

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
March 20, 2025

Case Number 89-2025

A request by Engineering Surveys and Services (agent), on behalf of Novelty Construction, Inc. (owner), for approval of a partial rezoning, Statement of Intent(SOI) revision, and approval of a site-specific PD plan to be known as "Centerstate East Subdivision." The 72.08-acre subject site is located southeast of the intersection of Vandiver Drive and Highway 63, and is currently split-zoned PD (Planned District) and A (Agriculture). The rezoning would harmonize the site with PD zoning and establish a development plan for the parcel, inclusive of two hotels, a conference center, and a bank. Additional lots depicted on the plan are designated for common areas or lots for future development.

MS. GEUEA JONES: May we please have a staff report?

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends the following:

- Approval of the proposed rezoning, PD plan, and statement of intent, subject to a reduction of the maximum building height to 45 feet (M-C district height standard) for all lots except the hotels and convention center depicted on Lots 2 and 3, as well as reductions in parking requirements for the hotels and convention center.
- Approval of the recommendation above would require technical corrections to both the PD plan and the statement of intent before the case is forwarded to City Council.

MS. GEUEA JONES: Before we go to questions for staff, if any of my fellow Commissioners have had contact with parties to this case outside of a public hearing, please disclose so now. Seeing none. Questions for staff? Commissioner Placier?

MS. PLACIER: Yeah. I had a question about Lot 7 being used for tree preservation.

MR. PALMER: Lot 7 would actually be for storm water.

MS. PLACIER: Oh, storm water.

MR. PALMER: If I said that --

MS. PLACIER: Sorry.

MR. PALMER: Lot 8 on the southeast corner, that's the tree preservation.

MS. PLACIER: I didn't have a map in front of me anymore.

MR. PALMER: Well, I can go back.

MS. PLACIER: So eight would be tree preservation. What's the force of that in terms of it being

built into the plan, what is our reassurance that these trees could not just be plowed down? I mean, you've given a lot of reassurances about all of the trees will probably --

MR. PALMER: Uh-huh.

MS. PLACIER: -- you know, not be damaged, or that area might not be developed --

MR. PALMER: Yeah. So the portion that's denoted for tree preservation, that is a protected area. It would require a PD Plan amendment and, you know, likely wouldn't be supported by staff given that it's -- it's denoted that way. I've never run into that before, so I don't know what that would look like coming through an amendment process. But then the other aspect I'd point out is that the stream corridor, especially the floodway, is a regulated area that can't be developed. So there is at least that stripe along the corridor on either side that cannot be developed and then, again, that tree preservation area is very well protected as we move forward, so --

MR. ZENNER: I think just to add to that, Ms. Placier, the Unified Development Code and our tree preservation standards in Chapter 12A require 25 percent of the climax forest outside of already regulated corridor which is the stream corridor itself. And the stream -- you can't double-dip. So the stream corridor cannot be used to meet your 25 percent preservation purpose. I think if this is -- if Lot 8 is identified as a common lot, which would normally be how in a residential development we would handle tree preservation, it would be in a common lot, that may be something that can be asked of the applicant to identify Lot 8 as a common lot and, therefore, not available to development, that would be a greater assurance at that point that that lot isn't available, and that goes to Mr. Palmer's point that if they wanted to try to change the common lot, it would require a major amendment. But typically, if you're going to identify this area on the east side of a regulated stream corridor, you're likely not going to seek to develop it because it's more costly to try to get over that corridor to begin with. So I think the assurance that Mr. Palmer leaves the Commission with is that where it's located in relationship to the other environmental features, the likelihood of it being lost is limited. But notwithstanding your point, if it's not identified as a common lot within the current statement of intent, that would probably be one level of additional assurance that could be offered.

MS. GEUEA JONES: Any other questions? Commissioner Loe?

MS. LOE: Related to Commissioner Placier's question, Planner Palmer, you didn't touch on the Hidden Creek PUD plan that was included in our packet. And can you just identify where on this plan that is located?

MR. PALMER: This dash line here is the -- the zoning boundary, and so everything in this quarter would have been part of that. And then the rest of it was the parcel to the east, so it extended up to -- is it Hanover Boulevard?

MS. LOE: So is Parcel 8 now incorporating part of what was included on the hidden -- to Commissioner Placier's point --

MR. PALMER: Yeah.

MS. LOE: Okay. Thank you.

MR. PALMER: Yeah. It's -- it's been acquired by the applicant, so it's been -- it's not under common ownership with the rest of that parcel anymore. And so it's being included in this one now.

MS. LOE: Thank you.

MS. GEUEA JONES: Any further questions for staff? Planner Palmer, did you -- did you discuss the possibility of straight zoning with this applicant?

MR. PALMER: I believe at the concept review meeting or pre-concept review, it was, but we kind of had a preconceived notion that given what they were requesting, that it probably wasn't the right way to approach this.

