

MINUTES
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MISSOURI

December 5, 2019

COMMISSIONERS PRESENT

Ms. Sara Loe
Ms. Tootie Burns
Ms. Lee Russell
Ms. Joy Rushing
Mr. Michael MacMann
Mr. Anthony Stanton
Ms. Valerie Carroll

COMMISSIONERS ABSENT

Mr. Rusty Strodtman
Mr. Brian Toohey

I) CALL TO ORDER

MS. LOE: I'm going to call the December 5, 2019 Planning and Zoning Commission meeting to order. Ms. Burns, may we have roll call, please.

MS. BURNS: Yes. Mr. Stanton?

MR. STANTON: Here.

MS. BURNS: Mr. Strodtman? Ms. Rushing?

MS. RUSHING: Here.

MS. BURNS: Ms. Russell?

MS. RUSSELL: Here.

MS. BURNS: Mr. Toohey? I am here. Ms. Carroll?

MS. CARROLL: Here.

MS. BURNS: Ms. Loe?

MS. LOE: Here.

MS. BURNS: Mr. MacMann?

MR. MacMANN: Present.

MS. BURNS: We have seven. We have a quorum.

MS. LOE: Thank you.

II) INTRODUCTIONS

III) APPROVAL OF AGENDA

MS. LOE: Mr. Zenner, are there any adjustments or additions to the agenda?

MR. ZENNER: No, there are not, ma'am.

MS. LOE: Thank you. Can I get a motion to approve the agenda?

MR. MacMANN: Move to approve.

MS. LOE: Thank you, Mr. MacMann.

MS. RUSSELL: Second.

MS. LOE: Second by Ms. Russell.

MS. RUSSELL: I'll take a thumbs up approval. Unanimous.

(Unanimous vote for approval.)

IV) APPROVAL OF MINUTES

MS. LOE: Everyone should have gotten a copy of the November 7 regular meeting minutes.

Were there any additions, corrections, edits?

MS. RUSSELL: I'll move to approve.

MR. MacMANN: Second.

MS. LOE: Second by Mr. MacMann. I'll take a thumbs-up approval of the minutes.

Unanimous approval on the minutes.

(Unanimous vote for approval.)

V) WITHDRAWN ITEMS

MS. LOE: Our first item of the evening is a withdrawn item.

Case No. 209-2019

A request by Primus Companies on behalf of Dr. Joseph Rich of Family Focus Eyecare, to rezone property comprised of three lots addressed as 3, 7, and 101 W. Briarwood Lane from R-1 (One-family Dwelling) to M-OF (Mixed-use Office). The subject 0.67 acre site is located at the southeast corner of Stadium Boulevard and West Broadway. (This item was tabled at the October 10, 2019 Planning Commission meeting. The applicant is requesting that this item be WITHDRAWN from further consideration).

Mr. Zenner, is there any further action that we need to take on this item?

MR. ZENNER: Other than acknowledgment of the withdrawal, no, though you may want to ask if there's anybody in the audience, as this was an advertised public hearing and if so, if they would like to make comments, those comments would be directed solely to the request to withdraw.

MS. LOE: As Mr. Zenner just informed us, this was a publicly advertised item. If there is anyone in the audience that would like to make comment, can you please indicate that by raising your hand? I see none. So we will move on.

VI) SUBDIVISIONS AND PUBLIC HEARINGS

MS. LOE: Our next item of business this evening is subdivisions and public hearings.

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 Switzer. 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-feet 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.

VII) PUBLIC HEARINGS

MS. LOE: Our next case is under public hearings.

Case No. 06-2020

A request by Van Matre Law Firm, P.C. on behalf of TKG St. Peters Shopping Center LLC for a conditional use permit to allow a drive-up facility (often described as a drive-thru) on approximately 1.13 acres of M-DT (Mixed use-Downtown) zoned property for a Raising Cane's Restaurant. The property is located southwest of the intersection of Providence Road and Locust Street and is addressed 201 S. Providence Road. Restaurants are a permitted use in the M-DT; drive-up facilities are a conditional, accessory use which requires a conditional use permit subjects to the provisions of Chapter 29-6.4(m).

May we have a staff report, please?

MS. BACON: Do you want to ask for ex parte?

MS. LOE: No. I usually do that after the staff report.

MS. BACON: Yes, you may have a staff report then. Staff report was given by Ms. Rachel Bacon of the Planning and Development Department. Staff's recommendation: We are recommending denial of the requested CUP this evening.

MS. LOE: Thank you, Ms. Bacon. Now that we fully understand what this case involves I will

ask the Commissioners if there's been any ex parte on 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 for staff? Good presentation. I see none.

MR. MacMANN: Speechless.

MS. LOE: That being the case, we're going to move directly into public comment.

PUBLIC COMMENT OPENED

MS. LOE: With public comment, please give us your name and address. You have three minutes to address the Commission. If you're representing a group, you have six minutes.

