



City of Columbia, Missouri

Meeting Minutes

Building Construction Codes Commission

Monday, May 20, 2019

4:30 PM

Conference Room 1C

(3rd Monday of the
Month Due to Holiday)

I. CALL TO ORDER

CHAIRMAN CONNELL: Again we're going to call the May 20, 2019 Building Construction Codes Commission meeting to order. I'm going to call the roll. I'm going to ask everybody if they are voting on the case, and I don't know if that extends to any voting that we might do later on on the agenda, but I'll go down through the roll. Mr. Weber?

MR. WEBER: Here, voting.

CHAIRMAN CONNELL: Josh Lehman? Not here. Matt Young is not here. Austin Tipton? Rob Jackson? Tony Grove? JP Watson? Fred Malicoat? Brian Connell is here, and yes, he's voting. Jonathan Trunk?

MR. TRUNK: Here, yes. Voting.

CHAIRMAN CONNELL: Jay Creasy?

MR. CREASY: Yes.

CHAIRMAN CONNELL: Christopher Howe? Richard Shanker? John Pile? Todd Noordsy? Chris Roberts? Kas Carlson?

MR. CARLSON: Here and yes.

CHAIRMAN CONNELL: John Page?

MR. PAGE: Yes, yes.

CHAIRMAN CONNELL: Doug Muzzy?

MR. MUZZY: Here, yes.

CHAIRMAN CONNELL: Ray Kaisher? Andrew Wallace? John Neyens?

MR. NEYENS: Here, yes.

Present: 9 - Kas Carlson, Brian Connell, Jay Creasy, Douglas Muzzy, David Weber, Austin Tipton, John Neyens, Jonathan Trunk and John Page

Excused: 13 - Robert Jackson, Fred Malicoat, Todd Noordsy, Christopher Roberts, Richard Shanker, Matthew Young, John Pile, Josh Lehmen, Andrew Wallace, James Watson, Christopher Howe, Tony Grove and Ray Kaisher

II. APPROVAL OF AGENDA

CHAIRMAN CONNELL: Okay. I'd like to -- this is the moment where I would ask for a motion and a second on the agenda. I'd like to -- because we have a case this evening, I would like to ask that we amend tonight's agenda to take new business before old business. Do I hear a motion?

MR. MUZZY: So moved.

CHAIRMAN CONNELL: By Doug Muzzy. Do we have a second?

MR. PAGE: Second.

CHAIRMAN CONNELL: Second by John Page. All in favor of modifying the agenda as stated, say aye.

(Unanimous aye vote.)

CHAIRMAN CONNELL: Any nays?

(No response.)

Motion to amend tonight's agenda to take new business before old business.

III. APPROVAL OF MINUTES

Attachments: [Meeting Minutes 04-22-19](#)

CHAIRMAN CONNELL: All right. So we're going to go ahead and proceed with new business, which is an appeal, so that those folks don't have to sit through a rather tedious discussion about the upcoming building codes. Let's see. Let's take our opportunity to approve or adjust the minutes from the last meeting. Does anyone have any comments or wish to make a motion in that regard?

MR. CREASY: I'll approve the meeting minutes --

CHAIRMAN CONNELL: To approve?

MR. CREASY: Approve.

CHAIRMAN CONNELL: As published?

MR. CREASY: Yes.

CHAIRMAN CONNELL: Okay. We have a motion. Do we have a second?

MR. TRUNK: Second.

CHAIRMAN CONNELL: Jonathan Trunk seconds. All in favor, say aye.

(Unanimous aye vote.)

CHAIRMAN CONNELL: Any nays?

(No response.)

CHAIRMAN CONNELL: All right. So the minutes are approved.

Motion to approve minutes.

IV. OLD BUSINESS

Continuance of the Sub Committee reports and BCCC consideration of the International Residential Code, International Building Code, the International Existing Building Code Review and International Energy Conservation Code.

John Simon presented the draft ordinances for the International Energy Conservation Code. The committee members as a whole approved the requested changes to be made.

V. NEW BUSINESS

Attachments: [CASE 002-Broadway Farms Plat 15 Lot 2A, 3301 Broadway Business Park Ct Ste B](#)

CHAIRMAN CONNELL: Let's move right on into our first public hearing. And I'm hoping that I have it in front of me here. Do you have a copy of the appeal or is it behind here?

MS. EDWARDS: No, I've got it.

CHAIRMAN CONNELL: All right. We have -- this is Case Number 002, Broadway Farms Plat 15 Lot 2A, 3301 Broadway Business Park Court. It went off the page.

