way. "Height" excludes specified appurtenances]*

(4) Vision clearance. No requirement.

(5) Floor area. No minimum requirement.

(6) Parking. On-site parking is required for dwelling units in new buildings and buildings expanded after [effective date of the amendment]. On site parking shall not be required for new dwelling units created in buildings or parts of buildings that are at least fifty (50) years old. (See section 29-30, Off-Street Parking and Loading.) *[note: The ordinance would grandfather existing buildings such that developers after the institution of the parking requirement could add loft residential space within historic buildings without the burden of providing parking. Net residential expansion of the historic building would require provision of parking]*

(7) Tall structure approval.  
All buildings that exceed one hundred twenty (120) feet or ten stories in height shall require Council approval. Requests for tall structure approval in C-2 shall require a petition on a form provided by the director and shall be

referred to the Planning and Zoning Commission for a recommendation and City Council consideration of an ordinance approving the tall structure in the same manner and following the same procedural steps as described in Section 29-33 (Amendments).

Petitioners shall provide the Planning and Zoning Commission with preliminary building plans (elevations and representative floor plans), site plan including adjacent streets and alleys, and a shade study. [note: a "shade study" represents, in graphic form, the shade cast by the tall structure on adjacent properties and streets, by time of day and by season. An example of adverse impacts revealed by a shade study would be complete shading of rooftop solar panels mounted on an adjacent, lower building]

A tall building may be approved by the City Council if it satisfies the following criteria:

(i) The height is consistent with adopted City plan recommendations for the specific location; [note: selected City plans have recommended differentiated height limits in parts of the downtown. Though not the same as code, these recommendations acknowledge that tall structures are not appropriate in all locations]

(ii) The additional height will not impair emergency response to the subject building; [note: In practice the PZC and Council would rely on the testimony and review comments of City emergency services experts that they believe the building makes adequate provision for fire, medical, and security emergencies]

(iii) The additional height will not adversely affect public views of historic buildings; [note: The ordinance could single out selected "iconic" views such as Jesse Hall and Avenue of the Columns or it could define historic resources more generally]

(iv) The additional height will not have an adverse impact on the availability of air and light to adjacent buildings and public streets; [note: this section allows adjacent property owners, the City, and other users of public streets to object the impact of the building on the "livability" of neighboring places]

(v) The additional height will not create demand on any public utility or public infrastructure in excess of available capacity. [note: this section allows the City to deny a building that requires utility service or infrastructure in excess of capacity]

(vi) Public sidewalks, crosswalks, and streets adjacent to the site are sufficient capacity to handle the anticipated pedestrian and vehicular traffic generated by the tall structure. [note: This criterion recognizes that vehicle and pedestrian trip generation from taller buildings may be out of proportion to the size and capacity of adjacent streets and sidewalks, and may be mitigated by developer contributions to improve public infrastructure with their plans]

(Code 1964, § 19.163; Ord. No. 9958, § 1, 10-3-83; Ord. No. 11702, § 1, 12-7-87; Ord. No. 12088, § 1, 12-12-88; Ord. No. 13526, § 1, 12-7-92; Ord. No. 14777, § 1, 3-4-96; Ord. No. 15134, § 1, 2-3-97; Ord. No. 15471, § 1, 1-5-98; Ord. No. 16105, § 1, 8-2-99; Ord. No. 17667, § 1, 5-5-03 ; Ord. No. 20285, § 1, 6-1-09)

**Section 29-30 Off-street parking and loading regulations.**

**(a) General Requirements:**

(1) Except for non-residential buildings in District C-2, existing buildings and parts of existing buildings 50 years and older in District C-2 re-used for residential purposes, and except as provided in subsection (a)(2), all uses established and all buildings erected, constructed, reconstructed, or expanded after November 19, 2001 shall be provided with off-street parking spaces, either in the form of parking garages or open parking areas for the parking of motor passenger vehicles, as specified herein.

...

(b) Parking Requirements. Off-street parking spaces shall be provided for all uses in accordance with the minimum requirement set forth in Table 29-30 (b)(1).

Table 29-30 (b) (1)

Add: Residential uses within the C-2 Central Business District:

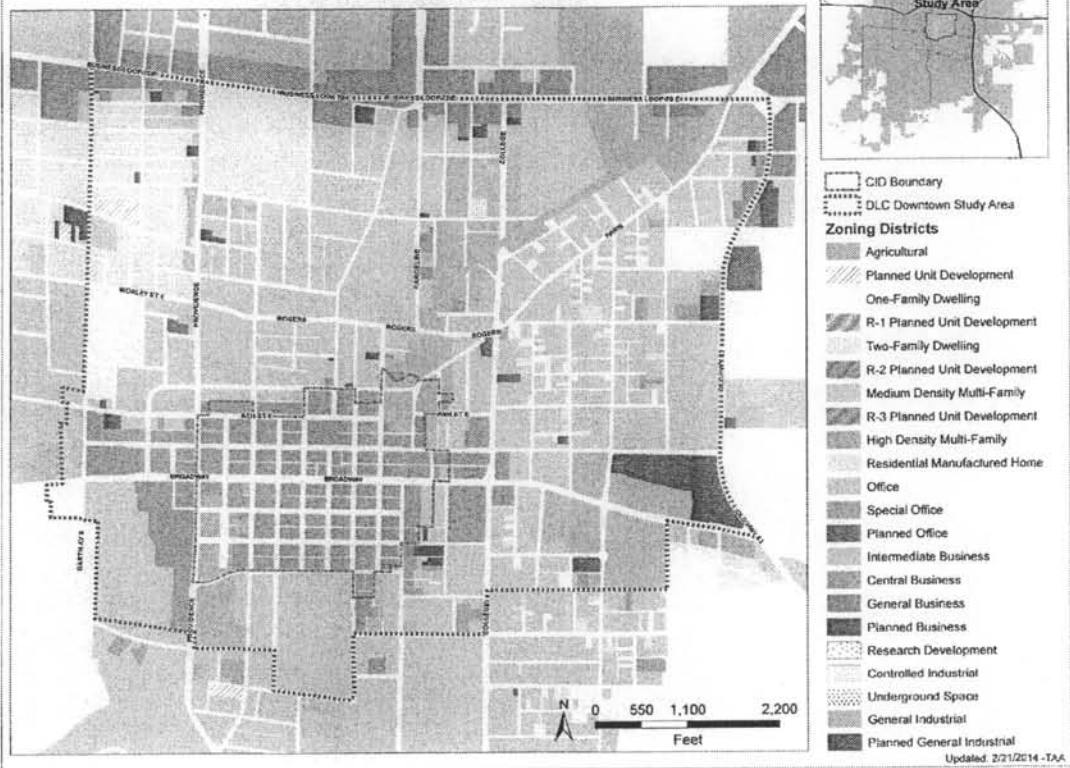
One (1) off-street parking space for each 1,000 square feet of new residential development (new buildings or expansions of existing buildings) in one (1) and two (2) bedroom dwelling units plus 0.5 parking spaces for each bedroom in dwelling units having 3 or more bedrooms.

