


Source: Community Development - Planning 

Agenda Item No: REP 129-13

To: City Council
From: City Manager and Staff 

Council Meeting Date: Sep 3, 2013

Re: Report - High-density Residential Use in the C-2 District (Case 13-156)

EXECUTIVE SUMMARY:

At Council suggestion, staff has prepared a discussion draft amendment to the zoning ordinance that establishes a discretionary approval process for "high-density" residential developments in the C-2 Central Business District.

DISCUSSION:

Currently the C-2 Central Business District classification permits, theoretically at least, an unlimited density and height for buildings. In the list of permitted uses for C-2, the ordinance states "*all permitted uses in district C-1 with the exception that dwelling units shall also be subject to section 29-8(d)(6).*" The section referred is a minimum dwelling unit size found with District R-3 Medium-density Multiple-family Dwelling.

During the recent review of the C-2 District requested by the City Manager of four Council-appointed commissions and two City-recognized neighborhood organizations, some responding noted that the C-2 District has not always permitted residential use; in fact, for some time prior to 1988 any projects that created dwelling units in the C-2 required conditional use permit approval.

Members of Council have requested that staff prepare an ordinance similar to the old conditional use requirement for "high density" residential development. Rather than prepare the amendment as a conditional use process, in which the Board of Adjustment makes the decisions, Council members requested that the amendment involve the Planning and Zoning Commission and the Council in decisions to permit high density residential use.

The amendment drafted by the staff for the Council makes the following revisions to C-2:

1. States that "high-density dwelling units" are an exception to the rule that all permitted uses in District C-1 are also permitted in C-2 District. "High-density," as already defined in the Zoning Ordinance, is a density greater than 17 dwelling units per acre.
2. Adds a new section which requires all high-density residential dwelling projects to obtain Council approval of a "CBD-R" (Central Business District- Residential Overlay) designation before any such projects will be permitted.
3. Adds a process for establishing a "CBD-R." There are three essential components to this: a) Submittal requirements, which outline the information developers must provide to enable informed decisions; b) Review procedure, to describe the steps involved in the decision-making process; and c) Standards and criteria by which each overlay request will be evaluated.

High-density residential

In reserving the overlay process for "high-density" residential projects, the amendment assumes that there is no need for extraordinary review of new dwelling units that are within a density that can be considered medium density - as this term is defined in the zoning ordinance. Under this standard it is still possible to add dwelling units to existing buildings or build new residential within the C-2 provided there is at least 2,500 square feet of lot area available for each dwelling unit. To provide Council with a reference, the typical downtown block, measuring 300' by 240' and bisected by a 15' alley along the long axis of the block, contains 72,000 square feet (1.65 acres) of land, inclusive of alleys. If, for the sake of argument, that entire block was to be redeveloped, alley included, a maximum of 28 dwelling units could be built without triggering the "high-density residential" overlay requirements. To continue the hypothetical, if each block is equally divided into 14

narrow storefront buildings, each building would be permitted two dwelling units above the storefronts - greater densities would require approval of the overlay.

Pros and Cons

Staff anticipates a number of arguments both for and against this or similar proposals.

Arguments in support include the need to evaluate residential use for its "24/7" parking demand and its impact on historic buildings more closely. By subjecting "high-density" residential to the discretionary approval process, the amendment may remove some of the threat to historic structures and active street fronts while still allowing a limited number of dwelling units to be included in existing buildings or in new construction as of right.

Arguments against include the apparent contradiction of City planning documents that recommend support for mixed use, affordable housing, and a "24-hour" downtown area. A discretionary process is unpredictable unless there is a clear indication in the ordinance of the Council's expected outcomes.

The amendment is cumbersome because it is drafted using the existing code framework. Ideally the downtown would be planned and zoned so that all worthwhile projects, including some high-density developments, are permitted as of right and neighborhoods protected by appropriate safeguards. Amendment of the zoning ordinance as a whole will enable a more streamlined approach.

To provide a broader context to this request, letters received in April from six City organizations providing feedback on the C-2 District are attached for reference.