MR. HOLLIS: Good evening. My name is Robert Hollis. I'm an attorney with the Van Matre Law Firm here on behalf of the applicant. So hopefully that means I get six minutes. I have passed out a hard copy of a power point presentation that will appear on your screen. With me here are other representatives of Raising Cane's, as well as the property owner TKG St. Peters Shopping Center, L.L.C. It was a very thorough and excellent presentation. I'm not surprised to hear that and that you've received that from city staff as would be typical. However, it's a little more simple, I think. That information, although not irrelevant, is also not set forth with regard to what you are to consider this evening, at least in my opinion. So big picture. This is a shopping center. You have a large pharmacy and office supply store and a grocery store. It is M-DT no doubt about it, but it is, in fact, a shopping center. It's a shopping center that obviously was formerly zoned C2. It's also a shopping center that contains another drive-thru. It's a shopping center that's adjacent to property that has a drive-thru, that being Hardee's, and it's along the corridor that contains multiple businesses that have drive-thrus not the least of which is a fairly recent one that this Commission recommended approval of and that was a coffee shop north on Providence which is subject to all of the regulations that this property is subject to except that it's in a residential neighborhood and it was a rezoning and was in a more congested area with regard to traffic. So that's all I'll say about that property, but at least it's analogous in that regard. Quick point on the 2014 conditional use permit. I handled that. It was for the entire 3-acre property. If you look at the staff report, the staff report specifically says that drive-thrus are a part of off street surface parking and the entire purpose of the conditional use permit that we obtained from the board of adjustment was to approve off street surface parking and a drive-thru. But again, we're here making our request and we believe we meet the criteria. Don't need to show you the depictions except for this one. This is as if you were in a drone driving north on Providence. As you can see, the drive-thru is on the south part of the building. The building is facing Providence. It does not comply with the RBL. It's actually not what's to be considered by this Commission this evening. You're simply considering whether or not to permit a drive-thru. You're not considering the site plan either, merely whether or not a drive-thru should be permitted. I would also add that what's not required you can see is the sidewalk that goes from Providence and winds its way up to the site, a site change that was requested by staff, I believe, or at least was discussed and was made by the applicant. It doesn't cross the drive-thru lane. It crosses a drive lane just like you would cross if you were parking on the north side of the property in the parking lot

you would have to cross a lane just like you do at so many businesses everywhere. We've talked about the standards. I want to take issue with not most of the staff report but the portions that are negative with regard to A and B of the standards. Primarily that the comprehensive plan would need to be changed and the UDC changed again if you were to consider -- if you were required to consider all that information. There was a charrette. There is a 15-year old Providence corridor policy. Those documents are not binding. Those documents are not referred to in the UDC with regard to the decision that you're making. The comprehensive plan is. So if we look at the comprehensive plan and you look at the UDC, this is a permitted use at least with regard to fast food and under the comprehensive plan this is a city center and the city center permits commercial uses. A drive-thru at least in this instance is a commercial use. I'm going to talk briefly about standard A and standard B and then I'll be done. So standard A, does the conditional use comply with the M-DT district. That's M-DT district. It's not exactly word for word, but that's a way to summarize it. Drive-up facility is on the list of conditional uses under M-DT. If you look at staff's analysis in 2014 of the request for a conditional use that included a drive-thru, the entire analysis is at the bottom of the screen which says conditional use "is eligible for approval as a conditional use within the C-2 zoning district." Exactly as the case is today. That was the entire analysis. And I'll reiterate you are not considering whether or not to approve the site plan or deny the site plan or the primary land use, which is a fast food restaurant, a lot of which of the information which is in the staff report, for example, this isn't the highest and best use, those sorts of comments. I understand because it's really difficult to talk about the drive-thru separate from the primary use. We're not talking about the primary use. The highest and best use is at least in this case a restaurant because it is permitted by right and there is nothing about this particular conditional use that does not comply with the M-DT standard/provisions, nothing. Now, as the site plan is put together as of today, yes, we don't meet the RBL and yes, we're 18 inches off with regard to the elevation. That requires that we have to go to the board of adjustment but we're not talking about that. We're just talking about the drive-thru, not the site plan. Standard B. This one is even more difficult to talk about when it's an accessory use it's a conditional use. 30 seconds. May I? So it is whether or not it's consistent with the comprehensive plan. I don't think staff mentioned anything in the report in the comprehensive plan as it applies to this situation. One reason they didn't is because it's very difficult because drive-thrus are not addressed. They're just not. So what can you look to? You can look to the fact that the comprehensive plan calls this area a city center. A city center permits commercial uses. Now, I pulled the list of things that at least this development in general would be positive with regard to things that are actually in the comprehensive plan. That's all I have. Any questions?

MS. LOE: Thank you, Mr. Hollis. Any questions for Mr. Hollis? Mr. Stanton?

MR. STANTON: Yes, sir. Very good presentation. To my knowledge, were your clients privy to the same information that Ms. Bacon presented to us in the staff report as far as how the M-DOT how the city looks at using that, that wonderful presentation? All that is public information, right?

MR. HOLLIS: Absolutely. And I should add to that that we've worked really closely for months

now with staff in getting to where we are. Yeah, I don't think anybody has hidden anything from anyone.

MR. STANTON: This seems like you're kind of like I hear you but forget what you're talking about, I'm going to do what I want. Outside of looking at the charrette, outside of looking at the conditional uses, outside of looking at the comprehensive plan, outside of looking at how we want M-DT to be used, it's like you looked at all that and was like I'm going to build a case for it. Forget what you're talking about. Forget what the comprehensive plans. I'll do what I want.

MR. HOLLIS: I intended to communicate just the opposite in that what we're trying to do is consistent with the comprehensive plan but we are not attempting to comply with a 15-year old 2000 -- or a Providence corridor policy that was not, you know, enforceable in any way, shape or form --

MR. STANTON: So you hold no weight to charrette, you hold no weight to neighborhood plans, you hold no weight to any of that. None of that means anything to you as it's developed by citizens of this city. They have no weight in your decision?

