

zoning, his primary request is that the PUD remain consistent with the previously approved maximum lot count rather than allowing additional units.

Commissioners clarified that the proposed PUD amendment involves three changes: increasing the maximum lot count from 182 to 186, modifying sidewalk requirements, and acknowledging potential future commercial use at the corner. Mr. Weisman reiterated his concern that the original PUD reduced density after strong public input and argued that increasing the lot count now moves back toward higher density. He acknowledged the number of additional homes would be small but felt the City had already granted significant relief, particularly regarding sidewalk requirements, and that density should remain at 182.

Commissioners noted the increase would apply only to the remaining undeveloped portion and likely involve three or four additional homes made possible by the reduced floodplain area on the west side. Staff explained that the additional lots result from newly buildable land due to the updated floodplain boundary, and that all existing design standards, lot sizes, and setbacks would remain unchanged. Commissioners discussed whether to cap the number below 186. Still, they agreed to allow the applicant to clarify expected final lot counts during engineering, emphasizing that the amendment sets a maximum rather than a guaranteed total.

Staff read four emailed comments from nearby residents opposing the proposal, primarily expressing concern about potential future commercial development at the corner of Tucson and Garnett and its impacts on traffic, noise, refuse, and neighborhood character. Commissioners clarified that the Comprehensive Plan currently designates the area as Level 2 Urban Residential and does not show commercial at that corner, meaning any future commercial use would still require a Comprehensive Plan amendment and rezoning. Members discussed whether including the commercial designation within the PUD now effectively signals support for a plan change and concluded that the commercial component could be removed from the amendment and addressed separately in the future if pursued.

Discussion then focused on density and the requested increase from 182 to up to 186 lots. The applicant explained that the additional lots are made possible by the updated FEMA floodplain boundary, which created more buildable area on the west side of the property. Commissioners debated whether the density calculation under the PUD is directly comparable to standard RS-3 zoning. They noted that the increase represents only three or four additional homes in the remaining undeveloped portion. The applicant maintained that the overall density remains within acceptable limits and does not exceed RS-3 standards.

The board also examined whether homes could realistically be constructed outside the floodplain while meeting setback requirements, with the applicant confirming that the displayed layout is conceptual but based on engineering analysis showing the lots are feasible. Finally, commissioners raised concerns about sidewalk requirements along the future commercial corner, noting consistency with prior projects that required escrows when sidewalks could not yet be constructed. The applicant agreed that establishing an escrow for future sidewalk construction would not be an issue, acknowledging that building a sidewalk now may not be feasible due to floodplain constraints.

MOTION: A motion was made by Jason Coan, seconded by Robert Goranson
Move to Approve Item 26-326 PUD-002644-2026 (Planned Unit Development) Elysian Fields III, a major amendment to PUD-306, 53.55 acres, AG (Agricultural) to RS-P (Single Family Residential - Preservation) & PUD-306 via BAZ-2050, generally located at the southeast corner of Tucson Street (121st Street) and Garnett Road (113th E. Avenue) with modifications – allow the increase in dwelling units from 182 to 186, deny the acknowledgement of future commercial on the hard corner, and allow escrow for the sidewalks along Garnett Road and Tucson Street

The motion carried by the following vote:

Jonathan Townsend, Jason Coan, Robert Goranson

Mindy Payne, Jaylee Klempa

Aye: 3 -

Nay: 2 -

C. 26-316

Public hearing, consideration, and possible action regarding PUD-002519-2025, major amendment to PUD-307, and BAZ-002633-2026, Aspen Creek Villas, 90.33 acres, Commercial Heavy (CH) to Single-family Residential - Compact (RS-C), located north of Tucson Street (121st Street) and approximately one quarter mile east of Olive Avenue (129th Avenue).

