

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MISSOURI
December 5, 2019

Case No. 12-2020

A request by A Civil Group on behalf of Columbia Housing Authority (CHA) for approval of a two-lot final plat of R-MF (Multi-family Dwelling) zoned property to combine 14 existing lots, constituting a replat of Lots 8-19 of Crouch's Addition and Lot 1 & 6 of Bergens Addition, to be known as Providence Walkway Plat 1, and an associated design adjustments to Sections 29-5.1(g), 29-5.1(d), 29-5.1(f)(3) and 29-5.1(c), of the Unified Development Code relating to additional right-of-way dedication, sidewalk construction, installation of street trees, and platting of a new lot line through an existing structure. The 3.68-acre property is located at the northwest corner of Providence Road and Park Avenue.

MS. LOE: May we have a staff report, please?

MR. SMITH: Yes, thank you, Ms. Chairman. Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff's recommendation: With that being said, Staff's recommendation currently, just to paraphrase here, is basically we recommend denial of the design adjustments for right-of-way, sidewalks and street trees. We could support the design adjustment for the lot lines through structures. But given that the right-of-way affects the design of the site, we also are recommending denial of the plat overall. So it could not be approved in that current form.

Alternatively, if the Commission did support those design adjustments, specifically the right-of-way and the lot line, they could approve the plat in its current form just as a technical matter there subject to some small additional technical corrections that need to be done with the plat. With that, I'd be happy to answer any questions.

MS. LOE: Thank you for that report. Before I ask for any questions, I would like to ask any commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all commissioners have the same information to consider on behalf of this case in front of us. Seeing none, are there any questions? Ms. Russell?

MS. RUSSELL: I just have a quick one for legal. For clarity, we should have three separate motions?

MR. ZENNER: If you're going to recommend denial of the plat, no, you would not. One would probably be sufficient.

MS. RUSSELL: Okay.

MR. Zenner: If you are going to break out each of the design adjustments, a separate motion for each of those design adjustments and then a motion as it relates to the plat. It would be a total of five at

that point, four design adjustments and the plat.

MS. RUSSELL: Okay. Thank you.

MS. LOE: Ms. Rushing?

MS. RUSHING: I have a question, because it appears, and I could be wrong, that the lot line goes through a building. I don't know if that's just a covered walkway on the south.

MR. SMITH: That's actually a very good observation. So in this situation there is an existing lot on the southwest corner of this that was previously subdivided. There is a lot line that travels right about here. So it's an existing lot line. Part of this is really reaffirming an existing lot line. So they're not creating a new lot line through the structure. They're using the existing lot line to basically outline the boundary of what they own. The design adjustment comes into play if you're going to create a new lot line, but if it's an existing one, that's going to need to be basically an existing condition.

MS. LOE: Mr. MacMann?

MR. MacMANN: Thank you, Madam Chair. Planner Smith, two questions, then a third. Providence is maintained by MoDOT; is that correct?

MR. SMITH: That's correct.

MR. MacMANN: Has MoDOT weighed in on this?

MR. SMITH: We have spoken with MoDOT. Their response generally at this time is they do not have a strong opinion on it. They have their current roadway, they have the current property that they own out there with the roadway within it. So they don't necessarily have a strong take on it either way, which is generally appropriate. They aren't looking to expand at this point. If they did expand the roadway, they would purchase the property at that time, because their mechanism to obtain property is different than the city's. They do purchase the property as opposed to right-of-way dedication which is the city's purview.

MR. MacMANN: Follow up question. Has anyone spoken to CPS on this?

MR. SMITH: I have not, no.

MR. MacMANN: So the City is no, MoDOT is neutral and CPS doesn't know or has not responded in any way?

MR. SMITH: They would have likely got a notice of the public hearing.

MR. MacMANN: I loathe to give other people's away. That's why I asked that question. That's all for right now.

MS. LOE: Any additional questions? Mr. Smith, I had a few questions. Is Providence walkway considered a public or private walkway?

MR. SMITH: I'm fairly certain that's private.

MS. LOE: Okay. Switzler and Trinity, are those considered residential streets with a 50-foot right-of-way?

MR. SMITH: Correct.

MS. LOE: Thank you. I think that's it. If there's no additional questions, we'll open up the public

comment period.

PUBLIC HEARING OPENED

MS. LOE: Please state your name and address for the record. You have three minutes if you're making comments for yourself, six minutes if you are addressing the group for a group.

MR. GEBHARDT: Thank you. My name is Jay Gebhardt. I'm an engineer with A Civil Group here in Columbia. I'm fortunate to be representing the Columbia Housing Authority tonight. Phil Steinhaus is here with me and then Kevin Murphy who works with me. The first thing I'm going to do is I'm going to ask for more time, because I've got five things to talk about and I just cannot do it in six minutes. Hopefully you'll be lenient to me on that, but I will buzz through these as quick as I can. So we're only going to talk about the design adjustments. We're only going to talk about the three that Staff doesn't support. This drawing shows you the existing right-of-way. Mr. MacMann, you were asking about you loathe to take property from the school. It's already there. We're not proposing to do it. So even when we get to the red alignment it is using the existing right-of-way that's out there now. That's that large piece in front of the school there where the windy sidewalk is. All the Housing Authority buildings will remain until funding is in place to replace them, and we just found out that that funding did not come through this year. So we don't know if it will come through next year. We don't know if it will come through the next year. These buildings are going to remain on the site. Right now the Blind Boone Center and these apartments on Providence are about 25 feet from the existing right-of-way and that's how they were built. This green alignment is the alignment the City Code requires. It causes all the buildings along Providence to become nonconforming including the Blind Boone Center if the green line right-of-way is adopted. Having these become nonconforming is a bad deal for the Housing Authority. It also ignores that there's already existing right-of-way in front of the Douglas High School. If granted, what it will cause, if we ever are funded and we can do this, it will cause the buildings to be squeezed together and we'll have loss of open space for these residents. And it reduces the total number, I think this was in the staff report, it reduces the total number of housing units, which is a poor use of the existing infrastructure, in my opinion. The red alignment is something that we dreamed up. Okay. I'm not going to say it's something that MoDOT has approved, but we did run it by Trent Brooks at MoDOT and he's basically saying they're neutral on either alignment. Neither alignment is better than the other from MoDOT's point of view. And I just want to point out that the city's property is the property that would end up having to give right-of-way in that. Both the green and the red alignment pass through the pool structure at Douglas. So they're equal as far as I'm concerned in that. MoDOT has no future plans for Providence that would require a right-of-way. Neither does the city. MoDOT recently added and replaced sidewalks in the Providence Road corridor without requiring additional right-of-way. I think you've all probably seen that work being done. We don't believe any right-of-way is needed at all but show the red alignment as an alternative that will use the existing right-of-way. The standard that we're using, this 106-foot right-of-way, is for an arterial street in what I would consider a Greenfield development, a new development on the edge of town where it's just a pasture and you're building a new arterial street. It was

never intended to be an arterial design standard for existing neighborhoods. And I just think it's wrong minded to apply a one standard fits all.