MR. HOLLIS: Absolutely not. No, they definitely carry weight. It's just that the UDC as it's written, so UDC is the latest thing we've got. If you're going to follow it and you're going to look at the criteria that is set forth in the six items that you're to look at, those six items don't say anything about the charrette or the 2005 Providence corridor policy. So I'm just asking you to look at what the UDC says and that's what I was trying to focus on. It's really hard to get that done in six minutes especially when you're long winded. No, no, I'm not discounting the importance of those plans and all the work that went into those plans and those reports no doubt about it. Right now what we have in front of us is a conditional use permit, the first one I think you've had, and I want to try to make it clear what I believe the UDC says and that is look at these six criteria.

MR. STANTON: Thank you.

MS. LOE: Any additional questions for Mr. Hollis? I see none. Thank you, Mr. Hollis.

MR. HOLLIS: Thank you.

MS. LOE: Any additional speakers on this case?

MS. BAGLEY: Good evening. My name is Melanie Bagley. I am the property development manager for Raising Cane's. My address is 2348 Arezzo Lane in Allen, Texas, 75013. I won't belabor any of the points that Mr. Hollis has made. Again, I just wanted to reiterate simply that we are here pursuing your approval of a drive-thru. And I think the aspect that I can offer to you regarding or the high points that I can offer on the operational side of why we should -- why commissioners should approve the drive-thru is the way that Raising Cane's operates our high level of standards, the pride in which we take in the ownership in the site. I think you will find -- I think that fast food and drive-thru uses tend to have a negative connotation. As Ms. Bacon pointed out, there's noise, there's headlights, you know, there's traffic buildup because of the queuing in the drive-thru line. I can guarantee you that we have fine tuned this operation even to a point where in the opening weeks where we would expect to have a crowd we have people out directing traffic and helping people funnel through the queuing lines. Cleanliness is something that we take pride in on our sites. The drive-thru is well maintained. The queuing time for a

customer from the time they get to the menu board to the time that they get to the pickup window is two and a half minutes. Our food is fresh. We watch for people that come into the site and as they're pulling into the drive aisle and entering the queuing line, the drive-thru line, staff is watching to see how many people might be in the car and are preparing food as fresh as it can be and as soon as they drive into the drive-thru lane. I think that we have, as Mr. Hollis has mentioned, worked very closely with Ms. Bacon. Again, this is not the place where we will be considering the development of the site, but as you can see we have taken to heart the criteria as Commissioner Stanton has mentioned of the UDC. We have taken into consideration the fact that the city would like for this to be a pedestrian friendly development. We're implementing multiple bike racks and park benches and an outdoor dining area to encourage that aspect of this development. If you have any other questions related to the operations of Raising Cane's or the drive-thru itself, I'm here to answer those questions.

MS. LOE: Thank you, Ms. Bagley. Any questions for the speaker? Ms. Burns?

MS. BURNS: Yes. Ms. Bagley, did you do any traffic studies when you're talking about the queuing of traffic you're anticipating?

MS. BAGLEY: We have had a traffic study done. We have our civil engineer here with us. She can speak to the high points on that. Debbie, do you want to -- Do you have a question specific to the traffic study itself?

MS. BURNS: I was curious to know there were guarantees that traffic would flow and customers would be served quickly. That's quite a statement to guarantee that, particularly on Providence Road where stacking does occur during busy times.

MS. BAGLEY: If I can get back to the site plan, as we show here customers would enter from Providence and use that drive aisle or Locust to enter the site. They would come in through the rear of the site and access the drive-thru lane at that point and that is where we see the traffic flow starting and funneling through the site. Again, you know, we have people that are directing traffic, especially the people that are outside and helping people get into the line and get through, taking orders as needed in the line and really working to move people through as quickly as possible. Debbie, do you want --

MS. STOSZ: Hi. Debbie Stosz with Premier Design Group, 100 Midland Park Drive, Wentzville, Missouri, 63385. We are in the process of having a traffic study completed. They have gone out and done the traffic count. Unfortunately the traffic study has not been completed; but as Mr. Hollis said earlier during the previous CUP approvals there was a traffic study completed and it did not show any negative impact with regard to the Providence flow or, you know, Lucky's. So, again, we're working on that. Based off the numbers we have, again not completed, they're doing a traffic study for Raising Cane's specifically, it again is not showing any negative impact and we can submit that again when we get through the CUP process and then going forward with the site plan approvals those traffic studies will be submitted to back up what we're seeing.

MS. BURNS: Just to follow up, I guess I'd prefer to see the traffic studies prior to.

MS. STOSZ: I understand that. We had tried to get it done prior to this meeting.

Unfortunately we were not. Again, we have a traffic study. Unfortunately I didn't bring it with me. It was done for the McDonald's, the previous CUP, but unfortunately we did not get it completed prior to tonight. We had hoped to but it did not happen.

MS. BURNS: Thank you.

MS. LOE: Mr. MacMann, question for Ms. Bagley?

MR. MacMANN: Yes, ma'am. No, I'm sorry, the engineer. I apologize. My error. You did say you don't have that traffic study with you, but on the previous CUP for the McDonald's review is what Mr. Kroenke (phonetic spelling) had pondered, how many daily trips to that drive-thru? Do you remember?

MS. STOSZ: No, but I could get -- I have it on my phone. I could look it up. Unfortunately I don't remember.

MR. MacMANN: That would be great. Can she get back with us the number of trips? That would be great.

MS. LOE: Any additional speakers while we're checking that information?

