



City of Columbia, Missouri

Meeting Minutes

Building Construction Codes Commission

Monday, April 22, 2019

Conference Room 1A

4:30 PM

I. CALL TO ORDER

CHAIRMAN PAGE: Call to order the Building Construction Codes Commission at 4:30 PM.

Present: 14 - Kas Carlson, Brian Connell, Jay Creasy, Fred Malicoat, Douglas Muzzy, Todd Noordsy, Richard Shanker, David Weber, Josh Lehmen, Austin Tipton, Andrew Wallace, James Watson, Jonathan Trunk and John Page

Excused: 8 - Robert Jackson, Christopher Roberts, Matthew Young, John Pile, John Neyens, Christopher Howe, Tony Grove and Ray Kaisher

II. APPROVAL OF AGENDA

CHAIRMAN PAGE: We have the approval of the agenda. We'll entertain a motion for agenda approval.

MR. CONNELL: I'll make a motion.

CHAIRMAN PAGE: Motion to approve by Brian Connell. Do we have a second?

MR. NOORDSY: I'll second.

CHAIRMAN PAGE: We've got a second by Todd Noordsy. All -- now, these do not have to have a roll call vote. We can do a hand vote. Correct? On the agenda? Hand. And the minutes too?

MR. SIMON: Uh-huh.

CHAIRMAN PAGE: All those in favor, raise your right hand. Any opposed? Seeing none, we'll move on.

Motion to approve by Brian Connell.

III. APPROVAL OF MINUTES

And we have approval of the minutes. Everybody read the minutes over from the last meeting? Also, take this time to silence your phone. I'm going to do that. Entertain a motion to approve the minutes.

MR. CONNELL: I'll move.

CHAIRMAN PAGE: Must mean nobody's read them. Brian Connell made the motion to approve the minutes. Do we have a second?

MR. MUZZY: I'll second.

CHAIRMAN PAGE: Doug Muzzy seconds. All those in favor, raise your right hand. Any opposed to the minutes? None.

motion to approve the minutes.

Attachments: [MeetingMinutes 03-25-2019](#)

IV. OLD BUSINESS

CHAIRMAN PAGE: We're going to move right on to the old business. And the old business, I guess we don't have anything in the old business, do we? I don't know of anything.

V. NEW BUSINESS

A. Construction of the Columbia Canine Sports Center

Attachments: [4506 I 70 DR SE CANINE VENTURE ASSOCIATES LLC](#)

CHAIRMAN PAGE: We'll go to new business, which is the construction of the Columbia Canine Sports Center. Do we have the application that we can look at up here, John, on the screen? I don't have anything that has any description about that.

MR. CONNELL: We've got some exhibits.

CHAIRMAN PAGE: Okay. Do you want to just go ahead and turn it over to you then?

MR. CONNELL: Sure.

CHAIRMAN PAGE: Okay. All those who are going to testify here, need to be sworn in.

(Witnesses sworn.)

CHAIRMAN PAGE: I guess, Brian, if you want to take over there, present your case.

MR. CONNELL: I know I have a pretty dull voice, so I don't necessarily want to recite what you can read. Does anybody need a minute to read the application for the appeal? If not, I'll go ahead and get started.

CHAIRMAN PAGE: The only thing we might make a note of, Brian, for everybody is that what they've checked here is the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted. That's the basis of the appeal, so everybody knows.

MR. CONNELL: That is correct, yes. And before I get started, I'd like to introduce my associate here, Mr. Stan Welch. Would you mind standing up and introducing yourself and your company?

MR. WELCH: Stan Welch, Heartland Structures.

MR. CONNELL: So Stan is here to answer any questions you might have about the structure.

CHAIRMAN PAGE: Technical --

MR. CONNELL: Although that is not the intent of our appeal today.

CHAIRMAN PAGE: Okay.

MR. CONNELL: This facility is located at 4506 Interstate Drive Southeast. Many of you may be familiar with it. It's a -- it was a tensile fabric stretched over a steel truss frame. The building dimensions are approximately 120-by-240 by -- the height of the ridge is 39 feet. The mean height, in terms of code requirements, is 26 feet. That's the mean of the sloped roof between the eave and the ridge. Again, it's a type 2B construction, which means it's a non-combustible structure, unprotected. It is steel.

And, Stan, you can correct me if I use any incorrect terminology, but it's basically steel truss frames that span 120 feet. I do have some exhibits that I want to show you, if I can work this thing.

Okay. These are drawings that are prepared by Stan's company. This gives you an idea of the length, width and height, the general configuration of the building. And just looking at it from each end basically. Again, 120-by-240, I believe.

MR. WELCH: Correct.

MR. CONNELL: 28,955 square feet of wide, open building. It's equipped with six -- actually seven exits. You can see there are two on each end. There's one generally in

the middle on both sides and then there's an additional double door for bringing in equipment and what have you.

The reason why we're here, this building collapsed under an extreme snow load back in January of 2019 and the owners intend to replace it exactly as it was before. They'll make the structural repairs to the foundation to make sure that it will handle whatever uplift, lateral loads. And the intention is to come in with a newer, better structure that is exactly the same dimensions as the previous one.

The reason why we're here this evening is that we're here to discuss the -- the proper classification of the occupancy of this building. In previous drawings that were prepared for this building, it was classified as an Assembly Group A4. For those of you that you don't understand code lingo, that's basically an arena with spectator seating.

