

CITY CLERK'S OFFICE

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July 24, 2015

City Clerk  
30 S Nevada Ave.,  
Colorado Springs, CO. 80903

RE: Appeal for City Planning Commission Denial Decision for CPC-PUZ 15-00031 and CPC PUD 15-0031

Dear City Council,

*In accordance with Chapter 7, Article 5, Part 9-6(B)(1) of the City Code. "Any person may appeal to the City Council any action of the Planning Commission in relation to the Zoning Code within 10 days of the action."*

Thomas & Thomas on behalf of Landhuis Co. would like to appeal the City Planning Commission's action of denial for the above referenced project on July 16<sup>th</sup>, 2015.

This appeal is specific to the denial of a request for Rezone (CPC PUZ 15-00031) and Concept Plan (CPC PUD 15-00031) for the 14.02 acre parcel located at the intersection of Fountain Blvd. and Aeroplaza Dr. The property is currently zoned PBC/CR/AO (Planned Business Center with Conditions of Record and Airport Overlay). Planning Commission denied the request for a rezone to PUD and a Concept Plan for 80 proposed single family units following the Small Lot PUD Guidelines.

As planning staff has been forthright with their hesitation in supporting the proposed single family land use, staff worked with Landhuis Co. to determine a viable preliminary submittal process that provided a Small Lot Development Concept Plan. The detailed Concept Plan was intended to help staff better understand the general goals and objectives of the proposal. To alleviate any concerns about mixed-use or potential change of use after securing approval of a rezone to PUD, the Concept Plan includes detailed lot layouts, notations, and use restrictions utilizing the Small Lot PUD Guidelines. In response to the initial set of review comments, the plan has been revised to address staff concerns with respects to open space, sidewalk locations, setbacks, and public street design. We are committed to work further with staff on the details such as engineering, grading, buffers, drainage, etc., but the request for approval of Rezone remains the biggest hurdle. The small lot design, with onsite amenities, offers an opportunity for the development of units on lot sizes of less than 6,000 sq ft. This development project can provide additional affordable housing alternatives in the southeast section of the city based on recent real estate information.

At the Planning Commission hearing, staff recommended denial due to the following reasons:

1. Section 7.3.607.A of the small lot PUD ordinance requires consistency with the Comprehensive Plan. The Comprehensive Plan calls out this site as an employment center. The definition of employment center sites use as a designation for major concentrations of employment with a secondary use for residential uses if part of an overall planned

development. The lowest density range for residential uses in an employment center is 8-11.99 du/ac.

2. 7.3.607.B of the small lot PUD ordinance requires consistency with the city zoning code. The current zoning of this property is PBC and is along a principal arterial dedicated to serving commercial, retail, and industrial users. An increase in density or intensity along this corridor is appropriate to utilize the exiting roadway and utility infrastructure already adjacent to the site. The zoning along this stretch is primarily PBC or OC. Rezoning to PUD to allow for single-family is not recommended by staff.
3. 7.3.607.C of the small lot PUD ordinance requires compatibility with the surrounding area. The property just to the north is used by Dpix an industrial use. The proposed plan shows properties directly adjacent to this use and does not provide the landscape buffer between commercial and non-commercial uses. This site is more appropriate for a transitional land use such as commercial, office or multi-family.

**Considerations:**

As stated by staff the site is part of the Gateway Master Plan, originally approved nearly thirty years ago, which illustrated primarily commercial and industrial oriented uses. The Gateway Master Plan also has a long history of revisions. These revisions include amendments that changed the designation of Business and Research & Development to Residential for two separate areas within the immediate vicinity of the Village at Aeroplaza site under consideration for review. The first Residential use area is immediately west of the Village at Aeroplaza and was approved in 1996. The second Residential Site was approved in 2002. Both revisions received approval and amended the Gateway Master Plan. In addition, the 2002 approval of residential came after the adoption of the Comprehensive Plan and designation of Employment Center. Portions of this approval permitted residential along Fountain Blvd.

The existing surrounding zoning and land uses include:

- **Northwest:** Zoned PUD. Detached single family residential.
- **Northeast:** Zoned PIP2. DPIX, LLC. Industrial/ Manufacturing.
- **West:** Zoned PBC. Vacant and Hotel Use.
- **South:** Zoned PBC, Hotel Use and Zoned C6/ CR, vacant use.





Despite the east and west corridors intersecting Powers Blvd. being designated as Employment Centers where mixed uses are encouraged, including residential housing, there is currently only one residential land use within the boundaries of the Employment Center area from Platte Ave. south to Zeppelin Rd. This residential use occurs less than a quarter mile north of this proposal along Aeroplaza Dr. and is known as Colonial Park. Colonial Park offers a mix of small lot single family residential and attached townhome like units.

The current zoning of PBC/ CR does permit one (single) family and higher density residential as a conditional use. While the residential conditional use requires additional approval by the Planning Commission and City Council, the residential use is not strictly forbidden. The residential use within the PBC zone would allow lot sizes as small as 4,000 square feet. The Village at Aeroplaza is proposing a lot size of 3,825 square feet. In addition, the Small Lot PUD Guidelines require more restrictive design principles than the PBC Conditional Use, further enhancing the design possibilities. Since the PBC zone does permit residential use, this proposed Concept PUD Plan remains consistent with all the possible uses as permitted by the PBC zone. In this case, the PUD further defines the intended use by restricting the land use to what is approved on the Concept PUD. Any change in use would require an amendment to the plan and subject the proposal to further review controlling or limiting alternatives.