MR. BARNES: Good evening. My name is Bill Barnes. I'm at 101 South Hanley, Clayton, Missouri. I'm a commercial real estate broker with NAI DESCO in St. Louis. I have had the privilege of working with Raising Cane's for the last seven years. I've helped them open 12 restaurants in St. Louis. I've been through seven municipal processes and presentations, CUP, and it was new to St. Louis as well. And there's some Raising Cane's in Kansas City. Our firm we do a lot of corporate work. We work with a lot of big restaurants and chains. When I contracted with Raising Cane's seven years ago, I really learned how special the company was. They're privately owned. They were started in 1996. A family owns it. They still own it. They run it completely different than a big corporate publicly traded type of company. What a lot of people don't realize about Raising Cane's is all their meals are cooked to order. When you pull on site, they start dropping chicken. They use the tenderloin portion of the chicken breast. It's never frozen. They cook it to order. You won't find a heat lamp or a microwave in Raising Cane's. There's a lot of misconceptions about is this a fast food restaurant. Everything is made in house. So their sauces are mixed in house. Their cole slaw is chopped in house. They freshly squeeze their lemonade. But I think what is most impressive about Raising Cane's is their community involvement. They have basically about five focuses of their community involvement. It's education, feeding the hungry, pet welfare, active lifestyles and entrepreneurship. A neat story that happened back in August in St. Louis. Stray Rescue is our largest pet adoption facility in St. Louis. During August, it had -- it was completely full of animals. The facility was completely full. The owner of Raising Cane's, his name is Todd Graves, he named his restaurant after his yellow lab Raising Cane. So pet welfare to him is really important. He heard about the overpopulation of our stray rescue, flew into St. Louis unannounced, did a partnership with the St. Louis Cardinals, wrote a check to Stray Rescue for \$10,000 and then covered all vaccinations and all application fees for adoptions for Stray Rescue. He just showed up one day. That's the type of community involvement you see with Raising Cane's all the time.

I have 12 municipalities in St. Louis that have been unbelievably impressed with who Raising Cane's is. Secondly, their charitable involvement has been unbelievable. To date since 1996 Raising Cane's has donated over \$20 million to local charities. They have a goal right now to donate 20 percent of gross profit to charity and they made a pledge that by 2025 they will have donated \$50 million to charity. What's really impressive is they do it all on the local level. So it's not writing a check to American Red Cross at the national level. They basically give it to their store managers and let their store managers distribute that on a local basis. So I can't say enough about them. They're an awesome community partner. They have a great product. They really care about the community. Thank you very much for your time.

MS. LOE: Thank you, Mr. Barnes. Are there any questions for the speaker? I see none. Have we found the information?

MS. STOSZ: Based off of the --

MS. LOE: Do you want to just reintroduce yourself for the record?

MS. STOSZ: Debbie Stosz with Premier Design Group.

MS. LOE: Thank you.

MS. STOSZ: Based off of the previous traffic study that was done with the previous CUP, the generation at the a.m. peak hour, which is I think 7:00 to 9:00, was 200 trips generated, and then the p.m. peak hour, which was I think it's 5:00 to 7:00, was 145.

MR. MacMANN: You said 545?

MS. STOSZ: 145.

MR. MacMANN: 145. That sounds a little optimistic to me, but I'm not a traffic engineer. The reason I ask for that number is as different things have gone on and we've had the student development down on Tucker, we gave them a road, they got a road. I've listened to a lot of traffic engineers tell me that there will be no appreciable impact. 700 trips, 1,000 trips. I think it's kind of optimistic just FYI and IT would have been much more efficient for this process and for our decision making if we actually had a traffic study here to look at. They may be a great corporate citizen. Awesome. Good for you guys. Not really germane. If we have that traffic study just to analyze it. We don't -- I guess you're trying to say go by our word because we're good people. We don't know that. We've had other traffic studies in the past. I appreciate looking that up. Just an idea how many trips a day.

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

MR. MacMANN: I don't have any additional questions. I think they have a counter point. I think that's where we're going here.

MS. STOSZ: Like I said, we do have something preliminary. It's not completed. Based off of Raising Cane's, which again is not McDonald's, McDonald's has a lot more traffic, and I am not a traffic engineer, we hire outside. I'll throw that out there. I was given this report. Their estimates are 170 during the weekday midday peak hour during the lunch hour. The weekday p.m. would be 110. So it is substantially less than the previous traffic study. Again, understanding your concerns that you're not,

you know, it may be blown up a little bit. These guys, this is what they do. We're pretty confident in the numbers. Again, as Melanie had said earlier, Raising Cane's, I've never had to wait more than five minutes at any Raising Cane's.

MR. MacMANN: That's fantastic.

MS. STOSZ: Those are the numbers. Like I said, unfortunately I didn't have this. I just got it yesterday. I did not get it printed out and have time to get it to Ms. Bacon. Again, it's not completed. It's just showing the estimates as far as the trip generations.

MS. LOE: Ms. Burns and then Ms. Rushing?

MS. BURNS: Actually the lunchtime was when I was the most interested because almost daily the stacking at the Taco Bell on Providence Road extending down toward.

MS. STOSZ: Right. I will throw that the pedestrian, we feel that there will be some pedestrian traffic which is why we've done all these enhancements. So there will be drive-thru traffic but we think a lot of it will be from the pedestrians because of our enhancements and the bike racks and the bike repair stations and everything that we're proposing.

MS. BURNS: Do you have any pedestrian information how many you think would be coming through?

MS. STOSZ: I don't think they've gotten that far yet.

MS. BURNS: Thank you.

MS. LOE: Ms. Rushing?

MS. RUSHING: My questions are kind of along the same lines. The majority of your service is going to be drive-thru; is that correct?

MS. STOSZ: Melanie would probably be more.