MS. GEUEA JONES: Is that because of the building height and the access?

MR. PALMER: Probably mostly building height, but the access is another component, as well, so

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MS. GEUEA JONES: And building height, in order to get that design exception they'd have to go through Board of Adjustment, or could we have granted that design adjustment for them?

MR. PALMER: I mean, if it's open zoning, it would be a separate action. It would probably be Board of Adjustment, I believe.

MR. ZENNER: It would have been a Board of Adjustment action.

MR. PALMER: Yeah.

MR. ZENNER: I think also added into the concept review, because I also sat in on that concept review given the scale of this project. It is a PD today. It's a PD without any development plan associated with it, and so I think it was a somewhat foregone conclusion that given the C3 uses that were imbedded in the PD Plan, no plan associated, no design parameters, approach this from PD Plan perspective, we were well aware of the Commissioner's dislike of going down this path due to management processes long term. However, the sensitivity of some of the features that surround this property and the necessity to ensure that as the development is built out, there would be better controls on it, and it has always been identified as a PD and this is, in my tenure working with the City, this is about the fourth or fifth project that has actually come forward on this property. This is the only project that has gotten this far, so -- notwithstanding the PD designation.

MS. GEUEA JONES: Yeah. I guess I'm -- I don't buy the argument that it's about the sensitivity of the site or the unique features of the site for the simple reason that staff is very comfortable with an 85-foot trio of buildings, potentially, so I don't think that there's a lot of -- at least not environmentally sensitive things going on with that part of it. I think we'd be looking at lot more specialty things in the statement of intent if that was the concern. So I'm -- I am saying that I am reading through this and reading through this and reading through this, and other than wanting to build an 85-foot building convention center, I don't see why we've got another massive PD that has expired that we're now going to have to manage for the next 20 years as site after site comes before us and adjustments, and, oh, you know, this is why it's different now. I just don't understand why we can't get to a place where we are utilizing the straight zoning. And I understand it's not staff's decision to make, each property owner has to make that decision.

But I am stating on public record, and in a way where I'm not singling out anyone, that this is very frustrating to me. This is another Discovery Parkway. It is incredibly frustrating to me. And I -- I would like to see more applicants saying we are comfortable with the straight zoning requirements. If you will give us this exception on, you know, access points, or something, that would be much more -- and you could do even with the tree preservation, you could still have a common lot that has an easement to the City for tree preservation with straight zoning. So I will quit ranting, but this is frustrating, and is a global problem. Commissioner Loe?

MS. LOE: Thank you. To follow up on Chair Geuea Jones' point, because I had a similar question. So item D under the planned development section requires that planned developments provide to the City amenities or benefits that help achieve the goals of the Columbia Imagined Comprehensive Plan that are not otherwise required by the base zoning districts in return for the added flexibility and uses and design offered by the PD district. So what -- in staff's opinion, what are the amenities or benefits this PD Plan is providing?

MR. PALMER: Well, they are -- they are providing a trail connection that we would normally get otherwise. I think the Lot 8 being preserved as a green space is another item. It goes above and beyond what they would typically have to. Again, that's a primary purpose of planned districts would be offsetting, you know, undesirable or undevelopable portions of a lot with higher densities in other areas that are developable. Lot 8 would be a large area that's not really accessible or developable for this particular property owner, and as a means of setting it aside, you know, not necessarily as a usable space, but as a green space that kind of offsets the development that they're proposing is one way to look at it, at least. Other than that, they are not proposing a lot of, you know, public amenities as of yet, but Lot 9 has a lot of development potential. That could be something that we ask of them as we move forward, but, right now, I would say we're -- we're limited to just offering extra green space in exchange for taller buildings on a portion of their site that they can build on.

MS. LOE: Thank you.

MS. GEUEA JONES: Any other questions for staff? Commissioner Stanton?

MR. STANTON: I'm just going to make a statement. I do agree with my colleagues that we need to push for more straight zoning, but I think if they would have went for straight zoning, they wouldn't have got it. So they're -- they're playing chess and they're, like, let's do a PD Plan and we'll make a deal with the City, and I like the give and take in this PD Plan. So if I were them, I would go PD too because straight zoning, they may not get anything.

MS. GEUEA JONES: Any other questions for staff? Seeing none. We will open the floor for public comment.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Any members of the public to come forward? Just as a reminder, name and address for the record, and six minutes for the applicant, three minutes for individuals.

MR. KRIETE: All right. My name is Matthew Kriete; I'm with Engineering Surveys and Services,

offices at 1113 Fay Street. I do have a representative from the applicant and the architect here with me, as well. Can you switch me over, please?

MR. ZENNER: It's in the back. I don't have control.

