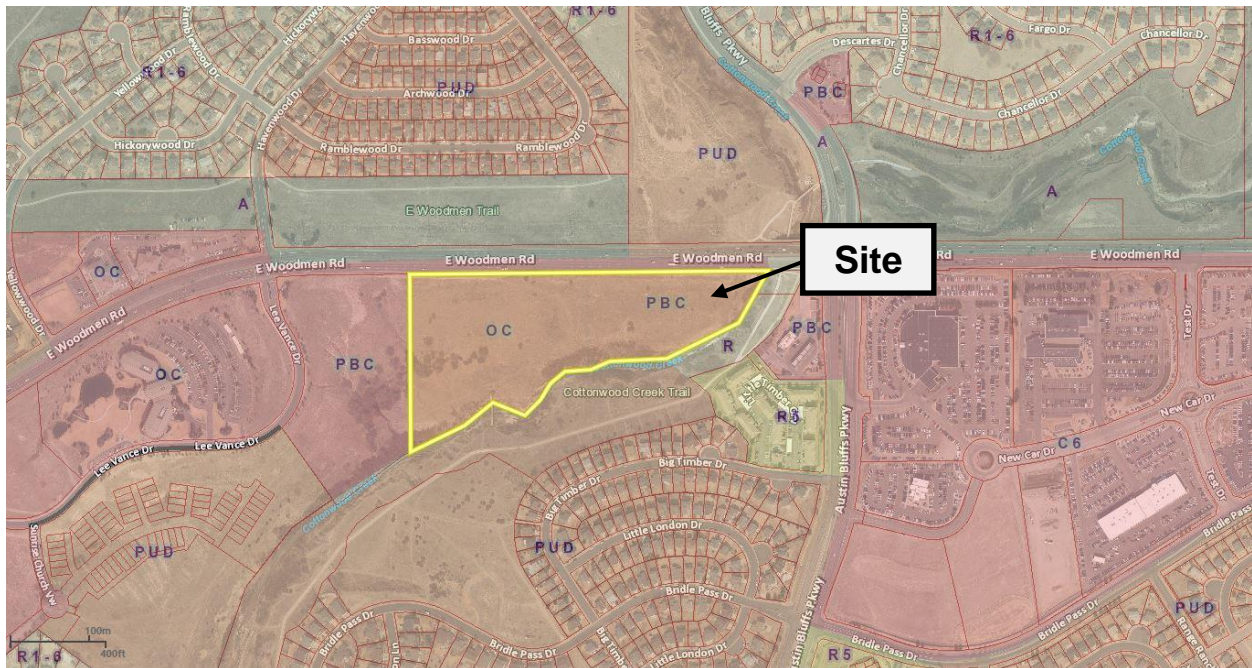


**CITY PLANNING COMMISSION AGENDA**  
**January 16, 2020**

**STAFF: TASHA BRACKIN**

**FILE NO(S):**  
**CPC PUZ 19-00155 – QUASI-JUDICIAL**  
**CPC CP 08-00142-A8MJ19 – QUASI-JUDICIAL**  
**CPC PUD 19-0156 – QUASI-JUDICIAL**

**PROJECT:** TRAILSIDE AT COTTONWOOD CREEK  
**OWNER:** 4305 EAST WOODMEN STORAGE LLC  
**APPLICANT:** N.E.S. INC. / SPRINGS LAND VENTURES INVESTMENTS LLC



**PROJECT SUMMARY:**

1. Project Description: The project includes concurrent applications for a PUD zone change, major concept plan amendment, and PUD development plan for 15.67 acres of land. The project is herein referred to as “Trailside at Cottonwood Creek”. The property associated with this project is located generally at the southwest corner of Woodmen Road and Austin Bluffs Parkway. The property is within a developed commercial and residential area.

The proposed rezone would change the current zoning for the subject property from OC/AO/SS (Office Complex with Airport Overlay and Streamside Overlay) and PBC/AO/SS (Planned Business Center with Airport Overlay and Streamside Overlay) to PUD (Planned Unit Development) for small-lot residential development with a maximum density of 3.6 dwelling units

per acre and 35-foot maximum building height. A proposed amendment to the Cook Communications Concept Plan would change the land use designations of the property from commercial and medical office to single-family residential with open space. The proposed Development Plan illustrates the details of the proposal. Staff is also administratively reviewing a subdivision plat for this site.

