
TRAILSIDE AT COTTONWOOD CREEK

PROJECT STATEMENT

APRIL 2019 – REVISED JULY 2019

REQUEST

N.E.S. Inc. on behalf of Springs Land Ventures Investments LLC requests approval of the following applications:

1. A Rezone of 15.67 acres from OC/AO-CAD/SS (Office Complex with Airport Streamside Overlays) and PBC/AO-CAD/SS (Planned Commercial Center with Airport Streamside Overlays) to PUD/AO/SS (Planned Unit Development with Airport Streamside Overlays), for single-family detached residential development with a maximum density of 3.6 du/ac and a maximum height of 35 feet.
2. An amendment to the Cook Communications Concept Plan to change the designation of the 15.67-acre parcel from commercial and medical office use to single-family residential.
3. A PUD Development Plan for Trailside at Cottonwood Creek, comprising 56 single-family residential lots, with trails and open space.
4. A Final Plat for Trailside at Cottonwood Creek to create 56 single-family residential lots, with tracts for public utilities, private streets, utilities, landscaping, pocket park, open space, trails and detention.

LOCATION

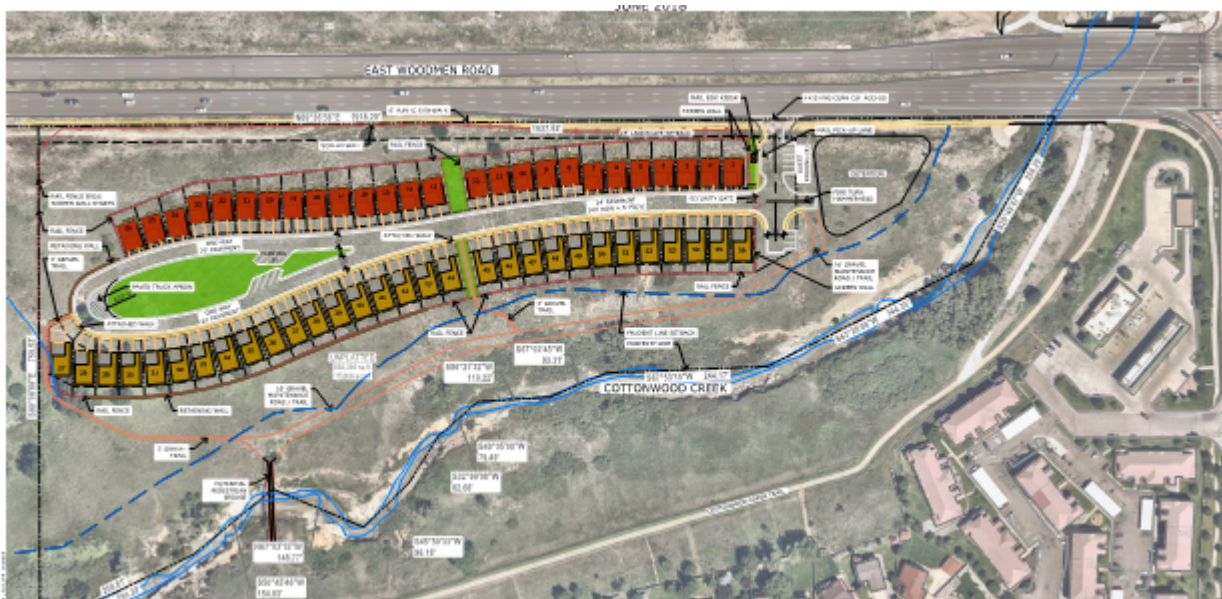
Trailside at Cottonwood Creek lies southwest of the intersection of East Woodmen Road and Austin Bluffs Parkway. The southern and eastern boundary of the property is formed by Cottonwood Creek.



Along the south side of the Creek is a City open space and the Cottonwood Creek multi-purpose tier 1 trail. To south of the trail is the Newport Heights residential subdivision. The northern boundary of the site is formed by East Woodmen Road, which is a six-lane parkway.

PROJECT DESCRIPTION

The proposal is to develop the northern 7.2-acre area with 56 single-family detached lots. The gross density of the development will be 3.6 du/acre, with a net density of 8.8 du/ac. The southern 3.5-acre portion adjacent to the creek is proposed to be dedicated to the City of Colorado Springs for public drainage, utilities, open space and trails. A 4.8-acre tract encompassing the single-family lots is proposed to be for open space and private trails with a connection to the Cottonwood Creek Trail via the adjacent properties, for which an easement has been secured, and a proposed bridge to the west.



Access: Access to the property will be from East Woodmen Road via a 3/4-movement access to allow a left-in turn for westbound traffic on Woodmen Road. A new sidewalk will be constructed with the development along Woodmen Road, which will also provide connectivity to the Cottonwood Creek Trail, Briargate Trail, and Woodmen Trail east of Austin Bluffs Parkway.

This will be a gated community. Adequate access and maneuvering space is provided in front of the gate to ensure there is not conflict with traffic on Woodmen Road and to provide an adequate turning area. The development will be accessed via a private 24-foot wide street with a one-way couplet at the west end of the site. A sidewalk will be provided on the south side of the street only. The street will be marked as no parking to satisfy Fire Department requirements.

Product Design: The homes on the north side of the internal street will have tuck-under garages and will have a 3-story elevation at the front and a 2-story elevation at the rear. The homes on the south side will have a walk-out condition, with a 2-story elevation at the front and a 3-story elevation at the rear. This design accommodates the natural slope of the site. The homes will have varied architecture and setbacks will be staggered. The HOA will provide the architectural and covenant control for the neighborhood.