MR. KRIETE: Oh, okay. So just tonight, I want to touch on a few things, obviously, a little highlight of the request. Give, you know, an introduction of the applicant, which I think many of you may already know, discuss the history of zoning on this, and already been discussed quite a bit, highlight the outreach we've had on this, and, of course, discuss the plan, a little bit of parking standards and the building height. So from the request again, this is modernizing the PD zoning standards there, so again the frustration with managing PDs, I -- I understand the concern. This does bring it up to at least then to the UDC standards, and we're not trying to manage something from 1998. And then second, of course, the PD Plan, the associated preliminary plat, will be, you know, for the northern portion of the parcel. Again, the applicant has been developing and operating hotels in mid-Missouri since 1996. They have over 700 rooms currently, 500 employees in mid-Missouri, and are also very active in the community and I see some highlights of their community service. From an outreach standpoint prior to submitting this request, we did personally contact all of the adjacent property owners, as well as the Mexico Gravel Homeowners Association. Received no comments or feedback from them. So again, a little history. Highlighted on this map, you'll see kind of the purple. There is what's actually zoned PD. The swath through the middle is what is still zoned A. Again, the larger portion was zoned in 1998, and 2005 with a PD Plan. And just a little highlight about that southern, very extreme southeast corner. There's about 16 to 24 units proposed on that PD Plan in that area that now will be dedicated as green space. So the zoning update, of course, is the old 72 acres, and then again, this brings the CP and PUD into modern standards again, prints out a statement of intent that it did not exist before, commuting the dimensional requirements and design parameters. The PD Plan itself, of course, we're focused now on the north side of the site, looking at two hotels, a conference center, and -- and the bank. Of course, then there's some other areas available for future development. Again, highlighted in purple are those areas. And again, public infrastructure will be along with this. We have a water main currently that ends near the U-Haul north of the site on Vandiver will be extended across to our site, through the site, and actually across Highway 63 to connect into Vandiver, so certainly a public improvement available here. And then the green space again highlighted there. That will be in that green space trail easement. And then I've highlighted also in red the trail portion that would be there. Parking, again, as -- as highlighted, we did use ITE standards to calculate the parking. Again, the site is a little unique, and the size of the conference center, this, I think, is a good calculation to it, and, you know, as you see, came pretty close to City standards, but there are some additional likely meeting rooms within these hotels that would increase the number that Mr. Palmer presented to you, but you see it again, not significantly less, but data-based. Again, we talked about building height. Well, this is the driving factor on the PD in my mind. You know, receiving a variance is not an easy task, and the zoning code makes it a very -- a stringent requirement to meet and, you know, justifying, you know, height can be difficult. Again, this is where the PD standards

exist. It allowed this opportunity to look at more height. So first, I will highlight the '98 zoning does allow a 45 feet, plus a foot for every foot of additional setback, so it does allow you to go to a higher height. Again, we'll bring it into UDC standards, so we are specifically addressing the uses. Our latest statement of intent does state that the only 60 foot would be allowed from multi-family buildings or any multi-use building. Any stand-alone building would be limited to the 45 feet. Again, building height, this is a unique area. You've got a parcel that backdrops a ridge line that sits, you know, up around 800 feet, so it would be higher than any of the roof lines on this building. And, of course, all the roofs around the area are equal to or, you know, maybe even a little higher than the highest building on this site. And then looking at the Vandiver Bridge that crosses while you're going southbound on Highway 63 is very limiting to the site visibility, so they get extra building height that helps improve that. So got a couple of renderings just letting Google Earth just to kind of give you vertical perspective on the site. So you can see to the left, the hotel, the conference center, and then there's some other boxes in there that are sitting at 60-foot in height. To the right, you see Menard's, you'll see the Hilton Garden Inn behind that, and you're kind of getting back to where Bass Pro is. And then providing a little further back to the north, getting past the bridge a bit, again looking down on it, you can see that I'm getting the prospective of those building heights and comparison. Again, you can see where they really truly match a similar plane. And, then lastly, this -- this prospective gives a -- backwards, sorry. This perspective gives you a good idea how this looks in the backdrop now of the ridge line along Hinkson Creek. Again, those buildings actually being a little lower than the top of that ride line. So, again, they would not impede the view of any development that may occur back there in the future. And then with that, I would be happy to answer any questions you may have.

MS. GEUEA JONES: Thank you. Questions for this speaker? Commissioner Stanton?

MR. STANTON: So if you don't get your height variance, this is a no go?

MR. KRIETE: It's difficult to build a hotel that's needed here without the height variance, absolutely.

MR. STANTON: Okay.

MR. KRIETE: Yeah. And again, the nice thing without a PUD, it's not really a variance, it's a deviation.

MS. GEUEA JONES: Commissioner Ortiz, and then Commissioner Loe. Sorry.

MS. ORTIZ: Do you feel the same way about the 60 foot?

MR. KRIETE: No.

MS. ORTIZ: Okay.

MR. KRIETE: No. Staff has done a great job reviewing this, and I can't disagree with the idea of coming back with a plan with specifics. You know, I wanted to show our case, and I think it's well justified, but to say, hey, yeah, let's look at a specific building when we ask, and I think that's a reasonable request.

