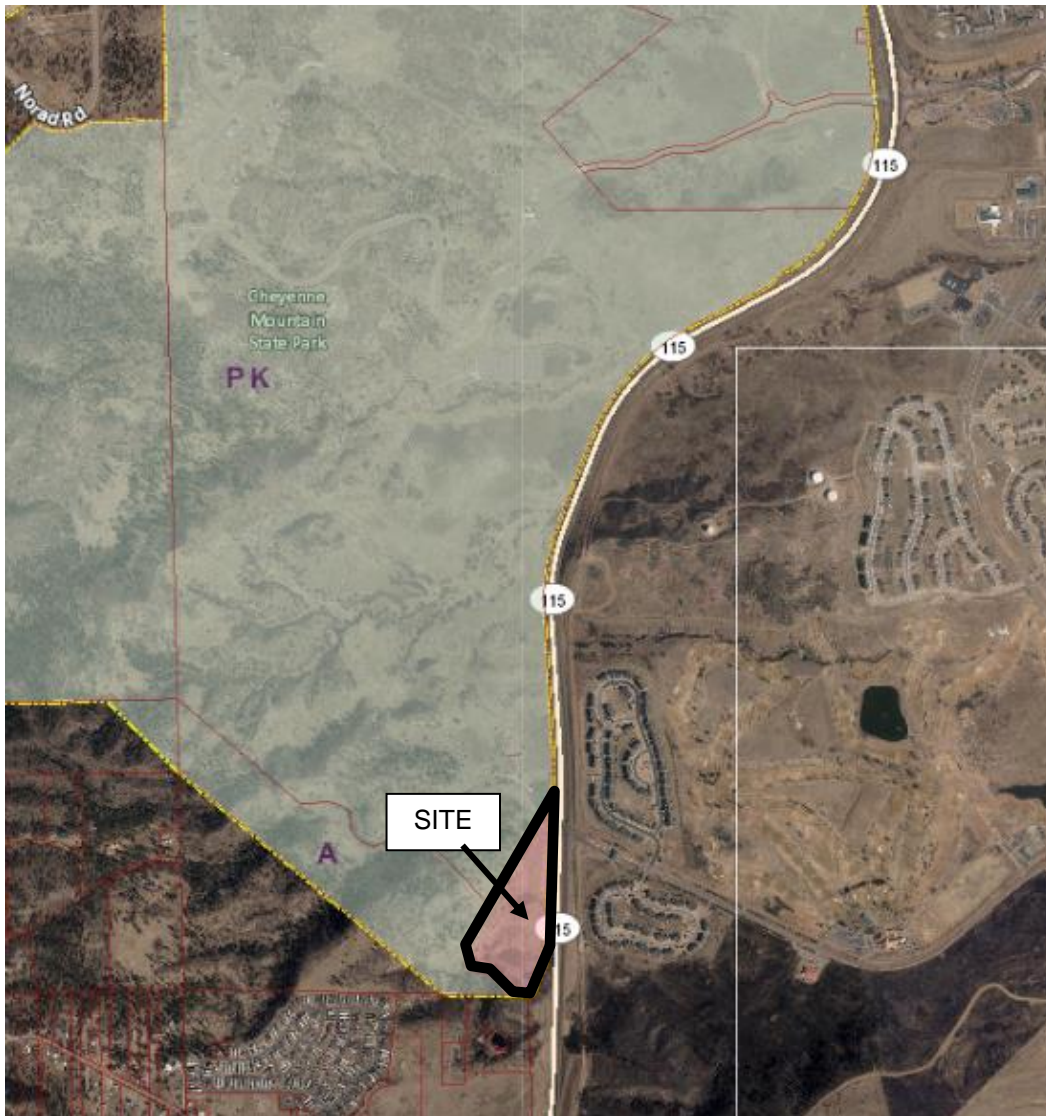


**CITY PLANNING COMMISSION AGENDA
SEPTEMBER 17, 2020**

STAFF: LONNA THELEN

**FILE NO(S):
CPC CU 20-00060 – QUASI-JUDICIAL**

PROJECT: SUNDANCE AT ROCK CREEK
OWNER: SUNANCE AT ROCK CREEK LLC
DEVELOPER: SUNDANCE AT ROCK CREEK LLC
CONSULTANT: MATRIX DESIGN GROUP



