



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: March 18, 2024

Re: Supplemental Memo to B286-23 – The Village of Cherry Hill, Lot 3B (Case # 260-2023)

## 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 permitted dwelling units from 10 to a total of 24, increase the approved building height by 1-foot to 41-feet, and remove 23 of the 29 on-site parking spaces from the subject lot.

This matter was previously considered by Council at its December 4, 2023 meeting as B-286-23. At that hearing, the applicant requested that matter be tabled and remanded to the Planning and Zoning Commission for reconsideration on its February 22, 2024 agenda. The Commission has reconsidered the request and is recommending its approval.

## Discussion

### **Background**

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 footprint of the approved building by 8,000 sq. ft., increase the total number of dwelling units allowed, increase the height of the building, and eliminate a proposed parking area along the parcel's southern boundary. 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. This case was introduced to City Council on November 20, 2023 and subsequently remanded to the Planning Commission for reconsideration at the request of the applicant on December 4, 2023.

Because Cherry Hill is zoned Planned District, all buildings constructed have to be consistent with an approved site plan and development standards established by the Planned District ordinance, as amended. On the original 1999 development plan, the building depicted on Lot 3B was designated to contain 7,200 square feet of retail uses. However, the specifications for the building shown within the land use table on page 5 of the overall C-P plan for Cherry Hill contained an inconsistent use description, which included four residential units on the second level of the proposed building.

In 2013, Lot 3B received "minor revision" (administrative) approval modifying the descriptive text on the "overall" PD Plan for Cherry Hill to mirror the parking table by adding 'residential' and increasing the total gross floor area (GFA) in the building to 10,000 sq. ft., with each level containing 5,000 sq. ft.



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In 2014, a second “minor” amendment was approved that increased the permitted size of the building to 12,500 square feet and permitted an all-residential use of the building. Ten apartments were permitted on three levels; on-site parking was reduced from 33 to 20. The impacts of this revision, however, were not identified by the staff in its original October 19, 2023 analysis of the request, nor 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 the permitted use of the planned building on Lot 3B. This omission, was, in part, the reason for the applicant's request to have this matter remanded to the Planning Commission for reconsideration. In making its request for remand, the applicants also indicated that the additional time would allow them to consult with the active neighborhood associations and nearby residents for possible improvements to the development plan.

During the October 19, 2023 public hearing on this matter, the applicant attempted to make note of the 2014 plan modifications; however, was unable to given 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 unable to verify its contents until the following day. Upon review of City's records, staff confirmed that the amendment described above was approved on August 5, 2014.

The applicant's current 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-feet tall (1 foot greater than currently allowed). The proposed building would contain 14 additional residential units (a total of 24) spilt 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**

Calculations of parking demand for the subject property using the original Cherry Hill standard and the current Unified Development Code requirements are similar. 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. Applying this historic ratio results in a total of 48 parking spaces being 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 Unified Development Code which takes into account bedroom mixes within multi-family residential buildings. Utilizing the current UDC standards in lieu of the historic Cherry Hill PD Plan residential requirement would result in a required minimum of a 43 on-site vehicle spaces after the bicycle space reduction (4 spaces) is applied. This will leave an on-site parking deficiency of 35 parking spaces. The applicant proposes to address this deficiency



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by utilizing a combination of on-street spaces and "shared" off-site spaces. A total of nine 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 # 6 that "the Town Center Declaration, Section 5.1 provides all owners within the Village of Cherry Hill a non-exclusive 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 at the February 22, 2024 public hearing 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 parking generator. 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 in 1999, 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 at that time. 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 resulting in a reduced 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 a building permit for the multi-family structure. The necessary vacation will be presented as a separate action for Council's consideration. The relocation of the existing utility improvements will be at the expense of the applicant.

## **Public hearing**

In accordance with the Council's remand of this request, the Planning and Zoning Commission held a new public hearing on February 22, 2024 to reconsider the requested PD plan revision. During this hearing, the applicants presented a modified plan to the Commission. The applicants also provided a comparison of composite parking calculations



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across the commercial portion of the Cherry Hill development indicating that 626 spaces would still be provided if their plan was approved, while the governing statement of intent would require just 509 spaces for the modified use mix. Additionally, the current UDC standards would require just 610 spaces. The applicants offered these calculations as evidence that the site is sufficiently supplied with parking, and becomes more so with the replacement of commercial spaces with residential units.

A number of nearby property owners and residents spoke in opposition of the request, citing concerns over parking and traffic impacts and a potential influx of younger residents that could stress community services and amenities. Commissioners asked for clarification of where additional parking would be provided and as to whether the building would be a member of the commercial Town Center Association or the residential homeowners association. The applicant indicated that they had refocused their offsite parking to the southern end of Lot 2C, and that the building would remain a member of the Town Center Association, but the residents would be partial voting members of the HOA.

The applicants also noted that, in response to input gathered at the October 19, 2023 meeting, the building elevations and finishes were revised (see attached) to better match the existing land use context. Additionally, a drop-off area had been added to the rear of the structure to serve the needs of residents within the building without impacting traffic on Corona Road. Furthermore, a 6-foot visual screen and landscaping enhancement has been added to the south end of Lot 3B, expanding into common lot 173 immediately to the south. Within this area, the applicants have agreed to remove damaged trees on behalf of the HOA and install additional landscaping adjacent to the boundary of their property. It should be noted that these additional improvements are outside the subject lot and have been depicted on the development plan for informational purposes and will be governed by a private agreement between the applicant and homeowners association. Finally, several additional notes have been added to the development plan addressing the off-site landscaping agreement and restricting residents of Lot 3B from parking on Corona Road, south of Flagstone Drive.

Following closure of the public hearing, Commissioners commented on the request generally commending the applicants for their work to address many concerns presented by neighbors. After brief additional discussion, the Commission moved to approve the revised PD plan which passed unanimously by a vote of (8-0).

A copy of the Planning and Zoning Commission staff report, locator maps, current PD Plan, approved PD Plans from 1999, 2013, and 2014, architectural rendering, public correspondence, and meeting minute excerpts are attached for review.



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## 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
12/04/2023	Tabled: Revised PD Plan for The Village of Cherry Hill – Lot 3B. (B286-23)
08/05/2014	Minor Amendment – The Village of Cherry Hill C-P Plan
01/18/2013	Minor Amendment – The Village of Cherry Hill C-P Plan
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

Approve the revised PD plan for Lot 3B of The Village of Cherry Hill, as recommended by the Planning & Zoning Commission.