



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 20, 2023

Re: The Village of Cherry Hill, Lot 3B – Major PD Plan Amendment

Executive Summary

Approval of this request would permit the expansion of the approved building on Lot 3B of the Village of Cherry Hill by 8,000 square feet, increase the number of dwelling units by 14, increase building height by 1-foot, and remove 23 of the 29 on-site parking spaces from the subject lot.

Discussion

Engineering Surveys & Services (agent), on behalf of Columbia South Real Estate, LLC (owners), seeks approval of a major amendment to the existing development plan for Lot 3B of “The Village of Cherry Hill C-P Plan.” The amendment would expand the floor area of the approved building from 12,500 square feet to 20,500 square feet, an increase of 8,000 square feet, increase the total number of dwelling units allowed from 10 to 24, increase the height of the building by one foot, and eliminate a proposed parking area along the parcel’s southern boundary, reducing the on-site parking from 29 to 23 spaces. The subject site is located northeast of the intersection of Corona Road and Flagstone Drive and has remained undeveloped since the original development plan for the Village of Cherry Hill was approved in 1999 by Ordinance #16117.

Background

In 1999, the building depicted on Lot 3B was designated for retail uses within a building containing 7,200 square feet of gross floor area (GFA). However, the specification for the building shown within the land use table on page 5 of the “overall” C-P plan for Cherry Hill contained an additional designation of the second level of the proposed building for four residential units. These improvements were never constructed.

In 2013, Lot 3B underwent a “minor revision”. This revision modified the descriptive text on the “overall” PD Plan for Cherry Hill to add ‘residential’ as well as increased the total GFA in the building to 10,000 sq. ft., with each level containing 5,000 sq. ft. Aside from these changes, the planned building remained a mix of retail and residential uses following the 2013 amendment.

In 2014, staff approved a second “minor” amendment to Lot 3B. The 2014 revision increased the size of the building to 12,500 sq. ft. of GFA, removed all retail uses from the building and allocated such space to four residential units, added a walk-out terrace (basement) level with four dwelling units, and reduced the number of second level dwelling units from four to two. The amendment also reduced on-site parking from 33 spaces to 20 spaces (two per



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dwelling unit). The parking shown on the “overall” Cherry Hill PD Plan; however, still depicted 29 spaces for the lot.

The impacts of the 2014 minor revision were not identified by the staff in its analysis of the current request or in the report prepared for the Planning Commission. Given this oversight and omission, comments offered by the public and the Planning Commission were made without full knowledge of what the planned building on Lot 3B was permitted to be used for.

During the public hearing on this matter, the applicant attempted to make note of the 2014 plan modifications; however, the Commission had closed the hearing and were deliberating on the testimony already given. The applicant’s representative provided staff an electronic copy of the 2014 revision letter; however, staff was not able to verify its contents until the following day. Upon review of the City’s records, staff confirmed that the amendment described above was approved on August 5, 2014.

The applicant’s request seeks to increase the size of the approved building on Lot 3B by 8,000 sq.ft. (maximum 20,500 sq. ft.) to accommodate a 3-story residential building that is 41-foot tall (1 foot greater than currently allowed). The proposed building would contain 14 additional residential units (a total of 24) split equally between one- and two-bedroom units. The applicant also seeks to eliminate 23 of the 29 on-site parking spaces shown on the “overall” Cherry Hill PD Plan for Lot 3B.

Parking

Based upon review of the 1999 “overall” Cherry Hill PD Plan and the site specific 2014 PD Plan for Lot 3B, the parking ratio for residential dwelling units has been established at 2 spaces per unit. Given this ratio, an additional 28 spaces would be required to support the 14 new dwelling units. Applying this ratio, a total of 48 parking spaces would be required to support all 24 units. Additionally, 1 space/5 units is required for guest parking meaning the total on-site parking would increase to 53 spaces. However, this requirement can be reduced by required bicycle parking (a minimum of 8 spaces) which means a net of 45 spaces would be required.

The proposed development plan shows parking calculated using the parking standards of today’s UDC. Utilizing current UDC standards in lieu of the historic Cherry Hill PD Plan residential requirement would result a minimum provision of a 43 vehicle spaces after the bicycle space reduction (four spaces) is applied. This will leave an on-site parking deficiency of 35 parking spaces.

The applicant proposes to address this deficiency by utilizing a combination of on-street spaces and “shared” off-site spaces. A total of 9 on-street spaces (6 adjoining the site’s Corona Road frontage and 3 to the west) are to be used. The remaining 26 “shared” spaces would be located within the parking lot occupying the southern portion of Lot 2C to the west of the subject site. The development plan states in General Note # 7 that “the Town Center Declaration, Section 5.1 provides all owners within the Village of Cherry Hill a non-exclusive



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easement for the appropriate and intended use of commons including parking, walkways, amenities, etc.” as justification for the use of these off-site spaces.