Product Features: The proposed single-family homes will be smaller units on smaller lots to provide more affordable housing for purchase in the local community. The target market will be the first-time homebuyer who is looking for a location that is accessible to services and facilities as well as open space and trails. The site has good access to commercial facilities; there is a small commercial center at the southwest corner of Austin Bluffs Parkway, and the larger Norwood Shopping Center with a grocery store a short walking distance to the south. There are also four elementary schools, a middle school, a YMCA, a Wal-Mart and Home Depot, and other retail and employment opportunities, including the St. Frances Hospital, within a mile of the site. The site is well-located for access to trails, with the confluence of the Cottonwood Creek Trail, Briargate Trail, and the East Woodmen Trail to the east of the site.

Lot standards: The lots will be a minimum of 2,600 square foot and will accommodate two different product types. The units will have a 6-foot side separation, which will translate to a 3-foot side building setback from the property line. The units will require a 75% 1-hour fire wall on the side walls as specified by the regional building code. The lots will all have a minimum 15-foot rear setback and all the lots will back onto open space. The front setback will vary; the majority of lots will have a 20-foot driveway and others have only an access apron.

Parking: All units will have a 2-car garage and 46 of the 56 units will have 2-car driveway parking. The HOA covenants will require residents to use their garages for parking, thereby ensuring that the driveways are available for guests.

10.6 Garages, Driveways, Vehicular Parking, Storage and Repairs.

(a) No garage shall be converted to living space or altered or used for storage of material or other purposes which would prevent the use of the garage for the parking of the number of vehicles for which it was designed, except that Declarant may use a garage in one or more model homes for a sales office and/or a construction office.

Additional parking is provided, primarily for guests of those homes that do not have driveway parking. Eleven spaces are provided just outside the entry gate and an additional eleven spaces are provided adjacent to the pocket park.

Open Space: The southern 3.5-acre portion of the property adjacent to the creek is proposed to be dedicated to the City of Colorado Springs for use of drainage, open space, public & private trails and utilities. Additionally, a 4.8-acre tract enveloping the single-family lots will be retained for open space, landscaping, and private trails. A private trail connection will also be provided through the adjacent property to the west to connect to the Cottonwood Creek Trail via a proposed bridge. The proposed 16-foot utility access road through the open space will also serve as a trail for use by residents of the development and there will be 3-foot connectors to provide trail access from within the development. The connector trails on site as well as the trail through the adjacent easement will be maintained by the Trailside at Cottonwood Creek HOA. The one-way couplet creates an opportunity to provide a pocket park within the streetscape for residents.

Landscaping: A reduced landscape setback will be provided along Woodmen Road. The streetscape will include a 6' wide public sidewalk with 7' landscape strip adjacent to the road and 8' tree lawn behind the sidewalk. Adjacent to this a 6-foot concrete wall will act as a noise barrier for residents from traffic on Woodmen Road. Trees, shrubs, and landscape will be planted along Woodmen Road as required by

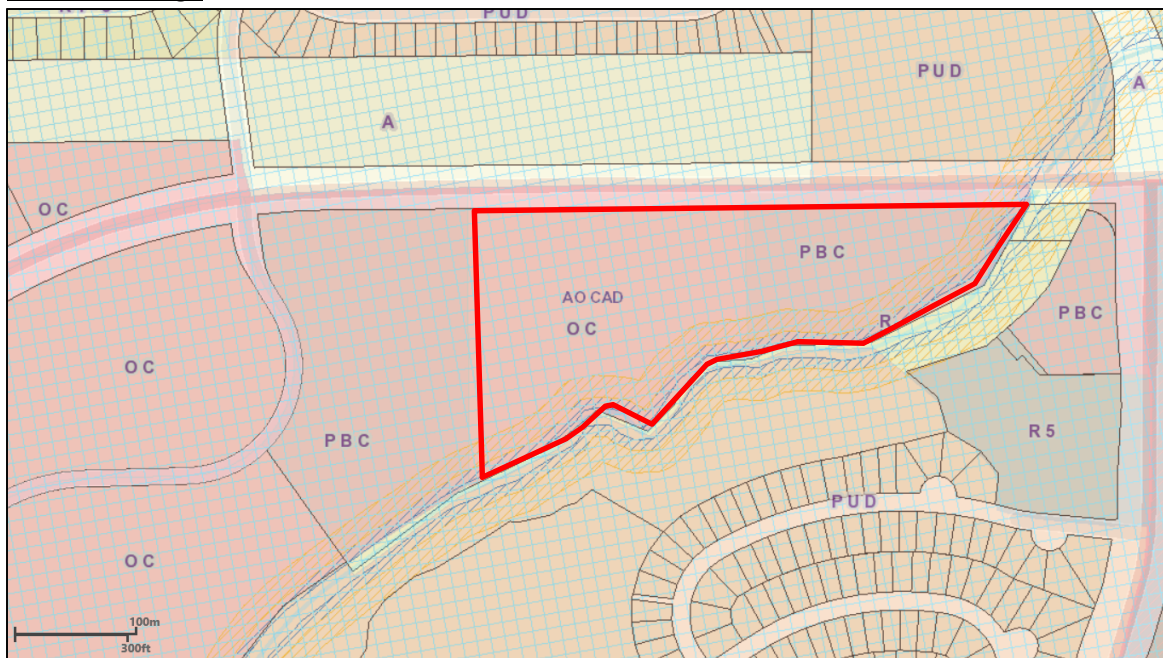
the City Landscape Ordinance. The internal landscaping will be focused on entrance features and the pocket park. A variety of ground cover and native vegetation will be used to enforce the areas disturbed by grading. The open space to the south of the maintenance road will be left in its natural state. Alternative compliance is being asked for Code Section 7.4.323.C.2 & 7.4.323.G that requires a buffer and screen wall on a property line common to a Nonresidential use. The existing topography and grade difference between the proposed residential development and the adjacent storage facility provides a physical and visual buffer, therefore additional planting and a screen wall is not needed for the intent of a buffer requirement.

