



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: April 1, 2024

Re: 1407 Cinnamon Hill Lane – Planned Development Plan (Case #91-2024)

Executive Summary

Approval of this request will revise the existing PD Plan approval on Lot 108A of Crosscreek Center Plat 1-A and allow the construction of two structures on the 2-acre site. A 2-story 5,200 square foot mixed-use (commercial/medical) building and a 1-story 4,500 square foot marijuana dispensary are proposed on the acreage in lieu of the presently approved 4-story hotel. The revised PD Plan will be known as 'Fresh Karma PD Plan' which is located between Cinnamon Hill Lane and Stadium Boulevard, east of the northbound on-ramp to US Highway 63.

Given the proposed construction of a marijuana dispensary, a concurrent request seeking amendment to the 2008 Statement of Intent (SOI) governing permitted uses and other development elements within the overall Crosscreek development appears on the Council's April 1 agenda as a separate business item. The SOI revision is necessary to permit the marijuana dispensary use given it is explicitly excluded for the approved 2008 SOI.

Discussion

A Civil Group (agent), on behalf of Cinnamon Hill, LLC (owner), seeks approval of a revised PD Plan for Lot 108A of Crosscreek Center Plat 1-A. If approved, the parcel would be permitted to be improved with two structures - a 2-story 5,200 square foot mixed-use building as well as a 1-story 4,500 square foot marijuana dispensary with a drive-through. The new PD Plan is to be known as the 'Fresh Karma PD Plan'. The 2-acre subject site is located between Cinnamon Hill Lane and Stadium Boulevard, east of the northbound on-ramp to US Highway 63 North and is addressed 1407 Cinnamon Hill Lane.

Concurrent with this request and appearing under separate cover on the Council's April 1 agenda, is an amendment to the 2008 Statement of Intent (SOI) governing the uses and other development elements on the subject lot as well as the overall Crosscreek development. The proposed SOI amendments are triggered by the applicant's desire to construct a marijuana dispensary on the subject site. Such use is presently not permitted within the SOI. Additionally, the applicant seeks to increase on-site freestanding signage on the subject site. A detailed discussion and analysis of these revisions is presented in the concurrent Council memo.

As noted, this case involves two components for complete approval – an SOI revision (presented under separate cover) and a PD Plan revision/approval. This report specifically addresses the PD Plan revision. The SOI revision appears under separate cover on the April 1 Council agenda.



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In May 2023, Lot 108A was approved (Ord. No. 025314) to be improved with a 49,520 square foot hotel. The proposed hotel construction has not commenced and the property owner is now seeking approval of the 'Fresh Karma PD Plan'. The revised PD Plan illustrates the construction of a 2-story 5,200 square foot mixed-use building that is proposed to include a restaurant and medical offices as well as a 1-story 4,500 square foot marijuana dispensary with a drive-through.

Both structures, considered commercial, would be permitted under the current PD SOI and are otherwise fully compliant with the design parameters applicable to the Crosscreek development. However, the desired marijuana dispensary as well as increased on-site signage necessitate the requested SOI amendments that are discussed in the concurrent Council memo appearing on the April 1 agenda. The Planning and Zoning Commission considered both the PD Plan revision and the SOI amendments at its March 7, 2024 meeting.

As noted, the PD Plan is compliant with the design parameters applicable to the overall Crosscreek development. With respect to parking, the fully developed site would require a total of 76 vehicle spaces and 8 bicycle parking spaces. Vehicle spaces may be reduced by an amount equivalent to required bicycle spaces; therefore, a total of 68 vehicle spaces would be required. The PD Plan shows a total of 83 spaces (75 vehicle and 8 bicycle) which when combined does not exceed the maximum allowable parking of 200%.

The PD Plan further shows two proposed locations for on-site signage – one along the site's Stadium frontage and one along the site's Cinnamon Hill Lane frontage. The 2008 SOI restricts site signage with the Crosscreek development to 1 freestanding monument sign per lot. Given the desire for additional signage, the applicant is seeking revision to the 2008 SOI which is discussed separately in the concurrent Council report appearing on the April 1 agenda. Staff does not object to the proposed additional sign given the development of Lot 108A includes two separate structures unlike any other lot within the overall development. Furthermore, the proposed additional sign would conform to the same restrictions as applied to all other freestanding signage on the property – maximum 8-feet tall and 64 sq. ft. in sign area (per face).

Finally, the marijuana dispensary building is planned to incorporate a drive-through service window. Drive-up facilities are permitted on the subject lot per the 2008 SOI and are subject to the provisions of sec. 29-4.3(i), Table 4.3-4 of the UDC which require a minimum of 3 stacking spaces, measured from the pick-up window. The proposed PD plan meets this requirement and includes a bypass lane around the drive-through stacking lane as required by sec. 29-4.3(i)(2)(iv). The placement of the drive-up window is also otherwise compliant with the use-specific standards identified within sec. 29-3.3(jj) of the UDC.

The Planning and Zoning Commission held a public hearing on this request at its March 7, 2024 meeting and considered both the proposed Statement of Intent (SOI) revisions as well as the revised PD Plan. Staff presented its report and the applicant's agent provided a



presentation. No one from the public spoke with respect to the proposed SOI revisions or PD Plan revision.

Several Commissioners asked questions of the applicant's agent. These questions sought clarification on the apparent absence of an accessible route to the proposed dispensary building, clarification on the required parking, public outreach efforts, how sanitary sewer was being addressed, and if there was discussion/consideration to have the property rezoned to a non-PD designation. The applicant's agent responded that an accessible route would be provided with final design plans as part of the building permit process, outreach to the adjacent neighborhood associations was attempted, but were unsuccessful, parking provided on the site was per the UDC's calculation process, and sanitary sewer for the site requires a private lift station in the southeast corner of the site that would pump to a public main in Cinnamon Hill Lane. With respect to any discussion about rezoning the subject site to a non-PD designation, staff stated that maintaining consistent PD zoning was desired.

After brief additional discussion, two motions with request to this request were made. The first was to approve the revisions to the SOI as noted in the 2008 Statement of Intent (mark-up) which passed unanimously by a vote of (8-0). The second motion was to approve the revised PD Plan subject to technical corrections (a signage note revision) which was passed unanimously by a vote of (8-0).

A copy of the Planning and Zoning Commission staff report, locator maps, PD plan, Application Letter, 2008 Statement of Intent (mark-up), and meeting minute excerpts are attached.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Possible impacts could be public infrastructure maintenance such as roads, sewers, and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Economic Development, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Not Applicable



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Legislative History

Date	Action
05/01/2023	Approved PD Plan Lot 108A of Crosscreek Center Plat 1-A (Ord. 025314)
05/01/2023	Approved Statement of Intent revision (GFA increase) (Ord. 025319)
03/05/2013	Approved Crosscreek Center Plat 1-A
03/05/2012	Approved Hotel as a Permitted Use (Ord. 021255)
08/18/2008	Approved Rezoning and Crosscreek Center C-P plan (Ord. 020013)

Suggested Council Action

Approve the proposed 'Fresh Karma PD Plan' as recommended by the Planning and Zoning Commission.