MR. MCMILLIN: Suite B.

CHAIRMAN CONNELL: Suite B. Thank you. So I'm going to recite off this, the application notice of appeal from the decision of code official in regard to the following described property in the City of Columbia, County of Boone, State of Missouri, legally described as Broadway Farms Plat 15, Lot 2A, and known as 3301 Broadway Business Park Court, Suite B. Applicant requests variance for ruling with respect to the above described property. On 23 of April, said code official disapproved permit for suite Centerpoint Celebration of Life Center. The reason he gave for such action was that he

wants a 2-hour wall installed for an adjacent existing restaurant or he wants the adjacent restaurant to be sprinklered, which does not comply with Section 707.3.10 of the IBC 2015 and 903.2.1.2 as adopted by the City of Columbia, Missouri, which provides or requires that the adjacent restaurant install an automatic sprinkler system for A2 occupancy or a 2-hour fire barrier. A copy of the notice of said official is hereto attached. The basis for this appeal as permitted by the International Building Code as adopted by the City of Columbia is, and the applicant has checked three boxes: the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, and undue hardship is created by strict compliance with the letter of the code and has no significant effect on the health, safety, and welfare of the public or any individual. Applicant is requesting a variance or ruling or both in the way of carrying out the strict letter of the code because this is an existing building and meets Section 2015 IBC Section A 102.6, Existing Structures. The entire building and all suites were permitted under previous codes and are existing. The building should be grandfathered. We are not changing the use group, and the work is very minor. Applicant is proposing that the submitted drawings be approved for permit as-is. Name of the applicant is Steve McMillin with SA McMillin Architects Inc. Signed and dated. At this point, I'd like the representatives to stand up and be sworn in and also any City officials or staff that will testify.

(The reporter administered the oath to Steve McMillin, Justin Starr, John Simon, Wes Davis, and Jim Pasley.)

CHAIRMAN CONNELL: Gentlemen, you have the floor.

MR. MCMILLIN: Thank you all for giving us your time. Let's see if I can work the computer here.

MR. SIMON: Asking me for technical assistance?

CHAIRMAN CONNELL: See up in the left, View? Pull that down and then rotate. That's good.

MR. MCMILLIN: This building is over -- I'm Steve McMillin. Sorry. This building is over -- there's Walmart over here, Hy-Vee over here. That's Callaway Bank. It's completely surrounded by driveways, a rear alley, and then parking up front, so it's completely four sides greater than 30 foot from the property. The construction type is 2B noncombustible. Do you have any questions on that?

CHAIRMAN CONNELL: Square footage?

MR. MCMILLIN: Square footage of the building? 17,000 square foot. Okay. What we had for -- this building was built in 2000. It's one story. What we had was a Body Effects, which is a tanning salon, for 16 years, I guess, and they went out of business, so it has a lot of little rooms that were the tanning bed rooms and we wanted to clear those out. We had a demo permit to clear those little small rooms out. The walls on either side -- this is all original construction -- 3 5/8 inch metal studs with 5/8 inch chipboard on either side. Now these two particular walls go to the bottom of the steel beam. It is a mixed use building. Let's see. What else can I tell you about it? It is not sprinklered. Each suite has an exit on the front and the rear. And let's see. What else? So it has 17 (inaudible) per suite, and it has 17 -- so that would be 17 occupants, business use. And what we are getting in there is a --

MR. MUZZY: Steve, who are the tenants on each side there?

MR. MCMILLIN: Okay. That's a good question.

MR. MUZZY: If you want to wait.

MR. MCMILLIN: I think I've got another one coming up here. Okay. We're office use, Centerpoint. Justin, you want to tell them what the office use is?

MR. STARR: Justin Starr. I'm with the building ownership and doing the work on

this, but this is Centerpoint Center for Life Center. It's basically a funeral home operator, crematory operator who is needing an office space to meet with their families and customers, clients, and so forth so it's just an office for them to conduct business in.

MR. PAGE: Where is this exactly at?

MR. STARR: Do you know where Hy-Vee is on West Broadway?

MR. PAGE: Yes. Hy-Vee, yeah.

MR. STARR: Okay. The shopping center immediately west of there.

MR. PAGE: Uh-huh.

MR. STARR: We're in this building back up to West Broadway, the building where the tenant on the left-hand side as you're looking at this would be Smoking Chicks Barbecue.

MR. MCMILLIN: This side here is a dentist; right?

MR. PAGE: Yeah. Yeah, yeah, yeah. Okay. Got it.