This project was reviewed by the Planning Commission in August of 2019, and a recommendation for approval was forwarded to the City Council on a vote of 6 to 1 in favor for the Zone Change and the Concept Plan Amendment, and a vote of 5-2 in favor for the small-lot PUD Development Plan. A copy of the meeting minutes from that hearing are attached (**FIGURE 8.**)

Upon review by the City Council at their September 2019 meeting, the project failed to gain approval, with a tie vote of 4-4 for the Zone Change, Concept Plan Amendment, and PUD Development Plan. (Please note that a tie vote constitutes a denial due to a lack of majority in the affirmative to approve an application.) A copy of the meeting minutes from that hearing are attached (**FIGURE 9.**)

Following the City Council decision, the applicant requested to resubmit the project immediately, rather than enduring the standard waiting period of twelve months before resubmitting the same project, typically required under city code section 7.5.907: Limitation on Further Application. A copy of the resubmittal request is attached (**FIGURE 10 and APPLICANT EXHIBIT A**), and a copy of the City Planning Director's acceptance of the resubmittal is attached (**FIGURE 11 and APPLICANT EXHIBIT B**).

Additional documentation submitted by the applicant with the reconsideration request includes:

- A Topographic Site Analysis (**FIGURE 12 / APPLICANT EXHIBIT C**)
  - Examples of 30-foot high retaining walls (**FIGURE 13 / APPLICANT EXHIBIT D**)
  - An Economic Feasibility Study (**FIGURE 14 / APPLICANT EXHIBIT E**)
  - A support letter from David C Cook (**FIGURE 15 / APPLICANT EXHIBIT F**)
  - A Woodmen Road Corridor Land Use Analysis (**FIGURE 16 / APPLICANT EXHIBIT G**)
2. Applicant's Project Statement: The original project statement submitted in April of 2019 is attached, and it includes an addendum beginning on page 12 that provides an updated explanation of the resubmittal request, and responses to concerns expressed by the City Council (**FIGURE 1.**) The Applicant's Project Statement also includes references to their supplemental submittal items, which are denoted in this report as **APPLICANT EXHIBITS**.
  3. Planning and Development Team's Recommendation: City Planning staff recommends approval of the applications as proposed.

#### **BACKGROUND:**

1. Site Address: Not platted/no address.
2. Existing Zoning/Land Use: OC/AO/SS (Office Complex with Airport Overlay and Streamside Overlay) and PBC/AO/SS (Planned Business Center with Airport Overlay and Streamside Overlay); currently vacant.
3. Surrounding Zoning/Land Use: North: PUD/AO/SS (Planned Unit Development for Public Assembly and Commercial with Airport Overlay and Streamside Overlay), vacant; and A/AO (Agricultural, with Airport Overlay), Woodmen Trail and open space, on the north side of Woodmen Road.  
East: PBC/AO (Planned Business Center with Airport Overlay), Gas Station; and R-5/CR/AO/SS (Multi-Family

Residential with Conditions of Record and Airport and Streamside Overlays), Apartments.

South: PUD/R/AO/SS (Planned Unit Development for Single-Family Residential with Airport Overlay and Streamside Overlay), Cottonwood Creek Trail and Single-Family Residential.

West: PBC/AO/SS (Planned Business Center with Airport Overlay and Streamside Overlay), mini-storage.

4. Annexation: Pring Ranch Addition Number Five, 1980.
5. Master Plan/Designated Master Plan Land Use: Norwood Master Plan, Research and Development; Master Plan is considered implemented.
6. Subdivision: The property is currently unplatted.
7. Zoning Enforcement Action: None
8. Physical Characteristics: The site is steeply sloping generally from north to southeast toward Cottonwood Creek; vegetation consists mostly of native grasses and cacti, with some deciduous trees, shrubs, and cattails in areas with moist soil near the creek and in seepage areas.

#### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included placing a poster on the site, and mailing postcards to 291 property owners during the internal review stage, and prior to the Planning Commission hearing. These notifications also occurred during the resubmittal review. During the initial internal review notification, City Planning staff held a neighborhood meeting, which was attended by two residents, and we received comments from six residents in opposition to the project. During the re-submittal notification, City Planning staff received comments from one additional resident in opposition to the project. A copy of the emails opposing the project are attached (**FIGURE 2**). Included in comments received were concerns regarding additional density in the area; geography of the site; impacts on the creek corridor; loss of open space; visual impacts; and traffic safety.