MS. ORTIZ: Thank you.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: I'm going to ask the same question I asked staff. What do you believe is being provided to the City in terms of amenities or benefits in return for the flexibility in design?

MR. KRIETE: Yeah. That's -- thank you for -- thank you for asking that.

Dr. PURI: Can I say that?

MS. GEUEA JONES: No. I'm sorry. We have to do it one at a time, but you can come up next.

DR. PURI: Even the applicant.

MS. GEUEA JONES: One person at a time.

MR. KRIETE: Yeah.

MS. GEUEA JONES: You'll have time, I promise.

MR. KRIETE: Sorry. Yeah. I skimmed over that, so thank you for asking that. March 3rd, the Council actually reviewed a report on conference center need in Columbia. And, right now, we've got a critical need for additional conference center space, and this -- this goes a long way to improving that. So I think this, itself, I mean, just the development itself is something that's sorely needed by the City of Columbia, so I think that, in itself, is a big benefit of having this development in place. And certainly, you know, putting the zoning in place, as staff mentioned, as well with Lot 8 being not only zoned for no use on that. It can be a common lot. It's got a green space conservation easement. You've got several layers of protection on that tree area and along Hinkson Creek that don't exist today. And giving, you know, the City a chance to build a trail through there, as well, so --

MS. LOE: Thank you.

MS. GEUEA JONES: Commissioner Walters?

MR. WALTERS: Could you hazard a guesstimate here about if the U-Haul building that's existing nearby were placed exactly on this site, let's say the white part of the Hyatt building here, what would be your guesstimate would be up the fourth-floor windows or the fifth floor? What would you -- I mean, do you have enough information to guess that, I guess?

MR. KRIETE: Yeah. On top of the U-Haul building sitting, and I would just talk vertical grades, about 735, so the top of the proposed hotel would be sitting at about 780. So there is a -- you know, it is quite a bit higher than the U-Haul building.

MR. WALTERS: Is the topography similar -- the base of the U-Haul building, is it above or below this base?

MR. KRIETE: It's sitting roughly --

MR. WALTERS: Just if you know. I realize --

MR. KRIETE: I mean, yeah. They're pretty similar. About -- sorry. I've got something to look at here.

MR. WALTERS: Okay. Okay.

MR. KRIETE: So, yeah. It's pretty similar.

MR. WALTERS: Okay. Thank you.

MS. GEUEA JONES: Other questions? My question is, this is 72 acres?

MR. KRIETE: Yes.

MS. GEUEA JONES: And I -- I know, you know, I'm -- the thing that I am struggling with is it sounds like you are ready to break ground on the convention center; is that correct?

MR. KRIETE: Yes.

MS. GEUEA JONES: And that takes up what portion of that? Three acres maybe? Is that big? That feels big.

MR. KRIETE: Oh. Well, you consider, you know, the first phase that it's likely the green space is going into the plat.

MS. GEUEA JONES: Uh-huh.

MR. KRIETE: You've got the hotels, lots platted, and that, so you're looking at generally a little more than the -- more than a third of the property, you know.

MS. GEUEA JONES: Okay.

MR. KRIETE: You know, and a lot of this is green space, so, you know, roughly a developable area, it's close to half.

MS. GEUEA JONES: Close to half, and then everything else is essentially M-C zoning, but under a PD Plan?

MR. KRIETE: Potentially. Again, potential of building height discussions later on, but yes.

MS. GEUEA JONES: So to Commissioner Loe's point, the purpose of PD is to have creative situations, creative mixed use, creative ways of dealing with unique sites, and I am struggling to see how this fits into that framework because I just keep coming back to you can't build in the flood plain anyway. There's a -- because of where the flood plain is located, there is very good chance that you can't develop that southeast corner regardless of what the zoning is. Right? So I -- I don't disagree that a convention center is desirable, but I'm not sure that that fits the criteria for being a major benefit enough to waive portions of the Code and create a 72-acre site we have to manage, where you're not planning to build half to two-thirds of it anytime in the near future, and you're going to be coming back here time after time -- not you, maybe, but someone is coming back here time after time after time with each new lot. Staff is spending time trying to figure out does it fit the SOI, where are we at on total open space. You see what I'm saying? Like, you are handing us a legacy problem, and I'm trying to see what in this plan justifies that on our end. Help me.

MR. KRIETE: Well, I mean, one thing, there is -- I mean, there is a possibility of additional development and there will be additional development. I think you've got a possibility of a lot of unique development that, in the end, will necessarily meet the UDC standards to the T, and there will be flexibility that will be opened up with this development. Proposing any of that now is nearly impossible because we have infra-- we have infrastructure that's limited. So as -- as staff had mentioned, Creekwood Parkway does need to extend and eventually needs to have a southerly connection. So bringing in a plan for that right now, we can't do. Second, I will highlight again, it's PD today. We're trying to bring that PD into

UDC standards. We could have just come in with a plan under the current PD code, and just a plan, as well. So we are trying to bring this into a better situation. I agree. I wish we could do everything under M-C, but we're -- we're proposing things that don't fit within the Code, so there is a unique situation here. We are providing a trail easement for the -- for the City on something that is ready to go now, that they would otherwise be coming through to acquire.