MR. MCMILLIN: We thought a really simple project. All the new construction we're doing is a wall, a door, a pair of doors and a wall creating an office and a little lobby. This is all open. These are existing walls, and we're putting in another little handicapped bathroom in the back. That's all we're doing. So we thought that was real simple. We feel like it should be grandfathered because B use to B use, like I say in the application. It's very minor work and mixed use. I guess that's the end of it.

MR. MUZZY: Who are the adjacent tenants? You have a tenant on both sides; right?

MR. MCMILLIN: The tenant on this side is Smoking Chicks Barbecue. Been there for -- I don't know -- three or four years, and the dentist has been there for -- what is it? 16 years?

MR. STARR: Dentist's probably been there -- he's the only one that's been in that particular space. That was probably 2003, 2004. Smoking Chicks was put in there in 2014.

MR. MCMILLIN: '14. May of 2014. And that's --

MR. STARR: Again, the business -- it was a business use. It's always been a business use and it's continuing to be a business use here, so we didn't think we were really changing the intended use of it. Very little occupancy is expected in this space. There's basically one or two people that will office in there and will meet with people on, you know, occasion, but as you see, it's more open and has less rooms, and therefore, I believe a less confusing layout. It's pretty open from the front to the back. Both the entrances and exits will stay open.

MR. MCMILLIN: So we actually feel that we've opened it up more. It's clearer, so it's actually better than it was before.

MR. PAGE: Is it just a single story; right?

MR. MCMILLIN: Single story, and it's got alleys behind it and driveways on the sides and a big parking lot in front of it. West Broadway sits behind it.

CHAIRMAN CONNELL: Comments from staff?

MR. SIMON: So the original building was a mixed use, nonseparated mercantile business use, and when the Smoking Chicks went in, that created an A2 occupancy and a fire area greater than 5,000 square feet. I cannot speak to why a fire barrier was not installed at that time, but we will take the opportunity when an alteration is done and we've demoed a suite like we have to go ahead and make it safer for both customers and firefighters. I think Mr. Pasley can probably speak to that part. The code requires a fire area of 5,000 or more square feet that has an A2 occupancy in it to be either sprinklered or separated. So if this partition right here -- I think this is the detail for that partition, Steve; is that correct?

MR. MCMILLIN: Yes.

MR. SIMON: We're simply seeking a layer or two of sheet rock to be installed on that wall to create a fire barrier for public safety and the safety of first responders.

MR. PAGE: So, John, you're saying that the wall will stay like it is and you put another layer of 5/8 over it? Is that what you're saying?

MR. SIMON: Two layers would make the building totally compliant because that would be a 2-hour assembly or a shaft liner. Quite frankly, I would state that when Smoking Chicks went in, it should have been addressed, but I can't speak to that. I wasn't involved with that project.

MR. MCMILLIN: Can I say something?

CHAIRMAN CONNELL: Yes.

MR. MCMILLIN: That's a little bit incorrect. In 2002, the original restaurant in that exact space was Bellacino's.

MR. SIMON: It was a different code, and it was possibly just a business use if it had less than 50 occupants.

MR. MCMILLIN: Oh, no. It had 76. I'll show you.

MR. SIMON: I think 12,000 feet was the actual fire area back then, so we've gone through some significant code changes since that time. It's been reduced to 5,000 square feet.

MR. MCMILLIN: Let's see. Let's pull that up. Okay. Smoking Chicks, this was Bellacino's back in 2002. It's the first suite in the building. It really hasn't changed when we moved Smoking Chicks over there. The cooler was there, bathroom faucets. Really, we just moved some of the equipment back in. There's the dining area up front. Bathrooms are the same. Really nothing changed. 2,800 square foot. Existing walls were there. There's the original title block from the code that was submitted back then in 2000, and when it was redone as Chicks in May of 2014, it did not call for that. That's correct. It was not called for that. Because we feel that when they review the fire area, they're looking at all the areas within the A2 suite: dish washing, cooler, bathroom, kitchen, prep area, dining room. There's 76 occupants in that suite, so we didn't change anything on that either. There's also another restaurant in the building, a smaller one, that was built in 2002. There's no fire walls on that one either, so over the years, from about 2000 to 2017, that was the way it was approved by the code department and the fire department.