The owners, for a long time, have occupied this building. It's -- it's the Columbia Canine Sports Center. It is designed to accommodate training dogs and training people how to work with dogs. So the typical scenario that's been presented to me by the owners is that they will -- on a really good day, they'll have up to six classes of nine people, eight students with their dog and one instructor for a total of nine people times six is 54 people. So can everybody picture that? So we got a 28,955 square foot building with 54 people in it, more or less.

On occasion, one of the training techniques that they'll use is or they'll implement are the -- I think everyone's seen them on television. You see the agility courses where the dogs are running through an obstacle course or what have you. In that case, they might have up to 100 people and their dogs. The owners have testified that in no case do they charge admission, in no case do they have spectators, in no case do they provide spectator seating. So we're talking about people showing up with their dogs for training. Okay?

So when I submitted this to the plan reviewer, Nina, and to the fire marshal, Jim Pasley, the reaction was this building is simply too big, that the occupancies are going to be too large, that this needs to be classified as an assembly use group. I want to recite something for you out of the building code. And I'm sure we're going to ask Nina and Jim to respond as well. So I'm in Section 304 where it describes the uses that are classified as Business Group B. Group B occupancy includes, among others, the use of a building or structure or a portion thereof for office, professional or service-type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to the following.

There's a whole long list of acceptable activities that are considered Business Group B uses. Among them are animal hospitals, kennels, and pounds. We are not attempting to represent that we are an animal hospital, kennel or pound, but we are accommodating animals. As I look down through here, professional services. And then the one that I'm citing as -- as a precedent is training and skill development not in a school or an academic program. This shall include but not be limited to tutoring centers, martial arts studios, gymnastics or similar uses, regardless of the ages served.

So I want to develop a scenario for you. Again, we've got a situation where we might have six classes of nine people and their dogs all spread out in this building, all within very easy access to two or three or four exits. Six exits out of this building is way more than what the code would require for a minimum. Okay? If -- if we can agree that training dogs in relatively low intensity occupancies is similar to a martial arts school, a dance school or a gymnastics school, which the code clearly says are acceptable B business uses, the code would allow me to design a building with an open area perimeter of 37,500 square feet per floor. I could build it for three floors and I could house those activities. And based on if I have the right number of exits, I could have 960 people on each floor if

it's gymnastics or martial arts or whatever else are recited there; similar uses.

So the point that I'm trying to make here is that I understand that there's a tendency to want to make this an arena and that, therefore, this is an assembly use. But the intensity of occupancy is nowhere near assembly uses. That's my -- that's my approach to this. Rick?

MR. SHANKER: What is it that you don't or do want to do so you can frame this around -- obviously you're here to get a variance from doing what?

MR. CONNELL: From sprinklering the building

MR. SHANKER: Was this -- did this come before us before?

MR. CONNELL: Not that I'm aware of.

MR. SHANKER: It did. Fred is saying yeah and I remember.

CHAIRMAN PAGE: I don't remember it.

MR. SHANKER: It came before us before.

MR. FRAZIER: I don't recall it coming. It may have been before my time.

MR. SHANKER: It did. We have -- there were discussions -- we had -- we had a lot of discussions about the prior structure.

MR. WEBER: It doesn't matter because we don't grandfather in this -- this --

MR. CONNELL: Yeah.

MR. SHANKER: I was just asking a question.

MR. WEBER: There's no precedent --

MR. SHANKER: Dave, you make a good point --

MR. WEBER: There's no precedent from a past decision.

MR. CONNELL: And I want to respond to that. The fact is -- and I'm going to recite the response that I got from Jim, which says -- I'm excerpting here -- We have agreed that this project would be considered a major reconstruction of the structure. Additionally all previous plan sets show the occupancy of this structure is an A4 use group; therefore, this proposal would be considered an A4 use group and all applicable code sections would apply. The reason for that reciting that is the first line says it's a major reconstruction. We're starting over.

So at this point what I do know about -- I have limited knowledge of the history of this building. In 2015, a set of drawings were submitted to the City for review and they were, in fact, approved for a permit that allowed this structure to continue to exist -- actually it allowed this structure to continue to exist as an A4 arena if they would equip it with a smoke evacuation system, make sure that the fire alarms and the egress lighting was up to speed, and I think they had to add some toilets in order to accommodate the potentially increased loads. The owners evaluated the cost of that and decided that it was not -- there was no return on the investment to try to pursue these assembly uses. They withdrew back to limiting activities their activities to training dogs. So those -- those improvements were never realized. The permit was never pulled, the improvements were never done. And then forward to January of 2019 when the building came down.

So that's all the history that I know. And I've been on this Commission since '95 and I don't remember hearing --

CHAIRMAN PAGE: I don't recall either. But I want to let the City -- if you're done, before we get into questions, let John speak.

MR. CONNELL: I'll take a break, let John and Nina talk.

CHAIRMAN PAGE: Go ahead, John.

MR. SIMON: So there was a previous variance, but it was for the number of dress-- the number of water closets that this Board heard. I saw that in my research.

MR. CONNELL: Really? Okay.

CHAIRMAN PAGE: I didn't remember that. So do you want to speak to any more of this then?

MS. HENNKENS: Well, what I was going to add was I think -- and I wasn't involved in the 2015 submission. I didn't review that. But the little bit that I could kind of cobble together through conversations or through any kind of documentation we had was that the -- the canine folks, for lack of a better term for them, they wanted to have roller derby going on at this location. And so that kind of -- that -- I think that's what prompted the smoke evacuation and -- so they wouldn't have to sprinkler the building, that was those items that Brian talked about. So they were interested in kind of what I would say a multipurpose kind of space. And that's -- then the project never went through. It just kind of -- back story of what I know about it.