PROJECT SUMMARY

1. **Project Description:** This project is a conditional use development plan to allow a 240 unit apartment complex in the Planned Business Center (PBC) zone district (**see “conditional use development plan” attachment**). The site is located at the southeast corner of Cheyenne Mountain State Park, south of the intersection of Pine Oaks Road and Highway 115. The Sundance at Rock Creek Filing Number 1 subdivision plat is being processed administratively for this site.
2. **Applicant’s Project Statement:** (**see “project statement” attachment**)
3. **Planning and Development Team’s Recommendation:** Staff recommends approval of the applications subject to a technical modification.

BACKGROUND

1. **Site Address:** No address currently exists for the site.
2. **Existing Zoning/Land Use:** PBC (Planned Business Center)
3. **Surrounding Zoning/Land Use:**
 - North: PK (Parkland)/Cheyenne Mountain State Park
 - South: El Paso County Property/residential
 - East: Fort Carson Military Base/residential
 - West: A (Agricultural)/Cheyenne Mountain State Park
4. **Annexation:** The property was annexed in 1987 as part of the JL Ranch Addition.
5. **Master Plan/Designated Master Plan Land Use:** JL Ranch Master Plan/multi-family
6. **Subdivision:** The site is currently not platted.
7. **Zoning Enforcement Action:** None
8. **Physical Characteristics:** The site is currently vacant and slopes from south to north. The southernmost portion of the property has a relatively steep slope.

STAKEHOLDER PROCESS AND INVOLVEMENT

Upon submittal, public notice was provided to 7 property owners within a 1000-foot buffer of the site identifying the submittals the City received. The site was also posted with these notifications. Additional posting and public notice will be sent to neighbors prior to public hearing. Ten letters of opposition are attached (**see “public comment” attachment**). The concerns noted by the neighbors were additional traffic, the negative effect on the wildlife, and utility extension concerns. These concerns will be discussed in further detail in the review criteria section.

Staff input is outlined in the following section of this report. Staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Stormwater Engineering, City Traffic, City Landscape, City Fire Department, Fountain Fort Carson School District, Fort Carson, Floodplain and Enumerations, Police, E-911, NORAD, CDOT (Colorado Department of Transportation), El Paso County. El Paso County provided comments stating they had no concerns with the project. Neither Norad nor Fort Carson provided comments. Fees for schools and parks will be required at time of building permit for the multi-family development. CDOT commented that an access permit would be required from the site to Highway 115. The land to get to Highway 115 is owned by CDOT. Staff will discuss this resolution in the review criteria section of this report.

ANALYSIS OF REVIEW CRITERIA/ MAJOR ISSUES/ MASTER PLAN CONFORMANCE/ & PlanCOS

1. **Review Criteria / Design & Development Issues**
 - a. **Background**

This site is part of the original 1,660 acre JL Ranch Master Plan that was approved in 1987. The JL Ranch Master Plan allowed a variety of land uses including single-family residential, multi-family residential, commercial, office, research and development and open space. In 2000, the JL Ranch Master Plan was amended to change 1,120 acres to open space for Cheyenne Mountain State Park and 540 acres to single-family, multi-family residential, commercial and open space. The 14.6-acre site currently under review

was not part of the master plan changes in 2000. The City Planning Commission staff report from the February 2000 meeting specifically notes that the 14.6-acre parcel was to remain master planned as commercial.