Drainage: A private full-spectrum detention and water quality pond is proposed at the east end of the property, which will detain and treat all stormwater run-off from the single-family residential development. A prudent line has been established for the northern side of this section of Cottonwood Creek. The proposed development does not extend beyond the prudent line other than some limited grading.

Utilities: Utilities will be provided in the private street within public easements and will connect to the existing public facilities within and adjacent to the site. An existing sanitary sewer line and easement that runs diagonally from the northwest corner of the site will be rerouted around the proposed single-family lots. It will reconnect to the 30-foot sanitary sewer easement that runs through the southern part of the property and connects over Cottonwood Creek via an aerial pipe. A 16-foot gravel road will be provided for access to the existing and proposed sanitary sewer manholes, which will also serve as a recreational trail for the development.

PROJECT JUSTIFICATION

A. Zone Change



This application proposes to rezone the 15.67 property from office and commercial use to single-family detached residential development. The property is also subject to the Airport and Streamside Overlays. The site is not located in any of the zones within the Airport overlay that restrict residential development. A notice will be placed on the property when platted to alert homebuyers of potential noise from aircraft using the airport.

In accordance with Section 7.3.508.F.4 of the Zoning Code, Streamside overlay zone sites with an active prudent line setback are exempt from all streamside overlay regulations. As noted above, this site has an active prudent line within which no development is proposed and, therefore, the streamside overlay regulations do not apply.

The proposed rezoning of this property from office and commercial use to single-family detached residential development meets the requirements of Section 7.5.603 of the Zoning Code as follows:

1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.

The proposed rezoning of the parcel for residential uses will better serve the public interest and general welfare as it will provide a smaller, more affordable, single-family product that will provide additional housing choice in an area dominated by traditional single-family neighborhoods. There is already a substantial amount of commercial and employment development in the area. The integration of higher density residential development in this location will serve as a transition from the established single-family neighborhood to the south to Woodmen Road and the commercial uses along it. The project represents infill development that can benefit from and contribute to the existing commercial, recreational, employment, and public facilities in the immediate area.

2. The proposal is consistent with the goals and policies of the Comprehensive Plan.

The site is in an area designated as a New/Developing Activity Center on the City's PlanCOS Vision Map. These are in the process of developing or have recently been developed. The proposed rezoning to higher density residential adds to and complements the mix of employment and commercial zoning in the area and is consistent with the comprehensive plan designation.

Plan COS identifies the Cottonwood Creek neighborhood as an Established Suburban Neighborhood. The project supports policies regarding infill and investment in mature and developed areas. The proposed uses will provide an additional housing choice in terms of density, type of residential, and levels of affordability in the established neighborhood.

PlanCOS supports a range of housing densities in all developing and new neighborhoods in order to promote housing for all and seeks to target higher densities in proximity to open space, major thoroughfares, activity centers, and transit services. The location of this proposed multifamily use adjacent to Woodmen Road and Austin Bluffs Parkway, close to activity and employment centers, and with easy access to multiple trails and open space, furthers this objective of the Comprehensive Plan. There is currently no transit in this part of the City, but we understand that there are plans to provide transit connections to the Hospitals in the north of the City.

3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.

The Norwood Master Plan was approved in 1997 and is considered to be implemented, as it is more than 80% developed. The Master Plan designates this site and the adjacent property to the west as Research and Development. These properties have remained vacant for over 20 years since the approval of the Master Plan. Since 1997 changes in technology and the market have resulted in less demand for research and development uses. The grade of these properties also creates challenges to development, particularly for a research and development facility, which typically would need a large area of level ground. The adjacent property is now under construction as a self-storage facility on the northern part of the parcel with the southern steeper part of the parcel retained as open space. The proposed single-family product on the subject site accommodates the grade challenges into the overall site design and also retains open space in the southern steeper part of the property.

4. For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this chapter. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157; Ord. 12-76).

The proposal is not in a MU zone district.

B. Concept Plan Amendment

The Cook Communications Concept Plan originally approved in 2009 identifies the east part of the site for commercial use, consistent with the PBC zoning, and the west side of the site for medical offices, consistent with the OC zoning. This request proposes to amend the Cook Communications Concept Plan to change the designation of the 15.67-acre parcel from commercial and medical office use to single-family residential.

The Concept Plan amendment contuses to satisfy the review criteria set out in Section 7.5.501.E of the Zoning Code as follows:

1. Will the proposed development have a detrimental effect upon the general health, welfare and safety or convenience of persons residing or working in the neighborhood of the proposed development?

See A.1 above.

2. Will the proposed density, types of land uses and range of square footages permit adequate light and air both on and off the site?

The project proposes one row of homes on each side of a single access street with a landscaped island provided within the one-way couplet. The homes all back on to open space. This provides adequate light and air for the development.

3. Are the permitted uses, bulk requirements and required landscaping appropriate to the type of development, the neighborhood and the community?

The proposed residential use is appropriate for the neighborhood as it will add to the mix of uses in the area and will offer additional housing choice. The 2-3 story single-family residential units are consistent with the bulk of nearby commercial and residential properties. The project provides landscaping in accordance with the requirement of the City's landscape ordinance with exception to providing a buffer

along the west property line. Alternative compliance is being requested as described in the landscape section of the project description.