Jose Jimenez, Planner II, presented Item 26-316. This item is a public hearing for PUD 002519-2025 and BAZ 002633-2026 for Aspen Creek Villas, involving 90.33 acres north of Tucson Street and east of Olive Avenue. The request would rezone the property from commercial heavy to single-family residential compact (RSC) and amend PUD 307 to allow up to 415 homes with minimum lot widths of 52 feet, minimum lot sizes of 6,000 square feet, and 20-foot front and rear setbacks. The development standards are largely consistent with the City's new RSC zoning district, which permits smaller lots in exchange for dedicating at least

15% of the site as open space. Because the property borders the Creek Turnpike, 80 feet of right-of-way must be dedicated along the north boundary for a future frontage road at platting, along with any additional required easements.

The development outline states that no final plat may be approved until funding for the widening of Tucson Street is secured. The April 2026 General Obligation bond includes funding to widen Tucson from Olive to Aspen from two lanes to five, along with sidewalks and related improvements, if approved by voters. Surrounding land uses include the Creek Turnpike and vacant land to the north, multifamily residential to the east, single-family neighborhoods to the south, and open space and golf course land to the west. The site is not located within the 100-year floodplain, and city water and sewer are available. Based on the Comprehensive Plan and surrounding uses, staff recommends approval.

In discussion, it was acknowledged that if the 2026 bond does not pass, the City would need to evaluate alternative funding strategies, similar to situations experienced in other communities. While there is confidence that the bond reflects substantial community input and has strong support, voter approval is not guaranteed, and future steps would depend on broader City discussions if funding were not secured.

Commissioners asked whether approval of the PUD should be contingent upon voter approval of the 2026 General Obligation bond that includes funding for the Tucson Street widening. Staff explained that Tucson Street is a named project in the bond package and is listed first among street improvements, meaning that if voters approve the bond, funding for that project would be secured. The development outline ties the requirement to final plat approval, not the rezoning stage, and staff noted that the project would not reach final plat before the April vote, so that the outcome would be known in advance.

Commissioners also questioned whether the proposed 415 homes could realistically fit on the site while meeting the 15% open space requirement required under RSC zoning. Staff responded that the current layout is conceptual and that detailed compliance with open space and other standards would be fully evaluated during the platting process.

Alan Betchan, AAB Engineering, explained that the Planning Commission previously heard this PUD and was later considered by the City Council, where it failed on a 2–2 vote due primarily to concerns about traffic on Tucson Street and whether approving the proposed number of homes without guaranteed roadway improvements was appropriate. In response to those concerns, the current proposal includes a requirement that funding for the Tucson Street widening be secured before any final plat approval.

He noted that Tucson Street has already been fully designed and was considered shovel-ready as part of the bond package discussions. However, if the bond does not pass, the developer understands that no final plat—and therefore no home construction or sales—can proceed until funding for Tucson is in place. The intent is to allow engineering and project planning to move forward while ensuring protections tied to roadway improvements remain in effect.

Mr. Betchan also acknowledged that the recently adopted RSC zoning standards, including the 15% open space requirement, may affect the final lot count. He stated the applicant is not requesting waivers and understands that if the project cannot achieve 415 lots while complying with all requirements, the total number of homes will be reduced accordingly. The proposal is intended to address prior traffic concerns while remaining consistent with discussions held with staff, neighbors, and council members.

Commissioners questioned how the project would proceed if the 2026 bond funding for the Tucson Street widening did not pass. Mr. Betchan explained that under the proposed PUD language, no final plat could be approved—and therefore no lots sold—until Tucson Street is funded, whether through the bond or another mechanism. He emphasized that this condition was included to address prior City Council concerns about traffic and that moving forward with engineering before the final plat would be at the developer's risk.

Discussion then shifted to the required 15% open space under the RSC zoning, which Mr. Betchan confirmed is binding and not subject to waiver. Compliance would be fully evaluated during platting, and the lot count would adjust if necessary to meet code.