Staff's analysis of the proposed applications is outlined in the following sections of this report. In terms of internal and external agency reviews, staff sent the applications to the standard agencies and service providers, who had no objections to the proposed applications, with the exception of Academy School District 20. The comment from the school district is attached (**FIGURE 3**). The school district comment opposes the conversion of non-residential use to residential use due to the generation of school-aged residents that was not contemplated by the district in prior enrollment projections. The district email goes on to acknowledge that the number of student generated by this development will be relatively small. The district statement concludes with a request for fees in lieu of land if the development is approved. In a follow-up telephone message, the district representative noted that this is a standard comment placed on zone change requests such as this one, to relay the fact that zone changes can cause challenges for the school district in terms of long-range planning efforts.

#### **ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:**

##### 1. Review Criteria / Design & Development Issues:

###### a) Zone Change

The proposed zone change (**FIGURE 4**) would cause the property's zone designation to change from OC/AO/SS (Office Complex with Airport Overlay and Streamside Overlay) and PBC/AO/SS (Planned Business Center with Airport Overlay and Streamside Overlay) to PUD/AO/SS for small-lot residential development with a maximum density of 3.6 dwelling units per acre and 35-foot maximum building height; with the Airport and Streamside Overlays retained. The current zone designation for this site was established in 2009 along

with approval of the amended Cook Communications Concept Plan. Originally adopted in 2004, the Cook Communications Concept Plan intended to enable development of the property as a planned business center on approximately 95 acres on the south side of Woodmen Road, between Rangewood Drive and Austin Bluffs Drive. In addition to the existing David C Cook religious campus, the ministry had previously intended to use a large portion of the property for their international publishing operations. In 2008, when the owner determined it no longer wished to use the property for expanded ministry activities, it began marketing the property for sale. Given the nature of development within the Woodmen Road corridor at that time, the landowner requested to change the zone designations on the property to incorporate more commercial and office land uses.

The requested zone changes are illustrated in the attached image summarizing the rezonings and final plat proposed in 2008 (**FIGURE 17.**) The approved zoned changes caused several areas within the concept plan area to be divided, relabeled, and rezoned as follows:

- Previous Lot 1 rezoned from PIP-1 to PBC and relabeled as new Lot A;
- Previous Lot 4 split into new Lot D and Lot E;
  - Lot D rezoned from PIP-1 to OC;
  - Lot E remained PIP-1 as previously zoned
- Previous Lot 5 rezoned from PIP-1 to OC;
- Previous Lots 2 and 3 became new Lots B and C; remained OC/no zone change
- Previous Lot 6 split into new Lots G, H, and I
  - Lot G rezoned from PIP-1 to PBC
  - Lot H remained OC/no zone change

The concept plan configuration prior to the approved changes included two types of zone designations: four areas were designated as PIP-1 sites, and three were OC sites. The ultimate configuration following the approved changes resulted in nine lots with seven different zone designations including: one PIP-1 (Planned Industrial Park) site, three PBC sites (Planned Business Center), and five OC sites (Office Complex).

The project statement associated with the rezone request indicates that the decision to retain certain lots with the OC zone was intended to accommodate the active adult community land uses identified in the Cook Communications Concept Plan, because an active-adult community can incorporate a variety of uses, including medical facilities and multi-family housing, all permitted uses within the OC zone district. When the zone change requests were approved, a Final Plat approved at the same time showed the subject of this rezone, a 15-acre site, to be divided into two lots, shown on the attached image as Lots H and I, consistent with the two separate zone categories. However, the final plat was subsequently recorded without these two lots, leaving the 15 acres as a remainder tract designated with two separate zone district categories.