Minimum parking supply shall be located on-site in a parking structure, at-grade or below grade surface parking under a building, surface parking behind a building, or surface parking for which a conditional use permit has been approved.

*[Note: The one space per 1,000 square foot standard is common in mixed-use urban environments with good pedestrian infrastructure and transit availability. The "new space" criterion is a bonus provision for developers that remodel existing historic buildings to create residential units. The 0.5 per bedroom requirement for 3-4 bedroom units is a mild disincentive to build 4-bedroom units]*

# Downtown Leadership Council Study Area Primary and Overlay Zoning Districts

City of Columbia, Community Development Department, EDO 6/3/2013



Issue	CDLC	CID	ECNA	HPC	NCCNA	PZC
C2 Setbacks	Charrette report recommendations	Retain zero-setback	Form-based Code (FBC)		Trade setbacks for height	
C2 Height	Charrette report recommendations	10 floors + bonuses	Height districts (FBC)		Endorses charrette report recommendations 4 stories /bonus provisions	
C2 Parking	<ul style="list-style-type: none"> <li>Require parking ratios for residential</li> <li>Interim protections</li> </ul>	<ul style="list-style-type: none"> <li>Comprehensive parking plan</li> <li>Allow small concealed pkg areas</li> <li>Req. parking /transportation plans</li> <li>Residential user fee</li> </ul>	FBC District-specific standards			<ul style="list-style-type: none"> <li>Incentives to provide pro-rated supply</li> <li>Public-private partnerships</li> <li>Review parking fee structure</li> <li>New parking inventory &amp; plan</li> <li>Parking/bldg. ht. bonuses</li> </ul>
C2 Landscaping	Charrette report recommendations	No private landscape requirements – green the public spaces		One of several bonus provisions	One of several bonus provisions	
C2 Density	Scale, cohesiveness, character	No major changes	Build no 4BR du's			
C2 Land Use	<ul style="list-style-type: none"> <li>Street level retail</li> <li>Form-based code where applicable</li> </ul>	No major changes	<ul style="list-style-type: none"> <li>Remove residential from C2</li> <li>Consider form-based code</li> <li>Downzoning</li> </ul>	Residential as conditional use permit or similar process	No 1 <sup>st</sup> floor residential	
Historic Preservation	Interim protections	Incentive-based approaches		<ul style="list-style-type: none"> <li>"Grandfather" 50+ yr-old bldgs.</li> <li>Architectural review board</li> <li>HP Revolving Loans</li> </ul>		
Zoning review	Accelerate consultant process	Supports consultant				
Downtown Expansion		<ul style="list-style-type: none"> <li>Include in CID</li> <li>Expand C2 where appropriate</li> </ul>	Consider R4 for residential Downzonings only	"Conformance with Character" criteria	R4 for high rise residential	
Infrastructure		<ul style="list-style-type: none"> <li>Require solid waste mgmt. plans</li> <li>Master plan for sidewalks</li> </ul>	Sufficiency of services		Sufficiency of services	<ul style="list-style-type: none"> <li>Capacity baselines</li> <li>Recapture agreements</li> </ul>
Urban design		Voluntary design guidelines		Architecture review board		
Other	<ul style="list-style-type: none"> <li>Revisit charrette recommendations</li> <li>Broad public engagement process</li> </ul>	<ul style="list-style-type: none"> <li>Pre-determined set of rules for development preferred</li> <li>Incentive-based standards</li> </ul>	Consider 6 mo. permits freeze Follow H3 charrette report	<ul style="list-style-type: none"> <li>Interim protections, e.g., abeyance or special review of demos</li> <li>Enhanced membership req's for BoA or alternative review board</li> </ul>	<ul style="list-style-type: none"> <li>Bike parking/bike transit station exchanged for density</li> <li>LEED cert. exchange for density</li> <li>Construction labor set-asides for density</li> <li>Both carrot and stick approaches</li> </ul>	Supports CID rec's w/ additions

CDLC = Columbia Downtown Leadership Council  
CID = Downtown Community Improvement District  
ECNA = East Columbia Neighborhood Association

HPC = Historic Preservation Commission  
NCCNA = North Central Columbia Neighborhood Association  
PZC = Planning & Zoning Commission

January 25, 2013

Mr. Brent Gardner  
Chair, Downtown Columbia Leadership Council  
315 W. Stewart  
Columbia, MO 65203

REPRESENTATIVE  
LETTER  
SENT

RE: Council Request for Feedback

Dear Mr. Gardner,  
At the January 22, 2013 City Council Meeting, the Council did not pass Council Bill B375-12, to establish a temporary abeyance of demolition permits in the Downtown Community Improvement District.

Following the discussion, 6<sup>th</sup> Ward Council Member Barbara Hoppe requested that the Planning and Zoning Commission, Downtown Leadership Council, Historic Preservation Commission, Downtown Community Improvement District and the three adjoining Neighborhood Associations, make fundamental and basic recommendations on what, if any, changes should be made to C-2 Zoning, setback, height, parking and landscaping requirements and regulations.

In an effort to proceed in a timely manner on getting provisions in place, we ask that your group discuss this and provide your feedback no later than March 31, 2013. Please provide your recommendations to Sheela Amin ([skamin@gocolumbiamo.com](mailto:skamin@gocolumbiamo.com)) or by regular mail at the following address:

City Clerk, Sheela Amin  
701 East Broadway  
Columbia, MO 65201

Should you have questions please let me know.

Sincerely,

Mike Matthes  
City Manager  
Columbia, Missouri

Sheela Amin  
City Clerk  
Columbia, Missouri

Cc:  
Planning and Zoning Commission  
Historic Preservation Commission  
Community Improvement District

North Central Columbia Neighborhood  
Tenth Hitt Elm Locust Neighborhood  
Benton-Stephens Neighborhood



RECEIVED MAR 15 2013

.....  
The District • Downtown Community Improvement District  
11 South 10th Street • Columbia, MO 65201 • (573) 442-6816  
DiscoverTheDistrict.com



March 8, 2013

Columbia City Council  
700 E. Broadway  
Columbia, MO 65201

Mr. Mayor and City Council Members:

On March 7, 2013, the Board of the Downtown Community Improvement District approved the enclosed recommendations regarding C2 zoning. These recommendations were the result of a diverse group of members who dedicated quite a bit of time to this issue. The board also wanted to emphasize a few key points for Council.

First, we believe downtown is on the right track. Over the past few years, we've seen property values rise, sales tax revenues increase, vacancy rates drop, and pedestrian activity surge. Thus, we don't feel that a complete overhaul of C2 is warranted. Clearly, we're doing something right here in The District.