MS. BAGLEY: Yes, the majority of our services are drive-thru, which is why we have worked so hard and so diligently to, you know, reduce the stack -- the queuing time and again to add the bypass, the double lane drive-thru really helps mitigate again that queuing issue that you're concerned about. I mean, it's something that we have looked into and I can tell you the line moves. I mean, it's not --

MS. RUSHING: But you do have inside seating or you do not?

MS. BAGLEY: Yes, ma'am. Oh, yes, ma'am.

MS. RUSHING: About how many customers would you have seating for?

MS. BAGLEY: I believe on this plan we have seating for approximately -- sorry, just taking a minute to load. Forgive me. While this is loading, interior to the building we have seating for approximately 90 to 100 patrons. We're doing a wrap around patio here again to try and facilitate more outdoor seating, more pedestrian friendly sitescape and we'll have 90 to 120 or 30 seats.

MS. RUSHING: Thank you.

MS. BAGLEY: You're welcome.

MS. LOE: Any additional questions for these speakers? Thank you.

MS. BAGLEY: Thank you very much.

MS. LOE: Are there any additional speakers on this case? Seeing none, we're going to close the public comment period on this case.

PUBLIC COMMENTS CLOSED

MS. LOE: Commission discussion. Ms. Russell?

MS. RUSSELL: I'm going to support this drive-thru. This is not Taco Bell where the cars are lined up on Providence. They're actually going to be going through Lucky's parking lot. It is a shopping center. There's Lucky's on one side. There's going to be some grass and then there's an automotive store. Trying to make this a beautiful corridor seems a little difficult. And from the design they've given us, this is a really pretty thing to look at. So I'm going to support the drive-thru.

MS. LOE: Mr. MacMann?

MR. MacMANN: I have a general comment. I'm kind of going in both directions, but I do have a comment for our friends and family out in the development community. It's really hard for us to make decisions when we don't have data. Even I know it's an engineering study that you guys have contracted that's your interpretation -- I work construction. I get that. It's your optimistic view and not just in general. We're recording this for posterity. In the future, please if you have evidence to present bring it with you. That's my comment at this point.

MS. LOE: Mr. Stanton?

MR. STANTON: My buddy Mr. Hollis made a very good presentation. He's right. There's drive-thrus up and down Providence at this place. This is the thing though. I generally don't -- maybe I'm saying this to the public and future developers. There's a lot of information available to let you know what the pulse of this city is and someone as versed as Mr. Hollis should have definitely prepared you to know that we're kind of hippies here. We do a lot of walking and biking. You should have had that stuff ready to go, ready to go. The pedestrian things, the traffic things, that's what we were coming for because we have all this information Ms. Bacon presented. That is public information. People put a lot of time in charrette, put a lot of time in what we want our city to look like, what our corridors. Yes, Mr. Hollis, you're right, you can go by the letter of the law and the UDC. You know Columbia doesn't work like that, man. You know that we look at the whole wholistic picture. You made a good case on the drive-thru. Simply because there's a lot of them around, I'm still concerned with the traffic. I think you guys did a lot of good marketing, but I don't trust the traffic study. I don't think that you're not going to have lines. Look at Popeye's. I think we're going to have a similar thing right here. This is going to be the hottest thing on the street. There's going to be a lot of people there. How many places do you have -- well, we're not in public hearing. I see an attempt to have an outside presence. I don't know. I definitely want people to look at all the information that Columbia provides to let us know what we want our city to look like.

MS. LOE: Ms. Carroll?

MS. CARROLL: I agree with Anthony. I definitely consider all of our city's planning reports, especially when I am reviewing a conditional use permit. I think these are the goals of our city; and as

we've just discussed in our work session, those need to be weighed. And I'd like to point out that, you know, our downtown it is very walkable. Our city is good at that. This connects -- this bit of Providence connects our downtown to the Stuart Road trail hub. This gets a lot of pedestrian use. And I'll admit this road does have other fast food agencies and right here it's not that walkable but it gets a lot of pedestrian use. I particularly see pedestrians walking down this driveway strip from Lucky's all the time and it's dangerous and we're going to increase the traffic through that driveway strip where already pedestrians are using that because they don't have another route to go. I don't know if I can support that. I understand that you are presenting a fast food model that you consider to be a higher cut than typical fast food, but I don't think that changes the traffic situation at this location. And while there might be other fast food restaurants in this area, those applications aren't sitting before me right now. I can only judge what's sitting before me right now. That's my only real comment here.

MS. LOE: Ms. Burns?

MS. BURNS: I wish I had more information. I wish I had the traffic study. It makes it very difficult for me to support this. I agree about the pedestrian traffic going up and down the Lucky's. Lucky's is tough. I shop there a lot and I almost always see a near accident. Their parking lot is not angled in. Their back out, it's kind of a blind spot. I do have concerns for the people that I see walking up and down the entrance to Lucky's. I also have to appreciate what staff has said when we talk about looking at the downtown charrette and the comprehensive plan. I know this lot has sat vacant for a long time. I'd like to see it used in a different way, and I don't think that this adds to what we're trying to create in downtown Columbia.

MS. LOE: I'd like to say that I think the role of the Commission is to evaluate whether or not the projects that are brought before us comply with the city's plans and policies. One of the ones we need to evaluate this one is the 15-year old Providence Road policy which Mr. Hollis has identified as wishing not being attempted not being held to -- to comply with. Sorry. Mr. Hollis, attempting not to comply with the 15-year old policy. However, I would like to point out that the Hardee's appears to be 16 years old. So it appears that the Providence policy may have been created in reaction to the Hardee's going in perhaps. Especially in light of that, I don't think the Hardee's is a good precedent to base adding another drive-thru in this area on. I also do look to the other plans in place whether or not they are referenced specifically by the UDC. And we have had this discussion on various plans already in planning and zoning when considering other overlays. They do inform our decisions. So I'm not going to support this, because I don't believe it does meet the requirements that are established in those plans. The restaurant does sound lovely and the food does sound great. It sounds like a good fit for Columbia, just not perhaps in this specific location. Ms. Russell, did you have another comment?

