



CENTENNIAL BLVD TOWNHOMES APPEAL

APPL-24-0002

CITY COUNCIL – MARCH 12, 2024



APPL-24-0002

Centennial Blvd Townhomes



QUICK FACTS

Address:

4113 Centennial Boulevard

Zoning and Overlays

Current: MX-M (Mixed-Mix Medium Scale)

Previous: PBC-2P (Planned Business Park with Planned Provisional Overlay)

Site Area

1.62 acres

Proposed Land Use

Multi-Family Residential

APPLICATIONS

Appeal of Planning Commission denial of a conditional use development plan (CUDP-22-0014)

VICINITY MAP



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CENTENNIAL BLVD TOWNHOMES



IMAGES



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TIMELINE OF REVIEW



Initial Submittal Date	June 21, 2022
Number of Review Cycles	Five (5)
Item(s) Ready for Agenda	January 16, 2024

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STAKEHOLDER INVOLVEMENT



PUBLIC NOTICE

Public Notice Occurrences (Posters / Postcards)	Internal Review / Prior to Planning Commission Meeting and City Council; and CPC)
Postcard Mailing Radius	1,000 feet
Number of Postcards Mailed	285
Number of Comments Received	13 in opposition

PUBLIC ENGAGEMENT

- No neighborhood meeting was held for this entitlement request.
- Public concerns for this project are related to drainage issues; traffic; buffering between uses/privacy; views; fire evacuation; and security from a for-rent development.
- Applicant provided a written response to the received public comments. No follow-up correspondence from the public was received.

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AGENCY REVIEW



Traffic Engineering

Comments received and addressed during the review

SWENT

Comments received and addressed during the review

Engineering Development Review

Comments received and addressed during the review

Colorado Springs Utilities

Comments received and addressed during the review

Fire

Comments received and addressed during the review

Planning Landscape

Comments received and addressed during the review

Parks

No comments were received during the review.

Enumerations

Comments received and addressed during the review

Colorado Geologic Survey

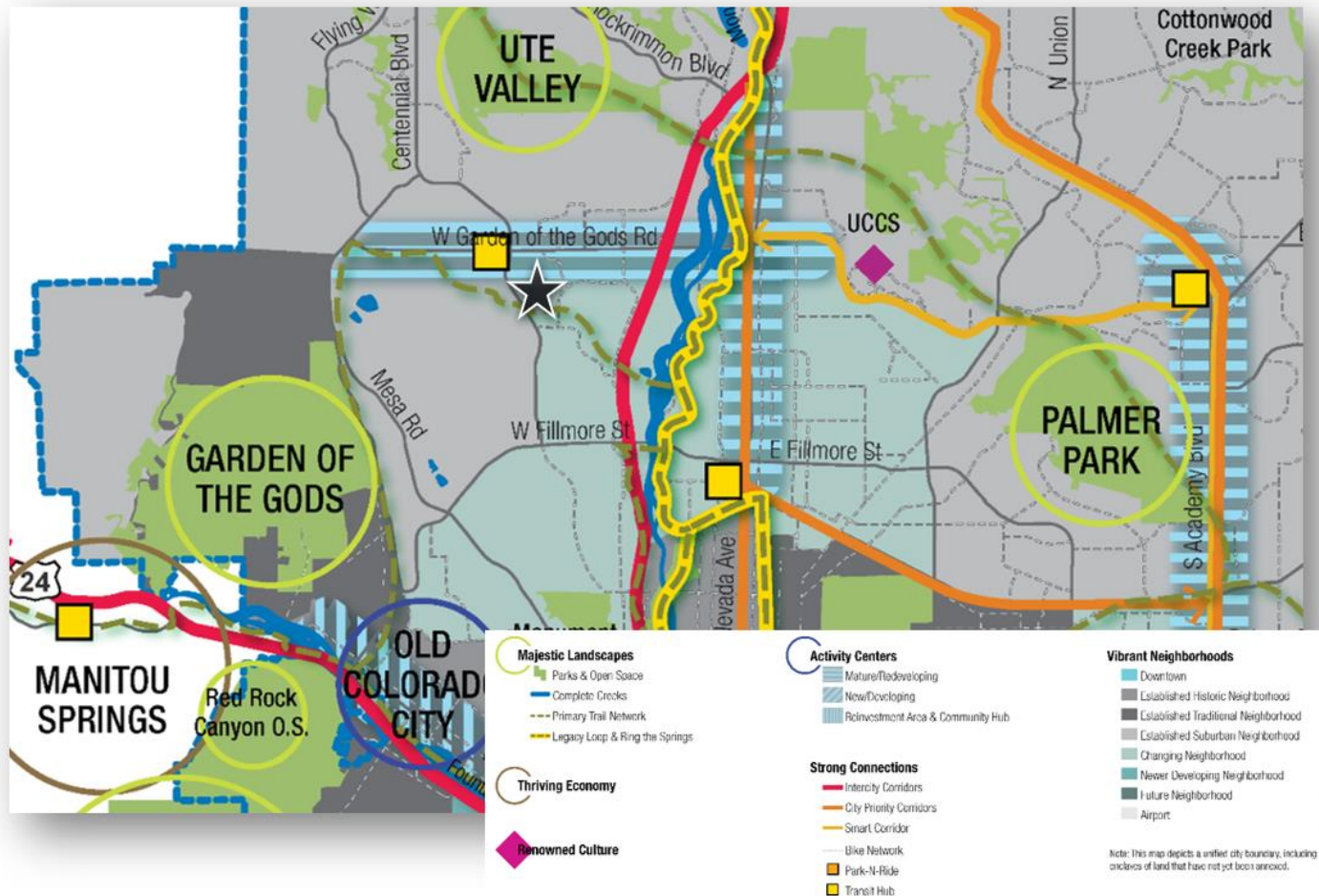
Comments were received and addressed during the review. Geologic Hazard Evaluation and Preliminary Geotechnical Investigation report approved and signed off by City Engineering