Second, these are all general recommendations; we recommend a professional use these as a starting point to crafting actual policy. A planning professional will help us avoid any unintended consequences that may arise from these changes.

Finally, the board believes that parking and solid waste/recycling are the two most pressing issues and recommend addressing these first.

If you have any questions or need any further information, please feel free to contact me at (573) 442-6816. Thanks for your help.

Sincerely,

Carrie Gartner  
Director  
Downtown Community Improvement District

**CID Board**

Andrew Beverley  
Landmark Bank

Blake Danuser  
Binghams

Adam Dushoff  
Addison's

Christina Kelley  
Makes Scents

Richard King  
The Blue Note

Tom Mendenhall  
The Lofts at 308 Ninth

Michael McClung  
Déjà vu, Resident

Allan Moore  
Moore & Shryock

John Ott  
Paramount Building

Jennifer Perlow  
PS: Gallery

Deb Sheals  
Historic Preservation Consulting

Ben Wade  
Guitarfinder

Michael Wagner  
Boone County National Bank

Marti Waigandt  
808 Cherry

Andrew Waters  
Columbia Daily Tribune

## Overall

---

**Recommend the city proceed with current plans to have a consultant review zoning issues, putting C2 zoning and parking at the top of the priority list.**

*Changes to zoning rules have the potential to create unwanted outcomes and discourage important economic development. Because of that, zoning revisions should be part of a thoughtful and deliberative process that is guided by a professional consultant. Having an outside viewpoint will help us avoid costly mistakes and point us to best practices in other cities.*

**Recommend a consistent set of rules for all aspects of C2, rather than a conditional use permit process where the rules are decided on a case-by-case basis.**

*A pre-determined set of rules brings certainty to the development process and guarantees a fair and transparent process. Any changes should be codified, easy to understand, and applied to all properties equitably.*

**Recommend the city encourage desired types of developments through incentives, rather than prohibitions, whenever possible.**

*"Carrots" should be an integral part of any new changes. Effort should be taken to discover ways that desired development could be incentivized or encouraged, rather than mandated.*

## General Zoning Designations

---

**Recommend that any parcels rezoned C2 that are contiguous to the CID be included within the CID.**

*Many new developments adjacent to the CID add unforeseen stress to the various services within the CID (solid waste, maintenance, parking, etc.). By bringing them into the CID, these stressors can be better planned for. In addition, the development and the tenants would benefit from the increased services provided by the CID.*

**Encourage the expansion of C2 zoning where appropriate.**

*The goal here is not to expand C2 into existing residential neighborhoods; rather, the goal is to support changes to C2 zoning where appropriate. For instance, many downtown parcels are still zoned for manufacturing even though the current use better fits with C2.*

## Setbacks

---

**In order to encourage a pedestrian-friendly environment, setbacks should be discouraged in C2.**

*Downtowns are traditionally built to the sidewalk, with zero setbacks. In fact, that's one of the defining physical features of a downtown—shops and restaurants lined up along the sidewalk with passersby enjoying the activity. Downtown's success relies on these highly walkable, pedestrian-friendly sidewalks. Setbacks create holes in the street front and dead spaces that discourage pedestrian traffic. In addition, requiring a setback of 15 or 30 feet will reduce the useable space to the point where constructing taller buildings becomes the only financially feasible option.*

## Historic Preservation

---

**The committee supports historic preservation efforts but agrees that preservation should be an incentive-based effort, citing the past success of using incentives to encourage preservation.**

*Locally and across the nation it's been found that one of the best ways to encourage historic preservation is through incentives such as tax credits. Many communities are also encouraging creative, cooperative efforts between the not-for-profit sector and state and county governments. By focusing on positive ways to encourage preservation, we may be able to move the dialogue in a direction that would allow various interest groups to come together to promote and encourage historic preservation.*

## Landscaping

---

**No new requirements for landscaping on private property should be established but the city should continue to encourage greening of the public space.**

*Private landscaping should not be a requirement in the commercial core given that it usually requires inappropriate setbacks or an interruption in the streetscape. Instead of mandating private green spaces, the emphasis should be placed on shared, public green spaces that everyone is free to use. Public sidewalks should be landscaped with street trees, planters and other similar elements. Public landscaping over and above the current levels could be funded through a public-private partnership agreement between the city and the developer. In addition, residents should be encouraged to use the 4 parks surrounding the downtown (Peace Park, Flat Branch Park, Douglass Park and Stephens Lake Park) as well as the MKT Trail for recreation.*

## Trash

---

**Recommend the city require a trash and recycling plan in line with the Downtown Solid Waste District for new developments as part of the permitting process.**

*The development of high density residential has placed severe stress on our Downtown Solid Waste District (SWD). Unlike commercial areas outside of the CID where each business arranges for their own dumpster, the SWD relies on a system of shared compactors and dumpsters. This saves space (at a premium downtown) and keeps rates lower.*

*As apartments are developed, trash and recycling services are often set aside in favor of maximizing the amount of space for residential use. We've already found that residential developments without compactors are overloading compactors in adjacent blocks. In addition, as developments occur just outside the SWD and the initial development plan has no provisions for compactor or recycling locations, residents will use the nearby SWD locations without contributing into the SWD fund.*

## Sidewalks

---

**In an effort to make downtown more walkable and encourage a lively sidewalk culture, recommend the city develop a master plan for C2 sidewalks that addresses minimum widths.**

*Some downtown sidewalks are so narrow they are not only difficult to traverse, they prevent sidewalk cafes, street musicians, and other amenities. Having the city address minimum widths when a parcel is redeveloped, or find ways to expand sidewalks that don't require setbacks, would allow for a livelier sidewalk culture and make it easier for people to travel around downtown.*

## Height Restrictions

---

**Recommend a target height of 10 floors with bonus zoning options for desired types of development (such as first floor commercial or internal floors of parking).**

*Building height is directly related to the question of density. All too often, cities have found that residential-style zoning ordinances have been inappropriately applied to urban, commercial areas negatively impacting economic vitality and street culture. In addition, low-density development prevents urban centers from reaching the critical mass of residents needed for transit, retail, services, and other amenities (such as grocery stores). However, it is important to ensure that an appropriate scale for our downtown is maintained.*

*Bonus zoning is a common practice that allows increased density or height in exchange for certain types of development, such as first floor commercial. Bonus zoning can also be offered to developers who add elements that counterbalance the added density, including bike share stations, bike share funding, transit passes, transit station upgrades, zip cars, sustainability additions, and more. Overall, this approach is more "carrot" than "stick."*

## Parking

---

**Encourage the expansion of public and private parking solutions through the development of a comprehensive parking plan for the entire downtown area.**

*The city, in consultation with large employers, developers, owners of residential units, and other stakeholders, should develop a long-term, comprehensive plan for managing parking in the downtown area. This plan would serve as a blueprint for future decisions and would aid developers and other entities when addressing their own parking needs.*