4. Are the proposed ingress/egress points, traffic circulation, parking areas, loading and service areas and pedestrian areas designed to promote safety, convenience and ease of traffic flow and pedestrian movement both on and off the site?

A single private access road is proposed with a turnaround that can accommodate emergency vehicles. A sidewalk will be constructed along Woodmen Road and an internal sidewalk is provided on the south side of the road, which will provide pedestrian access to the development. The sidewalk will connect to the internal private breeze trails. These internal trails will provide multiple connection options to City Multiuse Trails.

5. Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?

The proposed residential development will generate less traffic than the office/commercial development proposed on the approved Concept Plan. The developer will be required to pay fees in lieu of park and school dedication. Existing utilities serve this property or can be extended from the adjacent property to the west.

6. Does the proposed development promote the stabilization and preservation of the existing properties in adjacent areas and surrounding residential neighborhoods?

The proposed single-family use will help to stabilize the neighborhood by adding to the complementary mix of uses in the neighborhood and adding to the housing choice in the area.

7. Does the concept plan show how any potentially detrimental use to use relationships (e.g., commercial use adjacent to single-family homes) will be mitigated? Does the development provide a gradual transition between uses of differing intensities?

The single-family development will provide a transition between the existing single-family neighborhood to the south and the office/commercial development along Woodmen Road. The existing topography, proposed landscaping and open space will also help to buffer the residential use from surrounding properties and from traffic on Woodmen Road.

8. Is the proposed concept plan in conformance with all requirements of this Zoning Code, the Subdivision Code and with all applicable elements of the Comprehensive Plan?

The Concept Plan conforms to the applicable requirements of the Zoning Code, the Subdivision Code and Comprehensive Plan.

C. PUD Development Plan

The PUD Development Plan satisfies the review criteria set out in Section 7.3.606 of the Zoning Code as follows:

A. Consistency with City Plans: Is the proposed development consistent with the Comprehensive Plan or any City approved master plan that applies to the site?

See A.2 and A.3 above.

B. Consistency with Zoning Code: Is the proposed development consistent with the intent and purposes of this Zoning Code?

The proposed development is consistent with the intent and purpose of this Zoning Code as the single-family residential use is compatible with the mixed nature of the surrounding area and will not negatively impact existing neighborhoods or create a nuisance to adjacent properties.

C. Compatibility of The Site Design with The Surrounding Area:

1. Does the circulation plan minimize traffic impact on the adjacent neighborhood?

There is no directly adjacent neighborhood to this development; the neighborhood to the south is separated by Cottonwood Creek and access to it is off Austin Bluffs Parkway. This development will access directly off Woodmen Road and traffic will be contained within the development, as it will be served by a single, dead-end, private access road, which will be gated.

2. Do the design elements reduce the impact of the project's density/intensity?

The design features that reduce the projects intensity include the substantial area of open space surrounding the residential units, the staggered setbacks of the units and the inclusion of a pocket park at the west end of the street, which breaks up the streetscape as well as providing an amenity for residents. **The west end of the site near Lot 27 is graded to accommodate a trail connection and includes a 3-rail fence on the west side of the lot. The trail connection is located within the 15-foot buffer and adjacent to an open space tract on the adjacent property. This trail connection will have minimal use by residents on the west end of the site as another more centralized trail connection is provided.**

3. Is placement of buildings compatible with the surrounding area?

The placement of the buildings takes into account the required separation from Cottonwood Creek, which is compatible with other buildings in the area. The residential units also have separation from Woodmen Road to provide mitigation from traffic noise. **Lot 27, which is closest to the adjacent property to the west, is oriented with minimal windows facing the proposed trail and the neighboring open space. In the northwest portion of the site the residential development sits approximately 50' lower than the finished floor of the storage facility. The self-storage facility is approximately 168' from the shared property line and the nearest lot on the north side of this residential development is approximately 105' from the property line, thus providing a 273' building separation between the two uses.**

4. Are landscaping and fences/walls provided to buffer adjoining properties from undesirable negative influences that may be created by the proposed development?

The proposed single-family development will not create undesirable negative influences. There is a substantial separation between this development and the established residential neighborhood to the south and the open space area adjacent the creek provides adequate buffering. A split rail fence is proposed along the western boundary. The proposed storage facility to the west is located at a sufficient distance and elevation difference that additional buffering is not considered necessary.

5. Are residential units buffered from arterial traffic by the provision of adequate setbacks, grade separation, walls, landscaping and building orientation?

A substantial setback, downward slope, and 6-foot concrete wall are proposed along the northern boundary adjacent to Woodmen Road to provide a buffer to the traffic noise to the benefit of future residents.

D. Traffic Circulation:

1. Is the circulation system designed to be safe and functional and encourage both on and off-site connectivity?

This development will access directly off Woodmen Road and will be served by a single, dead-end, private access road, which will be gated. This provides safe and functional access to the site for residents. Appropriate turning facilities are provided for emergency vehicles and mailboxes are provided outside the gated area.

2. Will the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?

The proposed single-family homes will have direct access off the private street. [

3. Will adequately sized parking areas be located to provide safe and convenient access, avoid excessive parking ratios and avoid expanses of pavement?

All units will have a 2-car garage and 46 of the 56 units will have 2-car driveway parking. The HOA covenants will require residents to use their garages for parking, thereby ensuring that the driveways are available for guests. Additional parking is provided, primarily for guests of those homes that do not have driveway parking. Eleven spaces are provided just outside the entry gate and an additional eleven spaces are provided adjacent to the pocket park.

