

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
March 23, 2023**

SUMMARY

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. **(Case #112-2023)**

DISCUSSION

The applicant is seeking to amend the existing Statement of Intent (SOI) for the Crosscreek Center development by increasing the maximum gross building floor area permitted to accommodate development of a new hotel on Lot 108A. This request is consistent with procedures established within existing private covenants applicable to the overall development as they relate to making changes in the maximum allowed building area. Furthermore, the change will ensure that the remaining four (4) undeveloped tracts within the overall development are allocated the buildable area as shown on the existing 2008 PD Plan.

Background

The precipitating factor resulting in this requested is a proposed revision to Lot 108A of the Crosscreek Center. The project, Case #280-2022, proposed the construction of a new four-story hotel containing 49,520 sq ft. in place of a 2008 approved 7,500 square foot restaurant. The revised PD Plan was reviewed and recommended for Council approval by the Commission on December 8, 2022. At the request of the applicant, following review of the Crosscreek Center's private restrictive covenants, the item was tabled to the Council's May 1st, 2023 meeting pending completion of the Commission's review of this application. The applicant's review of the restrictive covenants revealed that the manner in which the proposed increase in the square footage to accommodate the new hotel was not addressed in the manner prescribed by those covenants. The private covenants are attached for review.

It should be noted that the staff, in its review of Case #280-2022 was not aware of the private covenants and its specific building area modification standards. The staff's review of the request followed established procedures for modifications to PD plans which were based on the approved 2008 ordinance, statement of intent (SOI), and PD development plan as well as a 2012 amendment to the 2008 ordinance governing the site. The proposed revisions shown in Case #280-2022 were all found to be compliant with these documents hence staff's recommendation for approval of the revised PD plan and increase in allowed on-site developable area. The applicant's request to amend the allowed maximum square footage within the Crosscreek Center development is to ensure that all technical provisions of the private covenants are fulfilled. The City does not enforce private covenants.

With the proposed development of the new hotel on Lot 108A and the existing development within Crosscreek, the maximum allotment of building area is nearing its maximum limit. It is worth noting that the open space provided on revised Lot 108A meets the individual requirement as shown in the table below and the overall site is still compliant within the total open space requirements.

The significant approved features of Crosscreek Center are highlighted in the table below:

a. Maximum gross building floor area	580,000 sq.ft.
b. Minimum maintained open space	15% of each lot; 28% aggregate

SOI Revision

The Crosscreek Center has private covenants (attached) that allocate square footage for each lot. The proposed hotel site on Lot 108A was assigned 8,000 square feet. While the City does not regulate private covenants, the proposed hotel would exceed this allocation. The covenants have a provision that generally allows the floor allocation for each lot to be amended by requesting an overall SOI amendment, to increase the total maximum GFA, from Council.

Aside from Lot 108A to be developed, the remaining undeveloped sites are Lots 102, 111, 112, and an unplatted 15.07-acre tract. These four undeveloped tracts were allocated a combined 35,300 square feet within the private covenants. A decision not to revise the maximum GFA would leave these four tracts unable to be developed per the approved C-P plans and SOI.

The applicant notes in their application letter (attached) that the built-out Lot 105 exceeds its floor area allocation, per the private covenants, by 10,000 sq ft. The applicant is requesting 10,000 sq ft be added to the maximum GFA, in addition to the 42,000 required to facilitate the hotel, which would resolve this matter within the private covenants. This brings the total requested revision to an additional 52,000 sq ft resulting in a new maximum GFA of 632,000 sq ft.

Pertinent features of the requested SOI revision are highlighted in the table below:

a. Proposed maximum gross floor area (GFA)	632,000 sq.ft. (580,000 + 52,000)
b. Hotel – proposed (GFA)	49,520 sq ft
c. Developed GFA - before hotel	519,130 sq ft
d. Developed GFA - after hotel	568,650 sq ft
e. Remaining GFA per SOI – after revision	63,350 sq ft
f. GFA allocated to other undeveloped tracts per private covenants (not including hotel lot)	35,300 sq ft

The original intent of the maximum floor area limit was due to concerns with excessive impervious area. The pending PD plan for the hotel meets the individual and overall site requirements for open space. Increasing the maximum GFA would not remove these open space requirements for the remaining undeveloped lots. Development of Lot 110 as multi-family apartments instead of a conceptual car dealership and parking lot in addition to other vertical multi-story developments on-site, has meant that impervious surface concerns have not materialized to the extent discussed in the original C-P ordinance. The hotel site and any other new development within this PD are subject the City’s stormwater ordinance.

If approved, the remaining undeveloped lots, per City permitting procedures, would be able to pull from a remaining unbuilt 63,350 sq ft. This request would allow the PD plan for the hotel to be approved by Council, subsequently permitted, negate any potential conflict between limited remaining GFA for undeveloped lots, and ensure the private covenants are not violated.

RECOMMENDATION

Approve the revised statement of intent, to increase the maximum gross floor area on the subject property by 52,000 square feet.

ATTACHMENTS

- Locator Maps
- Statement of Intent
- Applicant’s Application Letter
- Pending PD Plan
- Private Covenants

HISTORY

Annexation date	1969
Zoning District	PD (Planned District)
Land Use Plan designation	Commercial District
Previous Subdivision/Legal Lot Status	Various legal lots and two unplatted tracts

SITE CHARACTERISTICS

Area (acres)	70.71 acres
Topography	Slopes generally east toward creek, flat along developed sites
Vegetation/Landscaping	Turf where developed, wooded along Grindstone Creek corridor
Watershed/Drainage	Grindstone Creek
Existing structures	Several commercial developments and multi-family structures

UTILITIES & SERVICES

All services provided by the City of Columbia.

ACCESS

Stadium Boulevard	
Location	West: Central access to overall development
Major Roadway Plan	Expressway
CIP projects	None
Sidewalk	Sidewalks existing

Cinnamon Hill Lane	
Location	Northern through street
Major Roadway Plan	Neighborhood Collector
CIP projects	None
Sidewalk	Sidewalks required (gaps where undeveloped)

Maguire Boulevard	
Location	Southern through street
Major Roadway Plan	Major Collector
CIP projects	None
Sidewalk	Sidewalks required (gaps where undeveloped)

Hwy 63 Onramps (Northbound and Southbound)	
Location	Western edge of property
Major Roadway Plan	Freeway
CIP projects	N/A
Sidewalk	Sidewalks not required

PARKS & RECREATION

Neighborhood Parks	Within ½ mile of Shepard Boulevard Park
Trails Plan	Within ½ mile of Shepard Park Trail and Grindstone Creek Trail
Bicycle/Pedestrian Plan	Pedway south side of Stadium Boulevard

PUBLIC NOTIFICATION

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of this pending request on March 2, 2023. Eighteen postcards were distributed.

Report prepared by Brad Kelley

Approved by Patrick Zenner