**Small parking areas behind buildings should be allowed.**

*Parking areas hidden behind buildings should be encouraged, both as an alternative to lots directly abutting to the sidewalk (which discourages pedestrian traffic) and as a way to partially address parking for employees or residents.*

**Require a parking and transportation plan for any entity that is adding new or additional downtown parking needs over a certain threshold.**

*Adding new residents or new employees over a certain number will necessarily cause stress on the existing parking system. Any entity adding a significant number of people to downtown should submit a parking and transportation plan designed to show where these people will park and/or how alternate types of transportation will be encouraged. A plan could involve a mix of onsite parking, city garage permits, lot sharing, FastCAT passes for residents/employees, funding and placement of bike share stations, zip cars, etc. This will allow each entity to create a set of solutions designed to fit the needs of their tenants and will encourage creative solutions to the problem. A city-approved plan would also help prevent the demolition of an existing building simply to add a surface parking lot to address new parking needs.*

*(Note: A professional consultant could help determine the appropriate threshold of new parking that would require a plan.)*

**Consider a residential user fee based on a certain threshold of residents to be used for a parking and transportation solution as part of a comprehensive parking plan for the area.**

*As part of an individual parking plan, an entity can either provide parking and alternative transportation options or can provide a yearly contribution to a city parking fund (eventually to be used to fund a new garage or the rebuilding of one of the existing, 3-story garages.)*

## Design Guidelines

---

Recommend the CID fund (FY2014) a consultant to draft a set of voluntary, illustrated design guidelines for the CID.

*When the Broadway canopies were removed, the SBD created and distributed a set of voluntary façade guidelines to owners interested in options for fixing up their buildings. It proved useful for people who wanted to do something but were unsure how to proceed. A clear set of voluntary guidelines would provide a helpful incentive for developers who would like to build something appropriate to our downtown.*



RECEIVED MAR 27 2013

March 25, 2013

Columbia City Council  
700 E. Broadway  
Columbia, MO 65201

Mayor McDavid and City Council Members:

We understand that Columbia City Council asked members of the Planning and Zoning Commission, Downtown Leadership Council, Historic Preservation Commission, Downtown Community Improvement District and the three adjoining neighborhood associations to make fundamental and basic recommendations to C-2 Zoning regulations. We are writing to show our support for the recommendations that have been submitted by the Downtown Community Improvement District.

The Columbia Chamber of Commerce has a long-standing relationship with the Central Improvement District. We believe that they are the most qualified to make the recommendations that directly affect their land owners, business owners and residents. We share many of the same members and believe that the CID did a thorough job of representing those interests. We have asked our board of directors to review their report and we are in agreement with their recommendations.

Thank you for your time on this matter and we look forward to the positive outcomes of this important review of C-2 Zoning Codes.

Sincerely,

Randy Coil  
Chair of the Board

April 2, 2013

Mike Matthes, City Manager  
City of Columbia  
8<sup>th</sup> & Broadway  
Columbia, MO 65203

Dear Mr. Matthes:

Thank you for the opportunity to provide input on the City of Columbia's consideration of C-2 zoning changes downtown. The Downtown Columbia Leadership Council discussed this item at our March 26, 2013 meeting. However, much of our review and advice to Council over the last two years has been the impact of C-2 zoning downtown.

Appointed by the City Council, the Downtown Columbia Leadership Council has broad representation from three at-large community residents, Stephens College, Columbia College, the University of Missouri, and neighborhood associations. As such, the DCLC offers a perspective—from neighborhoods, residents, and academia—beyond the taxing entities and property owners impacted by proposed zoning changes. We look forward to providing that input to Council.

In 2009, with the help of H-3 Studios, the DCLC completed a major review of downtown planning issues in two emerging areas of downtown. The public engagement process reflected in the Charette report offers important guidelines as you consider appropriate changes to downtown. Before re-inventing C-2 zoning downtown, we encourage you to revisit the Charette's major recommendations that were carefully vetted in a broad stakeholder process.

Building upon the work already completed in the Charette, we encourage the city to investigate a Form-Based Code for applicable sections of downtown. A Form-Based Code could help transform the recommendations of the Charette into a legal framework. **A Form-Based Code could also help ensure the appropriate scale and character of new development within the downtown area as well as cohesiveness with the existing built environment.** We encourage the City to engage a planning consultant to focus on Form-Based Code as a possible solution to current issues associated with C-2 zoning.

Where possible, **we encourage the City to accelerate the timeline for its consideration of a planning consultant to review and recommend changes to the current C-2 zoning.** We believe H-3 Studio's intimate knowledge of downtown Columbia and the community's opinions could be an asset in this process. **Simply put, the Charette Report provides the framework the city now**

**DISTRICT CHARACTER RECOMMENDATIONS,  
Examples from page 23 and page 29.**

- **HEIGHT:** a 2-story minimum and 8-story maximum on Broadway Street, a 2-story minimum and 5 story maximum on Walnut and within the neighborhood, and a 3-story minimum and 10 story maximum on Elm Street.
- **SETBACK:** zero-lot line building placement or match existing within the neighborhood.
- **MATERIALS:** primarily of brick materiality or match of existing within neighborhood.
- **USE:** Mixed-use with ground floor retail on primary streets. Mixed-use with ground floor retail on Walnut and Broadway and area around Elm, with the remainder being residential except for corner retail, and **NO Industrial** land uses allowed within the district.
- **PARKING:** all new development shall require/include parking within their property boundaries. City is currently completing a new parking garage at 5th & Walnut.

(see Charette for further details)



requires to implement proper planning changes to the greater Downtown area. H3 should continue long-term study of downtown zoning, working in tandem with the City's Planning Department.

Beyond the recommendations of the Charette Report, members of the Downtown Columbia Leadership Council believe parking requirements for residential dwelling units should be immediately addressed. In an effort to protect city-supported parking options that attracts retail and downtown business, C-2 zoning should be amended to require parking ratios for new residential units.

Until the City Council considers and approves changes to C-2 zoning, the Downtown Columbia Leadership Council supports some type of interim protection on the issue of parking. A majority of DCLC members, but not all, support extending this protection to include demolition, historic preservation, and ground floor retail issues. Although the DCLC defers to planning staff on the scope and best method to accomplish that protection in the short term, options could include a temporary abeyance without prior approval, review by the Planning & Zoning Commission, conditional use permit, etc.

Finally, we encourage the City of Columbia to develop a broad public engagement process on this issue. Initially, we recommend a joint meeting with representatives of the Bicycle & Pedestrian Commission, CATSO, Historic Preservation Commission, Planning & Zoning, Columbia Development Commission, Comprehensive Plan/Columbia Imagined and the Downtown Community Improvement District to discuss the C-2 issue.

The Downtown Columbia Leadership Council is the ideal commission to help lead this discussion. We look forward to the opportunity to provide continued input to build a Downtown Columbia that illustrates the best aspirations of its residents, stakeholders, property owners, citizens, and community.