FISCAL IMPACT:

There is no fiscal impact associated with this report

VISION IMPACT:

<http://www.gpcolumbiamo.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

SUGGESTED COUNCIL ACTIONS:

Provide further direction to the City staff

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 #	

C-2 District existing text:

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 and public facilities, and mixed-use buildings.

(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).

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, except for publicly-owned parking facilities.

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.

(4) *Vision clearance.* No requirement.

(5) *Floor area.* No minimum requirement.

(6) *Parking.* (See section 29-30, Off-Street Parking and Loading.)

(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)

(Ord. 20285, Amended, 06/01/2009, Prior Text; Ord. 17667, Amended, 05/05/2003, Prior Text; Ord. 16105, Amended, 08/02/1999, Prior Text; 15471, Amended, 01/05/1998, Prior Text; 15134, Amended, 02/03/1997, Prior Text)

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(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, up to medium-density (17 dwelling units per acre), shall be permitted also be subject to section 29-8(d)(6) a minimum floor area of each dwelling of 400 square feet~~

High-density dwelling units shall also be subject to section 29-8(d)(6) a minimum floor area of each dwelling of 400 square feet and shall only be permitted subject to the Central Business District Residential Overlay standards described in this Section.

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.

Dwelling units, medium-density multiple-family

Dwelling units, high-density, when part of an approved Central Business District Overlay

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.

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

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(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.

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(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, except for publicly-owned parking facilities.

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

(d) Central Business District Residential Overlay. Any high-density dwelling use established after [effective date of amendment] shall require approval by the City Council of a Central Business District Residential Overlay designation. For purposes of this subsection, "high density" shall mean a dwelling unit density greater than 17 dwelling units per acre of land in the development site, whether or not the building or building(s) includes non-residential space.

Process for establishing the CBD-R:

Submittal requirements: information required to establish a CBD-R

- (1) A petition for approval of a CBD-R overlay designation one or more sites owned by the petitioner on a form provided by the Director
- (2) Legal description(s) of the area(s) to be considered
- (3) Site Plan; [specifications to be determined]
- (4) Preliminary building plans; [specifications to be determined]
- (5) A development program consisting of the total square feet of land area, total square feet of buildings, number of dwelling units by number of bedrooms;
- (6) Height and area standards proposed by the petitioner; [maximum building height and minimum yards and open space, if any]
- (7) Proposed parking supply, on- and off-site, and any data on available public parking or management practices to reduce parking demand;
- (8) A schedule of public improvements to include right of way dedications, street, sidewalk and alley improvements if needed to achieve the minimum dimensional standards for streets, sidewalks and public spaces supporting the residential use.

Review process:

- (1) Submittal of the CBD-R overlay petition and associated exhibits to the Community Development Department;
- (2) Referral to the petition to the Planning & Zoning Commission for public hearing, review and recommendation
- (3) Approval by the City Council of the overlay area and standards
- (4) The Community Development Department shall add each CBD-R area approved by the Council to the City zoning map and identify each CBD-R area by its ordinance number
- (5) Review and approval by City staff of each subsequent building plan within an established overlay and adjustments to plans that conform to overlay area criteria

Review criteria and standards:

The Planning & Zoning Commission and the City Council shall consider these criteria in the establishment of a CBD-R:

- (1) The proposed overlay has sufficient infrastructure to support the proposed development program;
- (2) The proposed overlay is compatible with the surrounding land use and will not create congestion on adjacent streets nor ;
- (3) The proposed overlay includes sufficient transportation amenities, including vehicle parking, bicycle parking, and access to transit;
- (4) The proposed overlay will not be detrimental to the preservation of historic structures;
- (5) When the overlay is proposed along a street in a block that is predominantly used for business, there shall be ground floor retail, office space, entrance lobby or other common area, with windows and doorways oriented to the street, occupying the majority of frontage of the building or buildings at the first-floor level;

(ff) (e) *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. High-density dwelling units shall have a maximum number of dwelling units as specified in the ordinance creating a Central Business District-Residential (CBD-R) overlay district.
- (2) *Yards.* No minimum requirement. High-density dwelling units may impose minimum yards or open space areas in the ordinance creating the Central Business District-Residential (CBD-R) overlay district.
- (3) *Building height.* No maximum height. High-density dwelling units may have a maximum building height as specified in the ordinance creating a Central Business District-Residential overlay district.
- (4) *Vision clearance.* No requirement.
- (5) *Floor area.* No minimum requirement.