Today, the property is located in an area experiencing infill development and where a demand for residential uses currently exists. Existing commercial development is located immediately to the east (gas station) and the west (mini-storage.) A public housing development is located to the southeast. Approximately 600 feet to the west, a small-lot residential PUD development is under construction (known as the Midtown Collection at Cottonwood Creek) on one of the lots within the concept plan that was previously zoned OC and subsequently rezoned to PUD. The Midtown project has a higher density than the proposed Trailside development (Midtown is 5.3 gross units per acre, 19.3 net units per acre, with a 35-foot height limit; Trailside is 3.6 gross units per acre, 8.8 net units per acre, with a 35-foot height limit.) The greater Woodmen Road corridor also contains a mixture of commercial, office, and residential development. The existing breakdown of land uses along the Woodmen Road frontage is 44.3% residential, 44.6% commercial, and 11.1% office, as illustrated by the analysis provided with the reconsideration request (**FIGURE 16 /**

**APPLICANT EXHIBIT G - Woodmen Road Corridor Land Use Analysis**), further supporting the feasibility of a mixture of land use types within the corridor.

For the reasons stated above, staff finds that the proposed Zone Change meets the review criteria as set forth in City Code Section 7.3.603 and the findings established under Section 7.5.603B, which are attached to this staff report in their entirety.

b) Concept Plan Amendment

The proposed amendment (**FIGURE 5**) to the Cook Communications Concept Plan is intended to change the land use designation of the property from commercial and medical office to single-family residential and open space. Adopted in 2004, the original Cook Communications Concept Plan was intended to enable development of the larger area as a planned business center on approximately 95 acres located on the south side of Woodmen Road, between Rangewood Drive and Austin Bluffs Drive. The 15-acre site that is the subject of this concept plan amendment was designated in that plan for 70,000 square feet of office space, and 24,000 square feet of commercial space.

The concept plan layout of the potential office and commercial centers may have provided a compatible land use transition between the existing single-family residential neighborhood south of the creek and the Woodmen Road corridor. However, that design would have required significant grading of the site, and very tall (27-feet high) retaining walls. Also, the road connections shown on the concept plan were rendered impossible following the grading changes to the site that resulted from development of the Wentworth Storage Facility immediately west of the subject site. The supplemental documentation submitted with the reconsideration request illustrates these conditions, especially the Topographic Site Analysis (**FIGURE 12 / APPLICANT EXHIBIT C**), and the photographs of similar tall retaining walls (**FIGURE 13 / APPLICANT EXHIBIT D**).

The proposed concept plan amendment would result in a land use designation that is complementary to surrounding land uses. The small-lot single-family residential product provides a transition between the Woodmen Road corridor and the less dense single-family homes to the south. The proposed residential product will be a lower density than that of the residential product currently under construction approximately 600 feet to the west. The Midtown Collection project involves 108 homes on 22.85 acres, at a density of 5.16 gross units per acre / 19.3 net units per acre. Lot sizes in that development average 2,100 square feet. Proposed lot sizes in Trailside average 3,075 square feet, and overall density is 3.6 gross units per acre / 8.8 net units per acre. The design of the Midtown homes is considered a "modern style" with flat and shed roof slopes, while the Trailside homes are proposed in a traditional home style with hip roofs. Thus, while the design of the homes is much different, and the density of the Midtown Collection is higher than what is proposed for Trailside, the market desire for this similar residential type has been established in this area. The Trailside development involves significant open space areas, highlights the relationship with the creek, and provides a product that can be built on the sloping property without significant retaining walls. Further, the proposed density would be an appropriate transition between the residential neighborhood to the south, and the Woodmen Road corridor to the north.

Finally, two supplemental documents submitted with the request for reconsideration provide further evidence of the preference for residential land use as opposed to commercial or office land uses. An Economic Feasibility Study (**FIGURE 14 / APPLICANT EXHIBIT E**) demonstrates that commercial development of the property is not practical or economically feasible, and that residential development is economically feasible and can better accommodate the site topography. For example, the grading required to provide for commercial use would require nearly 259,000 cubic yards of fill material to be imported to the site, and retaining walls to stabilize this fill would be required to be over 27 feet high.

A letter from David C Cook, former owner of the subject property (**FIGURE 15 / APPLICANT EXHIBIT F**), includes an explanation of previous efforts to market and sell the property. The letter includes the following statement:

“Several hindrances that consistently came up in efforts to sell the land for commercial use were: the bulk of the site sits below Woodmen Road and does not give the visibility commercial users are looking for; the cost to grade the site to accommodate a viable commercial floor plat and required parking was prohibitive; the access [is] functionally limited to one access point on Woodmen, as the site work to go west and access Lee Vance Drive was not viable.”