MR. CONNELL: And to be clear, the owners acknowledged that that opportunity became available to them, they looked at the cost versus the -- the reward, if you will, and decided it was not worth it and backed off from doing anything like that. So they are strictly doing canine training activities and we're not taking care of assembly intensity of occupancy and we're not taking care of spectators in this building.

MS. HENNKENS: So I'd say when Jim and I looked at the history of -- again, what we could find out about this building, because neither he or I had, you know, previous experience with it, we tracked back through as much information as we had. And it was, what we could tell, classified as an A4 for the use that was currently going on before it collapsed with the snow.

I think there was a couple of drawings or something that referred to A4 so, you know, while we understand that precedence isn't set, that at least gave us a baseline of where to start to understand a little bit about the use and -- of the building. And then reading Brian's -- he kind of wrote to us what he told everybody about. Their typical use of the facility, 54 people. I think if they have -- for competitions, I don't know how often that happens, but if they have one ring -- and I don't really know what that means, but one ring of competition, that could be 100 people. If they have two rings, up to 150 people and so --

MR. CONNELL: Correct.

MS. HENNKENS: What we -- kind of along kind of what we understood about how the building was used before, we're taking this occupant load in mind, you know, the -- kind of the maximum of 150. And we thought, oh, this is now an assembly space by -- by the definition of the code. And so that's what we're standing on.

CHAIRMAN PAGE: So the problem is, is it was built before with no sprinklers.

MR. SHANKER: Correct.

CHAIRMAN PAGE: And now the rebuild, you got to have sprinklers.

MR. CONNELL: If we classify it as A4. I'm here because I'm challenging the -- I'm challenging that opinion.

CHAIRMAN PAGE: And that was an opinion given by the City?

MR. CONNELL: By Nina and by Jim.

CHAIRMAN PAGE: Go ahead, Rick.

MR. SHANKER: Does the variance, if granted, go to the business or to the building, John Simon?

MR. SIMON: It goes to the building.

MR. SHANKER: It goes to the building.

MR. SIMON: As long as it -- it goes to the use of the building.

MR. SHANKER: That's what I meant. It goes to the use of the building. So if somebody came in there and wanted to do roller derby or whatever and they had grandstands, it would change or not?

MR. SIMON: It would change, yes.

MR. SHANKER: Thank you.

CHAIRMAN PAGE: Dave?

MR. WEBER: I have a couple questions. So my -- I just wrote them down because I know there's a lot of banter always here. So the first question I had is, is that is there shows or competitions? And it sounds like there's shows and competitions. And the second question is, is can we read A4, for those of us who aren't architects, word for word like we read Group B so we can all understand what -- because we say A4 and I don't know what that means. And I'm thinking if it has shows or competitions, that may be specifically called out in A4? I don't know if it is or not. But -- I don't know.

MR. SIMON: So we have it up here on the board.

MR. WEBER: Do we have the commentary or is this all we have?

MR. SIMON: I could get the commentary upstairs, but I do not have it.

MR. FRAZIER: We have the commentary here.

MR. SIMON: Do you? Okay.

So there's A4. I think possibly A3 as well.

MR. WEBER: Because if it has competitions and shows, it seems like an assembly occupancy. But I'm not an architect, you know. That's why I thought reading it word for word would be the best, because we read B word for word.

MR. CONNELL: Well, sometimes it's easy to get tangled up in the ambiguity of the code language, whether you're in the basic code or the commentary. And to answer your question, Dave, you're asking are there shows or competitions --

MR. WEBER: Yeah, where crowds of people, spectators can watch them is what I mean.

MR. CONNELL: And specifically the answer is in the strict interpretation of Assembly Group A4, no, because we're not accommodating spectators. If there are 100 or 150 people there for an agility competition, it's the people who are there with their dogs to participate in the activity.

MR. WEBER: Would you mind if I read the commentary language?

MR. CONNELL: Absolutely.

MR. WEBER: Because this -- I mean, I'm learning here. Structures provided with spectator seating in which people assemble to watch an indoor sporting event are to be classified as A4; arenas, skating rinks, swimming pools, tennis courts are among the facilities often classified as group A4.

I'm not using the right -- I'm trying to give it some zeal and feeling.

The distinguishing factor between A4 and A5 structures is whether the event is indoors or outdoors. Group A4 facilities are limited to indoor structures only. The distinguishing factor between A3 and A4, which kind of gives you the cover, is the presence of defined seating area. Group A3 facilities that are indoors, tennis courts, swimming pools, et cetera, they typically do not have a defined seating area in order to view an event. Only facilities that are both indoors and have a defined seating area are to be classified as A4.

So, you know, that's the spectator competition thing. It has to have a seating area. Do we have that?

MR. CONNELL: The answer is no.

MR. SIMON: So -- so we may revert to A3, which has the same sprinkler provisions and the same height and area parameters. So it's the same thing without the seating basically if you want to read that commentary as well.

MR. WEBER: I mean I'm a good reader, but you're tapping me out here. Hang on.

MS. HENNKENS: A3 is kind of the catch-all assembly group where there may not be defined seating.

MR. WEBER: Well, and that -- the list is a lot more comprehensive, so it helps flesh that out, I think. Lecture halls.

But so -- so if the -- the point is, is that I thought if it has competitions and stuff, that's what was kind of my question. And then when I heard the word "competition," that -- I thought that was assembly, but I'm learning now that if it doesn't have defined seating areas, then maybe that's the big --

MR. CONNELL: Then it's not A4 --

MR. WEBER: -- technical definition.