(6) *Parking.* (See section 29-30, Off-Street Parking and Loading.) High density dwelling units shall provide sufficient parking supply in a combination of on- or off-site locations in accordance with the CBD-R overlay parking standards as approved by the City Council.

(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)

(Ord. 20285, Amended, 06/01/2009, Prior Text; Ord. 17667, Amended, 05/05/2003, Prior Text; Ord. 16105, Amended, 08/02/1999, Prior Text; 15471, Amended, 01/05/1998, Prior Text; 15134, Amended, 02/03/1997, Prior Text)

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



June 4, 2013

Mr. Mayor and City Council:

I understand that Council may be considering a return to the requirement that all C2 residential apply for a conditional use permit prior to proceeding with the project. As you know, the Downtown Community Improvement District's recommendations included the following:

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.

Having a city commission determine which projects are allowed to proceed without a clear, pre-determined set of rules creates a system that lacks transparency and fosters inequities. A well defined, pre-determined set of rules is a much better way to make city policy and a much better way to ensure continued investment.

In fact, I can't emphasize how important this is to those looking to invest time, energy, and funds into our downtown. People want to follow the rules; problems arise when the rules are ill defined or when they change mid-way through the process.

If there are truly concerns about how residential development is proceeding, take the time to address the problem in a comprehensive manner. You already have a list of suggestions from interested parties that can serve as the starting point to this discussion. There is no need to circumvent a process that is already underway.

I realize that this is being put forth as a stopgap technique in anticipation of some sort of form-based code but developing and implementing a form-based code will be anything but quick. I caution everyone against putting something into place that has the potential of becoming ad hoc, a permanent measure.

If you have any questions, please feel free to contact me at (573) 442-6816. Thank you for your help.

Sincerely,

Carrie Gartner
Executive Director

CID Board

Blake Danuser
Binghams

Adam Dushoff
Addison's

Tony Grove
Grove Construction

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

Tom Schwarz
Landmark Bank

Deb Sheals
Historic Preservation Consulting

Ben Wade
Guitarfinder

Michael Wagner
Boone County National Bank

Marti Waigandt
808 Cherry

Andrew Waters
Columbia Daily Tribune

July 23, 2013

Columbia City Council
701 E. Broadway
Columbia, Missouri 65201

Dear Mayor and Members of Council:

Thank you for your review of C-2 zoning requirements in Downtown Columbia. This is a difficult task and we appreciate the opportunity to provide input as you consider all policy revisions.

We are writing to reiterate our recommendations for interim protections on the issue of parking including commercial deliveries, downtown residential development, and surrounding neighborhoods. As previously stated, the Downtown Columbia Leadership Council **believes 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.**

However, the Council should also consider increased demand for parking downtown—driven primarily by new residential units without concomitant parking access—and its impact on surrounding neighborhoods adjacent to downtown. This may also include solutions for downtown commercial delivery trucks and seasonal move-in/move-out drop-off zones. For example, Collegiate Housing Partners included a covered off-street to provide a safe move-in/move-out/drop-off while preserving passage on city streets.

We defer to planning staff on the scope and best method to accomplish that protection in the short term. However, options could include a temporary abeyance without prior approval, review by the Planning & Zoning Commission, conditional use permit, etc.

Thank you for your consideration.