MS. GEUEA JONES: And again, the big hangup with straight zoning is building height?

MR. KRIETE: That's the biggest hang-up here. You know, I venture to say there's going to be more hang-ups in the future.

MS. GEUEA JONES: Indulge me briefly. Forty-five feet is four stories?

MR. KRIETE: On a commercial-type building, you're going to struggle getting to three.

MS. GEUEA JONES: Three stories. Okay.

MR. KRIETE: On apartments, you may get to four, but it's tight.

MS. GEUEA JONES: Sixty is four?

MR. KRIETE: Yeah.

MS. GEUEA JONES: Eighty-five is six or seven.

MR. KRIETE: In this case, not much more than five.

MS. GEUEA JONES: Five?

MR. KRIETE: Yeah. And it's driven a lot by floor or ceiling height, depending on your use will be a lot, so you think of the apartments generally 11 to 12 feet, floor to ceiling height. You know, commercial type spaces, hotels, they have larger floor to ceiling heights.

MS. GEUEA JONES: Do you get a lot of people coming to you saying we want to build a five-story, six-story, seven-story building in Columbia? Help us.

MR. KRIETE: On occasion, yeah. Yeah. It has been a hang-up.

MS. GEUEA JONES: Okay. If that is the only thing that's keeping you from using the UDC, that is of great interest to me as someone who thinks that PDs are more problem than they are problem-solver, and I would add that to my list of things to consider.

MR. KRIETE: Yeah.

MS. GEUEA HONES: So thank you very much. Any other questions for this speaker? Seeing none, if you would like to come up now, sir.

MR. KRIETE: Thank you.

MS. GEUEA JONES: Go ahead. And name and address again for the record. Thank you.

DR. PURI: I'm Dr. Raman Puri; I'm the owner of Novelty Construction and Puri Group of Enterprises responsible for this project. I think that we were handed a PD zoning already in this development, so we, you know, brought what we could to you in the best form. As far as what we're providing is very -- you know, the tree preservation back there, we hope to keep that serene back there along Hinkson Creek. We have moved that to Creek Parkway outside towards Highway 63 so we can preserve that nature area, which on the CATSO Plan, originally that creek or pathway was, you know,

along the creek, which would have resulted in a lot more ecological damage to the stream. So we have, you know, mitigated a lot of those things by -- you know, with this development. Additionally, we also providing a main that we're spending significant amount of money on to connect to the other side to Menard's, a City water main which would not be developed. So we are providing that, also. We're also extending the City water main from U-Haul all the way down to this site, and then putting in all of the infrastructure, such as electrical, sewer, all of that. So this is what we are providing in this development. The tree preservation, as Ms. Placier has indicated, that whole hillside will remain with trees. Nobody is going to touch that, because that is what I would like to see from -- from the hotel back into that. As far as the height is concerned, building hotels of five stories to six stories, you need that much amount of height to do that. The Code does not allow that, hence, the -- you know, the request with this zoning. If the regular open zoning would allow that building height, then you're right, you would not be here discussing that. So maybe that needs to be amended in that fashion so you're not dealing -- dealing with that. So the conference center is elegantly done. It's a hired franchise is the hotel. There's a lot of green space. We are preserving a lot of nature along the sides of the property because it's all nestled in that area. The property sits significantly lower than 63. The property where we -- our Hilton sits on the other side of Menard's is significantly high. So even when it may seem to you that 85 is barely touching the height of what Menard's is today, which is, you know, not a multi-story building. So because it sits down low, that's why the height is actually mitigated because it just blends in with the skyline, so it's not towering above anything because of the way that the land sits below the highway on the other side. So eventually Creekside Parkway will be connected to the other side. We do not plan to sit on this development forever. We will do phase one, which is the conference center and the hotels, and then as we are getting that phase out of the ground, we'll start working on coming up with a plan on -- on phase two. Our goal for this development is to have a nature oriented area, which there will be a place where everybody can, you know, along the trail, along the hotels, along the green space can -- can use as they feel a serene surrounding without ecological disturbance from all the traffic and other things, just keep it pristine like it is today. That's our goal here. So -- and hence the design that we have proposed in that fashion in saving all of that nature in its place, no trees are -- basically, you said 72 acres back there, out of which 22 or so acres are the tree preservation. So the development site is only close to 48 or so acres that we are looking at, out of which significant amount of green space will exist. And there is not going to be high density other than, you know, these hotels that are there. It's going to be basically mixed use and it's going to be done in a very A-class fashion, and also to preserve the surroundings, and also a place where people can meet, congregate, and -- and be around and enjoy the nature, as well as the facilities that are there.

