

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**June 10, 2021**

**Case # 157-2021**

**A request by Crockett Engineering (agent), on behalf of Cherry Street Hotel, LLC (owner), for a replat of Lot 158 and the west sixty-five feet of Lot 159 of the Original Town of Columbia. The 0.47-acre subdivision to be known as "Cherry Street Hotel" is located at the northwest corner of Cherry Street and Hitt Street. The request also includes a design adjustment from Chapter 29-5.1 (Public Improvements), requesting a waiver from the dedication of utility easements adjacent to public roadways.**

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

Staff report was given by Ms. Rachel Smith of the Planning and Development Department. Staff recommends:

1. Approval of the requested design adjustment to Section 29-5.1(g)(4) pertaining to the dedication of utility easements; and
2. Approval of the final plat approval of the requested rezoning from PD and M-C to M-BP.

MS. LOE: Thank you, Ms. Smith. Are there any questions for staff? Ms. Burns?

MS. BURNS: Thank you. I had two questions. I understand that this is a platting action, but will this come back to us when there is a site plan attached to the project?

MS. SMITH: No. So the site plan will be subject to all design requirements of the M-DT. Should there be a request for a waiver from those, it would actually be a Board of Adjustment action, not Planning Commission because it would be variances from zoning.

MS. BURNS: And then if I may follow up, Ms. Loe? Thank you. Is there a trash plan associated with this for onsite trash containment versus alley usage?

MS. SMITH: So there is a requirement. You're picking up on that, I believe. There is a requirement for all M-DT development proposals that they have an approved trash management -- waste management plan. That's a part of the Code -- UDC, absolutely required. I haven't seen one yet, but we do work with Solid Waste when building plans come in to look at that.

MS. BURNS: Thank you, Ms. Smith.

MS. LOE: Any additional questions for staff? Ms. Carroll?

MS. CARROLL: You didn't hear anything from Northcentral Neighborhood Association?

MS. SMITH: I did not. I will say that we have recently been getting kickback on some mailing lists for them, so we have reached out to try and get an updated person and/or address.

MS. LOE: Any additional questions for staff?

MR. MACMANN: I'll fix that for you. Okay?

MS. LOE: Seeing none. We will open up the floor for public comment.

**PUBLIC HEARING OPENED**

MS. LOE: Please give your name and address for the record. We will limit you to three minutes. If you're speaking for a group, we'll give you six minutes.

MR. CROCKETT: Madam Chair, Members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. It's nice to have everybody in front of me as opposed to Mr. MacMann staring at me from behind, but --

MR. MACMANN: That's deliberate, Mr. Crockett. You know that.

MR. CROCKETT: As Ms. Smith has indicated, this plat does conform to the UDC, and we went with the single design adjustment that's before each of you tonight. That design adjustment is not inconsistent with other plats in the area -- three or four or five plats have been represented down here in recent times with similar situations, so I don't think that's anything new for this Commission with regards to that. And so we do appreciate her staff report and concur with that. I would like to ask, you know, Ms. Burns -- to reiterate on the Solid -- on the Solid Waste, there will be a solid waste plan that will be approved by Solid Waste on this project that will conform. We can't put just dumpsters in the alley. It has to be on our property with easy access. And so all of that will go through with the design plans. With that, I'm happy to answer any questions that the Commission may have.

MS. LOE: Any questions for Mr. Crockett? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Crockett, I just want you to know off the top of the bat -- off the top of your -- you know my feeling on these easements. Right?

MR. CROCKETT: Absolutely.

MR. MACMANN: Yeah. So I don't have any problem with that. I'm going to go somewhere staff doesn't want to go, and you know where I'm going. Right?

MR. CROCKETT: I know exactly where you are going.

MR. MACMANN: Okay. I don't have a problem with the hotel. I spend a lot of time at that intersection. Is there a time frame when your guys are going to reach this agreement with the City?

MR. CROCKETT: Well, as -- as Ms. Smith has indicated, I believe that that -- that -- you're talking about the parking agreement?

MR. MACMANN: Uh-huh.

MR. CROCKETT: She's indicated that it is going to go concurrently with the plat as it goes to Council. I am not aware. That's an agreement that legal is handling. It's not through our engineering firm, so --

MR. MACMANN: Okay.

MR. CROCKETT: -- I believe that the applicant is handling it through their legal team, through the City departments, and so I think they have more information on that than I do.

MR. MACMANN: All right. Just to -- just to take a second away from your time, I know that when we approve the commercial buildings downtown that are nonresidential, they don't need parking, but I don't think we correctly anticipated 100, 150 more rooms and space on the -- on the intersection like this. I don't have any more questions at this exact moment, Mr. Crockett. Thank you.

MR. CROCKETT: Thank you.

MS. LOE: Any additional questions for Mr. Crockett? Ms. Burns?

MS. BURNS: Mr. Crockett, I don't know if you're aware of how many -- what the guest occupancy might be for this hotel and how many employees they are planning to hire? And again, this is related to parking.