The City of Colorado Springs Comprehensive Plan (Comp Plan) is now 15 years old. The Comp Plan was created in 2000 and has been considered the primary guide for the physical growth of the city to the year 2020. It has served as a long-range vision for what the City was to become, as a tool for making decisions about how that vision should be achieved, and as a specific program of action for reaching our stated objectives. As a long-range vision, the Comp Plan sets forth the values to be realized as the city grows and ties those values to the physical development and shaping of the community. It also presents an official policy framework and mapped context for making incremental decisions regarding land development issues. Finally, the Plan outlines the strategies and steps the community can follow to make it a reality.

Part of staff concerns were that the submittal does not comply with the Comprehensive Plan. Within the Employment Center Designation residential is permitted if the density is 8-11 du/ac. The proposed development is 5.9 du/ac., which is 30 % less than the minimum 8 du/ac. benchmark stated in the "employment center" designation area. However, various other Components and Policies of the Comprehensive Plan were not taken into consideration nor discussed. For example this proposed project is a logical in-fill project, extension of the existing residential community to the west, and offers an affordable housing option. These attributes fulfill Goals and Policies of the Comp Plan in the following areas: *Objective LU 2: Develop A Land Use Pattern That Preserves the City's Natural Environment, Livability, And Sense of Community; Objective LU 3: Develop A Mix of Interdependent, Compatible, and Mutually Supportive Land Uses; Objective LU 4: Encourage Infill and Redevelopment; Objective LU 5: Develop Cohesive Residential Area; Policy LU 601: Assure Provision of Housing Choices.*

The Village at Aeroplaza is seeking to provide additional affordable housing options within this area of Colorado Springs where residential land use projects have been successful. The existing infrastructure, roads, sewer, water and other utilities are well established per the Goals and Policies of the Comprehensive Plan and provide more than enough capacity to handle the proposed change. The

additional units proposed within this development will not overburden or strain the existing infrastructure facilities.

The Village at Aeroplaza is surrounded by a variety of land uses such as hotels, a clean manufacturing facility, office buildings, a church, schools and parks, single family residential housing and a small multi-family complex. The project is also within walking distance of approximately 0.25 miles to both Panorama Park south of Fountain Rd. and Penstemon Park just north of the site directly off of Aeroplaza Dr. Both of these parks provide other outdoor recreation opportunities within a few minutes' walk for the future residents in addition to the on-site open space being provided. In addition, the site is in close proximity to both Panorama Middle School and Bricker Elementary School, both of which are just over 0.5 miles away. A third park is also within walking distance and is just under 0.5 miles away from the site, sitting adjacent to the elementary school. The Sand Creek Trail is accessible in several locations anywhere from 0.66 miles to 1 mile away directly west of this site. Currently there is no direct access to the Sand Creek via Fountain Blvd. due to a lack of sidewalks. The design incorporates sidewalks throughout the community providing pedestrian connectivity into and out of the site.

The proposed concept is anticipating a 10' landscape setback along Aeroplaza Dr. The addition of housing in this area will strengthen the existing neighborhood as it extends the use of residential housing. A 25' landscape setback and sound wall along Fountain Blvd. will be included within the 46' no build easement. There is no landscape buffer being provided along the northeast boundary adjacent to Dpix manufacturing site; however, the lots along this boundary are 15' longer in length for a minimum depth of 100'. This additional length was added in-lieu of a separate landscape buffer. The existing manufacturing facility has trees planted along the property line and a chain link fence which shall remain. There is also an additional 25' buffer along the existing Dpix parking lot. The parking lot also provides an additional 300' (+/-) between uses. Again, the proposal is to finalize the site details of the plan with City staff as part of the PUD process.

As part of a Colorado Department of Transportation Powers Blvd. Corridor Study, it was determined that an interchange would be provided at Powers Blvd. and Fountain Blvd. This would occur in the vacant land directly east of the site. Per the study, this was to occur as part of the 2035 planning strategy. However, it has since been determined that funding would not be available for this interchange thus making the timing unknown. The lack of funding and no new timeframe for this interchange should not place limits on proposed land uses that may or may not be impacted twenty years into the future. There are numerous examples within the city of interchanges occurring adjacent to or near existing, established residential communities should the proposed interchange be realized.

In conclusion we believe that current planning and development decisions, which includes the Village at Aeroplaza request for rezone denial, are being made based on outdated planning documents. We also believe the current City of Colorado Springs Comp Plan and the area's "employment center" designation is being impacted by the more recent focus on the Milton Probe Parkway development, Airport Business Park, the decisions being made in support of Downtown, and encouragement of greater community infill development.

There continues to be a tremendous need for small lot and affordable housing in the southeast area of Colorado Springs. At the same time, the anticipated high demand for commercial or industrial related

uses has not materialized in the south Power and east Fountain Blvd. corridors over the past 20 years. Presently there is very little available land zoned, or in compliance with the Comprehensive Plan, that is available for small lot residential development in this area of the city. The Landhuis Co. has owned the property for 23 years and has not been able to attract other commercial or R&D users to the site. The primary disadvantage stated by many of the possible commercial users is the lack of roof tops in the area to support investment.

Finally on behalf of the Landhuis Co., we ask for support to grant this request of appeal for the Village at Aeroplaza Rezone and Concept Plan to be heard by the City of Colorado Springs City Council.

Sincerely,



Leslie Thomas

Thomas & Thomas