MR. CONNELL: -- to be very specific.

MS. HENNKENS: Right. Then it's not A4, but can be A3, which is an assembly space, assembly use.

MR. WEBER: Yeah. Bowling alleys don't have defined seating areas. They just have people hanging around bowling, and that's an assembly use, which is a ratchet down quite a bit from -

MR. SHANKER: Mr. Connell --

MR. CONNELL: Yes, sir.

MR. SHANKER: -- is your appeal not to do sprinklers? Is that the appeal? Or do you want to change the --

MR. CONNELL: My appeal is that I'm -- I'm disagreeing with the code official's interpretation of the classification of the occupancy. I firmly believe --

MR. SHANKER: Well, the bottom line though, is that what you're -- is that the thing? Is that --

MR. CONNELL: Yeah.

MR. SHANKER: Let's go to the bottom line. It's the sprinklers. Is that it?

MR. CONNELL: It's the sprinklers, but it's based on a very relevant fact that we have a very low intensity of occupancy in this building.

MR. SHANKER: John Page, we haven't heard from fire yet.

CHAIRMAN PAGE: Certainly we want to hear --

MR. PASLEY: Can I borrow my book back real quick? No, I'm just kidding. I agree with what Nina had said. Something additionally that she didn't state and I know we don't necessarily adopt the code commentary, but we have discussed there's an additional section in the commentary for a B use group. I'll try and read it to you so you can see what it says.

For the occupant load of a training classroom or space that exceeds 50 occupants, Group A classification may be appropriate for the space; especially if the space is to be used for different activities at different times. If a training room is used for a martial arts competition with spectators or -- on an evening, then a Group A designation should also be considered. So similar to what you're saying if we go into training. That was another factor that we took into consideration when we looked at that.

MR. WEBER: That's why I was thinking about competitions. Because if you train somebody in karate, that's one use. But if you have a competition, now you have spectators and that seems like an assembly use. And that's why I was wondering about the competitions and shows because that's a different use, no matter what your occupancy load is, I would think.

MR. SHANKER: Will the dogs be trained in any martial arts?

MR. WEBER: No, but when you're using that analogy --

MR. SHANKER: I make a motion to grant this app-- this variance to the water sprinkler. I don't know about the classification because the bottom line is the water

sprinkler. Is that correct?

MR. CONNELL: It is correct. Based on the fact that we have a very low intensity occupancy.

MR. WALLACE: So I'm somewhat -- sorry.

CHAIRMAN PAGE: Wait a minute. We have a motion on the floor to grant the appeal to not have sprinklers in this building. That's what his -- that's what his motion was. Do we have a second?

MR. WEBER: Do we have a second?

CHAIRMAN PAGE: Do we have a second for that motion? If there's a second, then we can have a discussion.

MR. CREASY: I'll second it.

CHAIRMAN PAGE: Okay. Jay Creasy seconds it.

Now, go ahead, Andrew.

MR. WALLACE: Well, I was just wondering -- and I'm still a little bit new to this, but so let's say two or three years down the road, they don't want to do canine training in this building anymore and now somebody wants to do something else with it. Now it's not sprinklered. Is that -- then do we revisit -- I mean does it get revisited or is that building now just an A4 that's not sprinklered?

CHAIRMAN PAGE: They would have to come and get a permit.

MR. SIMON: If there's a change of use and different --

MR. WALLACE: Okay. That was my question if somebody -- you know, in a year if all of a sudden they're doing wedding receptions or whatever out there, I didn't know. But that would be a whole different --

CHAIRMAN PAGE: They'd have to remodel and change, they'd have to get a permit and the City would have -- and they'd probably end up back here.

MR. WALLACE: Okay. Which is fine.

MR. SHANKER: Brian, you did indicate -- and you guys can clarify this -- these are nonflammable tents or whatever it is; is that correct?

MR. CONNELL: My understanding is that it's a fire retardant treated fabric; is that correct?

MR. WELCH: That's correct.

MR. FRAZIER: That's fire department's understanding also.

MR. SHANKER: And then it's steel. There's no wood as far as structure; is that correct?

MR. CONNELL: It's a steel structure.

MR. WEBER: I wanted to ask an unrelated question. So you said that the building is going to go back as the exact same building. And I hope it's not the exact same building because the building collapsed under a snow event that really wasn't a designed snow event.

MR. CONNELL: What I meant by saying that is that it's the exact same configuration. Same length, width and height.

MR. WEBER: So they're going to come back with a code compliant structure, not one that would collapse on a non-designed snow event?

MR. WELCH: And I'd like to address that just real clearly. The building that collapsed, it actually had gone through three separate engineering reviews, passed all three. The forensic structural engineer that did the analysis of the collapse, it was his determination that it was a freak act of nature, that it had absolutely nothing to do with the structural capacity or lack of capacity in that building. On top of that, the build-- so that's past. That's history.

The building going forward, the steel, everything is different. And the steel in the -- in

the new building is roughly twice the weight of what was in the previous building.

MR. WEBER: Yeah. That's great to hear, because I wouldn't want to come back with the same exact same building that failed under a non-designed snow event.

CHAIRMAN PAGE: Austin?

MR. TIPTON: What is the designed snow load of the new structure versus the other building?

MR. WELCH: Do you know that off the top of your head, Brian? I can look here.

MR. CONNELL: I don't.

MR. SHANKER: John Simon, I assume it's within the parameters of --

MR. WELCH: It's a ground snow of 20 PSF.