MS. RUSSELL: Of course I do. I have been to Raising Cane's and it is awesome. Their drive-thrus are -- I'm sorry but I also love Chick-fil-A. And Chick-fil-A should run the country the way they can get people through a drive-thru. Raising Cane's can beat that. I've seen that happen. When they redo their site, they could put a sidewalk that goes down that hill from Lucky's and that would make that

safer, but we're just asked to see if they get a drive-thru. It comes through the Lucky's parking lot. I still am in favor of this. I may be a lone voice here but I'm still in favor.

MS. LOE: Any additional comments? Mr. MacMann?

MR. MacMANN: If my commissioners are done, do you have anything else? I have a motion. I want you to know I'm going to be voting in the negative on this motion. In the matter of Case 06-202, a request by the Van Matre Law Firm, P.C. on behalf of TKG St. Peters for a conditional use permit for Raising Cane's, I move that we approve.

MS. RUSSELL: Second.

MS. LOE: Second by Ms. Russell. We have a motion on the floor. Any discussion on that motion? Mr. Stanton?

MR. STANTON: You move to approve?

MR. MacMANN: I made the policy in the positive. I am going to vote no, Mr. Stanton. I just wanted to let you know. It's our best practice to make the motion in the positive.

MR. STANTON: You're making it in the affirmative?

MR. MacMANN: Correct.

MS. LOE: Any further discussion? Seeing none. Ms. Burns, may we have roll call, please?

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Ms. Russell, Voting No: Ms. Rushing, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion denied 5-2.

MS. BURNS: Five to two, motion is denied.

MS. LOE: Recommendation for denial will be forwarded to city council. Our final case for the evening.

Case No. 105-2019

A request by the City of Columbia to amend Chapter 29, Section 29-4.4(d) (Street Frontage Landscaping) and Appendix A, Section A.3 (Street Widths) of the City Code relating to applicability of street tree placement within the public right-of-way, tree spacing requirements, City Arborist responsibilities, and general corrections to the street width table. May we have a staff report, please? An abbreviated staff report.

Staff report was given by Mr. Zenner of the Planning and Development Department.

MS. LOE: Mr. Zenner, before you move off that slide, just a clarification on the second to last point. You mentioned this but I don't think it's quite correct in the slide. For Mr. Gebhardt's benefit, removing the requirement for street trees on rights-of-ways of 50 feet or less.

MR. ZENNER: Yes, less than 50 feet.

MS. LOE: No, 50 feet or less.

MR. ZENNER: It includes 50 feet.

MS. LOE: This does not say that though.

MR. ZENNER: That is what is intended. 50 feet or less. So that would be residential streets and any street less than a residential street classification.

MS. LOE: Which is why I asked about Trinity and Switzler.

MR. ZENNER: So does that help?

MS. LOE: Yes.

MR. ZENNER: Staff report continued by Mr. Zenner. Staff's recommendation: We recommend approval of the changes that have been presented as they have been. They were arrived at by a consensus of the planning commissioners through our work sessions and we believe they will address the issues that we currently have been experiencing and will allow us to deal with street tree placement in new developments moving forward. As an aside, not included within the staff report but will be addressed as part of the city council ordinance as clarifications, any development that has been approved at this point -- approved since the adoption of the UDC that would have otherwise been impacted by this particular code provision will be recommended to actually be waived from having to comply with the street tree standards but comply with the current standards that are being proposed. We only have about three or four of those projects that that exception would apply to and that is to ensure that we start at the same point with all of our new development. That's not something that would be included in this amendment because it is very specific to the timing of this amendment's adoption at council but I felt that it important to bring that to your attention so our development community that is involved in following this will understand that if their projects are currently pending with a street tree placement standard we are going to suggest to council that that tree standard be relieved of them and that they comply with this new requirement should it be adopted. With that if you have any questions I'll be more than happy to answer them. Sorry I've taken so long.

MS. LOE: Not at all, Mr. Zenner. We appreciate it. Before we ask for Commission questions, I'd like to ask any commissioner who has had any ex parte related to this case -- do I have to ask for ex parte? No, we'll skip the ex parte. We're going to cut to the chase. Are there any questions for Mr. Zenner? No questions for staff. Commission comments? Public hearing.

MR. MacMANN: That's not democracy, Madam Chair.

PUBLIC COMMENTS OPENED

MR. GEBHARDT: My name is Jay Gebhardt. I'm a civil engineer with A Civil Group. I'll be brief. I do have two questions probably appropriate for staff. In implementing this, if you have a commercial lot, it's very clear that you can plant these street trees at the time of occupancy. If you're doing a residential subdivision with 132 lots, at what time are the trees required to be planted in a residential? Is it like a sidewalk where it's built at the time of occupancy which is what my opinion is what it should be. I thought I'd ask.

MR. ZENNER: Just to be contrary, I'd say no. Yes, that is exactly how it was envisioned by BSD. As a design professional, what will be required not unlike a commercial development will require a landscape plan or tree plan as part of your construction set and it's at that point that the trees would be

identified and as each individual plat plan comes in then we would be expecting to see the trees matching generally to that approved set of construction plans.

MR. GEBHARDT: With the exception where driveways go?