For these reasons, staff finds the proposed plan meets the review criteria for concept plans as set forth in City Code Section 7.5.510.E and attached to this staff report in their entirety.

c) PUD Development Plan

The proposed Trailside at Cottonwood Creek (**FIGURE 6**) development plan would establish a single-family detached residential neighborhood on small (average 3,075 square-foot) lots. The development includes 56 lots with a gross density of 3.57 units per acre, and a net density of 8.79 units per acre. This higher-density detached single-family residential product will serve as an appropriate transition between the existing single-family residential development to the south (on the opposite side of Cottonwood Creek) and the developed Woodmen Road corridor; and is considered complementary to commercial uses existing within the Woodmen Road corridor. This development plan accompanies the proposed establishment of a PUD zone as required by City Code Section 7.3.603; any site seeking a PUD zone change must be accompanied by a supporting concept or development plan.

The development plan sets the specific dimensional controls and illustrates the envisioned layout for the development. The 56 homes on small lots will allow greater affordability, with access to commercial facilities, schools, and employment centers within a mile of the site (see **FIGURE 7: Area Context Map**). All lots are oriented around a single private street with a loop turn-around, and each unit will back to open space. The homes are designed to accommodate the natural slope of the site, with tuck-under two-car garages, and walk-out rear yard areas. Most of the homes also have a 20-foot deep two-car driveway, while ten homes have only a driveway apron at the garage door. The product is slightly taller than (5 feet) but compatible with the typical maximum building height (30-feet) for residential development as established by city code. Spacing of homes will provide six-foot side yards between each of the units, similar to the recently developed Midtown Collection by Classic Homes under construction a few hundred feet to the west.

Woodmen Road provides the only vehicular access to the project, and is designated as an east-west Parkway with a posted speed limit of 45 mph. The development plan provides for a three-quarter movement access from Woodmen Road to the project entrance, allowing both east-bound and west-bound traffic to enter the site directly from this roadway. The traffic study submitted with the project indicates that the proposed development could generate 529 trips per day, with 41 trips occurring during the morning peak, and 55 occurring during the evening peak. The nearby intersection of Woodmen Road and Austin Bluffs Parkway is currently operating a Level of Service (LOS) D during the morning and evening peak periods, with signalized delays consisting of 39.6 and 46.7 seconds, respectively. Future traffic conditions at the Woodmen Road/Austin Bluffs Parkway intersection are anticipated to approach LOS F both with and without project-generated traffic. The intersection performance is attributed to the large amount of traffic volumes approaching the intersection from all directions. The traffic study narrative points out that it is not uncommon for intersections in urban areas to operate with noticeable delays during peak hours. It also notes that the signalized intersection control at Woodmen Road and Lee Vance View will tend to create gaps in the traffic stream, allowing turning movements at the project access, and providing mitigation to delays that may occur at peak hours.

The project involves a private gated entry that includes two parking spaces adjacent to the mail collection area for use when entering the neighborhood. No parking will be allowed along the private street, nor is parking allowed on Woodmen Road. Guest parking will be provided on site as typical for a small-lot PUD residential development. Twenty-two spaces for guest parking are illustrated for the 56 homes, in addition to the two-car garages and driveways provided. While the guest parking count is fewer than typically recommended for a small-lot PUD development (22 spaces are provided, where 38 are recommended by the unofficial guidelines), the neighborhood will be managed by a Homeowners Association (HOA) which will enact covenants that require garages to be available for parking, thereby ensuring that the driveways are available for guests. There is currently no city transit service to this site, and the nearest bus stop along Woodmen Road is approximately three miles to the west. However, this site will provide easy access to a bus route for residents, once such service is established along this corridor.

Open space for use by the residents and their guests will be incorporated by a 4.8-acre tract surrounding the development, containing trails and landscaping. There is an existing utility access road between the proposed homes and the creek that will connect to the development via single-track trails, and the access road will also serve as a trail for use by residents. The residents will have access to the Cottonwood Creek Trail on the south side of the creek, via an existing bridge that crosses the creek a short distance to the west. A pocket park within the private street will also serve the homes. Landscaping will be installed in the open space areas to provide buffers and transitions between the development and the open space.

A private, full-spectrum detention and water quality pond is proposed at the east end of the property. Connections will be made to existing public facilities within and adjacent to the site.

For the reasons provided above, staff finds that the proposed plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.605, and the development plan review criteria as set forth in Section 7.5.502E.