CHAIRMAN PAGE: Did you handle roll call?

Any further discussion?

MR. CONNELL: I would just like to add one other thing just to further reinforce my point about the intensity of occupancy. Under B Business Use, everybody would acknowledge that an office building is a very typical B Business Group use. If we took the exact same footprint and we filled this building with 56 square foot cubicles, 7-by-8 cubicles, and we allowed 25 percent of the total area for aisles, access, corridors, egress, what have you, I can get almost 400 people in this same space. And we wouldn't be sitting here talking about it because it's an office building. But it's 400 people. We're talking about 150 people in a wide open room with six exits that you can see from anywhere in the room. That's all I have to say. I'll answer any questions. Kas?

MR. CARLSON: I just want to make sure that the motion on the floor is taking care of the appeal process?

MR. SHANKER: Well, that's what I was going --

MR. CARLSON: Because I don't think the way it was -- the way you made your motion, Rick, quantifies it for the --

MR. SHANKER: That's exactly right. I was going to talk to John about that. My motion is that it doesn't need to be sprinkled. As far as the rest of this, that's not my motion. So I don't know if that impacts -- the bottom line is you don't want to sprinkle the building. As far as all the other classifications and A, B, C, D, E, I'm not talking about that.

MR. WEBER: I have some trepidation about saying we don't have to sprinkle this building, because I think it should be tied to the occupancy. Because if they change the occupancy to a bunch of bleachers and a theater, well, then it needs to be Sprinkled. So if we say it just doesn't need to be sprinkled, now and in the future, we lose that ability for it to trip another trigger, which is common with any structure. And I would -- I don't know if we would either way, but I just think the motion, for lack of a better word is --

MR. SHANKER: Be careful. I'm right next to you.

MR. WEBER: -- flawed. Let's just say flawed.

CHAIRMAN PAGE: If it changes occupancy, then it has to come back to the City for the permit. Right? To remodel.

MR. SIMON: It does.

CHAIRMAN PAGE: Then that changes everything. The City can say, well, you've got to sprinkler this now and that changes everything. So I'm not sure what he's done here is inappropriate, but --

MR. SIMON: I would agree with Mr. Weber because the motion is to say the building doesn't have to be sprinklered. The motion needs to be, as the applicant applied for it, to -- that this should be a B occupancy as opposed to an A occupancy. That way if they

change the use, it would be able to -- yes, sir.

MR. WEBER: I think the applicant could change on the fly. We've done that. Not to say we have precedent for that, but we're a pretty giving, bendy organization. And so I think if we're going to do what Rick's saying, I think we have to ask if you're willing to change your application, you know, your -- what you're applying for, which is sprinklers versus occupancy. We've done that before, I think. We got a motion on the table, so we're going to vote either way.

MR. CONNELL: Did you have a comment back there?

MR. WEBER: We're not voting for the application right now. We just made something up.

MR. WATSON: I mean it seems -- kind of like what you said, John, is if it comes back and they want to change the occupancy, but we would -- if we vote on that, we would be voting to have an A4 occupancy without a sprinkler. So if they did make it, they wouldn't be making an occupancy change, they would be just trying to use the occupancy that's already designated for that space without a sprinkler. So I don't know that they would have to come back to change anything. Brian, is that --

MR. CONNELL: I have a thought. In an effort to accommodate the flexibility of this Commission, maybe the application could be altered to limit the occupancy to grant the variance from the requirement for sprinklers with a maximum occupancy.

MR. WEBER: I would propose to limit the use to not have shows and competitions. Then I think it's appropriate. Because if the use -- it's not the occupancy. You've already made that case. It could be an office building and have cubicles in it. It's the use.

MR. CONNELL: And have far more people, that's true.

MR. WEBER: It's the use. That's what trips the trigger on this thing.

MR. FRAZIER: Just something to consider, we agree with the -- the -- that this looks like -- it looks like it should be classified as an assembly use group. If nothing else, it's a very large space. And it's very -- it's a unique situation to have such a large space that's going to only be used for 50 people. Just our experience. To what extent that affects your decision, but it is a big group and we do think that the A classification fits the definition. Notwithstanding Mr. Connell's representation, but we agree with that as well.

CHAIRMAN PAGE: Could you tie the sprinkler and not just say this building doesn't have to have it, but this particular occupant of this building doesn't have to have it?

MR. WEBER: We have to say it's -- the use actually has to be business, but I don't know how that could be enforced.

MR. FRAZIER: That's part of the challenge.

MR. TIPTON: Well, another problem is that if you -- you've got a 20-pound per square foot snow load on this building right now. You start hanging a sprinkler system in there, they'll have to redesign that whole structure. You can't just come in at a later date and put all this weight in there because that will bring the building down.

MR. WELCH: Could I address that? Actually, there's a couple things I'd like to address. Number one, it is critical to understand that competitions without spectators are very different than what you're addressing. You're concerned that they're going to -- you know, Aunt Mary, Uncle Gene, Billy Bob, Cousin Sue, all the family's going to come and watch the competition. That is not how their competitions work, period. It's people and their dogs in a competition.

The -- I made certain when the building was designed that we considered a variety of collateral loads. That's what you're addressing is the collateral load of lights, fans, sprinklers, whatever, HVAC, ductwork and so on. And so that building -- the structural

capacity of that building has already been designed so that at any point in the future, you could add the sprinklers. It wouldn't impact it in any way whatsoever.

MR. TIPTON: Okay.

MR. WELCH: That collateral load has already been taken into account.