MR. ZENNER: Yes.

MR. GEBHARDT: Because we don't know where the driveways are on lots.

MR. ZENNER: That's where the flexibility with the arborist comes into play.

MR. GEBHARDT: Second question is, is it still the intent on a commercial development where you have street, street trees, sidewalk, landscape buffer with trees in it and parking lot. So you end up with an alley of trees. You end up walking down the sidewalk and have trees between you and the street and trees between you and the parking lot. I didn't know if that was -- now they got the trees on residential streets we're talking about nonresidential streets which typically have parking lots along them. So is it your all's intent to have these double tree planting?

MR. ZENNER: That is -- We're not amending anything for the private landscape strip. So that is where the second boundary of trees would be located.

MR. GEBHARDT: I just wanted to point that out. I had a project, Cherry Hill Dental on Nifong and ended up with trees on both sides. It's kind of crowded. For some reason those trees have been cut down, but I'm not sure if the ones, the street trees, and I'm not sure if that was done by public works because they're going to have a project there to widen the street or if they just died and haven't been replaced yet. It is unfortunate that you have these competing trees on both sides.

MR. MacMANN: Just to say I anticipated that in some cases but we tried not to include -- number one, there's no double counting situation because we could get in that situation and whatever happens over there, you know what I'm saying, the street and what happens over there, we are going to run into that in some places if you're required to plant trees because of what you built on or what the zoning is. I kind of like it, Jay. I think you should embrace it, the alley of trees.

MR. GEBHARDT: Thank you.

MS. LOE: Thank you, Mr. Gebhardt. Any questions for Mr. Gebhardt? No. Any additional speakers? No. We're going to close public comment.

PUBLIC COMMENT CLOSED

MS. LOE: Commission discussion? Mr. Stanton?

MR. STANTON: I would move -- I'd like to make a motion.

MS. LOE: I have a comment first. Let's talk about this.

MR. ZENNER: No wonder you wanted me to finish so quickly. Now I understand.

MS. RUSHING: We haven't had a chance to have input on anything.

MS. LOE: I did ask Pat to send around that article because we have talked about the street tree thing quite a bit. That article came through in some of my research. One thing that struck me was the need for resident input on whether or not we have street trees and that's something that did not come up in our discussions. That's what prompted my question to Pat which was how well do our ordinances

work for residents to actually have that choice for themselves so we're not dictating whether or not they have trees which is what our work sessions seem to me to be driven about, are we going to tell them they have street trees or not. So in that vein, I was looking at this language for how clearly does it indicate that trees may be planted voluntarily, and that was not clear to me when I read this. And it is covered under Chapter 24, Article 5, but I was thinking that it could be a little bit more clear; that A, it's possible and B, that's what Chapter 24, Article 5 points to. So I agree we don't want to mix things, but I was wondering if that item 21-4.4(d)2 which is the item that defines street trees -- right now it says street tree landscaping shall be installed on both sides of any right-of-way greater than 50 feet in width that is newly platted or is improved with a new roadway construction or is redeveloped as defined herein pursuant to the following provisions and in accordance with Chapter 24, Article 5 of the city code. I was wondering if we could just break out that last piece and say the street trees will be planted pursuant to the following provisions period and then just a statement saying all street trees whether required or voluntarily planted shall be planted in accordance with Chapter 24, Article 5 of the city code. Ms. Burns?

MS. BURNS: I would just comment because I appreciated you sending out the information but I know of two instances. My concern with that is if we put too fine a point on it I know of two people who planted trees a long time ago on Stadium Boulevard to back up to their property and they had to get city permission on where to put them. The city came out and told them where they could put them because my concern is if somebody thinks they can just plant a tree wherever they want it might obstruct traffic vision, pedestrian vision. So I guess what I'm saying is as long as we know that people can petition to plant trees.

MS. LOE: That's what I'm trying to point out is that if you're going to voluntarily do it, go to this section.

MS. BURNS: I think that these citizens they said we want to plant some trees there they did go to the city and so I guess it's six of one, half a dozen of another. I think that if people want to plant trees they will ask the city if they can. I'm not sure if they're going to go to the code. Frankly I'd pick up the phone and say I want to plant some extra trees, can you come help me with that.

MS. LOE: Mr. MacMann?

MR. MacMANN: I would second to what Commissioner Burns said. Most people couldn't even find the code in the city website. It's true. People will ask me specific questions. I will have trouble finding something on the city website. I have it downloaded on my phone. Because of that, folks who utilize this verbiage that we're talking about right now are people like Mr. Gebhardt and Mr. Crockett and Mr. Hollis when we get down to splitting hairs. I'm not sure that your typical civilian could read that and clearly understand it. I'm a little concerned we start tweaking with this we'll have unintended consequences. And as I said, I don't -- if I called the city about something and legal said oh, just read the code, that would mean I wouldn't plant something. That's exactly what that would mean, because I don't know what the code means, or just do whatever I want. I'm a little concerned we start tweaking it we'll have people who feel I can't. What you said must be planted pursuant of X, Y and Z, in a lot of

cases if you're like 10 or 15 feet off the roadway and you plant a tree you're good anyway.

MS. LOE: I mean, I read this and I couldn't understand if you could voluntarily plant in the right-of-way. Ms. Rushing, you have to speak into the microphone.

MS. RUSHING: In my neighborhood you can.

MR. MacMANN: She was just saying that in her neighborhood you can. It's different. I believe that in regards to the potential for need for amendment the opening language of the way it's written and the closing language where it speaks of new development and redevelopment and you start talking like that we're talking to the likes of Mr. Gebhardt. You're not talking to me.