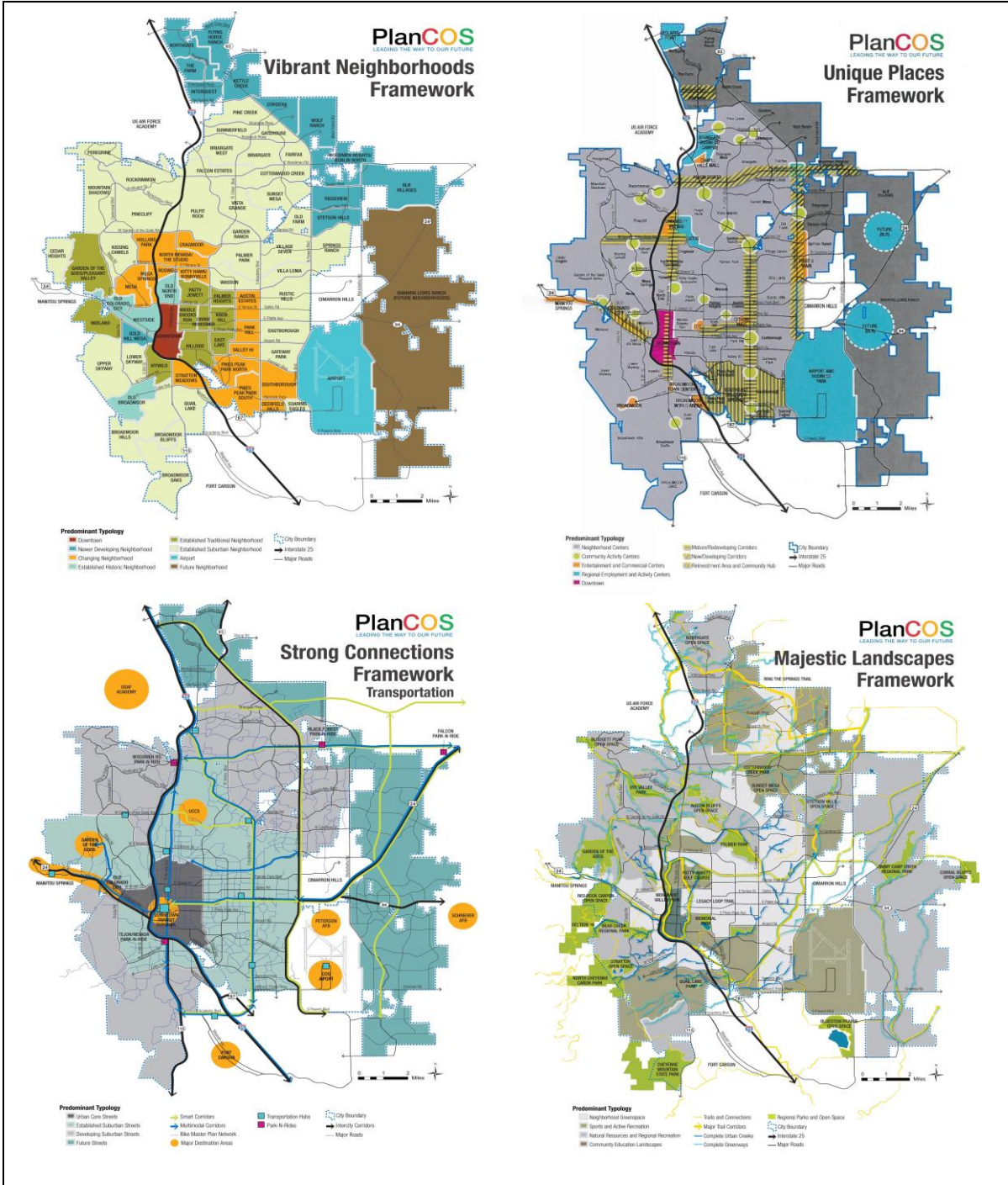
2. Comprehensive Plan Conformance:

The proposal is complementary to the envisioned comprehensive land use pattern for the Woodmen Road Corridor and surrounding neighborhood based on several themes in PlanCOS.