The applicant's testimony stated that the location of the “shared” parking is presently under-utilized and its use for residential parking is not anticipated to conflict with daytime commercial uses on the lot. The development plan illustrates a crosswalk with pedestrian safety features at the southeast corner of Lot 3B accommodating pedestrian access across Corona Road to the off-site parking area.

Typically, parking to support residential uses is to be on the site of the residential development. However, parking within the Village of Cherry Hill as stated in General Note # 6 on the proposed PD Plan allows parking to be “shared” among its users. Additionally, in granting the approval to the development plan for Cherry Hill, a 33% parking reduction was authorized and an on-site parking space maximum of 538 spaces was approved in lieu of the 809 required spaces required in 1999. Furthermore, the development plan allowed 135 on-street parking spaces to be used to satisfy parking typically required to be on-site. This reduction, on-street allowance, and parking space maximum were established to support the fact that Cherry Hill was intended to be a walkable community.

Given these authorizations and the fact that numerous changes to the commercial center's land use mixture have occurred since 1999 that have reduced the amount of commercial/retail uses and their respective parking demands, the applicant's proposed allocation of parking to support a larger residential building on Lot 3B appears to be consistent with the underlying intent of the development and its private declaration. The UDC supports shared parking facilities when the competing uses observe different peak operating hours which would be the case in this instance.

The proposed building expansion will require the relocation of existing utilities across the southern end of the parcel which are depicted on the development plan. The existing utility easement must be vacated prior to issuance of building permits for the multi-family structure and will require separate action by City Council. The relocation of the existing utility improvements will be at the expense of the applicant.

Public hearing

The Planning & Zoning Commission considered this request at their October 19, 2023 meeting. Given the omission of the information relating to the 2014 minor amendment, the public testimony given and Planning Commission's review of this request were affected.

During the public hearing two members of the public spoke of which one indicated that he represented the Cherry Hill Homeowners Association in opposition of this request. General comments were in regards to the loss of retail space and parking on the site, the increase in the building size and greater number of residential units, and the uncertainty if the building would become part of the HOA further burdening its limited HOA amenities. Concerns were also expressed that parking is scarce at times in the development and the reduction in parking may result in visitors of the new building parking in the residential areas of the



development. Finally concerns were expressed that the applicant had not communicated with the HOA regarding his development plans and that the proposed structure would create a change in the intended character of the commercial area.

The applicant and their representative then gave a short presentation, indicating that the primary reason for the request was to activate the unused parcel. The applicant, in response to public comments regarding conversion of the retail to residential, specifically stated that he had done so with a number of second floor offices within the building on Lot 2C which he owned. He stated that bringing more residents into the [Cherry Hill] community would be beneficial for the remaining commercial tenants, providing them an on-site customer base. He further noted that the building proposed on Lot 3B was not to be part of the HOA, but would rather remain as a part of the Towne Center Neighborhood Association.

Commissioners expressed concern that the applicant had contacted the Towne Center Neighborhood Association, but not the residential HOA, since the subject site was in a transitional zone between the two organizational boundaries. Commissioners also questioned the loss of parking due to the fact that many site users commute from outside the community for services. Commissioners also noted that residential density in the core business district is important to the health of commercial tenants, but that the mixed-use arrangement was also a contributing factor to the character and success of the development. As stated previously, given the omission of the 2014 minor development plan amendment from the staff report these comments were offered without full knowledge that the building no longer was to be used for retail purposes.

After additional discussion, the Commission made a motion to approve the PD plan amendment, which failed by a vote of 3-5.

A copy of the Planning and Zoning Commission staff report, locator maps, PD Plan, approved PD Plans from 1999 and 2013 (presented at the hearing), 2014 "minor" PD amendment (not presented at hearing), and meeting minute excerpts are attached for review.

Fiscal Impact

Short-Term Impact: Dependent on applicant's construction timing. Utility relocation costs to be borne by the applicant. Short-term impacts may include additional public utility maintenance (electric/sewer/water), public safety and trash collection services.

Long-Term Impact: Impacts may include increased costs for maintenance of public infrastructure (road/utilities), public safety and solid waste services. Costs may or may not be offset by additional user fees and tax collections.



Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Resilient Economy, Secondary Impact: Reliable and Sustainable Infrastructure, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Economic Development

Legislative History

Date	Action
09/22/1999	Approved: The Village of Cherry Hill, Plat 3 (Ord. # 016179)
08/16/1999	Approved: The Village of Cherry Hill C-P Plan (Ord.# 016117)

Suggested Council Action

Deny the requested major PD plan amendment, as recommended by the Planning & Zoning Commission.