MR. SIMON: Okay. So today's code requires a fire area of 5,000 square feet or less. What happened in the past I can't speak to. We made mistakes in the past. So be it. We take the opportunity to bring this back to being a safe space when we're doing an alteration. China Star is definitely less than 50 occupants, and it would not require a fire wall. I'm uncertain of what the code was maybe back in 2002 before I was even employed by the City of Columbia. I think at one time it was 12,000 square feet --

CHAIRMAN CONNELL: That's correct.

MR. SIMON: -- for a fire area, but this building is 17,000 square feet. So the truth of the matter is, when an assembly occupancy went in, provisions should have been made for either sprinklers or a fire barrier. Now that we have it opened up and in a position where we can easily add a layer or two of sheet rock, it seems prudent to me to bring it up to code.

MR. MCMILLIN: One more thing. Okay. When Smoking Chicks was put in in May of 2014, that was the 2012 code. That had the exact same stipulation in it: 5,000 square feet.

MR. SIMON: Okay. We made a mistake.

MR. MCMILLIN: Well, I'm not sure you did.

MR. SIMON: I'm certain we did. You can speak to the fire official. The fire area requirements are 5,000 square feet or else it has to be sprinklered or a fire barrier installed. That is the code. It was the code in 2012. It's the code of today.

MR. STARR: If we add up the two A2 uses we have here, we don't have 5,000 square feet.

MR. MCMILLIN: No, it's under 5,000.

MR. SIMON: Fire area. The fire area is defined by exterior walls or the perimeter inside of a fire barrier, so you have a fire area of 17,000 square feet right now.

MR. JUSTIN: So you're basically saying that any building that was built prior to the new code will have to separate --

MR. SIMON: No, sir. When alterations are performed, then that's the time we try to bring it up to today's code.

MR. STARR: Okay.

MR. MCMILLIN: Like I say, in 2000 until 2017, all of these spaces have been permitted and re-permitted at least 13 times.

MR. SIMON: Good thing we have sharper planning examiner staff today than we have in the past.

MR. MCMILLIN: So we've got 50 at least approvals from the code department and fire department over the years.

MR. SIMON: So I guess is the argument then that we should continue to make mistakes into perpetuity?

MR. MCMILLIN: I think what I'm trying to say is it was interpreted this way when it was built. As an existing building, we ought to accept it as an existing building. And also, the other thing is, when they talk about A2 occupancy, group A2 occupancies could have -- this is what they talk about A2 occupancy being, and this is not an A2. That is not an A2. That is not an A2. They're not. They're all B's. There's only one little one. It's China Star. And what it says an A2 is, from your own book, Group A2 occupancies could have low lighting levels, loud music, late hours of operation, dense seating, ill-defined aisles, alcoholic beverage service. These factors, in combination with delayed fire recognition, confused occupant response, and increased egress time. Well, this is fully lighted, regular hours. All of these are. Fully lighted. There's only -- what did I say? 17 occupants here that's a different use than that. Now this one is an A, and that one is a -- well, I'll show you. China Star's tiny.

MR. SIMON: That's why I believe it's a B use.

MR. DAVIS: The other thing, when the original shell came in on the plan, it was listed as an M occupancy. I don't know that there's any Ms, are there, on that plan? I mean, things change.

MR. SIMON: So fires often emanate from a commercial cooking operation. That's also something to take into account. I believe there's adequate egress for customers. I don't think it's unsafe for customers at all, but I do have some concern for fire response because a fire spreads faster if there's not a fire barrier.

MR. MCMILLIN: Okay. The kitchens have Type 1 hoods with Ansul systems. Both of them do. You can see how tiny the little area is of dining for China Star -- 1,500 square foot -- so it can't be a B. It has to be an A2 because of the size, so how could this be -- I think it was interpreted differently back then and the building is an existing building, so we should leave it alone.

MR. SIMON: Doug?

MR. MUZZY: In the application, you mentioned undue hardship and you went through some calculations on moving a lot of things. There was bathrooms, and it was fairly significant. Now what I hear John saying is that a single layer of flat-based rock

along that demising wall would satisfy the requirement, and I don't know exactly what that runs, but I think it would be a fairly minimal amount. But are you-all -- you're opposed to solving it that way?

MR. MCMILLIN: Well, we --

MR. MUZZY: I mean, I realize that you're arguing the philosophy of it --

MR. MCMILLIN: Right.

MR. MUZZY: -- but it seems like that would --

MR. STARR: I think it's -- if one were to say it's just as simple as adding a little bit of rock on, that may be one thing, but I believe you run into issues with the rest room and the handicapped clearance here. If the intent is really to separate Smoking Chicks and the fire hazard that's there from this existing space, the new clearances for this bathroom go away and all of a sudden you have to do concrete work, you have to do plumbing.