Housing Authority provides affordable housing in the heart of the city and none of these residents walk to and across Providence Road. CHA would like to see the road remain five lanes and not widen. We should be encouraging walkable roads in the city and not allow them to become six lanes or more. Essentially if we widen this right-of-way, we're giving a pass to having three lanes in each direction. This is a section of Providence Road that separates neighborhoods from city parks, a city pool and public schools. This is the standard we're talking about. Again, it's for new developments. Even the city's code says that this is a guideline for minor improvements. It shows the 17-foot and 14-foot buffer between sidewalk and back of curb. That's just not feasible when you're in an urban environment like this that's going through an old development. Basically all these design standards allow for fast unimpeded travel which is not a good fit for this section of Providence Road. We're not in the suburbs where people need to get to point A to point B. This is through the heart of town, as you know. These items that are in quotes here come directly from the UDC and the Appendix A, and it basically gives freedom to the designers to not have to follow a one standard fits all. It says in several of the street types, an alternative design will be considered, and this language was specifically drafted to allow a design appropriate for the land use and the traffic conditions being created by a proposed development. We're not creating any additional traffic. We're replacing -- If worse, to just stay the way it is. If not, we're replacing one for one. Again quoted from the UDC to deal with the application of design standards they have two categories of major projects and minor projects. None of the major projects descriptions are applicable to us. Minor improvements. It says in such cases, if the standards are not attainable a design exception will not be required. So you could read this and come to the conclusion that we don't even need to ask for this variance, because the UDC allows us this pass. Again the minor projects. None of them -- We're not doing any improvements to Providence Road and there's no improvements planned, but I do want to note that three of the four things above have been completed by MoDOT and the city and both have used the design standards as a guideline.

MS. LOE: Mr. Gebhardt, you're into seven minutes and I believe we're still on the first point. So if you --

MR. GEBHARDT: I'll move on to the next one.

MS. LOE: -- could move on, that would be great.

MR. GEBHARDT: Thank you. The sidewalk -- This is a view of the sidewalk on the south side of Switzler. You can see that when it gets to the parking lot it turns into the development. If we were to build a sidewalk, we would have to remove those trees, which we're not interested in doing. We also have a drainage structure from the parking lot that would have to pass underneath the sidewalk, which is always problematic. And this wall that we keep talking about here, it would actually be a 4 to 5-foot tall wall, not a 2-foot wall, and it is a substantial cost to it. So we're not proposing not to build any sidewalk. We're actually proposing to build four separate sidewalks through the site. And these are alternative

walkways that the residents can use. And those are shown on this drawing. Street trees, again we have the existing mature street trees around the entire property. The street trees are required to go between the sidewalk and the curb and then you can see in this that there's really not a good place. We're providing shade to the street of where they are. Providence Road right-of-way -- The Housing Authority takes a lot of pride in their landscaping. I think that this is a good example of them taking care of it. They will continue to do this. Just because we may need to take one or two of these trees down for new development, it won't mean that they'll not be planting trees. I think you need to be able to trust the Housing Authority to do the right thing here and that's with the sidewalks, with the street trees and the right-of-way for Providence Road. Nine minutes.

MS. LOE: Thank you. Are there any questions for the speaker?

MS. CARROLL: Can you go back --

MS. LOE: Ms. Carroll?

MS. CARROLL: Can you show me again the slide with the alternative walkways? It went by fast.

MR. GEBHARDT: Sure. So there's one on the north side of the parking lot right along Switzler. We don't go along the north side of the laundry building because of the steep slope. Then sidewalk two runs along the south side of that parking area and runs from Providence over to the west street. And then three is basically what the whole project is named for, Providence walkway, and then four is build a sidewalk along the parking area that's called Boone Drive on the south.

MS. LOE: Any further questions, Ms. Carroll?

MS. CARROLL: These are all private walkways?

MR. GEBHARDT: Yes, but there are no sidewalk police. If you're causing a problem, they want to be able to remove you from the sidewalk, but in general anyone can walk on these.

MS. LOE: Mr. MacMann?

MR. MacMANN: Just a comment where Mr. Gebhardt did make me think of something. I used to travel quite a bit. He reminded me of two things. Number one, and we recognized this tension when we developed the code, the difference between Greenfield and Brownfield and one size does not fit all. You reminded me of something. I was driving through the northern portion of New York City, which most people know as Harlem. They have six-story buildings on either side of a six-lane highway going 55 miles an hour. While we don't have that, we do have a tension here that is not resolved. The current code and/or the interpretation, I may not agree with you that it's maybe so lenient in the waiver as possible. My question is this. Do you think there's a way that you all could rework this to make it more palatable? I know it's a big statement.

MR. GEBHARDT: I think we have. I think by showing that there is an alternative and it's city property that's being affected, I think we have addressed that as far as the right-of-way is concerned. You know, the Housing Authority is a really unique thing. It's a great client to have because they're not a developer in the standard sense.

MR. MacMANN: I agree with you 100 percent. I got the tension --

MR. GEBHARDT: I think treating them and taking right-of-way from them when it's not absolutely necessary I think they should get the benefit of the doubt.

MR. MacMANN: I would generally agree with that. I would just -- I'm not sure that all affected parties, Parks & Rec, CPS, you know.