ON BEHALF OF THE DOWNTOWN COLUMBIA LEADERSHIP COUNCIL,

Brian Treece, Vice-Chair

March 31, 2013

Mr. Mike Matthes  
City Manager  
Columbia, MO

RE: Council Request for Feedback

Dear Mr. Matthes,

The Charette Report, prepared for the City of Columbia by H3 Studio in October 2010, is the most current planning document for downtown Columbia. It brought together and synthesized all previous suggestions and planning efforts commissioned by the City. The purpose statement suggests this report "operate as the guiding document for the future vision ....and upon approval by the Columbia City Council, it is recommended that the City of Columbia begin to adjust and amend specified ordinances." The Council approved the H3 Charrette Report in 2013.

Using the H3 Charrette Report as a starting point, the East Campus Neighborhood Association makes the following recommendations for altering current C2 zoning:

Divide the greater downtown area into districts, each with a form-based code plan that is specific for that section in terms of building height, setback, materials, use and diversity of use, parking, historic preservation, and streets;

Mandate sufficiency of services for all new construction;

Build no additional four bedroom units;

Allow rezoning only to a more restrictive category;

Remove residential uses from C2 zoning;

Consider R4 zoning for high density residential use;

Immediately freeze new building permits in the C2 area for six months.

Thank you for the opportunity to contribute to this discussion.

Sincerely,

Janet Hammen  
Chair, East Campus Neighborhood Association

TO: Mike Mathis  
FROM: City of Columbia Historic Preservation Commission  
DATE: March 27, 2013  
RE: HPC Input regarding C-2 Zoning

---

Thank you for the opportunity to provide input on the City of Columbia's consideration of C-2 zoning changes downtown. The Historic Preservation Commission discussed this item at our March 5, 2013 meeting. However, much of our review and advice to Council over the last several months has been the impact of C-2 zoning downtown and its impact on properties more than 50 years old.

#### LEGISLATIVE HISTORY

It's important to note the legislative history of C-2 zoning changes downtown. Prior to November 1988, residential dwelling units in C-2 zoning required a Conditional Use Permit reviewed by the City's Board of Adjustment with consideration given to the following standards:

- *"conformance with the character of the adjacent area"*
- *"the location, type and height of buildings or structures"*
- *"the type and extent of landscaping and screening on the site"*
- *"off-street parking and loading areas are provided"*
- *"adequate utilities, drainage, and other such facilities"*
- *"adequate access designed to prevent traffic hazards and minimize traffic congestion."*

Code 1964, § 19.200; Ord. No. 9958, § 1, 10-3-83

According to the minutes of the Planning & Zoning Commission meeting on November 10, 1988, there were 13 minor changes to the zoning ordinance in 1987. One change corrected a contradiction in C-2 that "pyramided" residential uses in the C-2 District and required residential uses as a conditional use. This type of pyramid zoning was never intended to be a substitute or a solution for mixed-use zoning that blends commercial, retail and residential in the built environment.

In effect, the City Council created a loophole by eliminating a Conditional Use Permit for residential dwelling units within C-2 zoning.

It is important to note that residential dwelling units were only contemplated for:

- *"existing" structures,*
- *the "second floors of buildings existing" downtown,*
- *the "upper level areas of businesses", and*
- *the "second floor of the downtown area".*

According to November 10, 1988 minutes of the Planning & Zoning Commission, every witness who supported this change only envisioned residential dwelling units on the second floors of existing buildings:

Kevin Flaherty, Executive Director of the Columbia Special Business District, came forward. He stated a number of property and business owners in the Downtown Area had asked him to appear and speak in favor of this particular ordinance. He stated that they were working very hard on long range development efforts in the downtown area, encouraging expansion of the existing residential development. He stated several individuals had expressed extreme interest in providing additional residential dwelling units in the second floors of buildings existing. He pointed out that the interest had been intensified with favorable loan packages put together.

Mr. Flaherty stated anything that could be done with the Zoning Ordinance that would make residential development easier and less burdensome for the individual developer was something that the business community in the downtown area was very much in favor of. He urged the Commissioners to recommend approval of the request.

And:

Tom Mendenhall, 1000 East Broadway, came forward. He stated he thought the revised ordinance was good in order to attract more people downtown and felt it would help improve some of the upper level areas of business, especially from a financial standpoint. He stated he was representing other businessmen from the downtown area who felt it was a good idea, but could not attend the meeting.

Phil Walters, 6700 South Chimney Ridge Road, came forward. He stated he owned several buildings in the downtown area and wanted to voice his support for the revision. He stated that for many years he had owned two apartments in the area which had been rented. He pointed out that the people who had rented the apartments had been professional people, in many instances women who worked either at the hospitals or the University. He stated they were the type of person who, in many instances, did not have a car and were single. The tenants liked the security of living on the second floor of the downtown area and also liked the ability of walking to work regardless of the weather.

Indeed, the lack of parking requirements for multi-family, residential dwelling units was clearly an issue for both the Planning & Zoning Commission and the City Council in 1988.

According to minutes of the December 12, 1988 City Council Meeting, property owners were interested in developing the "second floors of buildings" and "marketing their properties to those without vehicles" or "near parking garages or parking plazas":

**B358-88 Amending Chapter 28 re: dwelling units in Districts C-2 and C-3.**

The bill was given second reading by the Clerk.

Mr. Beck said that this had been studied by the staff and the Planning and Zoning Commission. It had been unanimously recommended by the Planning and Zoning Commission. It was felt that this would help the development of the Central Business District area by more readily allowing dwelling units in the area.

Mayor Smith opened the public hearing.

Kevin Flaherty, Executive Director of the Columbia Special Business District, spoke on behalf of several property owners very much in favor of the amendment. He asked Council for favorable consideration.

Mayor Smith closed the public hearing.

Referring to parking problems in the downtown area, Ms. Lynch asked if they had thought of any alternatives for the residents other than parking in metered parking.

Mr. Flaherty said he thought that most of the people interested in developing the second floors of buildings felt they would be marketing their properties to those without vehicles, but for those with vehicles the proximity of City parking facilities have been considered, i.e., the parking garage or the parking plaza.

B358-88 was given third reading with the vote recorded as follows: VOTING YES: LYNCH, SMITH, SCHEURICH, MCCOLLUM, KAISER, BARNES, EDWARDS. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

Introduced by Smith

First Reading November 21, 1988 Second Reading December 12, 1988

Ordinance No. 012088 Council Bill No. B 358-88

The 1988 change was always intended to help save existing historic buildings by creating the opportunity for residential uses and an additional income stream for property owners with vacant second floors. The City Council and Planning & Zoning Commission never contemplated that entire city blocks would be razed for multi-family residential dwelling units with no height restrictions, no setbacks, no parking requirements, and little or no retail components.