This parcel is unique because it is surrounded by Cheyenne Mountain State Park to the north and east, Fort Carson to the west and El Paso County on the south (**see “Context Map” attachment**). This was one of two remaining commercial properties left within the master plan area. With the creation of Cheyenne Mountain State Park, this parcel became isolated and the residential densities needed to support the commercial were eliminated. On February 20, 2020, City Planning Commission recommended approval to City Council, and on April 28, 2020, City Council approved the master plan amendment to change this site from commercial to multi-family.

b. Conditional Use:

The property is currently zoned PBC and master planned for multi-family. Within the PBC zone district a variety of uses are allowed. The uses are primarily commercial; however, multi-family is a conditional use. Conditional uses require staff to review the project and determine if the use is compatible with the surrounding uses. The City Planning Commission is the final approving authority for all conditional uses.

The multi-family use is compatible with the surrounding uses including the State park property to the north and east, the existing residential property to the south and the existing residential homes on Fort Carson to the east. This development could also provide supplemental housing for Fort Carson.

The conditional use development plan illustrates the location of the 240 apartment units within the seven apartment buildings, a clubhouse and pool area, garage parking, maintenance facility and enclosed dog park area. The apartment units are a variety of one, two and three bedroom units. The site has one access point into the facility from Pine Oaks Drive. The southern portion of the site contains varying degrees of grade and has been designed to be an open space area and a dog park. In addition, open space areas for use by the residents have been provided throughout the site. The dog park and the western boundary of the site have been fenced to separate this property from the State Park, which does not allow dogs.

The project design includes a location for a proposed 5,100 square foot sanitary sewer lift station as required per Colorado Springs Utilities to provide sanitary sewer conveyance for both the proposed Sundance at Rock Creek project and adjacent residential communities south of the Sundance at Rock Creek development. In conjunction with this lift station, utility extensions of approximately one mile in length have been designed to run through Cheyenne Mountain State Park bringing municipal water and wastewater connections to this area of the city and unincorporated El Paso County. The Sundance at Rock Creek development will enable the extension of CSU water infrastructure that will provide much needed fire-fighting defense through the extension of fire hydrants to the area of the development, the adjacent State Park Archery Range as well as other residential developments within the immediate area where these resources are currently inadequate or unavailable. As such, there is a large network of utilities that must cross under Pine Oaks Road from the proposed property which required extensive coordination efforts with Colorado Springs Utilities narrowing the window of opportunity for the entryway into the site.

A portion of the former Canon City Highway right-of-way was discovered on the west and south sides of this site. As part of the review process, the vacation of Former Canon City Highway right-of-way was reviewed by El Paso County because El Paso County retained ownership of this right-of-way. The finalization of the vacation is in process and will be required to be completed prior to final staff approval of the project.

Staff finds that the proposed plan meets the review criteria for Concept Plans as set forth in City Code Section 7.5.501(E).

a. Geologic Hazard Report

CTL Thompson Inc. provided the geologic hazard report and revised the report two times to address concerns raised by Colorado Geologic Survey (CGS). CTL Thompson did not identify any geologic hazards that would preclude the development of the site; however, the following hazards were identified: soft soils, shallow groundwater, expansive soils, bedrock and erosion. The hazards that were identified were mitigated through the geologic hazard report. The Engineering Development Review Division and Land Use Review has reviewed the reports and found them acceptable. CGS final review had no objection to the approval of the development plan and final plat.

b. Drainage Report

A final drainage report was reviewed and approved by City Engineering for this site. The drainage report states that runoff within the developed area will be directed to a proposed private underground detention facility, which will be located beneath the parking in a central area. The underground detention facility will provide water quality treatment and full spectrum detention for the site. It will discharge to the east. The underground storage facility will be privately owned and maintained by the Sundance at Rock Creek Filing No. 1 Metropolitan District.

c. Traffic

A Traffic Impact Analysis (TIA) was submitted with the review of this application. Neighborhood comments were received concerning the additional traffic that was proposed from the multi-family use. City Traffic Engineering reviewed the TIA and agreed with the TIA findings and recommendations. The TIA notes that all approaches at the intersection of SH 115/Pine Oaks/Titus are projected to operate at LOS C or better through the 2040 horizon year during the morning and evening peak hours.