MR. GEBHARDT: You've got to remember this red alignment is just a proposal by A Civil Group. When MoDOT wants to widen this road and, you know, the city will never take this road over because --

MR. MacMANN: Eminent domain, correct.

MR. GEBHARDT: -- MoDOT would love to give it to them but they won't take it. So MoDOT has no plans. It's not even 20 years or 10 years down the road. They have no plans to do anything on this. We're not necessarily taking -- And there's already a problem with the pool building being too close now.

MR. MacMANN: We have some of the same issues that you raised on College where given the widening of the road everything is not important now. And that's an us issue, not a you issue, but it is an unresolved issue.

MR. GEBHARDT: I'd like to say that as an engineer I would like to see instead of a standard design for arterial streets and have two options for that is you take Providence, for example, or College and you say from Worley to Ash Street this is the design standard that we're going to want and you sectionalize the road into pieces and you tell us what is appropriate for that.

MR. MacMANN: I don't disagree with your approach. We've done a little bit of that around Columbia College. However, we have not and we're not going to resolve that issue tonight. I don't disagree with you that that's a functional approach in the future. It's just not a right now approach. I'm done. Thank you, Madam Chair.

MS. LOE: Any additional questions?

MR. GEBHARDT: If not, I'll let Phil take these slides.

MS. LOE: I have an additional comment, Mr. Gebhardt, in that the sidewalk waiver seemed to be predicated on the fact that there was ample pedestrian sidewalk, but it did appear to me that there was not accessible routes to the laundry building. I was pleased to see that you're actually not proposing not to add sidewalk, but the fact that it's private sidewalk still is questionable to me. So the fact that this is not a resolved question it seems a bit premature to be asking perhaps for waivers at this time.

MR. GEBHARDT: Right, but that's a waiver that would have to come at the time of the site plan and not the plat. It seems the plat is the time that we ask for design adjustments.

MS. LOE: Right. But the fact that you still do need sidewalks because the sidewalks aren't, in fact, compliant.

MR. GEBHARDT: Anybody else?

MS. LOE: I see none. Thank you.

MR. STEINHAUS: Good evening. Phil Steinhaus, CEO of the Columbia Housing Authority with

offices at 201 Switzler Street. Can I clarify do I get three minutes or six minutes since I'm representing?

MS. LOE: I think we're at three minutes.

MR. STEINHAUS: Three minutes. Okay. I'll address your concern about the laundry. It does have accessible routes.

MS. LOE: It has the ramp, but that ramp needs to go to the public street and sidewalk.

MR. STEINHAUS: Well, it's not a public facility.

MS. LOE: No, but you do receive federal funding, I believe.

MR. STEINHAUS: We do.

MS. LOE: Yep. And so under UFAS and Title II, ADA, you need to have a route. That route really shouldn't go down the driveway.

MR. STEINHAUS: Okay. I believe that was reviewed at the time it was built, but I wasn't in charge at that time. So thank you. I'll try to keep it to three minutes. This is new construction instead of rehab. We applied for rehab last year and the Missouri Housing Development Commission said they thought the cost of rehab was too expensive and that it approached the cost of new and so we reworked our application somewhat this year. We made it a smaller application and we submitted as new construction which is why we're here because now we have to replat. If we did renovation, we wouldn't have to be here at all. So unfortunately we didn't get funded again this year. And there's lack of state tax credits and other issues have foiled our attempts to complete the renovation of our 717 units of public housing. So far we've renovated 597. As you know, the public housing was built in the late '50s and '60s and early '70s, and that's our mission now is to preserve this very affordable housing resource for our community, and our public housing units are located in a great part of town and a lot of places where you had urban renewal they were not located in a great part of town. So our affordable housing initiative has been a top city priority. The city council has adopted a resolution that say wording the low income housing tax credits is the highest priority for the city for renovation of public housing. It's a very walkable community. Was it Lee that asked about the sidewalks? As you see green space, we're trying to preserve that. It's very walkable within our whole area. I know Mr. Stanton lives in the area and he's very familiar with that. We have a lot of people that walk through the area. We worked very hard with Getabout Columbia to put in a pedestrian crossing on Providence Road to make things more walkable, more safe for our families so we didn't have moms with strollers out in the middle lane trying to cross Providence Road. We didn't get funded last year and I believe this year because of the high credit requests. So we have to do everything we can to try to control costs on this project. So adding a short sidewalk is going to add another 20,000 plus dollars to our project, but we really have to control costs in any way we can to make this work and if we want to preserve this affordable housing. The new right-of-way requirement would just designate all our housing as being nonconforming along that street including the Blind Boone Center. If we had any plans for the Blind Boone Center in the future or if we had a fire in those facilities, we'd have to be limited to how much we could spend to actually fix those facilities under the current code. I'll show you what we've been doing here. These are our properties downtown. The

one on the left, the Lincoln, Unity, we've completely renovated that. We completely renovated Oak Towers, Bryant Walkway, which is 54 units, Bryant Walkway II. Our plan there is to replace 34 units with 35 units of Providence Walkway, and then we still have East Park Avenue to deal with. There's 70 units there on the south side of Park east of Providence Road and then on the north side of Park right there behind the Armory. That will complete our plans if we get all of that done. This is what Bryant Walkway looked like before. This is what it looks like now. We've done really great work here. These are beautiful units. They're very energy efficient. The sewer systems were cast iron sewer. Now they're replaced with up to code sewer systems, electrical systems, very energy efficient. So if you know affordable housing equation is rent plus utilities. So you've seen the layout. I think it's a good layout, lots of green space for our families. This is what Providence Walkway looks like now. This is the proposed designs for the 8 plex and then for the townhome duplex elevations. Did I make it in time?

MS. LOE: You're fine. Thank you. Are there any questions for this speaker? Mr. Stanton?

MR. STANTON: Mr. Steinhaus, I'm very proud of the work you've done. Yeah, I'm one of your neighbors. I have a big problem with this Providence thing. I'm trying to figure it out. Convince me, because I'm not convinced that getting close to Providence is a good thing.

MR. STEINHAUS: Getting closer to Providence?

MR. STANTON: Yeah. What you're asking for on Providence, you need to get away from Providence as much as possible, I think.

