

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
JUNE 10, 2021**

**SUMMARY**

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. **(Case 157-2021)**

**DISCUSSION**

The applicant is seeking approval to replat 0.47 acres of parts of the Original Town of Columbia, including Lot 158 and part of Lot 159, into a one-lot final plat. Following the required alley, street, and lot-corner truncation dedications of right of way (ROW) as described below, the resulting consolidated lot will be 0.41 acres. This request was previously heard by the Planning and Zoning Commission on January 23, 2020, and recommended for approval. Prior to being heard by the City Council, the applicant withdrew the request.

The plat is required to bestow legal lot status on the acreage in advance of future site redevelopment. The applicant has indicated a desire to build a six-story hotel; however, building plans have not yet been submitted. The subject property is currently improved with a surface parking lot. The two-story office building that previously occupied the site was demolished in 2020.

During the late-2019 public information meeting relating to this request, concerns were expressed about the provision of parking for a hotel. There are no parking requirements for commercial uses within the M-DT which the hotel would be considered. Given these previously expressed concerns, the applicant has indicated that they are presently pursuing options for parking and are working with the City's Parking Utility and Law Department on a parking agreement. The agreement is anticipated to be considered concurrently with the final plat by the City Council.

The subject site is zoned M-DT (Mixed Use- Downtown) similar to the adjacent properties. The property is adjacent to the Cherry Street Centre property on the west. To the east, across Hitt Street, is the Hittsville Building (Ragtag, Uprise Bakery and Hitt Records). To the north, across the public alley (Alley A), is the Stephens building (Gunter Hans, Seoul Taco and apartments).

The plat dedicates 15.53' of ROW for Hitt Street to achieve the required 33' half-width for a local non-residential street as well as the required 30' corner truncation at the intersection of Cherry Street and Hitt Street. The plat also provides the required 5' corner truncation at the existing public alley (Alley A) and its intersection with Hitt Street and dedicates 4.5' of ROW to achieve the required 12' half-width for the alley standard identified as the "ideal" within the M-DT zone as stated in Appendix A-5 of the UDC. It should be noted that the preferred corner

truncation for new alleys in the M-DT is 10-15'; however, the UDC only requires 5' be provided for existing alleys.

Staff finds the plat is compliant with all aspects of the subdivision requirements of the UDC with the exception of the requested design adjustment. The applicant is requesting a waiver from the requirement of Section 29-5.1(g)(4) of the UDC that requires dedication of 10' utility easements along both Cherry and Hitt Streets. The UDC provisions state that "to the **extent possible**, utilities shall be located in designed easements and not in the street right-of-way". This requirement provides opportunity to carefully weigh whether there is a need to allocate such easements to provide space for utilities, now and in the future; however, does not afford an administrative remedy when it is determined that such easements are not needed hence the requested design modification.

In this specific instance, a proposed replat of downtown property, staff has determined that utilities serving the site are located within the existing street right of way. Furthermore, development within the M-DT zone is governed by the Regulating Plan which identifies a Required Building Line (RBL) intended to serve as a "built-to line" to encourage new buildings to be built to a shared plane at the edge of the sidewalk in efforts to foster a pedestrian environment and cohesive urban form across often multiple facades on a block.

Given the requirements of the M-DT's RBL, there is an inherent and known conflict between the RBL and the required 10' utility easement provision. The design adjustment process allows for a site-by-site analysis as plats are presented to weigh the necessity of additional space for utilities versus compliance with the RBL standard. Both are considered valuable design principles, and how much each might need to be varied in any given instance is an important discussion for every street façade. Rather than a zero-sum of either the RBL, which is a 0 foot setback, or the utility easement, which becomes a de facto 10 foot setback, this discussion can include a partial variation from each standard in one direction or another within the 10 feet of space.

In evaluating this plat and site in particular, it has been determined that there is sufficient utility provision without any additional utility easement being provided. This conclusion was reached following coordination with staff responsible for electric, sewer and water utility provision. As such, the entire waiver of the 10' utility easement is deemed reasonable and would not impact service provision now or in the future.

The Commission may recommend approval of a design adjustment if it determines that the following criteria have been met (Section 29-5.2(b)(9)):

- 1. The design adjustment is consistent with the City's adopted comprehensive plan and with any policy guidance issued to the Department by Council;**
- 2. The design adjustment will not create significant adverse impacts on any lands abutting the proposed plat, or to the owners or occupants of those lands;**
- 3. The design adjustment will not make it significantly more difficult or dangerous for automobiles, bicycles, or pedestrians to circulate in and through the development than if the Subdivision Standards of Section 29-5.1 were met;**
- 4. The design adjustment is being requested to address a unique feature of the site**

**or to achieve a unique design character, and will not have the effect of decreasing or eliminating installation of improvements or site features required of other similarly situated developments; and**

- 5. The design adjustment will not create adverse impacts on public health and safety.**

While the role of a platting action in reserving areas for future public improvements is important, staff notes the desire to promote a cohesive public realm and downtown urban form is also important and is greatly promoted by utilizing the RBL to the extent possible and practicable. In this specific instance and based on the technical evaluations conducted by the impacted utility providers there is no identified need for additional utility easements and granting of the requested waiver is supported.

In terms of the remaining design adjustment criteria and following review of the information provided by the applicant relating to the requested design adjustment, staff does not foresee adverse impacts to adjacent property owners or creation of dangerous conditions in terms of site circulation. The waiver would address the unique characteristics of utility provision for this area and is not seen as creating adverse impacts to public health or safety.

### **RECOMMENDATION**

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.

### **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator maps
- Final Plat
- Design Adjustments Request

### **SITE CHARACTERISTICS**

<b>Area (acres)</b>	.47 acres
<b>Topography</b>	Flat
<b>Vegetation/Landscaping</b>	Developed
<b>Watershed/Drainage</b>	Flat Branch
<b>Existing structures</b>	Existing paved parking lot

**HISTORY**

<b>Annexation date</b>	1826
<b>Zoning District</b>	M- DT
<b>Land Use Plan designation</b>	City Center
<b>Previous Subdivision/Legal Lot Status</b>	Not legal lot as combined

**UTILITIES & SERVICES**

All services provided by the City of Columbia.

**ACCESS**

<b>Cherry Street and Hitt Street</b>	
<b>Location</b>	South and east sides of site
<b>Major Roadway Plan</b>	Local non-residential
<b>CIP projects</b>	N/A
<b>Sidewalk</b>	Sidewalks in place

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Paquin Park is nearest park
<b>Trails Plan</b>	Approx. .5 miles from MKT Trail
<b>Bicycle/Pedestrian Plan</b>	NA

**PUBLIC NOTIFICATION**

All property owners within 185 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified via an advanced public notification postcard on May 7, 2021, and a property owner letter on May 24, 2021. 22 postcards and letters were sent.

<b>Public information meeting recap</b>	N/A due to COVID-19 protocols
<b>Notified neighborhood association(s)</b>	North Central Columbia and Tenth Hitt Elm Locust Neighborhood Associations
<b>Correspondence received</b>	Questions from adjacent property owners on proposed redevelopment plans (parking and design review process), generally supportive of a hotel; no formal correspondence received.

Report prepared by Rachel Smith

Approved by Patrick Zenner