MS. GEUEA JONES: Thank you very much. Are there any questions for this speaker?
Commissioner Walters?

MR. WALTERS: Yeah. I would imagine that the access to the trail and so forth would be an amenity that you would publicize or include in your advertising as a reason to stay there.

DR. PURI: Absolutely, because throughout the development, we have a detention center, you know, on the backside, the storms for detention on the backside of the hotel. So, I mean, we're going to have trails that are going to be along that area, along Hinkson Creek and the detention area. Yes, it's going to be sort of like a nature preserve, if you will, to preserve that, at the same time bring in some of these amenities that are needed because the conference center is needed by the City. The study has been done. It's been a positive one, and we are doing that without any public funding. With private funding, we are building that.

MR. WALTERS: Thank you.

MS. GEUEA JONES: Any other questions for this speaker? Commissioner Loe?

MS. LOE: Dr. Puri, just one question. Are there proposed plots currently platted or is that part of what we're approving? So I'm looking at Lot 9, for example. Is that a currently platted lot, or are you proposing those boundaries?

DR. PURI: Can you answer that clearly for --

MR. KRIETE: They are not --

MS. GEUEA JONES: Would you say your name again, just --

MR. KRIETE: Yeah. Matthew Kriete.

MS. GEUEA JONES: Yeah. They're not currently platted?

MR. KRIETE: They are not currently platted, so this is actually a preliminary plat, as well.

MS. LOE: Thank you.

MS. GEUEA JONES: Any other questions? Seeing none. Thank you very much. Anyone else to speak on this case tonight, please come forward. Seeing none, we will close public comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner comments? Any Commissioner comments on this case? Commissioner Brodsky?

MR. BRODSKY: I'll start us off. I intend to support this -- this development proposal. Just want to make a couple of comments. One, very much appreciate moving the roadway away from the creek. I think that will -- that will be a benefit. And I hear your -- your concerns, Chairperson, but I -- I tend to side more where the applicant is coming from, you know. It was already zoned PUD, and like they mentioned, I think the community does need an amenity like this. So to get to that place and having adequate hotel space to -- for that conference center, this seems like a reasonable pathway to get that -- to get there. Now, if they were coming to us with a PUD plan or a PUD fresh zoning, that maybe my calculus would be a little bit different there. So, yeah, those are the totality of my comments. I plan to support this.

MS. GEUEA JONES: Thank you. Any other Commissioner comments? Commissioner Stanton?

MR. STANTON: I plan to support it as recommended -- recommended by the staff.

MS. GEUEA JONES: Any other -- Commissioner Placier?

MS. PLACIER: Well, just to say that it's hard to imagine these very tall hotels next to Highway 63 as being some sort of nature-oriented place. But I guess we can imagine, and I realize that the graphics

we've been shown are just, you know, conceptual, you know. I would like to think that the design and the landscaping would carry through that promise of something nature oriented, but I will not hold my breath on that.

MS. GEUEA JONES: Any other comments? Commissioner Loe?

MS. LOE: I appreciate the comment that this did come in as a PD or started out as a PD. And I agree that if this were coming as a new PD, it does not appear to be a strong candidate. So I think that -- unfortunately that some of the comments that were made this evening identified that PD standards exist to allow for more height, and that is exactly what I would want to avoid. I do not want applicants going the PD route simply to get a height variance. We have a process for doing that, and I believe that's the appropriate process. I also have some real qualms about the position that the applicant is making for proposing the height increase. I think we're opening a slippery slope by looking at not even adjacent properties, but of properties some distance away and picking those heights as heights we want to match to create a ceiling or a datum for an area. Some cities have done this for a while. Philadelphia is one of them. They set a cap on all their downtown buildings because they wanted City Hall to be the tallest building. They no longer have that cap. And it worked for a while in Philadelphia because City -- downtown is relatively flat. I was trying to imagine what San Francisco might look like if it set a ceiling or a datum, and all the buildings in San Francisco had its finished roof elevations at a uniform height. Columbia is not a flat city. So if we were to introduce a height ceiling or datum versus a height limit, we could be assigning more value to land with lower elevations because they would be allowed to potentially build taller buildings. And in some cities, that is worth quite a bit of money. So I don't want to open up that door. I do not like the model that was proposed by these applicants. So if -- frankly, I'm still on the fence. If I do approve it or support this, it won't be for the argument you proposed. Rather -- plus I think if someone else owned the property across 63, they would be fighting having this height -- building height increase as being competitive. Yeah. I'm really conflicted about that. So it may be that in this case, since again it came in as a PD, there's reasons to move this forward, but I did want to identify those concerns. Thank you.

MS. GEUEA JONES: Any other comments? Commissioner Walters?