MR. CROCKETT: Sure. The parking requirement is going to be -- obviously, it is not a City requirement, but it's an internal requirement of ourselves -- of the applicant. I think they are still working through -- fleshing through the exact number of rooms that they are looking at on the hotel. It has gone through several renditions, and so I don't think we have an exact occupancy for the hotel nor the number of employees. But it is certainly something that they take -- that they're adamant about. I mean, they need to work out a parking arrangement and a parking agreement. They understand that they need that for a viable business, and so they want to work with the City to make sure they acquire those spaces at the appropriate locations. So it's nothing that we're just going to just jump all on-street parking for the entire development. We want to do what we can to acquire dedicated spaces.

MS. BURNS: Thank you. If I may follow up? So there is no plan for on-site parking or underground parking or any parking within the hotel structure?

MR. CROCKETT: Not at -- not that I'm aware of on this piece. Not on the last rendition that I have seen. Now, there may be some valet parking and items like that, but not long-term parking.

MS. BURNS: Thank you.

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

MR. CROCKETT: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none, we'll close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner comment? Mr. MacMann?

MR. MACMANN: Under the auspices of health, safety and welfare, I'm going to go back to parking. It is an oversight in the M-DT for this situation. At a minimum, we have a -- at a minimum, because they have -- if you guys recall, they say they're going six. This area can be ten. If you all recall, we moved that ten-story line to encompass this lot. But say it's six, that's five levels of occupancy. I would say 75 rooms is a very conservative estimate. Probably 80 to 100 might be apropos with five stories, and we're probably looking at, I don't know, 15, 20 staff, something like that. There currently isn't any space in the Cherry Street Parking Garage. I'd hate to see people get booted out. The other hotel/motel facilities that are downtown are directly associated with a parking garage. I -- I think we're a little cart before the horse approving this. I have concerns about it because it is -- I don't see how that's

resolved -- that issue is resolved. And I think it's an issue that affects the entire community and how the community integrates together. And that will influence my view on this. Thank you.

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

MR. STANTON: So, Mr. MacMann, you don't think that -- that parking garage cannot accommodate any additional traffic?

MR. MACMANN: Commissioner Stanton, unless that parking garage has changed in the last five days, you can't -- you can't hardly find a place in that parking garage. And that's -- and it's been that way for some time. It's a very convenient garage. It's not -- it's a little narrow, but it's not bad. It's easier to move around than the one down the street. I can see them finding enough for a floor maybe, but if we're looking at 60, 70 parking places, that's an entire floor in there. Don't you think that's right, Ms. Burns? Don't you think that's about -- that would be a --

MS. BURNS: I don't know.

MR. MACMANN: That would be -- that would take up a significant portion of that garage which is already full all of the time. And I -- I just await to see what this parking is going to look like.

MS. LOE: Any additional comments? Ms. Placier?

MS. PLACIER: Yeah. Just a point of clarification. If parking is not part of this particular item, are you proposing that we still consider it in our voting?

MR. MACMANN: I believe Ms. Placier is asking me a question.

MS. PLACIER: Yeah.

MS. LOE: Yes, Mr. MacMann.

MR. MACMANN: Thank -- thank you, Madam Chair. Staff rightly pointed out that according to -- I may get this wording wrong, Mr. Zenner, but I'm sure you'll help me. According to the base terms of our decision, does this meet the requirement for a plat -- this plat? Should we give the design adjustment? Those things in general don't fall under our -- things beyond that don't fall under our purview. That is what we're supposed to analyze. Our analysis also has to take in the welfare of the community and the health and safety of our neighborhoods and how these things fit in. I'm not opposed to this hotel in any way, shape or form, but I am stating that until I am satisfied that that is resolved -- and I want the hotel to go up. I do. I think it's a great use of space and location. I'm concerned. That's what I'm saying.

MR. STANTON: If there's any -- if there's -- excuse me. If there's no other comments from our Commission, I would like to entertain a motion. As it relates to Case 157-2021, Cherry Street Hotel final plat and a design adjustment -- do I need two, Mr. Zenner, or can I do it in one?

MR. ZENNER: We would like to have two. One for the design adjustment and one for the plat itself.

MR. STANTON: Design adjustment first?

MR. ZENNER: Please.

MR. STANTON: Okay. Cherry Street Hotel design adjustment, I move to approve design

adjustments as requested.

MR. MACMANN: Second.

MS. LOE: Seconded by Mr. MacMann. Do we need to call out what the other adjustment is?

MR. ZENNER: It was just one adjustment.

MS. LOE: Okay.

MS. SMITH: It's 29-5.1.

MS. LOE: I --

MR. STANTON: (g)?

MS. SMITH: It's just one. Yeah.

MS. LOE: All right. We have a motion on the floor. Any discussion on that motion?

Ms. Carroll?

MS. CARROLL: I like the idea of a hotel in this space. I think it is an important amenity. I think that it's convenient to our downtown and to other local amenities. I'm not personally comfortable with this at this juncture without a -- a building plan without a parking plan. I'm not sure that we can demonstrate that it is in the public's best interest at this juncture.

MS. LOE: Do you want to save that comment for approval of the final plat?