4. Are access and movement of handicapped persons and parking of vehicles for the handicapped appropriately accommodated in the project design?

The proposed sidewalk along Woodmen Road will meet ADA requirements and ADA compatible crossing ramps will be provide at the Woodmen Road entrance development. The sidewalk along the south side of the street will also be designed to meet accessibility criteria.

5. As appropriate, are provisions for transit incorporated?

There is no transit service to this part of the City.

E. Overburdening of Public Facilities: Will the proposed development overburden the capacities of existing and planned streets, utilities, parks, and other public facilities?

The proposed development is within the capacities of the existing public facilities, utilities and streets. The developer will pay cash fees in lieu of park and school land dedication.

F. Privacy: Is privacy provided, where appropriate, for residential units by means of staggered setbacks, courtyards, private patios, grade separation, landscaping, building orientation or other means?

Staggered setbacks are incorporated and all the units have private patios and yards and back onto open space. A 3-rail wooden fence is proposed to provide definition of the private rear yards **and the side yards where lots abut the trail connections. An open space tract is provided in the north west corner of the property. Alternative compliance is requested for this area in regards to buffers required between**

the adjacent non-residential use to the west and this residential use, specifically for the buffer planting and opaque fencing requirements. The required 15' separation is provided and a 3-rail fence is located along the property boundary and along the individual lot property lines adjacent to the open space. The existing topography provides a significant physical and visual buffer between the uses. This residential development sits approximately 50' lower than the finished floor of the storage facility. The self-storage facility is approximately 168' from the shared property line and the nearest lot on the north side of this residential development is approximately 105' from the property line, thus providing a 273' building separation between the two uses.

G. Pedestrian Circulation:

1. Are pedestrian facilities provided, particularly those giving access to open space and recreation facilities?

A sidewalk is provided along the south side of the street and this will connect to the public sidewalk along Woodmen Road, which will provide access to the Cottonwood Trail and associated open space. Internal open space is also provided adjacent to the creek and this will be accessed by trails. There will also be a private connection from the site through adjacent properties to the Cottonwood Creek Trail via the aerial utility crossing structure.

2. Will pedestrian walkways be functionally separated from vehicular ways and located in areas that are not used by motor vehicles?

The proposed sidewalk and trails are functionally separated from traffic. The only traffic using the private road will be those accessing the 56 units in the gated development.

H. Landscaping:

1. Does the landscape design comply with the City's landscape code and the City's landscape policy manual?

The landscape design is consistent with the City landscape code and policy manual with exception to Code 7.4.323.C.2 and 7.4.323.G that requires a landscape buffer and opaque screen along the common property line between nonresidential and residential use. Alternative compliance is being requested to consider the existing topography grade difference between uses as satisfactory in providing a buffer between the uses.

2. The use of native vegetation or drought resistant species including grasses is encouraged. The City's landscape policy manual or the Community Development Department's landscape architect can be consulted for assistance.

Native vegetation has been used. The open space within the development will be left in its natural state and graded areas will be reseeded with native grasses.

I. Open Space:

1. Residential Area:

a. Open Space: The provision of adequate open space shall be required to provide light, air and privacy; to buffer adjacent properties; and to provide active and passive recreation opportunities. All residential units shall include well designed private outdoor living space featuring adequate light, air

and privacy where appropriate. Common open space may be used to reduce the park dedication requirements if the open space provides enough area and recreational facilities to reduce the residents' need for neighborhood parks. Recreational facilities shall reflect the needs of the type of residents and proximity to public facilities.

The southern 3.5-acre portion of the property adjacent to the creek is proposed to be dedicated to the City of Colorado Springs for use of drainage, open space, public & private trails and utilities. Additionally, a 4.8-acre tract enveloping the single-family lots will be retained for open space, landscaping, and private trails. A private trail connection will also be provided through the adjacent property to the west to connect to the Cottonwood Creek Trail via an aerial crossing structure.

b. Natural Features: Significant and unique natural features, such as trees, drainage channels, slopes, and rock outcroppings, should be preserved and incorporated into the design of the open space. The Parks and Recreation Advisory Board shall have the discretion to grant park land credit for open space within a PUD development that preserves significant natural features and meets all other criteria for granting park land credit.

The land adjacent to Cottonwood Creek is to be retained as open space, which will protect the streamside environment. The homes will be a combination of tuck-unders and walk-outs, which will work better with the natural slope of the site than the previously proposed commercial/office use.

2. Nonresidential and Mixed Use; Natural Features: The significant natural features of the site, such as trees, drainage channels, slopes, rock outcroppings, etc., should be preserved and are to be incorporated into the design of the open space.

N/A

D. Final Plat

The property is currently unplatted. The Final Plat for Trailside at Cottonwood Creek will plat the 15.67-acre parcel into 56 lots and tracts for private streets, utilities, landscaping, parks, open space, trails and detention. The Final Plat meets all the requirements of the subdivision regulations as set out in Section 7.7.303 of the City Zoning Code.

CONCLUSION

Based on the above assessment, the proposed rezoning, Concept Plan amendment, PUD Development Plan and Final Plat for Trailside at Cottonwood Creek to allow the construction of 56 single-family homes is consistent with the intent and purpose of the Zoning Code, the goals and objectives of the Comprehensive Plan, the review criteria for PUD Development Plans and the requirements of the subdivision regulations.