The location of the access point into this site off of Pine Oaks Drive and Highway 115 needed to be reviewed and approved by CDOT. This site must access over Pine Oaks Drive (Pine Oaks Drive is owned by CDOT) and then to Highway 115, also owned by CDOT. The applicant is working with CDOT on a Colorado State Highway Access Permit Application for the proposed site access to Pine Oaks Road and a State Highway Access Code Design Waiver for the proposed access point location on Pine Oaks Road. The applicant was asked by CDOT to evaluate all other access points into this site to determine if there was another point of access. The applicant prepared the **“Access Road Applicant Comments” attachment** that discusses why the location off of Pine Oaks was the only viable option for this site. The applicant’s comments state that the site is surrounded by Colorado Highway 115 to the east, Pine Oaks Road to the north, Cheyenne Mountain State Park to the west/southwest, and unincorporated El Paso County to the south (this portion is owned by a private owner). Access from Cheyenne Mountain State Park, the private property owner to the south and directly off of Highway 115 were not possible. The property to the south has very steep grades, with slopes up to 1:1 in some locations making this option not possible either. If CDOT does not grant approval of the Colorado State Highway Access Permit Application and the State Highway Access Code Design Waiver by City Planning Commission hearing, staff will request a postponement of this item to the next City Planning Commission hearing.

The neighborhood comments received (**see “public comment” attachment**) noted concerns about traffic, speeding cars, children being hit by cars and the close proximity of school bus stops to the new apartment complex. Although the development will add to traffic on surrounding roadways, this additional traffic is not expected to overtax the

provided roadway design. As infill and development happen in this area, these roads will increase to the planned and intended capacity.

2. Conformance with PlanCOS

Staff has evaluated the proposed application for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"). According to PlanCOS, the project site is identified on the Vision Map as an Established Neighborhood. Per the Vibrant Neighborhoods Framework Map (**see "PlanCOS Vibrant Neighborhoods Framework Map" attachment**), this site is part of the Established Suburban Neighborhood map. The property is surrounded by Cheyenne Mountain State Park, Fort Carson and El Paso County property in a unique location. If developed as multi-family the site's location would allow future resident's access to Cheyenne Mountain State Park as a recreational amenity. Multi-family at this location would also provide supportive housing for Fort Carson as the property is directly located outside of Fort Carson's Gate 5 and just minutes from Gate 1. This use would provide an alternative the single-family housing for Fort Carson soldiers directly next to Gate 5.

Specific policies of PlanCOS that are supported are listed below:

Goal VN-1: Increase neighborhood identity, inclusion, and participation throughout the city for residents, employees, and visitors.

Policy VN-2.A: Promote neighborhoods that incorporate common desired neighborhood elements.

Strategy VN-2.A-3: Support land use decisions and projects that provide a variety of housing types and sizes, serving a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels.

Policy TE-3.B: Coordinate and partner with regional military installations.

Strategy TE-3.B-3: Provide attainable, diverse, attractive and convenient off-base housing options for active military, contractors, and military retirees.

City Planning staff finds the Sundance at Rock Creek Conditional Use Development Plan to be in substantially conformance with PlanCOS and its guidance.

3. Conformance with the Area's Master Plan

This area is part of the JL Ranch Master Plan this plan is considered operative. The master plan was recently amended to change this site to multi-family residential. The proposed 240 unit apartment project is consistent with the JL Ranch Master Plan.

STAFF RECOMMENDATION

CPC CU 20-00060 – CONDITIONAL USE DEVELOPMENT PLAN

Approve the conditional use development plan for 240 apartment units, based upon the findings that the request complies with the conditional use review criteria set forth in City Code Section 7.5.704 and the development plan review criteria set forth in City Code Section 7.5.502(E), subject to the following technical modification:

1. Provide a reception number for the vacation of the Former Canon City Highway right-of-way on the development plan drawing.