In 1988, the population of Columbia, Missouri was 62,084—nearly half of our current population. When the zoning ordinance was changed in 1988, fifteen story residential high-rises were never contemplated for C-2 zoning. Columbia's population did not require public or private parking garages to ease the shortage of metered parking. Residential dwelling units in C-2 zoning were always incidental to the primary purpose of retail and commercial.

#### **OBSERVATIONS & RECOMMENDATIONS**

We would like to convey to you the following observations and recommendations as you consider changes to C-2 Zoning. The commission tried to remain focused on recommendations to incentivize the preservation of Columbia's historic downtown. There may be other pressures—parking, setbacks, retail, height restrictions—that should also be considered in the context of C-2 zoning. However, the Historic Preservation Commission felt that was best left to other commissions such as the Planning & Zoning Commission and the Downtown Columbia Leadership Council.

1. Encourage historic preservation efforts by grandfathering existing buildings & structures into the existing zoning uses. One method of encouraging preservation of existing structures is to preserve certain ingredients of Columbia's current C-2 zoning—residential dwelling units, relaxed parking requirements, etc—for existing buildings over 50 years old. But new zoning requirements would apply when demolition and new construction is contemplated.

2. Consider restoring the pre-1988 planning & zoning scheme that required a Conditional Use Permit reviewed by the City's Board of Adjustment with consideration given to the following standards:

- *"conformance with the character of the adjacent area"*
- *"the location, type and height of buildings or structures"*
- *"the type and extent of landscaping and screening on the site"*
- *"off-street parking and loading areas are provided"*
- *"adequate utilities, drainage, and other such facilities"*
- *"adequate access designed to prevent traffic hazards and minimize traffic congestion."*

Code 1964, § 19.200; Ord. No. 9958, § 1, 10-3-83

For the purposes of HPC, "conformance with the character of the adjacent area" appears to be the most compelling standard by which future projects should be judged. In the most recent debates, "conformance with the character of the adjacent areas" could have applied to the eclectic feel of the North Central Arts District, continued residential homes on St. Joseph Street, and retail uses in the downtown shopping area.

3. Consider some type of interim protection while the City considers changes to C-2 zoning in the long-term. If the City pursues a consultant to re-design zoning codes or form-based codes, consider using the pre-1988 Board of Adjustment/Conditional Use Permit as a temporary protection against demolition. A temporary abeyance, or special approval for demolitions, may also be pursued if changes to the C-2 zoning require additional time for study and public outreach.
4. Enhance the Board of Adjustment—or similar Board—with professionals from key areas of expertise. Currently, the Board of Adjustment includes 5 members and 3 alternates. Similar to the complexion of the Historic Preservation Commission, the board could be enhanced with persons from the areas of architecture, urban planning, real estate, and historic preservation.
5. In the alternative, the City should consider an Architectural Review Board to protect the historic identity of downtown. H-3 studios, in cooperation with the Downtown Columbia Leadership Council's extensive public engagement process, has designed broad design parameters to preserve a vibrant and eclectic downtown. An Architectural Review Board, especially for projects that rely on public financing, would protect the City's clear public interest in a commercial area with a mix of diverse residential, retail, and office that preserves the historic feel of a traditional downtown.
6. Create a Historic Preservation Revolving Fund to help downtown property owners. For the last two years, the Historic Preservation Commission has advocated for a Historic Preservation Revolving Fund to assist property owners with preservation efforts. The City of Springfield has a façade loan fund that helps downtown property owners restore the public face of their downtown properties.

There are over 200 properties zoned C-2 in downtown Columbia. Replacing any C-2 property—without some review by Planning & Zoning and approval of Council—to create thousands of residential-only dwellings of unlimited height and no parking would create urban planning chaos. Yet that is exactly what the City's current ordinance allows.

Thank you for your time and consideration of this important Issue. Please include the Historic Preservation Commission on your efforts to develop a balanced, comprehensive policy that protects existing properties in Columbia's historic downtown.

North Central Columbia Neighborhood Association  
c/o 606 N Sixth Street  
Columbia, MO 65201

March 31, 2013

Dear Mr. Matthes, Ms. Amin, Mr. Mayor and Council Members,

The North Central Columbia Neighborhood Association submits this letter in response to Mr. Matthes' and Ms. Amin's letter of January 25, 2013 requesting that we make "fundamental and basic recommendations on what if any changes should be made to C-2 Zoning, setback, height, parking and landscaping requirements and regulations".

NCCNA formed a committee of 5 board members to share the responsibility for reading the wide array of reports, studies, ordinances, and other materials to which Columbia citizens have, over the past 20+ years, devoted hundreds of hours of effort. This profound and extended investment of intellectual and creative capacity by our citizens, past and present, has energized our opinion that 2013 is the time to identify, cultivate, polish and implement the best of these ideas.

Given the reliance by both city staff and the development community on C-2 Zoning as the most versatile and accommodating category in which to build student housing<sup>1</sup>, the C-2 category is exactly the right place to start with a comprehensive system of incentives and bonuses that serve both the greater good and the specific goals of economic development, historic preservation, affordable housing and the expansion of public transit.

The local development community has consistently asked for incentives to lead the way toward the plans that citizens have repeatedly endorsed. However, we acknowledge that incentives will only work within a structure that is, to some degree, restrictive. Carrots, in the words of the cliché, are always accompanied by sticks. We propose both the regulatory restrictions and the incentives necessary to implement the development policies that our citizens, with overwhelming consistency, continue to demand.

We recognize that future uses of C-2 may include office structures, cultural institutions, or a hotel convention center in one of the city's nodes. The height restrictions specified, as well

---

<sup>1</sup> Housing built for a single demographic within C-2 creates a neighborhood and, thus, the additional responsibility to make certain this new neighborhood is connected to the community surrounding them. We accomplish this using strategies that incorporate place-making, green space and plaza planning, structures each of us would agree create a meaningful, inviting neighborhood. City policy has enabled neighborhoods that lack this residential character, to the detriment of our community's health. Each of us can identify places where neighborhood patterns are absent. (A Neighborhood Revitalization Proposal PowerPoint, Dr. Ronn Phillips, April 13, 1999)

Footnote 2 is intentionally omitted.



as the incentives and bonuses, in exchange for height and density are equally applicable to these potential C-2 uses.

We support mixed use and increased density downtown, as long as it is within scale with the surrounding structures and follows the recommendations found within the H3 Downtown Charrette report<sup>3</sup>. The Downtown Charrette recommends height limits of between 2 and 8 stories along Broadway; 2 to 5 stories along Walnut Street and within adjacent neighborhoods; and 3 to 10 stories along Elm Street and adjacent to the University of Missouri Campus (page 23 of the report). We endorse these limits as an integral part of our recommendation.