MR. SIMON: Have those been built?

MR. MCMILLIN: Pardon me?

MR. STARR: This existing one has. This one has not.

MR. SIMON: So that just moves the toilet forward in the existing one. There's no clearance issues there. That hasn't been built yet.

MR. STARR: No, it hasn't been built yet, but there is a floor drain in there and so forth, so it -- it was stumped for one originally, but we just know that the -- it does require everything to be shifted over, and as you can see, it is a relatively tight rest room as it is, and we didn't want to have to get into moving two restrooms.

MR. SIMON: Is the corridor too narrow to move 5/8 of an inch?

MR. MCMILLIN: Well, the other problem, John, is that the beam goes over, so the wall actually has to push out away from the beam to go past the beam on both sides.

MR. SIMON: We're open to allowing it to terminate it at the beam. We're just trying to make it better.

MR. MCMILLIN: Terminate at the beam?

MR. SIMON: Yeah, terminate the way the detail shows now.

MR. DAVIS: I was talking about the other wall because it's 5,000 square feet. That section is a little less than 5,000 square feet, and that satisfies the code, too, so Smoking Chicks is on this side; correct?

MR. STARR: It's on the left-hand side.

MR. DAVIS: I'm talking about the other wall because that little square where the offset goes out, that's less than 5,000 square feet. If you do that wall, it satisfies. You're less than 5,000 square feet.

MR. MCMILLIN: The beam there on both sides is at least 2 or 3 feet deep and the flange hangs over, so the walls would both have to come in to make a 2-hour wall, and actually you'd have to get in -- we talked to the sheet rock guys. You'd have to get into this side of the restaurant and cover that side of the beam and get into the dental suite and cover this side of the beam with the chipboard.

CHAIRMAN CONNELL: John?

MR. SIMON: So just to be clear, we understand that we can't go to that extreme. What we want, what we're hopeful to do is just make it better, so if you would be willing to on this side of the wall add two layers of sheet rock to this side and go up to the beam, we're satisfied with the intent of the code. That would not change any clearances because the beam's noncombustible and it's not going to burn through before first responders get there.

MR. MCMILLIN: So when you think about what you just said, that just brings the -- there's the wall. Okay. So you're saying come out in front of the beam, only in front of the beam and then add a layer on this side, two layers on this side.

MR. SIMON: No, sir. Right up the wall. Just the wall. Just the wall.

MR. STARR: You're talking about just taking from the floor to this beam here --

MR. SIMON: Yes.

MR. STARR: -- and adding two layers onto that?

MR. SIMON: Yes.

CHAIRMAN CONNELL: That's a reasonable compromise.

MR. STARR: As far as this restroom and so forth, if the toilet is close enough to the wall, we'll --

MR. DAVIS: We're talking about the other side. Let's do it on the other side.

MR. STARR: Do it on the other side?

MR. DAVIS: Do it on the other side. That way it doesn't affect your bathrooms.

CHAIRMAN CONNELL: You've created a 5,000 square foot area.

MR. SIMON: You've created a 5,000 foot space. If this doesn't meet the technical characteristics of a 2-hour fire barrier but it is much closer, I believe it meets the intent of the code. I should probably defer a little bit to the fire department section.

MR. PASLEY: The building section is on you. I'm going to stick with over 5,000. But I see the angle you're taking. You've got a steel beam, so it should get you two hours, so I think your thought process would meet the --

MR. CREASY: I believe it's onerous to require that that beam be wrapped all the way around with a 2-hour assembly, especially given the circumstances you guys have described, perfectly willing to --

CHAIRMAN CONNELL: Dave raised his hand.

MR. WEBER: Is this a metal building? What's it supposed to be? Is it like a rafter Z?

MR. MCMILLIN: Metal deck.

CHAIRMAN CONNELL: Standard pre-engineered.

MR. WEBER: So above there is Z like girds?

MR. MCMILLIN: It's joists that go across the beam; right?

MR. STARR: Yes.

MR. WEBER: Is there pad insulation between those?

MR. MCMILLIN: No, it's insulation on the deck.

MR. WEBER: Oh, it's outward. So is there a gap between those purlins?

MR. STARR: I would have to look.

MR. SIMON: I believe that beam runs right with the roof, does it not?

MR. WEBER: So the purlins aren't bypassed to over the top of the beam. They go into the side.

(Inaudible.)

MR. STARR: I think that beam would go all the way to the deck.