MR. STEINHAUS: We're not trying to get closer to Providence. We're moving the Providence dedication away from us into land that's not really developed right now except for the pool house, Douglas pool, and that's going to have to go no matter where the setbacks are right now. So one of the things Jay said to me when we were discussing this earlier this week is okay, if you're MoDOT and you're coming down the highway there and you're going to widen this, what are you going to do? Are you going to widen both sides? Are you going to tear into buildings here and tear into buildings here or are you going to take the easiest? You're going to look over here and say there's less destruction of property here on this side so we're going to go on this side here. And if you think about Providence Road going all the way up, you think about now you've got some houses north of Worley and then you've got big green space all the way up to Kilgore's and then right past Kilgore's you've got the baseball field, Hickman High School, et cetera. So if you're going north from where we are, you're going to widen it to the east, not to the west.

MS. LOE: Any additional questions, Mr. Stanton?

MR. STANTON: I'm thinking. Go ahead.

MS. LOE: Ms. Burns?

MS. BURNS: When you talked about the funding mechanism that you didn't receive last year or this year, you indicated that a high credit ratio associated with the project. Were there any other indicators that you could share with us why? Was that the only indicator?

MR. STEINHAUS: What happened when we applied last year, we applied to renovate those properties just like we did on Bryant Walkway Apartments. Have you seen those? I showed that picture.

So Bryant Walkway and Providence Walkway were actually developed at the same time. They were called Blind Boone upper and Blind Boone lower. That was the name they were given at that time with project numbers. So they're actually all basically identical units. So with Bryant Walkway what happened is as we got into those units we found all sorts of termite damage that we didn't know about that was like 20 years ago. So we had to do a lot of reframing. We had about \$300,000 in cost overruns on that project. So when we applied to renovate these units to MHDC, they said well, you have these cost overruns and we're looking at this and the cost is approaching new and we would like to see this be new and you've requested a larger project. So at that time it included 50 units which was also all the units on the west side of Trinity there. So we knocked it down to a smaller project to 34 units, tear down 34 and build 35. And the new construction we submitted to MHDC and we still didn't funded. Now, our request was for 753,000 in tax credits which translates into times ten so it's seven million. They still didn't get funded. All the out state projects. MHDC as they allocate the low income housing tax credit they allocate a certain amount to St. Louis, some to Kansas City and then the rest to out state. This year when they funded those projects most of them were funded between 500 and \$600,000. There was one that was funded at \$620,000. So I don't think our credit request was that much more. We haven't had time to actually sit down with MHDC and talk about why they didn't fund our project, but we felt like we really submitted a great project.

MS. BURNS: To follow up, do you feel like if you reduced it slightly, and I understand the desire to maximize, but if you reduced it slightly and didn't need the footprint that you're talking about and could accommodate the right-of-way, would that affect your funding?

MR. STEINHAUS: Well, under what's called the Rental Assistance Demonstration Program, which is a special program through HUD, it allows us to convert our public housing operating subsidies which fluctuate year to year based on federal appropriations. We convert that into a long term project based voucher contract. It's like a Section 8 voucher but it's attached to the property. So we get a 20-year contract where they guarantee what our rates -- our rents we're going to be able to receive, the subsidies we'll receive over 20 years. So now when we can go out and be competitive for tax credits because we have a stable funding source whereas before when it fluctuated so much we couldn't. We're the first housing authority in Missouri to be approved for the Rental Assistance Demonstration Program and I think we've been very proactive in looking at how do we preserve affordable housing in our community.

MS. BURNS: With this particular project --

MR. STEINHAUS: Under this program, I have to replace units one for one.

MS. BURNS: Okay. Thank you.

MR. STEINHAUS: I can't really cut it down. I can't say. They have what's called de minimus which is you can get rid of one or two units and so I could go down to a little bit more but that's not what I'm doing here. I'm not trying to reduce affordable housing in our community.

MS. BURNS: Thank you.

MS. LOE: Any additional questions for the speaker? I see none. Thank you.

MS. STEINHAUS: Thank you.

MR. MURPHY: Good evening, Commissioners. Kevin Murphy with A Civil Group, offices at 3401 Broadway Business Park Court. Give me a moment here. I haven't used this. I'm trying to figure out left and right here, up and down. If I can go back to the slide here where Jay moved on real quick, I just want to point out in Appendix A the design standards for streets which was vetted by public works planning, approved by planning and zoning, codified by the city council. Again, in an application of those design standards it states in regards to private development, the proposed standards would normally only apply to undeveloped land that is being platted for the first time. That's normally. The criteria for that is that the areas being replatted to create a different street and lot layout for redevelopment, the construction of new buildings. We're not recreating the streets and what not. We're not increasing the buildings as noted. Also that the area is being rezoned to allow more intensive development. That's not what we're asking here either. Staff had brought up on several of these design adjustments that they weren't necessarily unique. We beg to differ with that. The Housing Authority's main charge to provide affordable housing and when they were created by the City of Columbia the City of Columbia was to assist them in that to the maximum extent they could. One thing staff had brought about was they were presuming that MoDOT -- or Providence would be a side yard. I don't think that is the case. Between fire department and GIS mapping, they're going to want the addressing off the street that the buildings face. So Providence Road would become a 25-foot setback. A lot of the trees that you see in there are not currently street trees. They are outside of the right-of-way. I just got kind of lost there. Just again the right-of-way up and down Providence Road, here's a section from Stadium to Stuart. You can see it's basically 70 to 80-foot long except when you get to intersections it does widen out. Here again is from Elm Street to Worley Street again fairly similar and consistent right-of-way that's through there and then on up to the business loop, once again the same thing. As pointed out, a lot of the properties on the east side from the school district at Hickman to the city parks, the school at Douglas and then at Broadway and south of Broadway the Chamber of Commerce's city property and then you get into university property. It would make more sense to use that side of the right-of-way that's publicly owned and could be more so afforded that than taking right-of-way from all the homes and businesses on the opposite side of the street. Other than that, I have nothing else to say.

MS. LOE: Thank you, Mr. Murphy. Are there any questions for this speaker? Mr. Stanton?

MR. STANTON: I want to make sure we get on the right page here. Yeah, the first charge during urban renewal was the city was supposed to help the Housing Authority its best ability.. That called this very area a cancerous spot in Columbia. So be careful when you use that historical stuff because this was actually where they wiped out my community and that's why this existed. This was privately owned and was taken over. So they helped out quite a bit already.