MS. LOE: Understood. I'm just trying to promote residential participation. If you don't think the residents read the building code or the city code, then I agree it's a moot point.

MR. ZENNER: I'm not at liberty to say.

MS. LOE: Ms. Carroll?

MS. CARROLL: I'm going to say just, you know, for the sake of discussion, I don't think residents are going to the building code when they want to plant a tree.

MS. LOE: This isn't building code. Sorry. I misspoke.

MS. CARROLL: I don't think residents are going to UDC when they want to plant a tree. However, I do think some residents, especially some neighborhood groups are going to the UDC and reading it. I have seen them do it.

MR. MacMANN: I'm a little concerned about confusing people whether they're residents or they're not residents.

MS. LOE: Sounds like there may be a better avenue to promote trees.

MR. ZENNER: I would suggest solid communication between neighborhood associations or homeowners associations and the city to facilitate these types of things, the type of stuff we're talking about in the comprehensive plan.

MS. LOE: Any other discussion on this point, matter, case? Mr. Stanton?

MR. STANTON: I'd like to make a motion. I'd like to make a motion, Ms. Chair. As it relates to Case 105-2019, I move to approve as presented.

MS. RUSSELL: Second.

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

MR. MacMANN: Just real --

MS. LOE: Mr. MacMann?

MR. MacMANN: Just real quickly for Mr. Caldera, do we have to purposely call out Appendix A?

MR. STANTON: I just moved as presented.

MR. MacMANN: That's fine.

MR. CALDERA: Not really. What I see by announcing this case you're approving what has

been proposed under this case.

MR. MacMANN: I just want to make sure we're clear. I'm good.

MS. LOE: Any further discussion? Ms. Burns.

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 approval will be forwarded to city council. That brings us to public comments.

VIII) PUBLIC COMMENTS

MR. GEBHARDT: Jay Gebhardt, A Civil Group. Not that it really matters, but just out of curiosity tonight when you guys were talking about Raising Cane, the Kroenke Group's property, that was platted in 2018. They did not dedicate any right-of-way for Providence. So that was the policy until about seven, eight months ago is to follow what MoDOT wanted. So I just wanted to bring that to your attention. It doesn't change anything. I wanted to let you know.

MR. MacMANN: I do recall, if I may, the Kroenke Group wanted us to waive MoDOT's right-of-way which I thought was kind of strange. Anyway.

MS. LOE: Thank you, Mr. Gebhardt.

MR. GEBHARDT: Thank you. Sorry to keep you.

MS. LOE: Staff comments.

IX) STAFF COMMENTS

MR. ZENNER: Your next meeting is December 19. We will have a series of cases on it. This list may get a little bit reduced depending on how responsive we have our applicants coming. We have two subdivision cases, Moon Valley, Plat 1. This is the final plat off of Moon Valley Road which is out by east Broadway just where US 63 outramp south is. This is a single lot subdivision plat first time of platting. Therefore, it must come before the Planning and Zoning Commission. And then you have Chapel Hill Meadows, Plat No. 2 and this is the Christian Fellowship plat on the corner of Louisville and Chapel Hill Road. The corner is actually the new church facility for Christian Fellowship and then flanking that access off of Louisville as well as Chapel Hill are two cul-de-sac bulbs for individual residential lot development that would surround the church. There will be design adjustments associated with this application as it relates to cul-de-sac length and then the creation of flag lots on previously platted property and that plat is currently being final processed. That will fall under a public hearing given the fact that it does have design adjustments to it and they are pursuant to the UDC public hearing matters. Then you have two public hearings. 1311 Poplar Street which is a rezoning on behalf of Habitat for Humanity, rezoning for R-MF to MC and this is to allow for, if I'm not incorrect, a restore or potentially a restore for their resale operations. This is basically one block off of the business loop in a somewhat industrialized area and almost directly across from our Grissum facility on Poplar. The second item we have is 103 Anderson Avenue. This is a private residential conditional use permit for an ADU.

This is ironically a parcel that actually was part of the down zoning and down zoned to R1 which forced the conditional use permit for the ADU. Ms. Bacon has been reviewing that and the application is appearing to be complying at this point. We'll present you the details at our upcoming meeting. Just so you know where these properties are, our Moon Valley, Plat 1 there at the end of blue valley Drive. Off the map to the south is US 63, the Chapel Hill Meadows plat which is for Christian Fellowship there at Louisville and Chapel Hill Road and then Poplar Street here. Directly across from that is our Grissum facility and then 103 Anderson Avenue. So those are your cases for the upcoming meeting. It is possible that the Moon Valley subdivision action may not come forward at this point, but we wanted to place that on the upcoming items just in case. The 19th will be your holiday meal. So if you are going to not be present, please let me and Ms. Loe know. And just as a reminder, those absences that you do notify me of, if you will please copy Chairman Loe. That is something that allows then all of us, she and I to understand where we stand on quorum in case I am not copied but she is. At this point I am unaware of any commissioners that will not be available for that meeting. As usual, you will have good vittles and then hopefully a shorter meeting than we had this evening. With that, that is all I have to offer. Thank you very much for your attention and your patience tonight.

MS. ZENNER: Thank you, Mr. Zenner. Commissioner comments?

X) COMMISSIONER COMMENTS

MS. RUSSELL: I have one.

MS. LOE: Competing comments. Ms. Russell?

MS. RUSSELL: I move to adjourn.

MR. STANTON: Second.

MS. LOE: Mr. Stanton seconds. Thanks, everybody. We're adjourned.

(The meeting was adjourned at 10:19 p.m.)