For all specified and conditional uses currently permitted within the C-2 zone, we propose a regulatory height limit of 4 stories, with a prohibition on first floor residential. Further, the property owner must satisfy a sufficiency of services test that includes the traditional infrastructure needs (including but not limited to adequate water flow for fire suppression, sewer capacity, storm water capacity, lateral soil support and street surfaces in good repair) certifying the systems capable of carrying the increased load generated by the built out use. We recommend adoption of a sufficiency of services test similar to that currently in use by Boone County's Planning & Development Department.

While the sufficiency test would be non-negotiable, the height limit and other restrictions would be subject to a negotiated process. Under this ordinance, a property owner or developer could receive approval for a mixed use development that exceeds 4 stories in height (within the parameters of the Downtown Charrette, page 23, cited above), or a development that includes first floor residential, if they also create additional amenities that serve the city's stated and much espoused goals of job creation, historic preservation, affordable housing, livable-walkable streets and reductions in automobile usage in favor of public transit. The granting of incentives and bonuses would be calculated based upon the developer's provision of amenities and/or the adoption of design "best practices" consistent with stated planning goals (see Columbia 2000, Metro 2020, Sasaki, Imagine Columbia's Future and the H3 Downtown Charrette reports).

Even a cursory reading of 20+ years of citizen commission and consultant reports brings forth a wealth of ideas that could serve as development bonuses. We agree some of the best include:

Allowing an increase in the number of floors and overall permitted density in exchange for the inclusion of affordable units to serve low and moderate income households;

Allowing an increase in the number of floors and overall permitted density for developing retail, service and office spaces suitable in scale and amenities to encourage

---

<sup>3</sup> As you will recall from our November 19, 2012 presentation to pre Council work session, we consistently support mixed use and increased density for North Central, again, within scale of the surrounding structures.

and incubate locally owned businesses and to provide a startup business incubation climate (i.e. modest, in both size and rental costs, store fronts where new business owners can meet clients or provide goods and services for sale)<sup>4</sup>;

Allowing an increase in number of floors and overall permitted density in exchange for the preservation and adaptive use of an existing historic structure as part of the new development;

Allowing an increase in the number of floors and overall permitted density in exchange for hidden, off street parking for the residents and, within mixed use development, commercial tenants and their customers;

Allowing an increase in the number of floors and overall permitted density in exchange for a defined amount of public plaza and publicly accessible space that joins the development with existing pedestrian travel paths in the surrounding neighborhood;<sup>5</sup>

Allowing an increase in the number of floors and overall permitted density in exchange for defined amount of setback. For example, streetscapes are generally more attractive when the height of the building, in feet, is twice the distance from the middle of the street along which it resides.

Allowing an increase in the number of floors and overall permitted density in exchange for bike parking and or a bike transit station that serves both the development and a portion of the commuting public, beyond the provisions of the current requirements of Chapter 29, Section 29-30 (l) (as found on page 141 of the city's zoning ordinance);

Allowing an increase in the number of floors and overall permitted density in exchange for an expanded Transit Incentive beyond the current recommendations of Chapter 29, Section 29-30 (d) (as found on page 139 of the city's ordinance);

Allowing an increase in the number of floors and overall permitted density in exchange for LEED certified new construction or LEED certified rehabilitation of an existing structure;

Allowing an increase in the number of floors and overall permitted density in exchange for hiring the graduates of local construction trade programs at wages comparable to the local workforce market;

---

<sup>4</sup> A Neighborhood Revitalization Proposal PowerPoint, Dr. Ronn Phillips, April 13, 1999.

<sup>5</sup> SASAKI Planning Principles #4. "Invest in the Public Realm", page 4 of PowerPoint; "The Social Life of Small Urban Spaces", by William Whyte, <http://vimeo.com/6821934>.

Allowing an increase in the number of floors and overall permitted density in exchange for increased hiring of minorities and women as employees of, or as owners of contracting or subcontracting businesses hired to construct the development and paying wages comparable to the local workforce market.

These ideas, and others that will be brought forward by our community, require thoughtful consideration so that the ratio or proportion of the incentives and bonuses offered accomplishes the very real, and oft-stated, goals the City espouses in its annual reports, visioning and planning documents. In short, we want the implementation of City development policy to actually further the ideals the City espouses.

We also expressly incorporate into this recommendation our prior submission at the January 22, 2013 council hearing (see our attached letter dated January 22rd, sent by email, in which we requested it's inclusion in the public record) with regard to R-4 Zoning. We insist, as directly as we can, that when a developer seeks approval for a high density multi-family residential development, outside of the Downtown Charrette height recommendations, and within the common understanding of the words "it is primarily for highrise apartments", the applicant must seek to change the zoning for the parcel from C-2 to R-4.

Among the many reasons for enforcing R-4 uses is our current awareness that the city may lack the appropriate fire suppression equipment to provide necessary services to the residents of highrise apartments. A broader conversation about city services and city budgeting must result as part of that re-zoning request. We suspect there may be other services' shortcomings yet to be identified. The adoption of a sufficiency of services test for all zoning categories will assist us with this needed conversation.

We recognize that Columbia must utilize previously developed areas throughout the community, not just downtown. The city has moved aggressively, with our tax dollars, to build out infrastructure capable of handling new residences, new businesses, new nodes where people will live, work, shop and dine on the city's periphery, far beyond the downtown commercial business district.

With respect to these other commercial districts we recommend that they be considered for Charrette planning processes and participation in Form-Based Code districts. These areas hold great potential for re-development with the integration of mixed uses, specifically residential housing. They can ultimately serve as mixed use nodes that gracefully transition into the adjacent neighborhoods, providing walkable services, amenities, and a new sense of place. This concept is being discussed and we understand will be part of the 2013 Comprehensive Land-Use Plan now in process.

As a cautionary word, we would direct your attention to a footnote buried within Appendix II of the *Final Vision Report, Imagine Columbia's Future* (Dec. 18, 2007):

*"The council's February 5, 2001, resolution 'adopting' Metro 2020 included language to limit its effect: 'The Plan... does not limit the City Council's discretion in enacting land use regulations.' Our conversations with city staff convince us that the report has little if any practical effect on decision making. Our conversations with fellow citizens indicate the City's sidetracking of Metro 2020 undermined confidence in the City's responsiveness to citizen input."*

The footnote continues,

*"The content of Chapter 4 [of Metro 2020], which has now been endorsed in two rounds of citizen planning, needs to be built into the City's planning process in concrete, compulsory ways (emphasis added)."*

We would note that essentially the same planning content, so forlornly and strenuously recommended in that 2007 Vision document footnote, has since been endorsed twice over. The consistency of citizen recommendations with regards to development policy, spanning the past 20 years, is remarkable. So, too, is the City's failure to respond in "concrete and compulsory ways".

Thank you for the opportunity to submit these recommendations as to the changes that should be made to C-2 Zoning and to provide documentation as to why the city needs to enforce the requirements of the R-4 Zoning category. We stand ready to identify a NCCNA neighborhood representative willing to actively participate in the subsequent conversations regarding C-2 and R-4. Please ensure that this conversation moves forward with all deliberate speed.