MR. MURPHY: I understand your feelings towards that.

MS. LOE: Any additional questions? I have one question. Mr. Murphy, when you said most of

the trees along the street are outside the right-of-way, along Providence are those outside the right-of-way as it exists or the right-of-way when it's moved to the east?

MR. MURPHY: As it exists, I think it would be they would potentially be in the right-of-way if the full 53-foot half width would be granted.

MS. LOE: It looks like they would be, yeah. So they would be considered street trees along Providence at this time?

MR. MURPHY: Yes. But then again if there was ever a full buildout -- Again, we just don't see the point of this being a six-lane, planning for six-lane road when MoDOT has no plans at all doing anything with it. The city in five, ten, twenty, fifty years has no plans to do anything with this.

MS. LOE: I'm simply interested in whether or not those are considered street trees along Providence, and it appears that at this time they would be because they're in the right-of-way.

MR. MURPHY: No, they're not in the right-of-way. Not now. If a 53-foot half width was granted, they potentially would be. Then again, if it was to be built out to a six-lane road or whatever, then those trees, large mature trees would need to be removed to accommodate that.

MS. LOE: So then what is the right-of-way along Providence currently?

MR. MURPHY: Currently roughly 35 feet --

MS. LOE: 35 feet.

MR. MURPHY: -- half width right-of-way. What staff is requesting of us is a 53-foot half width right-of-way. So basically 18 --

MS. LOE: So with the new plat it would be within the right-of-way? No?

MR. MURPHY: The way we are proposing it, no.

MS. LOE: No. Right. It's within the green line.

MR. MURPHY: Thereabouts, yes. I couldn't be 100 percent positive on that. I would think so, yes.

MS. LOE: Thank you. Thank you. Mr. Smith?

MR. SMITH: Yeah. I'd just like a moment to maybe provide a little more clarity on some of these issues. I know it gets a little complicated with I think the multiple design adjustments. So just to work a little backwards, the street tree and design adjustment here, so they currently meet the standard according to staff. If they are -- If they took out the trees, which is what they're asking permission to basically remove any trees that they would like. They may not remove any. They may remove some. The approval of the design adjustment would eliminate the requirement to provide any, which means upon redevelopment usually street trees are required to be planted then. So that would remove that requirement. If they redeveloped the site, took out the trees, they wouldn't be required to put any back, if that makes sense. They're not required through this platting action alone to plant anything. It's just the redevelopment portion of that in the future is where it would be triggered. And so there are some other provisions that kick in as well that would probably prevent them from removing all trees. There are significant tree requirements where some of the existing trees on site, even though they're not in the right-

of-way, because it's a requirement staff looked at it as these can be counted towards that requirement granting them a bit of a benefit to say you don't have to plant any more, what you have there is sufficient, if that makes sense. But the significant tree requirement would prevent the elimination of all those because they would have to identify any trees at that point that are 20-inch DBH or greater and preserve at least 25 percent of those regardless if they are street trees or not street trees. So it's a little complicated. A couple other things I just want to point out too. We've had discussion a little bit about this right-of-way dedication on these major roadways, especially close to downtown. I'd like to kind of paint a different picture about the expansion potentially of a roadway. It is MoDOT currently. I think MoDOT probably doesn't have plans to expand it. I think the most likely scenario is the city does take control of that property or of that roadway and there may be expansion plans at that point. I would suggest that the location of this right-of-way being two blocks really away from the core of downtown might shed a little bit of light on the fact that we may need some additional right-of-way there to do things. To suggest it has to be a six-lane road I think probably doesn't accurately capture all the different things and definite transportation infrastructure that could go there that could be accommodated by that wider right-of-way, whether it's widen sidewalks or widen green strips to separate the sidewalk from the major roadway, widen lanes because the lanes there are fairly narrow, widen turn lane in the middle, bike lanes. There are a lot of things that could be installed within a right-of-way that aren't necessarily pavement expansion. So just to keep that in mind. And I think that's all I had right now. If there are other questions, though.

MS. LOE: We're still in public comment period actually.

MR. MacMANN: That was my question. Do we have anyone else who wishes to speak?

MS. LOE: Anyone else that would like to make public comments on this case? If not, I'm going to close the public comment. I'm closing public comments. You are not a member of the public in this case, Mr. Stanton.

PUBLIC HEARING CLOSED

MS. LOE: All right. On to Commissioner comments. Mr. Stanton?

MR. STANTON: I wanted to leave it open because I was going to seek a win win. I love the project. There's something sticking and we need to work it out. If not, I plan to fail the plat.

MS. LOE: Let's have some discussion.

MR. STANTON: I'm leaving it open how can we make a win win. What are our sticking points and is there any wiggle room from A Civil Group to make this happen so we can get this off the books. Are you guys in the trenches? Where are you at? Where can we adjust? What can we do here?

MS. LOE: Mr. MacMann?

MR. MacMANN: How about we go between you all. I think we need to talk about this a little bit and we can certainly reopen the public hearing if we need to. I do think we need to discuss this. If I may, I'm just going to skip right into Mr. Gebhardt's points are correct. We have this tension and we had it since the UDC between Greenfield and Brownfield. That's really problematic. I will say we have, and I mentioned this before in my comments, showed some leniency with Columbia College particularly on 8th

Street and on Rangeline to not widen those things too much. They don't certainly carry the load of traffic that Providence does but that maintains the character of that neighborhood while still allowing traffic. I do think Mr. Stanton's point is correct that there is a, I'm not going to go as far as you are, Mr. Stanton, there is a win win here but I think there's a lot of stuff that needs to be cleaned up and us fixing three or four things may not be the cleanest way to do this. Now I'm going to let you all talk. I've said enough at the moment.

MS. LOE: Ms. Burns?

MS. BURNS: I appreciate Mr. Smith's clarification about what the road could be used for in the future and the widening of lanes and additional bike lanes and the wider turning lane in the center. I see a lot of pedestrians down in this area. I see the kids running across Providence Road back and forth. That's a concern to me that with the road improvements that the city could make, I don't know when the city might take this over, but road improvements whether through MoDOT or through the city that they could make this a more attractive area and a safer area.

