



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: May 15, 2023

Re: Copperstone Corner – PD Plan & Statement of Intent (Case #02-2023)

Executive Summary

If approved, this request would authorize the creation of a 10-lot commercial development with private street infrastructure and an updated Statement of Intent (SOI) on property previously (1998) zoned for “planned commercial” purposes. Development upon the individual lots shown on the PD Plan would require site-specific approval via Planning Commission review and Council action prior to permit issuance. The ordinance seeking approval of the PD Plan and SOI also contains a request to authorize the City Manager to execute a development agreement between the City and land owner. The agreement establishes obligations and triggers for the installation of off-site transportation infrastructure improvements deemed necessary to mitigate potential traffic impacts arising from the development of the acreage.

Discussion

The subject 16.79 acres was annexed into the City in November 1998 (Ord. 015793) and is the remainder of a larger 22-acre tract which was permanently zoned C-P (Planned Commercial, now PD). At the time of annexation and permanent zoning the site was authorized to be developed with all uses in the then C-1 (Intermediate Business; comparable to Mixed-Use Neighborhood in the current code) district plus service stations with automatic car washes and lubrication facilities. No development plan was required in 1998 and none has been previously presented for development of the subject acreage.

The current owners, Grindstone Acres, LLC et al, desire to pursue development and sale of the acreage with a defined development plan. As such, this request has been presented to ensure that the acreage is compliant with contemporary PD (Planned Development) requirements which include a Statement of Intent (SOI) and a development plan. The proposed 10-lot development and private street system meet the requirements of the UDC and those for a preliminary plat. The proposed private street network will be constructed to the city’s street standards for a “Local, non-residential” street with a minimum 38-foot wide pavement section, 5-foot wide sidewalks on each side, and curbs and gutters. The street will be located within a 76-foot wide common lot with standard 10-foot utility easement located behind the sidewalks on either side of the travel lanes.

The development plan that has been prepared is atypical from what has been previously presented to the Planning Commission and Council. The plan does not display any potentially fictitious future building footprints or parking areas, but rather **only** identifies the proposed lot layout of the future development, the internal transportation system, and as a separate “plan sheet” the proposed landscaping/buffers along the perimeter of the 16.79-



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acre property. This streamlined plan is believed more consistent with the current regulatory standards given all “design parameters” are actually shown on the plan. These parameters establish for the applicant as well as the staff and public what can actually occur on a given lot and are seen as a more accurate depiction of possible impacts than a fictitious building footprint that may or may not be constructed.

It should be further understood, that prior to the issuance of any building permit on any lot shown on the PD Plan that a site-specific development plan will need to be reviewed by staff for compliance, heard before the Planning Commission in a public hearing, and given final approval by Council. This process mirrors that currently used for PD-zoned land; however, allows the design professional and property owner the flexibility to work with future users to accommodate their specific needs without having the added complication of a predetermined footprint on a specific lot.

As noted, the PD Plan includes design parameters pertaining to the development intensity permissible on each lot (i.e. Lot Restrictions), addresses signage for the overall development, and general notes that define how each lot shown will be capable of being developed. Furthermore, page 4 of the PD plan identifies the standards and location of required landscaping/buffers with the specific plant materials and spacing criteria that must be addressed to ensure compliance.

Compliance with the contemporary 2017 PD development standards requires that the applicant submit a Statement of Intent (SOI) with this request. The attached SOI contains the dimensional standards to which the future development of the site will be subject to, building footprint limitations per lot, the parking standards that must be met, and uses that would be allowed on the site.

The subject site's future development will be controlled by the dimensional requirements applicable to M-C (Mixed-use Corridor) zoning district. These standards permit structures no greater than 45-feet in height with setbacks of 25-feet front, zero side, and 20-feet rear when adjoining R-1 zoned land (i.e. along the entire southern boundary of the site). The SOI also includes maximum building footprint limitations that vary across the site with the most restrictive (maximum 20% of each lot) being along the southern boundary of the site (south of Capital Drive) where the development abuts R-1 zoned lots in Copperstone. Lots north of Capital Drive would be allowed a maximum of 35% building footprint coverage.