MS. CARROLL: It would probably fit better there. That is true.

MS. LOE: Okay. Any additional --

MR. MACMANN: I have no --

MS. LOE: -- comments --

MR. MACMANN: -- comment --

MS. LOE: -- on the design adjustment?

MR. MACMANN: -- on it. I'm waiting to vote.

MS. CARROLL: The design adjustment I'm okay with.

MS. LOE: All right. Can we have roll call on this motion.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. Stanton, Mr. MacMann. Motion carries 9-0.**

MS. LOE: All right. Mr. Stanton?

MR. STANTON: If there's no other questions by the Commission, I would like to entertain a motion. As it relates to Case 157-2021, Cherry Street Hotel final plat, I move to approve the final plat.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor. Any comments on this motion?

MS. CARROLL: I would like my original comment here.

MS. LOE: Duly noted. Any additional comments?

MR. ZENNER: Ms. Geuea Jones?

MS. GEUEA JONES: It's unimportant.

MS. LOE: So, Mr. Zenner, just to clarify, we're not seeing any proposed plan coming back. So is this the reason staff did raise the question of parking in this report?

MR. ZENNER: No. The -- the question of parking was raised -- so backing up, and this will be for the information of our newest Commissioners as well. Development proposals that introduce new platting actions are required to go through what the City defines as a concept review, which means an applicant comes forward, offers a proposed concept of a development proposal on a tract of land. It can be either in this type of built environment or within a greenfield, where they are proposing a brand-new subdivision. The purpose behind that concept review is to afford the applicant observations of our review staff and associated partner agencies, internal and external, so they have an understanding of what issues they may need to address in order to obtain recommendation of approval from this body as well as ultimately City Council. During the concept review held in 2020 --

MS. SMITH: No. '19.

MR. ZENNER: -- '19 as well as the concept review that was held for this particular platting action, which ostensibly is the same, the comments of not having a parking arrangement were raised. In 2019 those comments were made before this body with the original -- or 2020 with the original plat, and same conversation occurred, if many of you recall. Coming forward with the revision with this platting action, while we made the same comments, the applicant went one step further and that was to begin the negotiation process. I think this has been discussed. The Code does not require parking for a hotel; therefore, we cannot forcibly mandate that that parking arrangement be provided prior to the approval of a platting action, which is a typically ministerial technical requirement that meets the criteria of the Code. The unique nature of this is that this has a design adjustment. And if you chose not to approve the design adjustment, which you just did not, the plat is otherwise fully compliant with all of our technical requirements of the Code. So it will be Council's discretion if they share the similar concerns of the Commission that no parking plan means no plat. They hold that in their -- in their bucket of authority, and hence the reason why the parking agreement will be required and is advantageous to the applicant to have submitted concurrently. You can't really get a plat approval for a hotel that demands parking without a parking plan. But we can approve a platting action at the Planning Commission level to replat this property to allow for it to accommodate a hotel. The next step in the regulatory process is really the Council's authority, and that's where I think that they will extract more -- more results than we can at this level.

MS. LOE: All right. So we may -- the Commission may have agreed with the design exception; however, I'm getting the feeling we're going to have a split vote on the plat. And so this body may have a recommendation of approval or denial on the plat moving forward.

MR. ZENNER: You have nine members present this evening.

MS. LOE: Uh-huh.

MR. ZENNER: Unless one of you abstains, that is not a split vote. We will have five to four or

four to five.

MS. LOE: I mean split in that we're going to have --

MR. ZENNER: Yeah.

MS. LOE: -- votes against. Yeah. All right.

MR. ZENNER: No tie. Let me put it that way.

MS. LOE: No tie. Which will make the Council very happy.

MR. ZENNER: Oh, yes.

MS. LOE: All right. Any additional comments? Ms. Geuea Jones?

MS. GEUEA JONES: I am going to say what I was going to say. So I agree that the parking is a problem. I also think that either we trust our UDC and our building code and planning process or we don't. And I am uncomfortable with punishing a developer who is following our Code just because our Code is inadequate. And so I'm finding myself in the position where I agree with everything that my fellow Commissioners have said. At the same time there is -- it seems to me that it would be punishing a person for something that is not their fault if we say parking is such a huge part of public health and safety that we're going to deny this plat. So I just -- I wanted to make -- especially since I'm voting first tonight, I wanted to make my position clear for the benefit of the body and my fellow Commissioners.

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

MR. MACMANN: I may have a second bite. We are after the motion. I appreciate Ms. Geuea Jones' perspective and I am for this hotel, but I might remind Ms. Geuea Jones in the matter of Canton Estates, which met the requirements of R-1, we felt -- and I'm not saying this rises to that level. I'm not. We felt that the inadequacies were such that we could not proceed. So I'm just -- we've gone this way very recently.

MS. LOE: Any additional comments? Seeing none. Ms. Carroll, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Burns, Mr. Stanton. Voting No: Ms. Placier, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion carries 5-4.**

MS. LOE: Five to four?

MS. CARROLL: Hold on. Hold on. Five to four. The motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council.