TRAILSIDE AT COTTONWOOD CREEK

PROJECT STATEMENT – ADDENDUM FOR RESUBMITTAL

NOVEMBER 2019

This Addendum to the original Project Statement for Trailside at Cottonwood Creek is to address the resubmittal of the PUD Zoning, Concept Plan Amendment, and Development Plan request, following the denial of these applications by City Council on September 24, 2019. The principal reasons for the denial were the loss of land for commercial development, that Woodmen Road is primarily a commercial corridor, and concerns about proposed access, albeit the latter were not expressed at the hearing.

This resubmittal is made in the context of the exceptions provided in Section 7.5.907 of the Zoning Code regarding limitations on further applications. On October 17, 2019, the Applicant requested an exception to the 12-month limitation on resubmittals on the grounds that the existing zoning precludes the reasonable use of the property and that there has been a change in circumstances to warrant the reconsideration of the applications (letter attached as *Exhibit A*). The justification for this request was that the split zoning of the property render the property economically unusable; the OC zoned portion of the property is denied access and will be land-locked; and that the Applicant was not given the adequate opportunity to address the concerns raised at the City Council hearing and has additional information to present in support of the project. The Applicant's request to resubmit the applications was approved by the Director of Planning and Community Development on October 29, 2019. Letter attached at *Exhibit B*.

The specific information presented in this Addendum to address the concerns expressed at and after the City Council hearing is as follows:

- Site analysis to show that the topographic constraints of the site are better suited to residential development, that can work with the grade, rather than commercial/office development that will require significant and costly earthwork and retaining walls to provide a workable and ADA compliant site.
- Economic feasibility study to demonstrate that commercial development is not a viable option for this property, due to the topographical constraints
- Marketing Information from the historic landowner to show that efforts to sell the property for commercial development have been unsuccessful.
- Corridor analysis to demonstrate that the Woodmen Road corridor comprises a variety of uses and is not a purely commercial area.
- Site analysis to show that the proposed development will create an attractive and safe residential living environment that is harmonious with adjacent uses and Woodmen Road.
- Analysis of the access to the site to demonstrate that this is the only viable option for the proposed residential development.
- Zoning analysis to show that an OC/PBC zoning does not guarantee a use that generates sales tax for the City.
- Zoning criteria analysis to demonstrate that the proposed residential PUD zoning meets the criteria for a Zone change as set out in Section 7.5.603.

Site Topographic Analysis

Attached as *Exhibit C* is a topographical analysis of the site, including drone photographs, cross-sections showing comparative residential and commercial development on the property, and grading plans for a commercial development. This is based upon the most recently approved Concept Plan for a mix of retail and office uses, approved in 2018 and the current residential Development Plan. For a viable commercial enterprise, the site will have to be raised to the level of Woodmen Road for visibility to attract customers. A commercial site will also be required to comply with ADA accessibility standards across the site. This will result in substantial amount of fill material being imported to the property and, due to the narrowness of the property, up to 30-foot high retaining walls along the south side of the development adjacent to Cottonwood Creek. This will result in substantial development costs (addressed in more detail below) and will create an unattractive environment for the trail corridor and for the neighbors on the opposite side of the creek. Photographs of similar height retaining walls are provided in Exhibit D.

Conversely, the proposed single-family residential will work with the topography of the site. The homes will be a tuck-under garage arrangement on the upper portion of the site and a walk-out condition on the lower portion, which provides the opportunity for more gradual grading down the slope. The first row of buildings will be set lower than Woodmen Road as they do not have the commercial development need for visibility. The residential development also does not have as extensive building and impervious surface coverage as the commercial use would require for its larger building footprint and large, ADA accessible parking area. The need for retaining walls is minimized with the residential development and the overall natural ambience of this part of the Cottonwood Creek corridor will be maintained,

Economic Feasibility

Exhibit E includes an Economic Feasibility Study of the comparative costs of developing the property for commercial (based on approved Concept Plan) and the proposed residential development. This study demonstrates that the cost to develop the site for commercial use far exceeds the potential value of the commercial development. This assessment is based upon the cost of filling and grading the site to bring the property up to the same grade as Woodmen Road, which is necessary for the development to be commercially viable. This requires substantial retaining walls, which adds significantly to the development costs. These costs are almost three times the estimated value of the commercial development, based on comparable values of nearby commercial sites.

To put this in context, the cost of developing the site for commercial use is over 10 times the cost of developing it for residential use. As noted above, the residential development can work with topography of the site, resulting in less fill, grading and retaining walls, which makes it a more viable option for the site.

The Economic Feasibility Study clearly demonstrates that the site is economically unfeasible for commercial development. The proposed residential development is a viable alternative that will bring immediate benefit to the City in terms of infill development, more housing choice and property and sales taxes (through internet sales).

Marketing Information

Exhibit F is a letter from the COO of David C Cook, who were the owners of this property until the fall of 2018. This letter outlines the 25-year history of David C Cook's ownership and marketing efforts for this parcel and indicates that, despite actively marketing the project for commercial development, there has been no commercial interest in the property. The entire property from Lee Vance Drive to the east was sold to 4305 East Woodmen Storage LLC, who have subsequently developed a storage facility on the only commercially viable portion of the property adjacent to Lee Vance Drive.

The deterrents to commercial development of this property that were identified during the marketing efforts were: the site's poor visibility from Woodmen Road; the cost of grading the site to create a viable and visible commercial development; the functional limitation to only one point of access, as the site work needed to create a connection to Lee Vance was not economically feasible.

Woodmen Road Corridor Analysis

It was suggested at the City Council meeting that Woodmen Road is a commercial corridor and residential development would not be appropriate. The land use analysis attached as *Exhibit G* shows that Woodmen Road from I-25 to Powers Boulevard comprises a variety of uses and is not a purely commercial area. For this 5-mile stretch of Woodmen Road, based upon linear feet of frontage, 44.3% is residential use, 44.6% is commercial use, and 11.1% is office use.