MR. WALTERS: I would support this whether it was rezoning or PD, the way it presented tonight. I don't think he should be -- people should be penalized because they chose an option that was available to them. Now whether it's -- you think it's better straight versus this, I don't think that's relevant as much as what they -- what is before us here, and it's -- it seems, you know, a tall building in a semi-isolated location in terms of its impact on nearby residential property owners. Anyway, I think it's a pretty attractive development, and also I think there's an advantage, a PD in terms of you mentioned about the necessity of coming back from time to time to get -- to get further parts of this project reviewed and approved. Well, I think that could be an advantage to them, because we don't know -- just -- we're having a severe challenge for these right now, but let's say ten years from now, it's eased, and there's not a demand for multi-family housing or whatever else they may -- whatever else they may want to do with this

site. So I think it gives them some flexibility to respond to the conditions at hand five years from now, ten years from now, maybe even fifteen years from now. I don't know.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: I definitely agree with Mr. Walters on that point there. Discovery Ridge is a perfect example. When -- just I've been here long enough to know the original PD Plan at Discovery Ridge, it looks completely different from how it was intended. But if we had held their feet to the fire to that, Discovery Ridge probably wouldn't be a successful development. Because they were able to adjust and adapt, they were able to adjust and adapt to the market, and I think that's a good thing for the PD Plan, for that point. But to the other point Mr. Walters made, if you would have accepted straight zoning or PD, my thing is this. If they had -- if they felt that strongly about it, they would have went straight zoning and played their card on the high -- on the height building -- on the building height with adjustment. Probably, they didn't feel that confident with that. So, like I said, they're playing their best hand, and like I said, I plan to support it as recommended by staff, and I think it kind of gives a nice compromise.

MS. GEUEA JONES: Any other comments? I'll say two things. One, I do not find the current zoning to be a persuasive argument for continuing a bad decision. If -- if -- if the -- if PD is not appropriate, if they were coming to us with it new, it's an expired plan. I get the zoning doesn't expire. The plan expired. Now is our chance to say is PD still appropriate given the fact that we have implemented the UDC? Honestly, I might be much more comfortable with it if it were the areas that they are ready to build out. We're talking about 25 acres that are zoned PD with no platting, with no plan, with nothing. And to Commissioner Stanton's point, Discovery Ridge would be able to move much more quickly and adjust to market forces if they had been straight zoned. Straight zoning is the most flexible thing we can do for folks, not PD where they have to come to back for every single lot and every single time they want to change something. So for me, it's not so much about -- although it is a little bit about the fact that PD is not supposed to give you a loophole in all of our zoning codes so that you can get the building height that you want. I think we need to look at building height, because this is the second or third time maybe that we've had a building come PD because they want to be taller. And I don't know if the will of City Council and this body would be to increase the building heights, but that, much like parking was something we had to look at, maybe that's something we look at in the future. That's not the purpose of PD. The purpose of PD is to allow innovation, flexibility, mixed uses, and lessen environmental impact to allow for mixed housing types and densities, to allow for mixed residential and commercial uses, to create usable open spaces and amenities, to benefit the comp plan, to allow for the efficient administration of land using -- instead of walking into strict zoning requirements. This isn't for that. The -- the places where they are saying they are getting -- they are lessening environmental impact are already locked in for that. They aren't choosing to do that as part of the PD. The flood plain wouldn't allow them to build there. The, you know, building new infrastructure, they'd have to do anyway. I'm just not seeing a reason to do this under PD other than we want to build taller buildings. And again, if they were coming for just that, you know, ten or twelve acres, to say we want this to be PD, we're going to leave the rest of

it, you know, this -- we're separating this out, we're subdividing it into its own PD plan, I'd probably be much more comfortable with it. But the fact that I am being asked to blindly put a PD zoning with a new statement of intent that is essentially straight zoning on 25 and a half acres, I -- I can't get comfortable with that. That makes no sense to me. It's a poor use of our zoning codes, and I -- I just can't get myself to that part. It's not -- and I can't separate the two. Like, there's no way to divide that question. I have to either accept all of it, or none of it. And given that we are talking about a huge swath that I cannot accept, I can't get to a yes on it. Even though I don't particularly have a problem with what they're ready to build, I cannot do it on that other 25 and a half acres. So, you know, I -- we all get to vote the way we want, but looking at the purpose of PDs, looking at the fact that there is nothing in here that says it already a PUD that's expired, I just can't get myself there on the 25 and a half acres. Any other Commissioner comments? Commissioner Brodsky?

MR. BRODSKY: I just want to clarify. When you say the other 25 acres, are you talking about the undeveloped south or the southeast corner?

MS. GEUEA JONES: The undeveloped south, Lot 9.

MR. BRODSKY: Okay.

MS. GEUEA JONES: Yeah. Anyone else? Seeing none. Would anyone like to make a motion? Commissioner Stanton?

