

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
March 23, 2023

Case Number 112-2023

A request by A Civil Group (agent), on behalf of Cinnamon Hill, LLC (owner), for a revised statement of intent (SOI) for the existing Crosscreek Center Planned Development (PD). The revision to the SOI would increase the maximum total building area within this development by 52,000 square feet to accommodate development of a hotel on Lot 108A.

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the revised statement of intent to increase the maximum gross floor area on the subject property by 52,000 square feet.

MS. GEUEA JONES: Thank you very much. Are there any -- or I'm sorry. Before we go to questions for staff, if any Commissioners have had any outside contact with parties in this case, please disclose it now. Seeing none. Are there any questions for staff? Going once, going twice. Okay. I will open the floor to public comment.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Please come forward. Name and address, all the good stuff.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt; I'm a civil engineer with A Civil Group, and I'm here tonight representing Genesis Development, which is the developer who I brought the hotel plan through. As you may remember from that meeting, there was a discussion that the current hotel there filed a lawsuit and through that discovery process, we did discover that there could be an issue with the private covenants. And what would happen is is when the City said we could have 580,000 square feet, they -- we had developed fictitious plans for each of these lots. And the only way to allocate that 580,000 was based on that plan. So this lot was allocated -- it originally showed as a restaurant was 8,000 square feet. So that's why we're asking for 42,000 square feet because the hotel is a -- (inaudible) -- square feet building. And although the City only looks at the total 580,000, which we are under, what that covenant did was keep one person from using square footage that was allocated to someone else. So we couldn't get to the end of this project and have a lot that didn't have any square footage left. So that's all we were really trying to do is -- is get the hotel so that it can be built, and it would be in compliance with the private covenant, and the only way to do that was to go to the City Council and ask them to increase the ceiling total amount. And Brad hit on the stormwater part of this. You know, this has

been my project since the very beginning. It's -- we have -- because of the three-story, four-story hotel, three-story apartments, two-story office building, there is about nine percent less impervious area than what was originally planned on -- on this site. So the intent of the limiting the area was to limit the amount of impervious area. Well, it is developed in such a way that we've gone vertical and not spread out and don't have as much impervious area that was originally intended. So I think that intent has been met with that. But if you guys have any other questions, I would be glad to answer them. Robert Hollis is also here if you have questions about the --

MS. GEUEA JONES: Are there any questions for this speaker? Commissioner Loe?

MS. LOE: Hi, Mr. Gebhardt. Building height. Since you're going up instead of out, what's the height of the proposed building?

MR. GEBHARDT: Well, the plan that was already approved by Planning and Zoning, there's -- I think it's a maximum height that's 45 feet, and I think the building is 44 or something like that. It's a flat-top roof so to make that four stories work, but yeah.

MR. KELLEY: But if you don't mind me interjecting here, the max -- max height is 96 feet in the statement of intent. But I think what Jay is thinking about the proposed height for the hotel is correct, though.

MR. GEBHARDT: Thank you, Brad.

MS. LOE: So for my clarification, on this lot, the maximum height is also 96 feet?

MR. KELLEY: Yes.

MS. LOE: Okay. I do remember we went over that. I just don't see a height on the plan, so I was verifying. Thank you.

MS. GEUEA JONES: Any other questions for this speaker? Seeing none. Thank you, Mr. Gebhardt.

MR. GEBHARDT: Thank you.

MS. GEUEA JONES: Any other member of the public to speak on this case. Please come forward.

MR. HOLLIS: Robert Hollis, attorney with the VanMatre Law Firm, here on behalf of the property owner, 1103 East Broadway. I don't have anything to present, but I'm happy to answer any questions.

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

MR. MACMANN: Hello, Mr. Hollis. How are you?

MR. HOLLIS: I'm great. How about yourself?

MR. MACMANN: I'm fantastic. Is everyone done suing each on this thing?

MR. HOLLIS: Well, the lawsuit is -- has basically moved nowhere. I think when we last spoke, they had -- they had filed the petition. They asked for an amended -- potentially asked for a restraining order which they didn't get.

MR. MACMANN: Right.

MR. HOLLIS: And then they asked to amend the petition, which they amended, and then we

answered and now they've done nothing.

MR. MACMANN: There it sits. All right. You know I had to ask that question.

MR. HOLLIS: I assumed that was coming specifically from you.

MR. MACMANN: But I'm glad we discovered things that needed to be corrected when we did discovery. Right? I don't currently have any more questions for you. Thank you, sir.

MS. GEUEA JONES: Any other questions for this speaker? Thank you very much, Mr. Hollis.

MR. HOLLIS: Thank you.

MS. GEUEA JONES: Any other member of the public to speak on this case? Going once, going twice. Okay. In that case, I will close the public comment period.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Are there any Commissioner comments on the case? Commissioner Loe?