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PlanCOS COMPLIANCE



PlanCOS MAP IMAGE



PlanCOS Compliance

This project complies with the applicable visions, Big Ideas, and strategies of PlanCOS.

APPLICATION REVIEW CRITERIA



7.5.704: Conditional Use (Chapter 7)

Criteria for Approval

1. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.
2. Intent Of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.
3. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

7.5.502.E: Development Plan (Chapter 7)

1. The details of the use, site design, building location, orientation and exterior building materials are compatible and harmonious with the surrounding neighborhood, buildings and uses, including not-yet-developed uses identified in approved development plans.
2. The development plan substantially complies with any city-adopted plans that are applicable to the site, such as master plans, neighborhood plans, corridor plans, facilities plans, urban renewal plans, or design manuals.
3. The project meets dimensional standards, such as but not limited to, building setbacks, building height and building area set forth in this chapter, or any applicable FBZ or PUD requirement.
4. The project grading, drainage, flood protection, stormwater quality and stormwater mitigation comply with the City's Drainage Criteria Manual and the drainage report prepared for the project on file with the City Engineering Department.
5. The project provides off-street parking as required by this chapter, or a combination of off-street or on-street parking as permitted by this chapter.
6. All parking stalls, drive aisles, loading/unloading areas, and waste removal areas meet the location and dimension standards set forth by this chapter.
7. The project provides landscaped areas, landscape buffers, and landscape materials as set forth in this chapter and the Landscape Design Manual.
8. The project preserves, protects, integrates or mitigates impacts to any identified sensitive or hazardous natural features associated with the site.

APPLICATION REVIEW CRITERIA



7.5.502.E: Development Plan (Continued) (Chapter 7)

9. The building location and site design provide for safe, convenient and ADA-accessible pedestrian, vehicular, bicycle, and applicable transit facilities and circulation.
10. The number, location, dimension and design of driveways to the site substantially comply with the City's Traffic Criteria Manual. To the extent practicable, the project shares driveways and connects to drive aisles of adjoining developments.
11. The project connects to or extends adequate public utilities to the site. As required by Colorado Springs Utilities, the project will extend the utilities to connect to surrounding properties.
12. If necessary to address increased impacts on existing roadways and intersections, the project includes roadway and intersection improvements to provide for safe and efficient movement of multi-modal traffic, pedestrians and emergency vehicles in accordance with the City's Traffic Criteria Manual, public safety needs for ingress and egress and a City accepted traffic impact study, if required, prepared for the project.
13. Significant off-site impacts reasonably anticipated as a result of the project are mitigated or offset to the extent proportional and practicable. Impacts may include, but are not limited to light, odor and noise.