MR. STANTON: I just feel like if this project could be shrunken a little bit I think half the problems would be solved. Maybe I'm naive.

MR. MacMANN: If I may.

MR. STANTON: I love the green space concept. I love it. I love it. I love it. I love the layout. If we could just shrink it in a little bit more and then I don't think we would have all these issues.

MR. MacMANN: I think Mr. Steinhaus said he doesn't have that flexibility.

MR. STANTON: I'm shrinking his green space. He has green space in here in the center, right, the proposed? Do we have a picture of that?

MR. SMITH: I might. I was just going to point out too what you see on your screen right now that there's a number of green numbers on there. Those green numbers are the setbacks between the proposed right-of-way and the existing building. So from north to south you would need to move the buildings, presuming again this is a 15-foot required yard, and I know Mr. Gebhardt had suggested that this would be 25 feet. Speaking with the director, I think this could be considered a side yard which would be 15. You would have to move these buildings seven feet on the north and then three feet on the south to accommodate the existing required yard. So just some context there. As far as the yard, I don't think I have the layout unless it's on here.

MR. ZENNER: I think, Mr. MacMann, to your point that Mr. Steinhaus had indicated that he could not reduce the total number of units because the program there engaged in is a one to one. I believe what Mr. Stanton is pointing out and what Mr. Smith is responding to is the fact that there is land area here to which if these buildings are going away through a redevelopment proposal shifting the buildings to accommodate what is not today how they are oriented from a setbacks perspective provides an ability to do that and that is where there may be an opportunity. There's no loss in units. If the infrastructure in and of itself must be replaced because it is aged, insufficient to meet today's requirements, the site as we see it will not be -- it will be close but it will not be what exists there from a

footprint perspective. Footprints can move through a redevelopment. I think that that is probably where the opportunity to assure that existing center line stays in its existing location and adequate rights-of-way as defined are there. The future is very difficult to predict and we don't know if we will or we will not receive or accept Providence. What I can tell you and what you all have experienced along this segment or along Providence Road, especially down towards where we have realigned all of the road rights-of-way for the new intersection just to the south of the grasslands, we have required full dedication of the standard 106-foot cross-section solely based on the fact that we believe through the platting process we need to get the right-of-way that we may as a city need to ensure that we can move traffic whatever mode that may be and to not require that of developers equally across the corridor regardless of what services they may offer to the community is inappropriate. If the school district had not -- and we cannot confirm how the jog in this right-of-way exists. We don't have any recorded documentation according to our research that the jog in front of the school is actually platted and MoDOT has not been able to provide us research as to how that may have been acquired if it has been. If we didn't treat the school the same way we were treating the Housing Authority, we'd be playing favorites. Our code doesn't play favorites. We apply the standard. You can ask for the variance or the design adjustment and we weigh it on its merits. I think that's what you're struggling with here this evening, but I believe there are options through a design, change, not just the standard let's replace it on the same footprint that will resolve the matter and accomplish the end goal.

MS. LOE: I fully agree this housing probably won't be built on the same footprint. I would be surprised if it were. And we talk about providing more open space but the proposed plan seems to be taking open space from the neighbors and I do struggle with that.

MR. MacMANN: I would like to reiterate something. Thank you, Mr. Zenner. I wasn't quite going there, but that point needed to be made. I'm going to say this again. There were several things that need to be fixed here. There's a lot of fixing. We could spend another couple hours on this and it's still going to be messy. I don't think that's the best way to make policy. Some of this is certainly not on Mr. Steinhaus, the CHA or the Civil Group at all. We have some issues with our code. There are issues nationally with the codes Greenfield vs. Brownfield. I don't know how to resolve them equitably and still address Mr. Steinhaus and CHA's needs and be fair to everyone else going down the road. We're going to have four or five maybes. Maybe take some land from CPS, maybe not take some land from CPS or have CPS surrender land to someone else. I would suggest that we reject this plat and that a rework is somehow developed on some of these issues. They don't have the money for this right-of-way anyway. Mr. Zenner, do they need to redo this right now?

MR. ZENNER: I would suggest if there is no funding and there is no eminent reconstruction I know of no reason why it would --

MR. MacMANN: There's no other reason on our end. I don't know about their funding. We could open that up if we need to.

MR. ZENNER: There is nothing that I am aware of on our end that would require the need for

this. I will advise the Commission that in the parking lot on the southern end of this we are currently processing through, if I'm correct, a vacation request for a utility easement that was somewhat predicated on this and actually follows the new lot line alignment but that is an independent action. If the vacation request were approved, we would be able to eliminate some excess easement right-of-way that is not needed. So it really does not do a whole lot of anything, but the platting is only in order to probably break the project down into more manageable components for the Housing Authority and in order to pull the building permits probably in a more distributed fashion. So if there's no building permits pending, most likely no need for the platting action unless they know something more than we do about changing our regulations. We don't have anything in the hopper that would affect probably the division of this property in the future. The street tree issue that we're currently going to discuss later in this meeting may have an impact along the internal streets, not Providence, but again as we've pointed out here this evening many of the trees that exist would actually be able to be accounted for in that respect. Significant trees, we may work through that issue prior to the platting action or development occurring here as well. Again, I don't know what the future holds for any other subdivision actions. Right now I would say that if the Commission can't arrive at a recommendation as it relates to the right-of-way, which at least at this point appears to be the most significant sticking point with this application, not approving the plat probably does not impact anything that they're proposing unless it's a part of what their funding proposals are. In order to be able to get MHDC funding, they have to show how it's broken down amongst the tracts that they may have.

MS. LOE: Ms. Carroll?

MS. CARROLL: Can we reopen to ask the applicant what is prompting a need to replat and what their funding situation is? I think we need to have a direct answer explained from them.

MS. LOE: We can. We'll reopen the public comments.

PUBLIC COMMENTS REOPENED

MS. LOE: If you can tell us why the replatting is required at this time, that would help us understand how to best make a motion.