Very truly yours,

Pat Fowler  
North Central Columbia Neighborhood Association Board President  
606 N Sixth Street  
[fowler\\_patricia\\_j@yahoo.com](mailto:fowler_patricia_j@yahoo.com)  
[fowlerpatj@gmail.com](mailto:fowlerpatj@gmail.com)  
573-256-6841



MEMORANDUM

**DATE:** March 26, 2013  
**TO:** Mike Matthes, City Manager  
Sheela Amin, City Clerk  
**FROM:** Doug Wheeler, Chairman Planning and Zoning Commission  
**RE:** Recommendations for revisions to the C-2 District

As requested, the Planning and Zoning Commission has discussed possible changes to the C-2 zoning district in order to address recent concerns arising from the rapid development of housing with the downtown area. The Commission has reviewed the recommended actions proposed by the Community Improvement District (CID) and is supportive of them; however, offers the following additional recommendations for Council's consideration. These recommendations were developed at the Commission's March 21, 2013, work session.

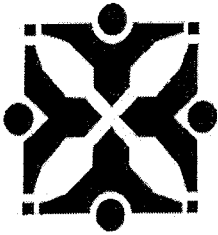
**Recommendation One:** Address the issue of parking within the downtown by:

- Developing a combination of **incentives and regulations** whereby the generator of the increased demand is responsible for a pro-rata share of its parking but potentially not all of the increased demand
- Examining opportunities for **public/private partnerships** to construct new facilities
- Examining the **fee structure** for long-term parking space leases such that a higher rate of return is generated to retire parking structure debt and off-set operational costs
- Updated the parking space inventory and generate a new parking master plan with projections for facilities based on anticipated downtown growth needs – both residential and commercial

**Recommendation Two:** Establish building height and density limitations based on infrastructure capacity by:

- Establishing a **capacity baseline** of existing infrastructure (i.e. roads, sanitary sewer, storm sewer, and water facilities) by which new developments would be evaluated to determine if a sufficiency of services exist to support the proposed development in both the immediate and downstream vicinity of the project site
- Utilizing the CIP process to program needed public infrastructure improvements/upgrades in advance of anticipated demands and **recapturing expenditures** through a "greenline" or similar repayment program
- Permit **increased height**, beyond a specified maximum, when parking is provided on-site within a parking structure. Increases in height would not include height associated with integrated above grade parking.

The Commission appreciates the opportunity to provide you its comments. If you have additional questions regarding our recommended changes please contact me at 573-881-2858.



Source: Community Development - Planning

Agenda Item No:

To: City Council  
From: City Manager and Staff

Council Meeting Date: April 15, 2013

Re: Selected Commission and Neighborhood Association Reviews of C-2 District Zoning

#### **EXECUTIVE SUMMARY:**

In January the City Council directed the City Manager to solicit comments on the C-2 Central Business District from several advisory commissions and neighborhood associations with an interest in downtown issues. Specifically the letter from Mr. Matthes requested *"fundamental and basic recommendations on what, if any, changes should be made to C-2 zoning, setback, height, parking and landscaping requirements and regulations."* Letters have now been received from the Columbia Downtown Leadership Council, Downtown Community Improvement District, East Campus Neighborhood Association, Historic Preservation Commission, North Central Columbia Neighborhood Association, and the Planning and Zoning Commission. Taken together, the comments indicate several areas of general agreement and a few contrasting alternatives. Based on this feedback, there are several action steps that Council may take soon and several other actions that require professional assistance.

#### **DISCUSSION:**

##### Setbacks

There is not a great deal of comment specifically about the zero setback provisions in C-2. Comments range from the view that the zero setbacks should remain because they help sustain a pedestrian friendly environment downtown to a recommendation that setbacks have some relationship to building height, with increased setbacks being a compensatory measure for increased building height and density. Many of the more monumental, typically institutional, buildings in downtown Columbia have some amount of green space intervening between the building and the street. The C-2 currently does not require any green space but it does allow the option of setting buildings back from the lot line. In such cases any private open space in front of buildings must be landscaped.

##### Height

There appears to be general agreement that building height and scale is a potential issue in the C-2. Currently the District has no height limit. Suggestions range from a general height limit of four stories, with some sub-area height standards as recommended by the H3 Studio Charrette Report, to a general height limit of ten stories. Both recommendations suggest additional building height could be negotiated for specified design, amenity, or infrastructure concessions. This practice of "incentive" or "bonus" zoning is a recognized technique in some other jurisdictions.

##### Parking

The feedback indicates general agreement that parking management is a problem in C-2 zoning, particularly for residential uses. Parking generation of commercial uses appears to be less of a concern except as an impact that is unwelcome in a neighborhood setting. Residential parking demand, requiring "24/7" supply, is considered a challenge. Suggestions include additional planning and study of downtown parking, requirements that some proportion of new residential demand be supplied on-site, and the use of a combination of sources (transit, bicycle facilities, off-site parking areas, on-site parking, fees collected in lieu of parking supply) to meet future growth in parking demand. Across the country, downtown zoning ordinances often reduce, but seldom eliminate, required parking ratios. This practice recognizes the efficiencies of diversified land use and compact layouts of downtowns.

Another component of the parking issue is interim protections against excessive parking demands. More than one of the responding groups recommends a pause in residential development, in part to get our arms around an effective solution. The most dramatic interim solution is a moratorium; however, the Council may also consider requiring parking studies (that would analyze projected parking demand and supply and show

how the development proposes to address a shortfall) for those projects that might commence during an "interim" period.

#### Other issues

Stakeholder feedback includes comments on several other downtown zoning issues, including: 1) Historic preservation, including a suggestion for further review of demolition permits and "grandfathering" of historic buildings in C-2 uses as an incentive; 2) Professional assistance to review and revise the C-2 District; 3) Density and land use in the downtown, including concerns with the appropriateness of high-rise residential in the downtown and protection of the street level retail; 4) Appropriate zoning classifications for areas adjacent to the downtown, such as the R-4 District for adjacent urban residential; 5) Sufficiency of resources to support development in the C-2 District; and 6) Urban design or district character guidelines.

#### **RECOMMENDATION:**

This report is intended to be a cover memo to transmit a set of wide-ranging recommendations on C-2 zoning. Staff recommends a series of follow-up reports on each of the issue areas identified above (the four identified in the original request for feedback and the other issues) to allow Council to focus on height, parking, setbacks etc. one report at a time. The general purpose would be to determine what, if any, interim measures should be adopted while a comprehensive review of the zoning ordinance including the C-2 is pending.

#### **FISCAL IMPACT:**

There is no fiscal impact associated with this report.

#### **VISION IMPACT:**

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None.

#### **SUGGESTED COUNCIL ACTIONS:**

Acceptance of the attached comments

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Epands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	