The Vibrant Neighborhoods chapter of PlanCOS identifies the area proposed for development as an Established Traditional Neighborhood. The Plan identifies goals to enhance the existing character of these neighborhoods, while supporting their ongoing investment and improved adaptation. PlanCOS notes that most Established Neighborhoods should expect some degree of infill. This statement underscores the fact that infill development is one of the key indicators of PlanCOS, and extends across many of the plan's themes. The proposed development will further the PlanCOS policies regarding infill and investment in mature and developed areas by providing an additional housing choice in proximity to open space, major thoroughfares, and activity centers. Another primary goal of the Vibrant Neighborhoods chapter of PlanCOS is the provision of "Housing for All" (Goal VN-2). Strategy VN-2.A-3 suggests support for land use decisions and projects that provide a variety of housing types and sizes that serve a range of demographic sectors and meet the needs of residents through various life stages and income levels.

The project site and larger Woodmen Road corridor are identified as a New/Developing Corridor under the urban place typologies of the Unique Places chapter of PlanCOS. This typology encompasses major arterial streets with developed properties and patterns involving automobile-dominated development. A recommendation of this typology is to integrate and connect pedestrian, bicycle, and transit facilities along the corridor with attention to streetscape design. To this end, the proposed development accommodates access to the Cottonwood Trail from the development, and will be poised for connection to transit service when it becomes available.

The Unique Places chapter of PlanCOS also contains policies supporting the enrichment of the city and its livability with vibrant and walkable places. Strategy UP-1.B-3 recommends the creation of connections between urban places and natural settings. The proposed development provides access to the Cottonwood Creek Trail from three separate points on the property. The Thriving Economy Chapter of PlanCOS includes a goal to “Embrace Sustainability”, along with Policy TE-4.A which reads: “Prioritize development within the existing City boundaries and built environment (not in the periphery).” The proposed project is an example of infill development, hence advancing this objective.





Another way the proposed development exemplifies the objectives of PlanCOS is by furthering Policy SC-1.D of the Strong Connections chapter, which recommends maintenance of convenient multimodal connections between neighborhoods and employment centers. The proximity of this project to the Cottonwood Creek Trail provides a unique opportunity for residents to use alternate modes of travel such as cycling on the existing trail to reach a variety of destinations within an easily-traveled distance from their home (i.e.: one mile) as illustrated in the attachment entitled Area Context Map (**FIGURE 7**).

Finally, the Majestic Landscapes Chapter identifies the Cottonwood Creek corridor as a Major Trail Corridor within the City as well as a Complete Greenway. Goal ML-3 suggests optimizing shared use of waterways for multiple uses, including recreation, wildlife corridors, environmental assets, utilities, stormwater conveyance, non-motorized transportation, and natural areas. The proposed project will help achieve this goal with the dedication of open space land for use as part of the Cottonwood Trail corridor.

For the reasons noted above, Staff finds the Trailside at Cottonwood Creek development in substantial compliance with PlanCOS.

3. Master Plan Conformance:

There is no master plan amendment required with this request. The Norwood Master Plan designated this property for Research and Development; however, the Master Plan is considered implemented due to it being substantially built out. City Code Section 7.5.402.B dictates the difference between a master plan being operative and implemented. Paragraph two of this section states that an “Implemented” master plan is a “master plan that is eighty five percent (85%) or more built out”. Master Plans that are designated as Implemented are not required to be amended when land use changes are requested.

**STAFF RECOMMENDATION:**

**CPC PUZ 19-00155 – CHANGE OF ZONING TO PUD**

Recommend approval to City Council the zone change of 15.67 acres from OC/AO/SS (Office complex with Airport Overlay and Streamside Overlay) and PBC/AO/SS (Planned Business Center with Airport Overlay and Streamside Overlay) to PUD/AO/SS (Planned Unit Development with Airport Overlay and Streamside Overlay), based upon the findings that the change of zone request complies with the review criteria for establishment of a PUD zone as set forth in City Code Section 7.3.603 and the zone change criteria as set forth in Section 7.5.603.B.

**CPC CP 08-00142-A8MJ19 – CONCEPT PLAN AMENDMENT**

Recommend approval to City Council the Concept Plan Amendment, based upon the findings that the amended concept plan meets the review criteria for granting approval of a concept plan as set forth in City Code Section 7.5.501.E.

**CPC PUD 19-00156 – PUD DEVELOPMENT PLAN**

Recommend approval to City Council the development plan for Trailside at Cottonwood Creek, based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.605, and the development plan review criteria as set forth in Section 7.5.502E.