MR. GEBHARDT: To be honest with you, Ms. Loe, we don't want to replat this property at all. The only reason we're doing it is because we can't build over lot lines. We have existing buildings over lot lines. I don't know the -- probably Jose could tell us a little bit about if I needed to do a remodel on that, there's a kitchen fire or something and it's a nonconforming building, I am limited on the amount that I can spend on that unit. It's either 50 percent or 75 percent --

MR. MacMANN: 75.

MR. GEBHARDT: -- for fire, but if I wanted to do an addition, just a plain old addition, then it would be limited to 50 percent. That's the same situation that's being created by going with green alignment and creating a building line. These buildings are becoming nonconforming. So we would prefer to get a variance from building over a lot line. Then we wouldn't have to plat at all.

MS. LOE: So the lot line issue is the real issue for you at this time?

MR. GEBHARDT: Right, regardless if we do the new project or with the existing buildings as they are until the new project happens.

MS. LOE: But the plats come forward with all the variances in it, correct?

MR. GEBHARDT: Right. We were told we couldn't bring the variances without the plat. We would prefer to come forward with the variances first and see what happened and then be able to adjust the plat. The reason is we want to be able to -- if these design adjustments aren't allowed, we want to be able to make adjustments to the plat in time and not be denied and have to come back all the way through the process. As far as funding, to answer Ms. Carroll's, I'm going to let Phil talk because I have no clue.

MR. STEINHAUS: Can you clarify what you're asking about the funding?

MS. CARROLL: I've lost my train of thought, to be perfectly honest.

MR. STEINHAUS: That's okay. I'll do my best to kind of clarify. So the only way we're going to get funding to replace this is to get low income housing tax credits. There's two kinds, 4 percent and 9 percent. Most of the projects we've done are 4 percent. 4 percent give you a lot less money. When you're doing a project like this, you need a 9 percent credit. 9 percent credits are really competitive. So they had about 130 applications this year and about 25 got funded state wide. But we can't do this unless we get funded with the low income housing tax credits. The city has allocated 200,000 in home funds, 80,000 in CDBG funds. We've already applied for 335,000 in funding from the Federal Home Loan Bank of Des Moines. The Housing Authority itself is putting \$500,000 into this project just to get us down to bare earth. We're going to be replacing the whole sewer system within that and stormwater because if you look -- if you saw where all the lot lines are, there were a bunch of houses here as Mr. Stanton knows. Those houses were all torn down and then these buildings were built across all those lot lines, but there's about 42 sewer taps that were abandoned during that whole process. And so we're going to have to dig up the whole sewer system because it's cheaper to do that than it is to go through and cover up 42 abandoned taps into the sewer system. There are a lot of other expenses involved in this.

MS. LOE: Ms. Carroll?

MS. CARROLL: I believe the part of my question perhaps due to staff's discussion is there a timing involved with funding applications that requires platting now?

MR. STEINHAUS: No. We'll have to reapply next year. There is a really, really super slim chance that we might get funded because Missouri Housing Development Commission tabled approving their funding recommendations last Monday at the request of the state treasurer. He wanted more time to review, and the scuttlebutt out there now is that the governor and the treasurer are not happy with the current recommendations. So we've put calls into our local legislators to try to reach out. So there is a very, very, very thin, thin chance that we could get funded but it's not very likely. We'll have to go through and reapply all again next year. If we did that, we'll submit an application in September. We'll find out in December whether we get funded. Then it will take us another eight to nine months to actually close on financing of the deal and then it will take another 18 months or so to tear it all down and build it all new. If

you look at the footprint, we're going with 8 plexes now. It's a completely different design than what you've got here. So you were right, Ms. Loe, we're not building on the same footprint at all other than the warehouse is going to stay there and the laundry facility will stay there.

MS. LOE: Any additional questions, Ms. Carroll? Mr. Stanton?

MR. STANTON: Phil answered one of my questions. So those old lot lines you see, that's the graveyard of the old neighborhood. All those little, that's the graveyard.

MR. STEINHAUS: There was a street that ran through there too.

MR. STANTON: Yeah. Mr. Steinhaus, is there any way, maybe this is -- I love it. I love what you're doing.

MR. STEINHAUS: I appreciate that.

MR. STANTON: I think giving a little green space up and give this whole easement situation out of our head would make this a very good deal. If not tonight, maybe the replat. I understand where you're at. If you stay out of that easement, then everything I feel I can fully support it. Because your green space shrinks a little bit, community garden shrinks a little bit. You're giving a place for the babies to play, because I live right across the street. When I walk through there, there's no place to play but on the sidewalk. Great concept.

MR. STEINHAUS: We can make it work. We can move it back and make that work. We've looked at that. The issue that we've run into, I'm not the zoning expert, that's why I hired these guys, is that if you leave it the way it is, all those units now become nonconforming. The one that concerns me the most is the Blind Boone Center. You can kind of see on the map up here. See the Blind Boone Center there. You were talking about is there a lot line going between the building. It's actually two buildings with a little covered walkway.

MS. RUSHING: That's what I was wondering.

MR. STEINHAUS: Yeah. And so we have kept that in there because right now we have offices in half of that duplex and then renters in the other half. But in my long-term goal -- right now the Blind Boone Center has got a ton of things going on in there. We're serving 100 kids a day, free after school and summer programs, we've got adult ed in there doing ESL classes during the day. It's just used constantly. I need more space. If I can ever in the future in my dreams do a big capital campaign, what I'd do is I'd build off the back of that building and tear down that little duplex. But if it's nonconforming, you're not going to allow me to do it.

MS. LOE: Ms. Rushing?

MS. RUSHING: My understanding from your engineer, and I could be wrong, is that your preference would be to proceed today if you could get the design adjustment that allows the lot line across the structure?

MR. STEINHAUS: Right, but I understand in the code if we're building new we have to get this replatted so that the new buildings that we'll put in there are going to be across those existing lot lines. Those buildings that are there now were built across existing lot lines before that was part of the

Universal Development Code.

MS. RUSHING: But you're just going to have two lots.

MR. STEINHAUS: Right.

MS. RUSHING: And you can't fit -- You can't fit your buildings within the boundaries of those two lots?

MR. STEINHAUS: It will just be in the boundaries of the lot on the north side. We're not doing anything with the lot on the south side with Blind Boone Center.

MS. LOE: Ms. Rushing, I believe it's the parking lot.