While there is more concentrated commercial land use in the I-25 to Academy and Austin Bluffs to Powers sections of Woodmen Road, residential uses are more prevalent in the intervening areas. The subject site lies in the Rangewood Drive to Austin Bluff section of the Woodmen Road corridor, where the land uses are a relatively even mix of commercial, residential and office uses. To suggest that the Woodmen Road corridor in its entirety or in this section is a primarily commercial corridor is factually incorrect. There is residential development in the immediate vicinity of this project on both sides of Woodmen Road, and the proposed residential use of the property is compatible with the existing mix of uses.

Site Suitability Analysis

The proposed residential development will create an attractive and safe residential living environment that is harmonious with adjacent uses and Woodmen Road. The cross-sections at *Exhibit C* demonstrate that the proposed single-family residential will work well with the topography of the site as the homes will incorporate a tuck-under garage arrangement on the upper portion of the site and a walk-out condition on the lower portion. The first row of buildings will be set lower than Woodmen Road, which will provide privacy and help to minimize noise disturbance from Woodmen Road. In addition, a wall is to be constructed along Woodmen Road which will further attenuate noise and will help to create a private and safe residential enclave. The access to the site will be gated, which will add to the privacy and security of this development. An attractive residential environment will be created through landscaping and access to open space and trails.

The project will also be compatible with adjacent land uses. The new homes will be situated at a lower level than the adjacent storage facility and will provide landscaping to buffer the uses. The thoughtful design of the project includes maintaining a large area of open space adjacent to Cottonwood Creek,

retaining the natural environment of the creek and enhancing the experience from the adjacent City trail. This sympathetic treatment of the creek area also provides compatibility with the existing residential neighborhood to the south.

Access Analysis

Through the development of the adjacent storage facility, the grade of that property was raised by approximately 10 feet, exacerbating the already extreme grade differences between Lee Vance Drive and the existing curb cut access point on Woodmen Road to the east of the property. The drone photographs at *Exhibit C* show the 50-foot difference in elevation between the storage facility and the subject site. This makes it practically and economically infeasible to make a connection from the subject site to Lee Vance Drive.

Consequently, this project is limited to a single point of access on Woodmen Road. The trip generation analysis below shows that the commercial/medical office development approved in the most recent Concept Plan would generate approximately 6 times the traffic then the proposed 56-unit single-family residential development. This will have significantly less impact on traffic on Woodmen Road from this single-point of access.

TABLE B TRIP GENERATION COMPARISON & SUMMARY									
ITE CODE LAND USE SIZE			TOTAL TRIPS GENERATED						
			24 HOUR	AM PEAK HOUR			PM PEAK HOUR		
				ENTER	EXIT	TOTAL	ENTER	EXIT	TOTAL
<u>Site Development - Approved</u>									
720	Medical-Dental Office	70 KSF	2,436	152	43	195	68	174	242
820	Shopping Center	16.8 KSF	634	10	6	16	31	33	64
<i>Approved Total:</i>			<i>3,070</i>	<i>162</i>	<i>49</i>	<i>210</i>	<i>99</i>	<i>208</i>	<i>306</i>
<u>Site Development - Proposed</u>									
210	Single-Family Housing	56 DU	529	10	31	41	35	21	55
<i>Proposed Total:</i>			<i>529</i>	<i>10</i>	<i>31</i>	<i>41</i>	<i>35</i>	<i>21</i>	<i>55</i>
<i>Build-Out Total:</i>			<i>-2,542</i>	<i>-151</i>	<i>-18</i>	<i>-169</i>	<i>-64</i>	<i>-187</i>	<i>-251</i>

Note: All data and calculations above are subject to being rounded to nearest value.

A three-quarter access is proposed on Woodmen Road, which allows right-in, right-out, and left in movements. The Traffic Study accompanying the applications indicates that, due to the low traffic volumes projected, the proposed residential development is not expected to significantly change the operations of the nearby intersections. The development project will provide westbound left-turn and eastbound right-turn declaration lanes in accordance with the City’s design standards. The City’s Traffic Engineer agrees with the findings of the Traffic Study and has approved the three-quarter access to the site off Woodmen Road.

It should also be noted that access is a Development Plan criterion, not a zone change consideration, and should not influence the decision on the zoning request.

Zoning Analysis

The property has a split zoning, with the western 9.2 acres zoned OC and the eastern 6.46 acres zoned PBC. The OC/PBC zoning alone does not guarantee a commercial use that generates sales tax for the City. The OC zone allows 37 permitted uses and only 5 (13.5%) generate sales tax. The PBC zone has 60 permitted uses, only 20 (33.3%) of which are uses that generate sales tax (this excludes food related sales as the majority are not taxable). There is not a strong correlation, therefore, between the current OC/PBC zoning and the likelihood of securing a sales tax generating use on this site.

Also of relevance from a zoning perspective, is the fact that single-family residential uses are a permitted use in the OC zone and a conditional use in the PBC zone. It should also be noted that the category of land use “Research & Development”, which was the use identified on the original Master Plan for this site, is not a permitted use in either the OC or PBC zone.

Zoning Criteria Analysis

Section 7.2.102 of the Zoning Code indicates that “it is the intent and purpose of this Zoning Code to protect property values, to preserve neighborhoods and to protect private property from adjacent nuisances such as noise, excessive traffic, incompatibility of uses, inappropriate design of buildings, and visual obstructions.” This zone change request must be assessed on its own merits as presented against the criteria in Section 7.5.603 of the Zoning Code. The preservation of one land use in preference to another, for whatever reason, is not the intent or purpose of the zoning code and is not a criterion for reviewing a zone change request.