MR. WEBER: To the side of the beam. Okay. Yeah, so there is nothing.

MR. SIMON: There is nothing there. I think it meets the intent of the code just to do that much.

MR. STARR: Well, again, we were kind of thinking that it's the same use, B use to B use. We're not creating any undue fire hazard or any additional life safety components. Three, that all the A2 uses in the building add up to 5,000 -- don't even add up to 5,000 square feet, and we don't know if the burden of the expense here should be on this tenant that's not an A2 use either, that if the tenant is the one making these improvements, that it's putting a burden of cost on this particular tenant that is only there because of their next-door neighbor.

MR. SIMON: Unless the building owner would be willing to put two layers of sheet

rock on there.

MR. STARR: Well, again, if we would have known this, then maybe so, but -- you know, and I guess also I understand that putting it on this side creates this 5,000 or less than 5,000 square foot barrier, but just so I know that the thought process going forward, if we have another business in there, another A2 use that's China Star, does that mean that the next application I would have later on would also require another fire wall?

MR. SIMON: I don't know how I can be more clear. China Star, because of the occupant load, is only a B use. China Star is a B use. It was submitted as an A2, but it is a B. If you were to get an A2 use group coming into that building in a fire area greater than 5,000 square feet, yes, we would be back in this same scenario, but this would make the whole building compliant right now.

MR. STARR: It is considered B use. Just so I understand and maybe I'm confused, why is China Star not a B use -- or an A2 use?

MR. SIMON: Less than 50 occupants. You walk in. You go up to the counter. You get your food and you leave.

MR. STARR: So even an A2 use with less than 50 occupants --

MR. SIMON: -- is considered a B use.

MR. MCMILLIN: But it has to be less than a thousand square foot?

MR. SIMON: No, sir. No, sir.

MR. DAVIS: You still have a 12,000 square foot fire area if you put that wall in. Right now, you've got 17,000.

MR. MCMILLIN: Well, it's interesting to me that we're talking about the, you know, tenant wall up here right now, you're saying you're going to make these people do a 2-hour wall, but really you didn't do anything up here, so it really isn't in my mind any better fireproofing. It's not a 2-hour wall. It doesn't --

MR. SIMON: Okay.

MR. MCMILLIN: You're just accepting that if we add two layers on this one side that you'll say it's okay to be a 2-hour wall?

MR. SIMON: No, Steve. That's not really what I'm saying. I'm saying the fire will take longer to burn through a wall with four layers of sheet rock than it will a wall with two layers of sheet rock. That's all I'm saying. I'm just trying to make it better.

MR. MCMILLIN: I guess what happened to the grandfather? B use in, B use switch-out? I mean, we didn't change it. It doesn't have to be brought up to current code, so that's the way it's always been written.

MR. SIMON: At the time of alteration, we try to bring the building back into compliance. I would agree that this should have been done when the --

MR. MCMILLIN: Chicks?

MR. SIMON: -- Smoking Chicks went in. That would have been the appropriate time, but it wasn't apparently, because we asked for an investigation and Steve said no, it's just a 1-hour wall at this time, so I can't argue that. But now that we have demoed a suite, we have an opportunity to bring it closer to compliance. That's what we are seeking. Staff rests.

CHAIRMAN CONNELL: John?

MR. PAGE: This what you had here is framing up a whole new wall through the whole thing; is that right?

MR. MCMILLIN: Well, we thought that we would have to because the flange hangs over so much --

MR. PAGE: You were framing up a new wall.

MR. MCMILLIN: We thought we would have to stagger it out and go all the way up and tether all the way up to the bottom of the deck, like these other ones are. See,

these are all what you're willing to call one hours all the way across here, so you've got a lot of 1-hour walls in there. Each one of these -- each one of these is a 5/8 inch on each side of a metal 3 5/8, so to the bottom of the deck, each one of those, so you've got in a row. These are the only two that meet up to the bottom of the beam. You've got compartmentalization.

MR. DAVIS: 5/8 inch dry wall?

MR. MCMILLIN: 5/8 inch dry wall.

MR. DAVIS: Type X?

MR. MCMILLIN: Not type X. That isn't type X.

MR. DAVIS: What do you put on it? That's not considered a fire wall.

MR. STARR: What about the ceiling grid? Do we have to take out the ceiling grid and put that back? Can we go up to the grid and come back to the grid?

MR. SIMON: No.

MR. STARR: The grid would need to be taken off?

MR. PAGE: Mr. Chairman?

CHAIRMAN CONNELL: John.