Commissioners raised concerns about the required 80-foot right-of-way dedication along the north boundary for a future frontage, service, or collector road parallel to the Creek Turnpike. They noted that previous discussions in adjacent developments contemplated a continuous service road and questioned why the conceptual plan did not show it. Mr. Betchan responded that the comprehensive plan identifies a collector corridor, but the exact configuration—whether a frontage road, service road, or internal collector—has not yet been finalized and would be determined during platting in coordination with staff. He stated that nothing in the

PUD waives the requirement to provide the collector or necessary right-of-way, but incorporating such a road could significantly alter the layout.

Commissioners also asked about existing billboards along the turnpike frontage, noting they were not depicted on the plan. Mr. Betchen explained that the billboards are subject to private lease agreements and existing entitlements, and their status would need to be addressed during platting. He reiterated that the current PUD amendment aligns with the previously approved comprehensive plan amendment and primarily seeks to address traffic concerns by tying development to Tucson Street funding. At the same time, detailed roadway configuration and related issues would be resolved at the plat stage.

Caralee Ingram, co-owner of Little Links Golf Course west of the site, expressed concerns about the proposed development's potential impacts on her business. While acknowledging that development is occurring throughout the area and that the applicant has revised plans multiple times, she emphasized that unresolved issues remain, particularly related to flooding and downstream drainage.

She stated that the floodplain near the retention pond already affects portions of the golf course, especially the back nine, and additional upstream development could worsen flooding and potentially render some holes unusable. She also referenced broader drainage concerns tied to the Innovation District and other growth pushing water westward, noting that no comprehensive downstream solution has yet been finalized. Traffic congestion along Olive and Tucson was also cited as an ongoing concern.

Ms. Ingram explained that while discussions have occurred with the City, significant coordination across jurisdictions and funding challenges remain. Her primary request was for clearer assurances that drainage and floodplain impacts will be addressed before additional development proceeds, emphasizing that her concerns apply to any project in the area and are focused on protecting her business and property, Little Links Golf Course.

Commissioners confirmed that Ms. Ingram's primary concern is drainage rather than the Tucson bond itself. She emphasized that while the proposed development would not be entirely impervious, the cumulative impact of rooftops and pavement could increase runoff toward Little Links Golf Course, which already functions as a de facto retention area. She expressed concern that additional water could further strain existing infrastructure, including a narrow culvert under 121st Street that she believes is already undersized for current floodplain conditions.

It was noted that development regulations require on-site detention to prevent increases in upstream or downstream runoff, and explained that engineered storage systems can slow release rates and potentially improve existing conditions. Ingram acknowledged that possibility but reiterated that the golf course has experienced repeated flooding and equipment damage and that existing drainage constraints remain unresolved. She stated that her family has met with City officials and engineers to document these concerns and wants assurance that future development will not worsen flooding impacts on their property.

An emailed comment from Shreece Tim, who lives in the 6700 block of South Joshua Avenue, expresses opposition to the proposal. He states that the nearby school is already overcrowded, the existing two-lane road network cannot handle additional traffic, and the stop sign at 121st and Olive is frequently backed up. He believes more housing should not be added in the area, given the current traffic and school capacity conditions.

In rebuttal, Alan Betchen stated that the PUD condition requiring Tucson Street to be funded before final plat approval directly addresses both traffic concerns and drainage issues tied to existing culvert constraints in Tucson. He emphasized that the development will include on-site detention designed to reduce post-development peak runoff to at or below existing conditions, as required by city standards. He noted that a detention facility is specifically planned along the tributary most concerning to Little Links, providing an opportunity for controlled mitigation upstream.

When asked whether the developer had engaged with Little Links, Mr. Betchen indicated there had been prior discussions over the years. However, he could not recall specifics tied to the most recent drainage conversations. He reiterated that engineered detention could potentially improve current conditions compared to leaving the land undeveloped, which provides no formal stormwater controls.

Commissioners questioned whether the project's density had been reconsidered over time. Mr. Betchen responded that multiple concepts had been explored, including commercial and lower-density options, but that attainable housing economics and the site's proximity to a future five-lane arterial and turnpike access support the proposed density. He clarified that the previous

City Council vote failed due to concerns about traffic without a guaranteed Tucson widening, and the current application includes that funding requirement as a material change.