MR. STANTON: I'm going to read it straight out of the book. File the report because this is what I support. I move, as it relates to Case 89-2025, Centerstate East PD Plan and Rezoning, I move to approve the requested rezoning from PD and A to PD, the proposed PD Plan and the proposed Statement of Intent, subject to reduction of maximum building height to 45 for the future developed lots. This would be subject to correction to the PD Plan and SOI before Council consideration.

MS. ORTIZ: I'll second.

MS. GEUEA JONES: Motion made by Commissioner Stanton, seconded by Commissioner Ortiz. Is there any discussion on the motion? Seeing -- oh. Commissioner Stanton, go ahead.

MR. STANTON: Okay. So I'm looking at a difference in staff. I need some clarity. Okay. So what I'm reading in your report versus what you have up here, this -- in the report, you say a maximum building height of 45, MC district height standard for all lots except hotels and convention center depicted. So you're saying you agree with the height they're recommending for the hotel and the convention center, and the rest stays at the maximum 45 height. Right?

MR. PALMER: Yeah. Again, based on the fact that we have a plan for that building and we know what it'll be.

MR. STANTON: Okay. That's not really what it said here, so should I read what you have in your record?

MR. PALMER: I just left off the part about the 85 foot, so your recommendation will work fine, I believe. It is just --

MR. STANTON: And it will mean the hotel and the convention center?

MR. PALMER: The -- the recommendation you made has the exception stating that the -- the 40 -- the 60 foot would have to be changed to 45.

MR. STANTON: For the rest of it outside the convention center and the hotel. Right?

MR. PALMER: Yeah. That's right.

MR. STANTON: Okay.

MS. GEUEA JONES: Legal counsel?

MR. CRAIG: Is everyone satisfied that that communicated exactly what the intent, because I think the water is getting muddled here. If everyone is satisfied with that --

MR. STANTON: I'll tell you what, can I restate it? I'm going to read it off the report instead of off the PowerPoint.

MR. CRAIG: Yeah. I think the best way to do that would be withdraw the previous motion.

MS. GEUEA JONES: Would you like to withdraw.

MR. STANTON: I would like to withdraw my previous --

MS. GEUEA JONES: Commissioner Ortiz, is that okay with you?

MS. ORTIZ: I'll withdraw my second.

MS. GEUEA JONES: All right. Withdrawn. Commissioner Stanton?

MR. STANTON: Okay. As it relates to Case 89-2025, Centerstate East PD Plan and Rezoning, I move to approve the proposed rezoning, PD Plan, and Statement of Intent subject to the reduction of maximum building height to 45 feet which is the M-C district height standard for all lots except the hotels and convention center depicted on Lot 2 and 3, as well as the reductions and parking requirements for the hotels and convention center --

MS. GEUEA JONES: Subject to --

MR. STANTON: -- subject to correction of technical corrections on PD Plan and SOI before City Council consideration.

MS. ORTIZ: I'll second.

MS. GEUEA JONES: Motion remade by Commissioner Stanton, and seconded by Commissioner Ortiz. Is there any discussion on the motion? Seeing none. Commissioner Stanton, when you're ready, may we have a roll call?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Brodsky, Ms. Ortiz, Mr. Stanton, Mr. Walters. Voting No: Ms. Placier, Ms. Geuea Jones, Ms. Loe, Ms. Wilson. Motion ties 4-4.

MR. STANTON: Madam Chair, we have one, two, three, four yeses, and one, two, three, four nos. So we have no recommendations, is that --

MS. GEUEA JONES: Correct. That means that we have tied and no recommendation will be forwarded to City Council. They will be informed of our vote, and have a copy of the transcript put into their reports. Counsel, staff anything else you want to say about that before I move on? I apologize for the absence.

MR. ZENNER: And that's one problem we had here. In an ideal world, if we were operating under Robert's Rule of Order, a motion that fails to succeed in passage is a motion to deny. And while your rules of procedure indicate that a tie is a no recommendation, our legal staff has been conversing and it is possible that this recommendation will be registered as a recommendation of denial due to the fact that there is no action.

MR. CRAIG: It will be --

MR. ZENNER: We will inform you of that, we will address that issue as this process is forwarded to City Council. The applicant will have an opportunity to discuss and present their case to City Council, at which point, as we handled -- as we have handled previously, all of our tied recommendations, Council does at that point, act on them accordingly. It is a technical issue at this point as to how a no recommendation is processed by City Council. That does not diminish the action that you have taken this evening, it is a technical matter that we are internally resolving, and as that further unfolds, we may be bringing back additional information. But that is the situation as it exists. Your tie recommendation, as Ms. Geuea Jones indicated as chairman, will be forwarded with the transcript so they will have all of that in front of them. At that point, that's all I have to offer at this juncture. Hopefully, we do not have another tie this evening.

MS. GEUEA JONES: Thank you, Mr. Zenner.