MR. PAGE: For us to move forward, don't we have to vote up or down what he's asking for even though John's made a compromise here?

CHAIRMAN CONNELL: Well, and I think that maybe some advice for the applicant is you certainly have the opportunity to amend your appeal or request while we're standing here or sitting here, or you can ask us to vote on the way you've presented it, which is grandfathered with no alterations.

MR. CARLSON: Or that they withdraw completely and agree with what John just said and they are good and we don't have to vote on anything.

MR. WEBER: If you agree to the layers.

CHAIRMAN CONNELL: I'd like to chime in on that just a little bit. I also -- I agree with John's assessment. This building's been here for a long time. It's undergone several different uses, and I think in the spirit of the existing building code, then the whole idea is that every time we touch a building, we try to make it a little bit better. If you go into the existing building code, the IEPC, it doesn't call for full compliance with the IBC. It lets you take baby steps, if you will. John has recommended two layers of 5/8 in addition to the layer that's already there. The thought that I have, if I can stand up here and point at your exhibit.

MR. MCMILLIN: Sure.

CHAIRMAN CONNELL: This is a -- we can create a 5,000 square foot fire area, taking a step in the direction of making it more -- improving the building, maybe one additional layer making this a 2-hour assembly from this side is a reasonable step in that direction, with the understanding that as you continue to touch the building with future tenant improvements, alterations, changes of use, that you continue to make those improvements as they come along. And then at some point in time, theoretically the building now has become compliant. Not all at once, not at any tenant or building owner's expense necessarily, but we've made an improvement. My concern about John's recommendation of two layers is that doesn't jive with any UL listed fire separation or fire barrier detail. Two layers on each side of the wall does. It starts to. It may be a situation where, you know, we hope the dentist is there forever, but maybe at some point that space gets improved or altered or whatever, and that would be a chance to get that extra layer on that side. We understand that it's ridiculous to think you can go in there on somebody else to create a truly compliant situation, so that's my thought.

MR. SIMON: We're open to that.

MR. WEBER: Brian, I have a comment and I think it's important, just not to take

everybody down a trip down memory lane, but in 1997 when I first got on this, I was ignorant about a lot of things regarding this code family. That was the BOCA days, and of course, Kansas City had the UBC and the south had Southern Building Code, so there was these three code families, and I came in and in my ignorance -- and it was Dale Keating at that time -- and I said, "Well, why wouldn't we just grandfather this?" He proceeded to dress me down like a Marine Corps private and explained in no uncertain terms very kind of upset about it, just shocked that I would say such a thing and that this body has never grandfathered anything and never will and that's not the intent of what this code body's for. The intent is to look at everything on an individual basis under the current codes we are because you start going back in time, you quickly go to crazy land, like when Wes said, hey, this thing was mercantile, now look what it is. It's morphed. Those arguments are so irrelevant to where we are right now to a reasonable compromise, and I just wanted to make it clear to everybody when someone says grandfathered, that is never what this body is ever going to do and never has done and never will do in my opinion, and I think Dale was right.

MR. PAGE: Grandfathered was a nasty word.

MR. WEBER: It's a nasty word.

MR. PAGE: It's a nasty word.

MR. TIPTON: Grandfathered is basically dead and buried.

MR. PAGE: That's not a term that goes well with this board.

MR. WEBER: Because I just want to tell you I thought that that was a legitimate thing, and I thought wrong, so --

CHAIRMAN CONNELL: Duly noted. John?

MR. SIMON: On the other hand, typically no change in use, we allow suites to change out. We're willing -- we're open to the fact that we did not do the correct interpretation of Smoking Chicks. I think one layer of sheet rock is acceptable to us --

MR. STARR: One layer?

MR. SIMON: -- to create a better fire area.

MR. MCMILLIN: One layer of sheet rock on this side?

CHAIRMAN CONNELL: No, on the other side. It doesn't affect any of your toilets or any of that.

MR. SIMON: Then when the dentist moves out, we can put a layer on the other side and we've got pretty close to a 2-hour wall. We can protect the beam.

CHAIRMAN CONNELL: There's all types of way to protect that beam without having to wrap that beam with sheet rock.

MR. SIMON: Yeah, there is. Because we did make a mistake, we are open to working with you on it.

CHAIRMAN CONNELL: Any other questions or comments? You've heard what staff and -- I can't speak for our commission, but we've made some recommendations that we think might be favorably considered here.