Sincerely,

DOWNTOWN COLUMBIA LEADERSHIP COUNCIL
Brent Gardner, Chair

Summary table
done work session

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"> Require parking ratios for residential Interim protections 	<ul style="list-style-type: none"> Comprehensive parking plan Allow small concealed pkg areas Req. parking /transportation plans Residential user fee 	FBC District-specific standards			<ul style="list-style-type: none"> Incentives to provide pro-rated supply Public-private partnerships Review parking fee structure New parking inventory & plan Parking/bldg. ht. bonuses
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 bldgs			
C2 Land Use	<ul style="list-style-type: none"> Street level retail Form-based code where applicable 	No major changes	<ul style="list-style-type: none"> Remove residential from C2 Consider form-based code Downzoning 	<ul style="list-style-type: none"> Residential as conditional use permit or similar process "Grandfather" 50+ yr-old bldgs. Architectural review board HP Revolving Loans 	No 1 st floor residential	
Historic Preservation	Interim protections	Incentive-based approaches				
Zoning review	Accelerate consultant process	Supports consultant				
Downtown Expansion		<ul style="list-style-type: none"> Include in C2 Expand C2 where appropriate 	Consider R4 for residential Downzonings only	"Conformance With Character" criteria	R4 for high rise residential	
Infrastructure		<ul style="list-style-type: none"> Require solid waste mgmt. plans Master plan for sidewalks 	Sufficiency of services		Sufficiency of services	<ul style="list-style-type: none"> Capacity baselines Recapture agreements
Urban design		Voluntary design guidelines		Architecture review board		
Other	<ul style="list-style-type: none"> Revisit charrette recommendations Broad public engagement process 	<ul style="list-style-type: none"> Pre-determined set of rules for development preferred Incentive-based standards 	<ul style="list-style-type: none"> Consider 6 mo. permits freeze Follow H3 charrette report 	<ul style="list-style-type: none"> Interim protections, e.g., abeyance or special review of demos Enhanced membership req's for BoA or alternative review board 	<ul style="list-style-type: none"> Bike parking/bike transit station exchanged for density LEED cert. exchange for density Construction labor set-asides for density Both carrot and stick approaches 	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

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REP 62-13



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
8th & 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 people. 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, MCILLUM, 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 housing¹, 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

¹ 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 report³. 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

³ 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)⁴;

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;⁵

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;

⁴ A Neighborhood Revitalization Proposal PowerPoint, Dr. Ronn Phillips, April 13, 1999.

⁵ 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
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From: pat fowler <fowler_patricia_j@yahoo.com>
To: "mayor@gocolumbiamo.com" <mayor@gocolumbiamo.com>; City Of Columbia Ward1 <ward1@gocolumbiamo.com>; City Of Columbia Ward2 <ward2@gocolumbiamo.com>; "ward3@gocolumbiamo.com" <ward3@gocolumbiamo.com>; "ward4@gocolumbiamo.com" <ward4@gocolumbiamo.com>; City Of Columbia Ward6 <ward6@gocolumbiamo.com>; Sheela Amin <skamin@gocolumbiamo.com>
Sent: Tuesday, January 22, 2013 4:06 PM
Subject: Council B375-12 response to Councilperson Hoppe's request for input

Sheela, Please include our written response in the public record of tonight's hearing. Thank you.

Dear Mr. Mayor and Council Members,

The North Central Columbia Neighborhood Association submits this letter in response to Councilperson Hoppe's request that the downtown neighborhoods provide our input regarding the merits of Council Bill B375-12 as scheduled for public hearing, debate, and vote on January 22, 2013. We hope to add to, and not repeat, the comments of others this evening by focusing on a portion of the zoning ordinance we believe has been overlooked.

We join with our fellow neighborhoods, citizens, and citizen commissions in supporting the passage of a six month abeyance in downtown demolitions for the purpose of investigating and remedying known problems in our zoning classifications. We find merit in the Downtown Leadership Council's recommendation that you expand the moratorium to all C-2 zoning. We have first hand experience with the significant costs and impacts, both anticipated and unanticipated, when the city fails to plan at the same time it interprets how it zones.

At the outset we acknowledge the right of Mr. Hinshaw to file a properly executed demolition permit and choose to demolish his property, regardless of its historic significance and value to the history of our city. We further expect that Mr. Hinshaw, at the end of the abeyance period, will be able to cure the multiple defects in the initial application and proceed to demolish the building through proper procedure. Regardless of whether it contains an ancillary amount of ground floor commercial uses, we understand the project, as disclosed to the public through media interviews, is intended to be a highrise apartment building.