MR. TIPTON: Is that certified in the designs and everything?

MR. WELCH: Absolutely. I have stamped drawings and count packages that you're more than welcome to go through.

MR. TIPTON: Okay.

CHAIRMAN PAGE: We have a motion and a second on the floor. Any more discussion?

MR. SHANKER: Yeah. John, I'm kind of confused about -- maybe the owner and his representative wants to change the application as someone else suggested. Because I'm not saying that it should be -- this should be approved.

(Phone ringing.)

MR. SHANKER: I apologize. I've got to get this, so --

CHAIRMAN PAGE: I told everybody to turn their phone off. He didn't listen.

MR. CONNELL: So where did Rick just leave us?

CHAIRMAN PAGE: He's coming back. I think he wants to redo his -- you want to redo --

MR. SHANKER: Well, I'm asking the group if -- you know, are we doing this on the fly, as Weber said, or what are we doing here? Because we can't approve a variance to this because my motion has nothing to do with this.

MR. WEBER: We've got a second so we have to --

MR. SHANKER: I can withdraw it. I can withdraw it or we can modify it.

MR. WEBER: You can withdraw it after it has a second?

MR. SHANKER: Sure.

CHAIRMAN PAGE: I'd like to have a vote on it. I thought after a second, you were --

MR. TIPTON: You can withdraw it. You can withdraw it as long as both people agree to withdraw it.

CHAIRMAN PAGE: Who did the second on that?

MR. SHANKER: Jay.

CHAIRMAN PAGE: Jay.

MR. SHANKER: I'm not saying to withdraw it or not to withdraw it. I'm asking the applicant and his representative if they want to change this. I don't see, from what they're telling me, that that is a B class building. It's not an office building. It's just not.

MR. WELCH: The B classification is -- there's a whole range of activities allowed in that, if this fits. And so to your point -- to the fire department's point, which I think is very good. So how do we know that they're actually going to do what they say they're going to do? The owners have said to me countless times they're more than happy to open their books and you can see that they do not have any kind of gathering of any size whatsoever.

When they were -- they were approached on a daily basis originally by people wanting to use the facility -- the original facility. And so very innocently they said oh, okay. And then when they were told, no, wait, you have to -- your use has changed, you have to apply for a different occupancy, they did that. And then when they discovered the cost of that, of complying with that, what was involved, they said wait a minute, this doesn't make sense, we're not going to do that. We're not going to have any of these other kind of events. We're going to stick with what we do, which is dog training, agility trials, things like that.

MR. SHANKER: John is B what I thought it was from what they told me? B is office building?

MR. SIMON: They're operating it -- it falls under the skill and development training that Brian read. So would the Board want to consider that use specific -- that would need to be included in the variance, that specific use. I don't know if fire is on -- I don't know what your thoughts are on that.

MR. FRAZIER: Obviously if the Board decided to narrow the use to language that follows the code, of course we're fine with that. I think that's what you're -- that's one of the things about -- you've got a really big building and you're going to have to -- Dave's right. You're going to have to limit the use. You're going to have to dictate or spell out how it's going to be used.

MR. WEBER: You know, the problem with that and I have no problem with that in theory, but the problem is how does that really get executed? Who has the authority to limit use?

MR. FRAZIER: I can tell you when we reduce occ loads and spaces that can accommodate more, it is impossible to enforce. I mean we can do it, but it just -- and I'm not suggesting that the owners are not going to do what we're asking them to do, but I can tell you it's a difficult situation.

MR. WEBER: Well, you don't know when the occurrence happens. You don't even know when to check.

MR. FRAZIER: Right.

MR. CARLSON: Until it's too late.

MR. FRAZIER: That's just something to consider.

MR. CONNELL: I have a question that's going to sound really obnoxious, but how many people in this room have been to a holiday party in somebody's office where it was elbow-to-elbow and lights are dim and there's music playing and everybody's drinking and eating? All the things that are assembly activities going on in a B business office building that's very likely not sprinklered. There's a million examples of what we're talking about. And I think the correct answer is anybody can misuse any facility any given time, and it is a matter of enforcement. And I do understand that it's difficult, if not impossible, to pursue that. But we have an owner that has stated emphatically that they intend to adhere to dog training and the low level of occupancy as such.

Having said that, I hear the merit of what Dave is proposing. And I think what I'm hearing from Brad is that you're willing to consider some limitation, whether it's specifically -- whether we say that this building is limited to this use, this dog training, and that it doesn't involve spectators, I know that the owners would be -- would be eager to agree with that.

MR. FRAZIER: That is how -- if you can arrive at something that meets the code --

MR. CONNELL: But I do have a question of the code officials in the room. Given that, how do we classify it?

MR. FRAZIER: I think you -- well, that's not -- that's not my question.

MR. CONNELL: Well, because it's --

MR. SHANKER: You're making this a lot more complex than it --

MR. CARLSON: Brian, are we trying to figure out if it's between B and A? Is that what we're trying to figure out?

MR. CONNELL: Yeah.

MR. CARLSON: Are we asking John to tell us which way -- the best way to alter the B or the A?

MR. CONNELL: I heard Brad and Jim both say that they believe it's an A use. So is it a matter of agreeing that it's an A use with limitations?

MR. TIPTON: I think that would be easy.

MR. CONNELL: Pardon?

MR. TIPTON: I think that would be the most easiest way.

MR. CONNELL: And, again, we're agreeing that there are no spectators so that rules out A4, in my opinion.

MR. TIPTON: How many restroom facilities do they have? I mean that would choke down the number of toilets.