MR. STARR: So what's being proposed, just so I understand, is no separate wall, anything like that. We're just going on the existing dry wall, just like it is here. Screw on one layer of rock. Does it stop right here or does it go all the way to the front of the building?

MR. SIMON: With 5/8. It can stop past the dentist's office.

MR. STARR: Stop past the dentist office. So if we have an office that is up front here, we can basically stop at that joint? Is that agreeable?

MR. SIMON: Yeah.

MR. STARR: I can live with that.

MR. CARLSON: So --

CHAIRMAN CONNELL: Kas?

MR. CARLSON: You're withdrawing your proposal?

MR. MCMILLIN: We're amending it.

MR. STARR: Whatever we need to do to do that.

CHAIRMAN CONNELL: You just got an agreement with the City officials.

MR. STARR: Whether I amend it or whether I withdraw it and we -- whatever I can get back to work with.

CHAIRMAN CONNELL: If City staff would accept that, then I think it would be wise to withdraw your --

MR. STARR: That's fine. I'm happy to withdraw it as long as we can resubmit it with that in mind.

MR. WEBER: Brian, if you don't mind, I'll take a shot at a motion. Can we do that?

CHAIRMAN CONNELL: I don't think we need one.

MR. CREASY: Do we?

MR. WEBER: Then how is this going to be handled?

CHAIRMAN CONNELL: If they withdraw it, there's no action.

MR. WEBER: So it's just negotiation that's acceptable to the City, and there is no need for an appeal? Perfect.

MR. SIMON: That's my belief. You on board, Jim?

MR. PASLEY: I'd preferably like to see a 2-hour wall, but if we get something out of this structure, I will say that in the future if there's no motion made here today, how do we ensure that if any other construction goes in we keep track of it? That's the only reason I think a motion would be something that would be beneficial, so it's a written record. If we make an agreement, which it sounds like we kind of are, just my fear we move another A in, we come back to this same exact spot. I just hate to see us come back if another A2 moves in. How we document that would be what I'd be concerned about it.

MR. PAGE: So your concern is it just needs to be a public record is what you're saying?

MR. PASLEY: Kind of. I mean, ideally, I'd like to see a 2-hour wall, which is the true intent of the code. If we're going to make this agreement on this one, I just don't want to see us all back in this situation the next time an A2 moves into this same structure and we'll all be right back here. So I don't know if it -- we'll have a written record on the appealing or on this building itself.

MR. DAVIS: We'll have the approved plans that show an extra layer of rock on that side.

MR. PASLEY: I just don't want to see it down the road.

MR. SIMON: I will document clearly in the minutes what we agreed to and why.

MR. PASLEY: That will work. That way we're all on the same page if we come down this road next time.

MR. SIMON: Essentially, that the characteristics inside their suite meet the 2-hour fire wall separation. We still need to protect the beam on the other side when the other tenant moves out.

MR. PASLEY: If you document that and hopefully we're never back in this situation.

MR. SIMON: I'll document that and send it over to you.

MR. STARR: Okay.

MR. SIMON: So with that --

MR. STARR: I'm okay with that. So we basically just need to submit one revised drawing showing that additional layer of dry wall. Am I correct there?

MR. DAVIS: Yeah.

MR. STARR: And once we submit that, then we can get back to work? Is that kind

of --

MR. SIMON: Yes, sir.

MR. STARR: Whatever we need to do is what I want to do. I'll get it knocked out as quick as we can, so -- but very good. Thank you. Thank you.

CHAIRMAN CONNELL: Thank you, gentlemen.

MR. MCMILLIN: Thank you. Thank you all.

CHAIRMAN CONNELL: I think that concludes the portion of the meeting that we need a court reporter for.

NOTE FROM THE BUILDING REGULATIONS SUPERVISOR: An incremental approach to full code compliance has been approved by the BCCC in this case. Because a fire barrier limiting the fire area to less than the code compliant 5,000 sf was not stipulated in 2014, when an alteration occurred and an A-2 use was permitted in Suite A, the opportunity to approximate code compliance was available during the present alteration. It was not reasonable to displace the existing tenant in Suite C during this process to achieve total code compliance. It was agreed this incremental approach to code compliance meets the intent of the code to always bring existing structures closer to code compliance during alterations. *When Suite C is altered fire protection should be added to the Suite C side of the separation assembly.*
(Off the record at 5:20 p.m.)

VI. GENERAL COMMENTS BY PUBLIC, MEMBERS AND STAFF

VII. NEXT MEETING DATE: JUNE 24, 2019

VIII. ADJOURNMENT

Meeting adjourned at 6:30 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.