In addition to the dimensional standards and maximum building footprint limitations, the SOI addresses individual lot parking requirements. The SOI stipulates that parking will comply with the requirements of the UDC's parking table. Furthermore, specific language within the SOI addresses parking lot location with respect to the perimeter of the property and that abutting property that is zoned R-1. Parking is more restricted where it would be located adjacent to R-1 zoned lands.

Finally, the SOI contains a list of permissible uses that each of the lots can be improved with. This list was derived from the use list existing in the 1998 C-1 (Intermediate Business) district



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and includes service stations with automatic car washes and lubrication facilities as permitted by the 1998 zoning entitlement. These uses were then converted to match those now existing in the Permitted Use Table of the UDC.

It should be noted that the use list shown in the attached SOI is actually **reduced** from that previously permitted on the acreage. This reduction is due to focusing the allowed uses on the “neighborhood” commercial character that is envisioned for development. Uses such as single and two-family development have been removed as well as other uses not generally considered compatible or likely within a commercial subdivision.

An additionally use, “indoor recreation and entertainment” is sought to be added as an allowed use on the property. This use did not exist in 1998 and is generally considered an expansion of the former C-1 use identified as “fitness centers, private gyms, and reducing salons”. The definition of “indoor recreation and entertainment” is:

“A facility for indoor participation or observation of sports, games, fitness, arts, or culture activities that do not meet the definition for another use in this chapter. This use includes but is not limited to billiard parlors, game arcades, skating rinks, bowling alleys, gymnasiums not accessory to an education institution, racket clubs, sports arenas, and similar uses. Accessory uses include the sales of food, beverages, and items related to or required for participation in the recreation or entertainment activity. This use includes any establishment with more than three (3) amusement game machines on the premises”.

While it would appear that this use creates a significant increase in the intensity of activities permitted, it should be noted the subject site is located at the corner of a major and minor arterial street. Furthermore, if the subject property were to be rezoned M-N, the district comparable to the former C-1, this use would be permitted by-right. Finally, given these uses are required to be completely contained within an enclosed structure, the adverse impacts that they may impose would be mitigated and the increased traffic they could create is being addressed with off-site transportation system improvements.

The Planning and Zoning Commission held a public hearing on this matter during its April 20, 2023, regular meeting. Staff provided its report and answered several questions of the Commission relating to the why the project was not proposed to be rezoned out of its PD designation, if there were public comments, and site development details. Staff noted that rezoning out of the PD was discussed; however, the applicant and adjoining property owners desired to maintain the designation. Furthermore, staff noted that the PD designation ensured that enhanced buffers, use restrictions, site-specific plan approval, and the off-site improvements were benefits of maintaining the current zoning designation. Staff noted no public comments were received relating to the request.

Following staff comments, the applicant and their representatives gave a presentation relating to the development's origins, the traffic impact analysis performed, and the



neighborhood engagement efforts utilized. A single member of the public spoke regarding the request and indicated support for the development plan and maintaining the PD zoning on the property as a way to ensure neighboring residents could participate in future site-specific plan approval processes.

Following additional Commission discussion, a motion was made to approve the PD Plan and the SOI with the additional "indoor recreation and entertainment" use. These motions were unanimously approved by a vote of (9-0).

A copy of the Planning and Zoning Commission staff report, locator maps, PD Plan, Statement of Intent, Development Agreement (w/exhibits), 1998 Annexation/Zoning (Ord. #015793), and meeting minute excerpts are attached for review.

Fiscal Impact

Short-Term Impact: Minimal. Costs associated with the expansion or installation of public infrastructure to serve the site will be borne by the applicant. Off-site improvements to Scott Boulevard and Vawter School Road will also be at the expense of the applicant.

Long-Term Impact: Limited. Impacts may include the additional maintenance of enhanced public roadway upgrades as well as public service provision relating to trash collection, public safety, and sewer maintenance. Increased service costs may or may not be off-set by increased property tax collections and/or user-fees.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Resilient Economy, Secondary Impact: Reliable Infrastructure, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Mobility, Connectivity, and Accessibility, Tertiary Impact: Economic Development

Legislative History

Date	Action
11/2/98	Annexation and permanent zoning of acreage to C-P (Ord. 015793)

Suggested Council Action

Approve the PD Development Plan entitled "Copperstone Corner" and the associated Statement of Intent as recommended by the Planning and Zoning Commission.