MR. CONNELL: Austin, with all due respect, we're here to talk about the classification of the building.

MR. TIPTON: I understand.

MR. SHANKER: We were talking about an office party. Come on now.

MR. CONNELL: All of the other aspects are going to be addressed in the submittal. We're here to talk about --

MR. WEBER: But, Brian, I mean, you know all dog matter arguments cut both ways. And you said when you're in an office and have a party, that has no relevance to our discussion. And I don't want to get into that, but, you know, it's gone on a lot of tangents, so --

CHAIRMAN PAGE: Rick?

MR. SHANKER: Unless the owner and his representative wants to change it to a variance for the sprinkler, I don't feel in good conscience that I can grant this appeal. That's not what my motion was, so --

CHAIRMAN PAGE: The motion on the table is to grant a variance to not have sprinklers in the building.

MR. SHANKER: That's correct. But that has nothing to do with this.

CHAIRMAN PAGE: That's what your motion was.

MR. SHANKER: And it has nothing to do with this. So I'm willing to withdraw that motion unless the owner and his representative wants to change the variance request to non-sprinkling and make it real simple. You guys can go out of the room for five minutes and talk about it for a minute.

CHAIRMAN PAGE: You'll withdraw?

MR. CREASY: Yeah.

MR. WEBER: No vote.

CHAIRMAN PAGE: If you want to withdraw it. I don't think he wants to quite withdraw.

MR. SHANKER: I'm offering that the applicant and his representative discuss that. And as you said, we've changed applications on the fly before. So they would keep this A whatever it is and they would be granted or not granted a variance for sprinklers.

MR. WEBER: I think that's a worthy pursuit. Because everyone's here and they paid. So changing the target is something we've done before and I think it's the right thing to do. I don't think we kick them out and say come back a month later --

MR. SHANKER: Unless they want to.

MR. WEBER: -- with another application, unless they want to.

MR. CONNELL: No, we're -- we're -- I'm eager to respond to that. And I'll tell you that if the Commission is willing to grant the variance based on -- a variance for not sprinkling based on a specific use that we're describing as canine training -- and again, I don't -- I don't know if you want other limitations. If you want --

MR. SHANKER: This doesn't guarantee you're getting it. I'm just asking if you want to change the application.

MR. CONNELL: Yes. The answer is yes.

MR. WELCH: Sure.

CHAIRMAN PAGE: Okay. Do you want to restate what the motion would be then?

MR. SHANKER: The motion would be that this building would be in the classification that the City has established that it is. We would grant the exclusion of sprinklers. Does that suit you, Jay?

MR. CREASY: With the -- that description of what the use is --

MR. WALLACE: Nonspecific use.

MR. SHANKER: Yeah.

MR. CREASY: -- of dog training?

CHAIRMAN PAGE: Does everybody under-- John, are you --

MR. WEBER: Could I --

CHAIRMAN PAGE: Dave?

MR. WEBER: Are you good with me on the fly? Because I got Rick -- Rick said he was good with it, which is a very rare thing for Rick and I but -- so what if -- if we're going to do that, we've got to go with the use. Right? I mean because don't we -- if we're going to say it's A4, don't we have to limit it to 50 and say no shows and competitions? They can't have -- it has to be all just training with maximum of 50.

And now so you're talking about occupancy and use. Because what we're doing is we're saying it's an assembly occupancy, but we're trying to control the use and occupancy number so that we can justify that sprinkler -- it's okay to not have sprinklers. Do you see how weird this is getting?

MR. SHANKER: No.

MR. WEBER: You know, because if you have an A4 use and you say it's 10 people in a 300,000 square foot area and they never have any visitors or competitions, we would all agree it's ridiculous. It's just how that really happens in practice. You can say that and it does seem reasonable. We just have to trust that the owner is going to do that.

CHAIRMAN PAGE: Did you have something?

MR. WELCH: Yeah. We keep -- I keep hearing that revisited. They do not have spectators. They don't sell tickets. They don't have seating.

MR. WEBER: They don't have competitions?

MR. WELCH: They have agility competitions, yes, but there are no spectators. That's different.

MR. PASLEY: That would still make that an A3. The issue with the sprinklers is any As over 12,000 square feet. So I understand what you're saying and I understand what you're saying, but A3 or an A4, either one is still A and it's still over 12,000 square foot so the sprinklers still kick in. So just to clarify that. You're both correct. It's two different As, but still over 12,000 square foot. That's what's kicking in the sprinklers. And your occ load -- Mr. Connell was nice enough to provide, if you go with B use occ load 100 gross, his calculation would be about 280. So that's the occ load of B group if you were to go that route.

CHAIRMAN PAGE: So you'd have to go to a B group. Is that what you're saying?

MR. PASLEY: You could up to, according to the table, get up to about 280 per the code if you do 100 gross it will be used for.

MR. CONNELL: And I will tell you that the owners would be willing to cap it at 200. I'm not trying to be arbitrary. They don't intend to have a lot of people in this building.

CHAIRMAN PAGE: So you'd have to change it to a B group and cap it at 200. Is that what you said?

MR. CONNELL: Yes.

MR. CARLSON: In that situation, there's no sprinklers required. You're just classifying the building --

MR. CONNELL: Correct.

MR. CARLSON: -- correctly and that's it.
We're not talking about having to do sprinklers. It's just classifying the building correctly in that group.

MR. FRAZIER: That's correct.

MR. CARLSON: And that's it?

MR. CONNELL: Yes.