The proposed rezoning of this property from office and commercial use to single-family detached residential development meets the review considerations of Section 7.5.603 of the Zoning Code as follows:

1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.

The proposed rezoning of the property for residential uses will better serve the public interest and general welfare, then leaving the site vacant in the hope of some illusive commercial use of the site. It will provide a smaller, more affordable, single-family product that will provide additional housing choice in an area dominated by traditional single-family neighborhoods. The integration of higher density residential development in this location will serve as a transition from the established single-family neighborhood to the south to Woodmen Road and the adjacent commercial use. The project represents infill development that can benefit from and contribute to the existing commercial, recreational, employment, and public facilities in the immediate area.

2. The proposal is consistent with the goals and policies of the Comprehensive Plan.

The site is in an area designated as a New/Developing Activity Center on the City’s PlanCOS Vision Map. These are in the process of developing or have recently been developed. The proposed rezoning to higher density residential adds to and complements the mix of employment and commercial zoning in the area and is consistent with the comprehensive plan designation.

Plan COS identifies the Cottonwood Creek neighborhood as an Established Suburban Neighborhood. The project supports policies regarding infill and investment in mature and developed areas. The proposed uses will provide an additional housing choice in terms of density, type of residential, and levels of affordability in the established neighborhood.

PlanCOS supports a range of housing densities in all developing and new neighborhoods in order to promote housing for all and seeks to target higher densities in proximity to open space, major thoroughfares, activity centers, and transit services. The location of this proposed multifamily use adjacent to Woodmen Road and Austin Bluffs Parkway, close to activity and employment centers, and with easy access to multiple trails and open space, furthers this objective of the Comprehensive Plan. There is currently no transit in this part of the City, but we understand that there are plans to provide transit connections to the Hospitals in the north of the City.

3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.

The Norwood Master Plan was approved in 1997 and is considered to be implemented, as it is more than 80% developed. The Master Plan designates this site and the adjacent property to the west as Research and Development. These properties have remained vacant for over 20 years since the approval of the Master Plan. Since 1997 changes in technology and the market have resulted in less demand for research and development uses. Furthermore, the OC/PBC zoning of the property does allow a Research and Development use.

The grade of these properties also creates challenges to development, particularly for a research and development facility, which typically would need a large area of level ground. The adjacent property is now under construction as a self-storage facility on the northern part of the parcel with the southern steeper part of the parcel retained as open space. The proposed single-family product on the subject site accommodates the grade challenges into the overall site design and also retains open space in the southern steeper part of the property.

4. For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this chapter.

The proposal is not in a MU zone district.

CONCLUSIONS

The principal concerns raised by City Council on the original submittal of this project are the perceived loss of commercial sales tax, the generally commercial nature of the Woodmen Road corridor, and the adequacy of the proposed access to the site.

The current split zoning of this property renders the property economically unusable as the OC zoned portion of the property is denied access and will be land-locked. The Economic Feasibility Study and Topographic Analysis (*Exhibit C*), show that the topographic constraints of the site are better suited to residential development, that can work with the grade, rather than commercial/office development that

will require significant and costly earthwork and retaining walls to provide a workable and ADA compliant site. The past marketing efforts for the site demonstrate that the constraints of visibility and costly site works have been the reason for the lack of commercial interest in this site over the past 25 years.

A proposed residential development is able to work with, not against, the topography of the site, creating an attractive and secure residential environment and a more sympathetic site design that retains the natural environment of the creek and enhances the experience from the adjacent City trail. A residential development is the most viable development option for this property and will bring immediate benefit to the City in terms of infill development, more housing choice, and property and sales taxes (through internet sales).

There is no factual basis to support the contention that the Woodmen Road corridor is primarily commercial. The land use analysis (*Exhibit G*) shows that Woodmen Road comprises a variety of uses, with a relatively even mix of commercial, residential and office uses. There is residential development in the immediate vicinity of this project on both sides of Woodmen Road, and the proposed residential use of the property is compatible with the existing mix of uses.

Regarding site access, it is practically and economically infeasible to make a connection from the subject site to Lee Vance Drive. Consequently, this project is limited to a single point of access on Woodmen Road. The trip generation analysis shows that the commercial/ office development would generate approximately 6 times the traffic than the proposed 56-unit single-family residential development. This will have significantly less impact on traffic on Woodmen Road from this single-point of access. The proposed three-quarter access onto Woodmen Road has been reviewed and approved by the City's Traffic Engineer. Access is a Development Plan criterion and should not influence the decision on the zoning request.

The zoning analysis shows that there is not a strong correlation between the current OC/PBC zoning and the likelihood of securing a sales tax generating use on this site, as the majority of permitted uses in these zones do not generate sales tax. The comparison should not be residential versus commercial in this regard, but residential versus the site remaining vacant, as it is not a feasible commercial site. A residential use will generate property taxes; a vacant site will not.

This zone change application as presented must be assessed on its own merits against the criteria in Section 7.5.603 of the Zoning Code. The preservation of one land use in preference to another, for whatever reason, is not the intent or purpose of the zoning code and is not a criterion for reviewing a zone change request. The proposed residential development satisfies the review criteria for a zone change. Denying the opportunity to rezone a property for a use that meets the zone change criteria is contrary to the intent and purpose of the Zoning Code, as it will not "protect the value" of this particular property and will deny the landowner the reasonable use of the property.