Our concerns are for what will happen next. We ask that you sufficiently inquire of city staff, particularly our city attorney, regarding the legal impact of the zoning classifications as follows:

Chapter 29 Section 29-9 is labeled District R-4, high density multiple-family dwelling district. Section (a) "Purpose (states) this district is intended to provide for high density multiple-family residential development. It is primarily for highrise apartments, but allows for all types of residential usage." The section continues with the specifics required of the parties who are building for this purpose. It includes "All permitted uses in district R-3".

Chapter 29, Section 29-15 is labeled District C-2, central business district. Section (a) states "(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 and public facilities." It includes "All permitted uses in district C-1 with the exception that dwelling units shall also be subject to section 29-8(d)(6)". There is no language that permits high rise apartments as a conditional use.

The other lesser included zoning references below illustrate the problem before all of us. We the taxpayers will be asked to forego substantial public funding for other necessary infrastructure improvements already in the CIP in order to mitigate the adverse impacts that will result from the construction of a highrise apartment structure without the protections of the R-4 zoning classification.

Chapter 29, Section 29-14 is labeled District C-1, intermediate business district. Section (a) Purpose specifies "This district is intended to provide commercial shopping and service facilities in or near a residential neighborhood. The principal land use is a small shopping area with sales and services oriented to the needs of a local population." It includes "All permitted uses in district in district O-1." There is no language that permits highrise apartments as a conditional use.

Chapter 29, Section 29-12 is labeled District O-1, office district. (a) Purpose. This district is intended to provide for professional, administrative, or other offices and related uses primarily. It may serve as a buffer area between residential and more intense nonresidential uses. It includes "All permitted uses in district R-3 (subject to the height and area regulations of district R-3)." There is no language that permits highrise apartments as a conditional use.

Chapter 29, Section 29-8 is labeled District R-3, medium density multiple-family dwelling district. (a) Purpose. This district is intended to provide for medium density multiple-family residential development. It may include a range of residential uses from one-family to fraternity and sorority houses. The principal land use is a residential apartment-type dwelling." It includes "All permitted uses in district R-2." There is no language that permits highrise apartments as a conditional use.

Chapter 29, Section 29-7 is labeled District R-2, two-family dwelling district. "(a) Purpose. This district is intended to provide for one-and two-family residential developments of various types and mixes. The principal land use is one-family or duplex residential

dwelling." It includes "All permitted uses in district R-1." There is no language that permits highrise apartments as a conditional use.

Chapter 29, Section 29-6 is labeled District R-1, one-family dwelling district. "(a) Purpose. This district is intended to promote and preserve urban one-family residential development. The principal land use is a one-family dwelling. Some public recreational uses, religious facilities, educational facilities, and uses incidental or accessory to dwellings are included." There is no language that specifies lesser included zoning classification and no mention of highrise apartments as a conditional use.

What becomes evident from the pattern employed by the city in drafting and adopting this code, is that if highrise apartments were contemplated as part of the C-2 zoning category, it would so specify. Given that we have a section specifically for highrise apartments, Section 29-9, and that use only appears within that R-4 section, this applicant and any applicant must apply for and obtain an R-4 zoning category in order to build a highrise apartment structure.

We ask the following actions from you:

- 1) Approve this abeyance
- 2) Ask the City Attorney for his opinion regarding the R-4 category's applicability and enter that on the public record
- 3) Require the applicant to request a zoning change to R-4 if their intention is to build a highrise apartment structure (with or without ancillary commercial uses on the ground floor).
- 4) Convene an analysis of the failure of our current zoning ordinance to identify the need for and to provide financial resources that enable the city to effectively and practically mitigate the negative impacts that the current zoning categories create on surrounding property owners and their current uses.

Thank you.

Pat Fowler

North Central Columbia Neighborhood Association Board President



City of Columbia

Community Development Department

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

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.

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