MR. CARLSON: So is that what you're going to bring back to us, Brian, then to classify this the correct way or is that what we here?

MR. CONNELL: That's what you have there. The only thing that I didn't add is any sort of limitations to the occupancy.

MR. CARLSON: So will we add those 200 limitations to the occupancy then?

MR. CONNELL: We certainly could, and we would be receptive to that.

MR. CARLSON: John, do you want to see if there's any other discussion on that?

CHAIRMAN PAGE: Yeah. More discussion? Go ahead, JP.

MR. WATSON: Just one point of clarification. I didn't see the sign-in sheet. I will not be voting on this one since I'm an engineer of record on the project. So I'll recuse myself.

CHAIRMAN PAGE: I was going to have you sign this. So we need Freddy to vote. Did he sign in? Yeah, he did. So we're going to vote on this. Again, clarify what we're voting on, Rick. We talked about so many things so that everybody knows what they're going to be voting on.

MR. SHANKER: The owner has agreed that the application that is in front of us is not what the true intent of the -- intent of his application. He wants to keep this A4, but be excluded from sprinkling. Is that what the owner --

MR. WALLACE: No.

MR. SHANKER: That was what Jay and I agreed about.

MR. WALLACE: You already took that back.

CHAIRMAN PAGE: Yeah. You said -- what it started out as, is this building will not be sprinklered, period.

MR. SHANKER: That's correct.

CHAIRMAN PAGE: And then it changed to talking about the A3 and A4 and then sprinkling. It's kind of changed here.

MR. SHANKER: Right. And then I asked does the applicant want to just keep the same classification and exclude -- have an exclusion for sprinkling?

CHAIRMAN PAGE: He does not want -- you want a B class so you don't have to sprinkle?

MR. CONNELL: What we just discussed most recently --

MR. SHANKER: Wait a second. The discussion was about the motion. If you want to -- I'll be glad to give another motion.

CHAIRMAN PAGE: But you said --

MR. SHANKER: Just to get this going.

CHAIRMAN PAGE: -- what he wants. And what he wants is not what you're talking about.

MR. SHANKER: I asked him if he would like that and the situation changed. I'm taking away my motion. Jay, I don't want to have my motion out there anymore.

MR. CREASY: I thought we already did that.

MR. SHANKER: Well, I thought we did too.

CHAIRMAN PAGE: You started restating it. So --

MR. CREASY: Okay. I'll take away my second.

MR. SHANKER: It's gone.

CHAIRMAN PAGE: So we've got a clean slate here. Go ahead.

MR. TIPTON: Do we need a motion then on the floor that they be granted what they're asking for with a limitation to the number of occupants in the building?

CHAIRMAN PAGE: Yes.

MR. CARLSON: We need to know what they're asking for first in front of us so we're all clear on what they're asking.

MR. TIPTON: They're asking for --

MR. CONNELL: What we're asking for is a B Business classification with a maximum occupancy load of 200, doing training in skill development per the language in the code.

CHAIRMAN PAGE: You want to put that in motion?

MR. TIPTON: I so move.

CHAIRMAN PAGE: Do we have a second?

MR. SHANKER: Second.

CHAIRMAN PAGE: We have a second. Any further discussion? Seeing none, I'm going to call the roll.

All right. David Weber?

MR. WEBER: No.

CHAIRMAN PAGE: No. Austin Tipton?

MR. TIPTON: Yes.

CHAIRMAN PAGE: Freddy Malicoat?

MR. MALICOAT: Yes.

CHAIRMAN PAGE: Jonathan Trunk?

MR. TRUNK: Yes.

CHAIRMAN PAGE: Jay Creasy?

MR. CREASY: Yes.

CHAIRMAN PAGE: Rick Shanker?

MR. SHANKER: Yes.

CHAIRMAN PAGE: Todd Noordsy?

MR. NOORDSY: Yes.

CHAIRMAN PAGE: Kas Carlson?

MR. CARLSON: Yes.

CHAIRMAN PAGE: Me, yes.

Doug Muzzy?

MR. MUZZY: Yes.

CHAIRMAN PAGE: Drew Wallace?

MR. WALLACE: Yes.

CHAIRMAN PAGE: One no and the rest yes. Motion carries --

MR. CONNELL: Thank you for your time.

CHAIRMAN PAGE: -- eleven to one.

Motin to approve a B Business classification with a maximum occupancy load of 200, doing training in skill development per the language in the code.

Yes: 11 - Carlson, Creasy, Malicoat, Muzzy, Noordsy, Shanker, Tipton, Wallace, Watson, Trunk and Page

No: 1 - Weber

Excused: 8 - Jackson, Roberts, Young, Pile, Neyens, Howe, Grove and Kaisher

Non-Voting: 2 - Connell and Lehmen

B. Representation of the International Residential Code, International Building Code, International Existing Building Code and the International Energy Conservation Code Reviews.

Started review of the International Energy Conservation Code-due to time allowance will continue sub committee reviews on the May 20, 2019 meeting.

VI. GENERAL COMMENTS BY PUBLIC, MEMBERS AND STAFF

VII. NEXT MEETING DATE: MAY 20, 2019 (3rd Monday due to holiday ROOM 1C)

VIII. ADJOURNMENT

Meeting was Adfourned at 6:35 PM.

Members of the public may attend any open meeting. For requests for accommodations related to disability, please call 573-874-CITY (573-874-2489) or email CITY@CoMo.gov. In order to assist staff in making the appropriate arrangements for your accommodation, please make your request as far in advance of the posted meeting date as possible.