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PLANNING COMMISSION



PLANNING COMMISSION DETERMINATION

- City Planning Commission found the Appellant was not prepared to address questions related to the project.
- A postponement was offered by the Commissioners to the Appellant to allow the Appellant time to organize and prepare for discussion of the project. The Appellant requested a decision to be rendered.
- City Planning Commission denied the Conditional Use Development Plan that the request did not comply with the criteria as set forth in City Code Chapter 7 7.5.704 and City Code Chapter 7 Section 7.5.502.E due to a lack of specificity of the project provided by the Appellant.
- Vote: 0:8:0 (Denial)

APPEALS (UDC SECTION 7.5.4 15.A.2)

Notice of Appeal

- 2.a The notice of appeal shall state:
- (1) The specific provision(s) of this UDC that is the basis of the appeal; and
 - (2) Which of the following criteria for reversal or modification of the decision is applicable to the appeal:
 - (a) The decision is contrary to the express language of this UDC; or
 - (b) The decision is erroneous; or
 - (c) The decision is clearly contrary to law; and
 - (3) Describe how the criteria for the relevant application have or have not been met.
- b. A recommendation to City Council to approve an application shall not be the basis for an appeal.
- c. As a preliminary matter, the body hearing the appeal may choose to vote on the sufficiency of the appeal to determine if the appeal has met the requirements of this Subsection. Upon a finding of insufficiency by a majority of the body hearing the appeal, the appeal shall be rejected, and no hearing held.

Proposed Motions:

1. Affirm the decision of the Planning Commission and deny the appeal; or
2. Reverse the decision of the Planning Commission and approve the appeal; or
3. Modify the decision of the Planning Commission and approve the appeal; or
4. Remand the matter back to the Planning Commission for further consideration; or
5. Reject the appeal due to insufficiency.

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PROPOSED MOTIONS



Should the City Council wish to affirm the Planning Commission decision for the conditional use development plan application, the following motion is suggested:

Deny the appeal and uphold the Planning Commission decision on the Centennial Blvd Townhomes Conditional Use Development Plan, based on the findings that the review criteria for decision on a conditional use and development plan as set forth in City Code (Chapter 7) Section 7.5.704 and City Code (Chapter 7) Section 7.5.502.E are not met as decided by Planning Commission.

Should the City Council wish to reverse the Planning Commission decision for the conditional use development plan application, the following motion is suggested.

Approve the appeal and reverse the City Planning Commission decision on the Centennial Blvd Townhomes Conditional Use Development Plan, based upon the findings that the appeal criteria found in City Code Section 7.5.415.A.2 has been met, and the application does comply with the review criteria for granting a Conditional Use Development Plan as set forth in City Code (Chapter 7) Section 7.5.704 and City Code (Chapter 7) Section 7.5.502.E.

Should the City Council wish to modify the Planning Commission decision for the conditional use development plan application, the following motion is suggested.

Approve the appeal and modify the Planning Commission decision on the Centennial Blvd Townhome Conditional Use Development Plan, based on the findings that the application complies with the review criteria set forth in City Code (Chapter 7) Section 7.5.704 and City Code (Chapter 7) Section 7.5.502.E, with revisions to the conditional use development plan [as determined by City Council].

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PROPOSED MOTIONS



Should the City Council wish to remand the matter back to the City Planning Commission for further consideration, the following motion is suggested.

Refer the matter back to the City Planning Commission for further consideration of the Centennial Blvd Townhome Conditional Use Development Plan to the applicable review criteria for deciding on a conditional use and development plan set forth in City Code (Chapter 7) Section 7.5.704 and City Code (Chapter 7) Section 7.5.502.E.

Should the City Council wish to reject the appeal, the following motion is suggested.

Reject the appeal and uphold the Planning Commission decision on the Centennial Blvd Townhomes Conditional Use Development Plan, based on the insufficiency of the request to meet the requirements of City Code Section (UDC) 7.5.415.A.2.a&b and City Code Section (UDC) 7.5.415.A.2.c