MS. LOE: Identifying a gross floor area does not, to my mind, establish coverage because it does leave open the door for building up. I think what's establishing the open area is the minimum maintained open space, which has been set at 15 percent lot and 28 percent aggregate. And that's not being requested to change. I -- I don't like getting in the middle of a private and completely separate private covenant, and I think I would recommend that we not have clauses that require City Council approval in the future, if possible -- changes to private covenants. Thank you.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: I would second Chairperson [sic] Loe's concern. We tell folks all the time that we have nothing to do with private covenants, and then all over the presentation of this, it's all about private covenants. And I appreciate the concern, I appreciate everyone has the right to change their mind on what they want to do on a piece of property, but that's not our concern. It's not our concern to help someone out of a lawsuit or not. That said, I do have a follow-up question for staff, if I may, Madam Chair?

MS. GEUEA JONES: Please.

MR. MACMANN: I don't recall off the top of my head, Planner Kelley, the stormwater preparations for this. Can you -- did you have it in front of you? Can you give me a little bit of info?

MR. KELLEY: I don't have any specifics, other than what Jay mentioned earlier. He was correct, talking about they are -- they will be nine percent less for impervious than what they expected. I spoke with the stormwater staff. They had no issue with it at all. Again, with the stormwater ordinance we have now, and with again, as Ms. Loe mentioned, as well, that open space controls those together alleviate any concerns they have.

MR. MACMANN: Yeah. I wouldn't think there would be, but I felt obligated to ask that as this has become fluid over time, and don't want the owner to be too fluid. Thank you very much, Planner Kelley. Madam Chair, thank you.

MS. GEUEA JONES: Thank you, Commissioner. Anyone else? Commissioner Placier?

MS. PLACIER: One thing I've puzzled over is that despite these plans, to not have a giant half-

empty car lot. We still have only reduced the impervious surface by nine percent. It just doesn't seem like that great of a reduction considering the change in plans.

MS. GEUEA JONES: Thank you. Commissioner Loe?

MS. LOE: If I can comment on that. The building footprint is larger, so the parking area may have gotten smaller. But the building footprint has gotten larger.

MS. GEUEA JONES: Anyone else? Commissioner Burns?

MS. BURNS: If there is no other comment, I'll be happy to make a motion.

MS. GEUEA JONES: I do have one very quickly, and then I'll let you. I was just trying to go last and be polite. Yeah. I -- I have a real problem with the way this whole thing was done, and I'm just going to put it on the record because I know there are things in the works that will look very similar to this where you've got fictitious buildings, fictitious plans and/or PD zoning with no plan. And this is why that's a bad idea, because back in 2008 and 2012, everyone thought it was a great plan to limit this tract to 580,000 square feet for all these different lots. And now, all of a sudden, that's no longer a great plan. Well, that's because it was never built out. And I -- I just want to say that the public covenants aside, which it is disturbing to me, that we are looking at a way to get around some private covenant problems coming through our body. But regardless of that, my issue is this is a problem we see again and again because PD zoning was so common back in the day. And it is why you hear my resistance every time a new PD comes before us, because it just sets us up for more problems in the future. But with that, I'm -- I'm done. So, Commissioner Carroll, go ahead.

MS. CARROLL: Thanks. If I may. Yeah. I see all the same problems you see. It's concerning to me going forward because we do have cases with PD plans coming for us. I think for this case, the way to resolve that situation is to build the plan, and if this is what allows the plan to build, then I -- I think that that's probably the best path forward. I do plan to approve this regardless of how sticky I feel that it is.

MS. GEUEA JONES: If there's no one else, I'll go back to Commissioner Burns. Oh. Commissioner MacMann? Sorry.

MR. MACMANN: If I may have a second short byte, just a comment.

MS. GEUEA JONES: Only if you speak into the microphone.

MR. MACMANN: If I may have a second short byte. Just a comment. Commissioner Loe and Commissioner Burns and Commissioner Stanton will remember this. We fought a battle against speculative zoning and speculative planning, and we lost that battle. Just tossing that back out there.

MS. GEUEA JONES: Thank you. Commissioner Burns?

MS. BURNS: Thank you. In the matter of Case 112-2023, Crosscreek Center PD statement of intent revision, I recommend to approve.

MR. MACMANN: Second.

MS. GEUEA JONES: Moved by Commissioner Burns; seconded by Commissioner MacMann. Is there any discussion on the motion? Seeing none. Commissioner Carroll, may we have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Ms. Wilson, Ms. Loe, Mr. Stanton. Voting No: Commissioner Placier. Motion carries 7-1.

MS. CARROLL: We have seven yes and one no. The motion carries.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. No other cases coming before the body.