Significant discussion focused on the required 80-foot right-of-way for a frontage or collector road parallel to the Creek Turnpike. Commissioners expressed concern that the conceptual layout did not depict the road or existing billboards, which could materially affect lot configuration. Mr. Betchen confirmed that the comprehensive plan requires the road and that nothing in the PUD waives that obligation. He acknowledged that incorporating the road could change the layout, but maintained it would not materially undermine the project's viability. Staff confirmed the comprehensive plan identifies a frontage road in that location and that the adjacent apartment project dedicated right-of-way for it. Commissioners emphasized their desire to ensure the frontage road and billboard considerations are clearly on the record and addressed during platting, with the applicant affirming that those requirements remain in place and will be resolved at the next stage.

Commissioners expressed concern about the overall density of the project, noting that more than 400 homes in that location feels significant and that they have heard from residents who prefer larger-lot homes rather than additional compact developments. While he acknowledged that higher density near a highway can make planning sense, he emphasized that community feedback has been trending against smaller-lot neighborhoods.

Commissioners stated that the site's proximity to an existing apartment complex supports a housing product of similar intensity rather than larger-lot homes. It was clarified that the concern was not about residential use itself, but specifically about the compact lot sizes. It was confirmed that commissioners do not oppose the property being residential and trust that engineering requirements will address drainage concerns, but wanted to note ongoing community hesitation about continued approval of compact housing developments.

**MOTION: A motion was made by Jason Coan, seconded by Mindy Payne
Move to Deny Item 26-316 PUD-002519-2025, major amendment to PUD-307, and BAZ-002633-2026, Aspen Creek Villas, 90.33 acres, Commercial Heavy (CH) to Single-family Residential - Compact (RS-C), located north of Tucson Street (121st Street) and approximately one quarter mile east of Olive Avenue (129th Avenue).**

The motion carried by the following vote:

Aye: 2 -
Nay: 3 -

Mindy Payne, Jason Coan
Jonathan Townsend, Jaylee Klempa, Robert Goranson

**MOTION: A motion was made by Mindy Payne, seconded by Jonathan Townsend
Move to Table Item 26-316 PUD-002519-2025, major amendment to PUD-307, and BAZ-002633-2026, Aspen Creek Villas, 90.33 acres, Commercial Heavy (CH) to Single-family Residential - Compact (RS-C), located north of Tucson Street (121st Street) and approximately one quarter mile east of Olive Avenue (129th Avenue), to March 26, 2026**

The motion carried by the following vote:

Aye: 5 -

Mindy Payne, Jonathan Townsend, Jaylee Klempa, Jason Coan, Robert Goranson

7. Appeals - NONE

8. General Commission Business - NONE

9. Remarks, Inquiries, and Comments by Planning Commission and Staff (No Action)

During further discussion, commissioners raised the concept of compensatory storage in relation to building within floodplain areas. Alan Betchen explained that compensatory storage allows a developer to place fill in the floodplain if an equivalent volume of material is excavated elsewhere within the floodplain, maintaining a one-to-one balance below the base flood elevation. He noted that additional floodplain modeling and regulatory approvals, often involving FEMA and potentially the Corps of Engineers, are required. While feasible, the process can take several months and involves significant documentation. Commissioners acknowledged that compensatory storage provides a legal pathway to modify floodplain areas but is a substantial undertaking.

The discussion then shifted to density calculations under the new zoning ordinance. Staff clarified that permitted dwelling unit calculations are based on gross land area, excluding areas designated for non-residential uses, but including residential open space and recreation areas. However, open space must meet specific criteria under Section 3-1-3G and cannot simply consist of unusable floodplain or inaccessible areas; it must be functional and meet defined standards. Commissioners noted that prior zoning approaches may have differed and emphasized the importance of ensuring accurate density comparisons between straight zoning and PUD calculations.