MS. RUSHING: What?

MS. LOE: It's the parking lot that considered --

MS. RUSHING: I know. I know the line that they want goes across the parking lot, but what I'm hearing you say is that if we don't give you the other adjustments that you're going to have difficulties placing all of the buildings on the two lots without crossing lines; is that not?

MR. STEINHAUS: Well, what's not shown in the map is that within the northern lot, the larger lot where we're going to rebuild, there's like 14 different lots there or something. So there were all sorts of smaller residential houses that were there that were torn down in the 1950s. When the public housing was built there, they didn't have to worry about building over lot lines so they just acquired all that property and built over the lot lines. So now if we were just renovating we wouldn't have to be here. But if we're going to build new, the code is now saying you can't put that house there because you're building across a lot line. So we're just combining all those lot lines into one piece of property.

MS. RUSHING: I understand that, but my question was you've asked for a design adjustment for sidewalks, a design adjustment for the street right-of-way, a design adjustment for trees.

MR. STEINHAUS: Right.

MS. RUSHING: And the design adjustment allowing the lot line to go across the parking lot.

MR. STEINHAUS: To Boone Drive, right.

MS. RUSHING: If you only got the design adjustment to go across the parking lot --

MR. STEINHAUS: Right.

MS. RUSHING: -- would you want to proceed or would you have to rethink?

MR. STEINHAUS: Well, we would probably proceed to city council then at that point. I understand your point, Mr. Stanton. We could rework it where we give up the adjustment to Providence Road. The sidewalk and what those pictures don't show there is that's really steep going up to the laundry facility. You know. To put that little stretch of sidewalk. There's a sidewalk on the other side it has an impeded pedestrian flow through that neighborhood at all. And the trees, we have lots of trees. We like to make our property look nice. And I think Ms. Burns you mentioned something beautifying that stretch. We took down the pedestrian bridge. Remember that? Really ugly. We got that taken down. We put in all new landscape all along there, all nice rocks, flowers, everything. My goal was to make that the prettiest stretch of Providence Road. We got the pedestrian crossing put in so that people could

cross safely. And then we worked with the school district and the city and Parks & Rec to remove all that fencing that was in front of Douglas High School and put in that nice path and then also helped work with the African American Heritage Trail to put in walkable things for the community. So I think we've worked very hard to try to make that a very nice attractive piece of Columbia whereas before when you drove through there you wanted to roll up your windows and lock your doors.

MS. LOE: Mr. MacMann, did you have a question?

MR. MacMANN: No. I have a motion, but I don't think we're there yet.

MS. LOE: Sorry. Any additional questions for the speaker?

MR. STEINHAUS: Thank you very much.

MS. LOE: Thank you. Any additional public comment at this time? Seeing none, I'm going to close public comment.

PUBLIC COMMENT CLOSED

MS. LOE: Commissioner discussion or motions? Mr. Stanton?

MR. STANTON: I can kill -- I can take care of this in one motion, can't I?

MR. ZENNER: Depends on what that motion may be, Mr. Stanton.

MR. STANTON: I move to reject the final plat as relates to Case 12-2020.

MR. ZENNER: Mr. Stanton, if I make no -- Ms. Loe, we've been discussing this with legal counsel. So while we prefer motions in the affirmative, the motion made by Mr. Stanton is correct. A motion to deny is probably the simplest way to do that. What I would like is clarity though to that motion to deny is inclusive of the requested four design adjustments; is that correct?

MR. STANTON: My understanding if I deny the final plat, then all the other amendments disappear.

MR. ZENNER: That would be correct. However, I think for clarity of the public record we'd like to make sure that it is clearly stated that a motion -- a recommendation to deny the final plat and its associated design adjustments is what is on the floor.

MR. STANTON: I concur.

MR. ZENNER: Is there a second to that?

MR. MacMANN: I would second and I have a comment after the second, if you'll let me do that, to follow up on what Mr. Zenner said. When we pass something up to council and it has yay on this and nay on this, Mr. Teddy often gets asked on this sidewalk how did they vote, on this right-of-way how did they vote. So they really want to know where we're at on that. But I second Mr. Stanton's motion.

MS. LOE: We have a motion on the floor. Any discussion on that motion? Ms. Carroll?

MS. CARROLL: I just want to echo what Anthony and other commissioners have said tonight in that I love the Housing Authority and the work. I acknowledge that you have done great work at serving the community and beautifying your areas. I wish that I could approve this. I want to. And I regret that I'm just not there yet.

MS. LOE: Additional comments? Mr. MacMann?

MR. MacMANN: I have a question. Mr. Caldera, would Commissioner Stanton's motion be more clear to council if it was to include the clause and all design adjustments?

MR. CALDERA: I believe that's actually what Mr. Stanton concurred to. That's before you right now is a denial of the plat and a denial of all of the design adjustment requests.

MR. MacMANN: My second stands.

MS. LOE: I would like to also echo Ms. Carroll and Mr. Stanton that I fully agree that housing should be available in our community regardless of income, but we do need to consider the full picture. And it does appear to me that there's some issues still in question here that need some further evaluation. Any additional comments? Ms. Russell?

MS. RUSSELL: My heart is so in this and I so feel like I want to say yes, but the right-of-way gives me pause. It feels premature. It's like we want something more. So I echo the work you do and my heart is there but I can't go with it right now.

MS. LOE: Mr. Stanton?

MR. STANTON: Mr. Steinhaus (hand motions), I love it. You've just got to make it work. I love it. I love it. You've just got to make it work within our job's purview as well.

MS. LOE: Additional comments? If not, Ms. Burns, may we have roll call, please?

MS. BURNS: Yes.

MR. CALDERA: Voting yes means to deny.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Ms. Rushing, Ms. Russell, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion carries 7-0.

MS. BURNS: Seven to zero, motion carries.

MS. LOE: Recommendation for denial will be forwarded to city council. Thank you.

MR. ZENNER: Ms. Chairman, you have been in session for roughly an hour and a half. Would you like to take a five-minute recess?

MS. LOE: Yes. Thank you. We're going to take a recess for five minutes. We will be back.

(Off the record.)

MS. LOE: I will call the December 5 Planning and Zoning Commission session back to order.