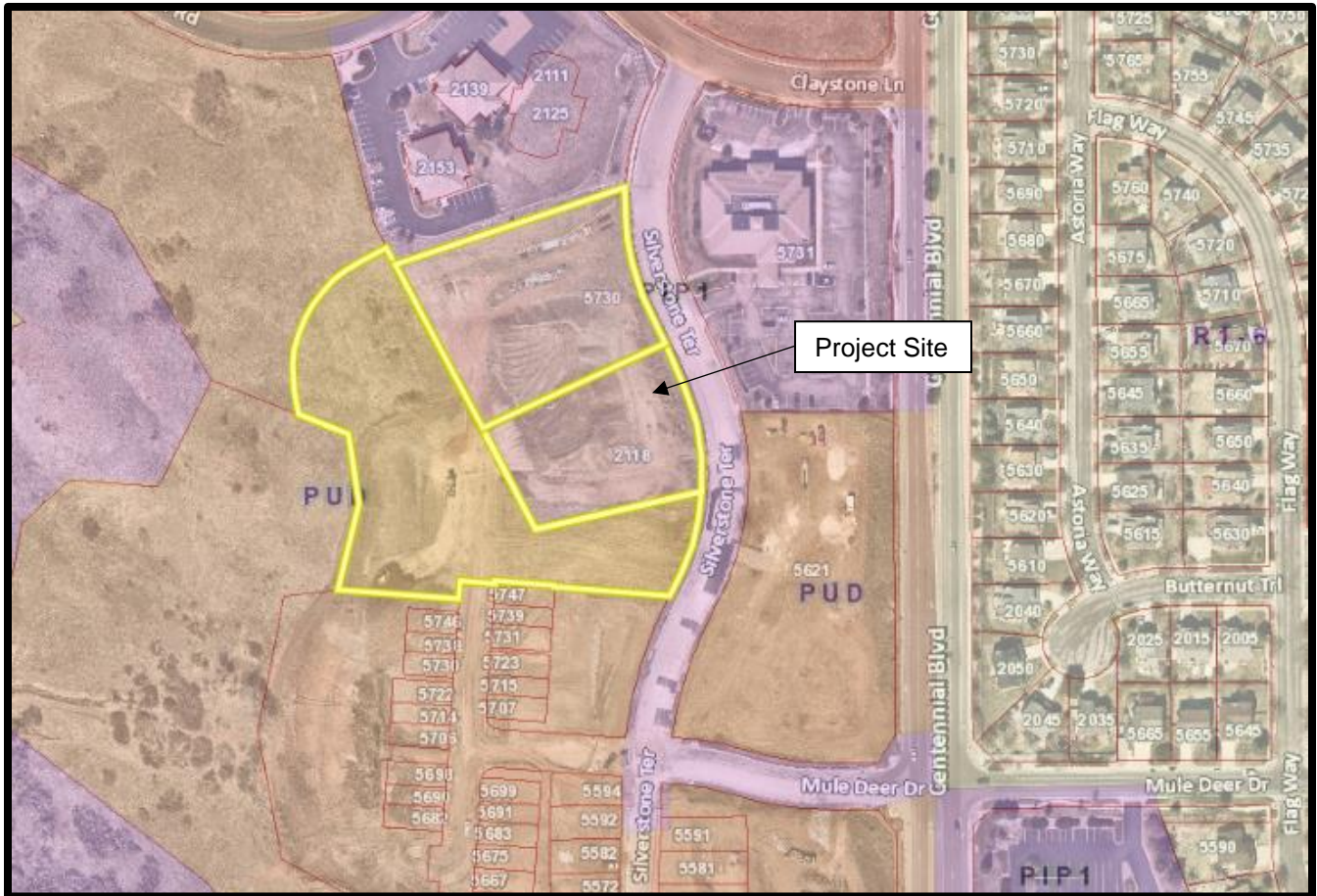


**CITY PLANNING COMMISSION AGENDA
JANUARY 21, 2021**

STAFF: KATELYNN WINTZ

FILE NO(S):
CPC MP 06-00065-A2MJ20 – LEGISLATIVE
CPC PUZ 20-00071 – QUASI-JUDICIAL
CPC PUD 06-00067-A5MJ20 – QUASI-JUDICIAL

PROJECT: TUSCAN FOOTHILLS VILLAGE FILING NO. 4
OWNER: TFV1, LLC
DEVELOPER: TFV1, LLC
CONSULTANT: KIMLEY-HORN AND ASSOCIATES



PROJECT SUMMARY:

1. **Project Description:** The project includes concurrent applications for a major master plan amendment, PUD zone change, and major PUD development plan amendment for 5 acres of land located at 5730 Silverstone Terrace. The project (herein referred to as “Tuscan Foothills Village Filing No. 4”) is zoned PUD/PIP1/HS (Planned Unit Development and General Industrial with Hillside Overlay). The major amendment to the Mountain Shadows Master Plan proposes a change to the land use designation of 2.4 acres from Research and Development (R&D) to Residential with a density of 3.5-7.99 dwelling units per acre (**see “Master Plan Amendment” attachment**). The zone change request proposes to change a 5-acre portion of the project site from PIP1/HS (General Industrial with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay) (**see “Zone Change” attachment**). A concurrent major PUD development plan amendment illustrates the addition of 2.4 acres to the existing development plan for construction of a 24-unit residential project consisting of single-family (attached) and multi-family (townhouse) units and ancillary site improvements (**see “Development Plan” amendment**).

A concurrent final subdivision plat application is being administratively reviewed.

2. **Applicant’s Project Statement:** (**see “Project Statement” attachment**)
3. **Planning and Development Team’s Recommendation:** Staff recommends approval of the applications.

BACKGROUND:

1. **Site Address:** A portion of the property is platted and addressed at 5730 Silverstone Terrace and the remaining portions are not addressed and unplatted.
2. **Existing Zoning/Land Use:** The property is zoned PUD/PIP1/HS (Planned Unit Development and General Industrial with Hillside Overlay) and is vacant.
3. **Surrounding Zoning/Land Use:**
 - North: PIP1/HS (General Industrial with Hillside Overlay) and is commercially developed.
 - South: PUD/HS (Planned Unit Development with Hillside Overlay) and is residentially developed.
 - East: PUD/PIP1/HS (Planned Unit Development and General Industrial with Hillside Overlay) and is commercially developed.
 - West: PUD/HS (Planned Unit Development with Hillside Overlay) and is vacant.
4. **PlanCOS Vision:** According to the PlanCOS Vision Map (**see “PlanCOS Vision Map” attachment**), the project site is identified as an Established Suburban Neighborhood.
5. **Annexation:** The property was annexed into the City under the Flying W Addition #1 Annexation (March 9, 1971, Ordinance No. 4201)
6. **Master Plan/Designated Master Plan Land Use:** The project site is part of the Mountain Shadows Master Plan; the current designated master plan land use is Research and Development (R&D).
7. **Subdivision:** A portion of the subject property was platted as lot 2 under Nichols Office Park Filing 2; the remainder of the property is unplatted.
8. **Zoning Enforcement Action:** None.
9. **Physical Characteristics:** The site is vacant with moderate slopes across the site from northwest-southeast and has been over-lot graded.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of providing notice to the surrounding property owners within 1,000 feet of the site, which included mailing postcards to 212 property owners on two occasions: during the initial review and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. City Planning staff received no comments in favor or in opposition to the project.

Staff input is outlined in the following sections of this report. Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City SWENT, City Fire, City Police, City Parks, CONO, District 11 and City Budget. All comments received for the review agencies have been addressed.

- City Finance – The Budget Office of the Finance Department conducted a Fiscal Impact Analysis (FIA) with a ten-year time horizon to understand the estimated expenditures and revenues attributed to the Mountain Shadows Master Plan amendment application. As of the preparation of this report, the FIA is not finalized. Staff will provide the FIA when it is received and present the results at the City Planning Commission Hearing.
- Parks Department – The new residential units trigger the Park and School Land Dedication Ordinance (PLDO). The land dedication requirement is .56-acres and the applicant is requesting to convey 1.01-acres, identified as Tract F on the PUD Development Plan, to satisfy this requirement. The proposed 1.01-acre land dedication is adjacent to, and will expand, the existing Mountain Shadows Open Space. Previous filings of this development (Tuscan Foothills Village Filings 1-3) have met their PLDO obligations through land dedication and Tract F will satisfy PLDO for this application. The developer has over-dedicated land on each filing and any tracked credit as a result of over-dedication of land may only be used within the overall Tuscan Foothills Village Development Plan area.
- School District 11 – No comments were received from the School District 11. As such, City Planning staff will require the payment of fees in lieu of land dedication for the new residential units.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:

a. Background

The property was part of the original Tuscan Foothills Village Planned Unit Development (PUD) approved in 2006 (and reapproved as a minor amendment in 2013). The plans called for approximately 30,000 square feet of neighborhood commercial/office/recreation center use, in addition to 135 proposed dwelling units on approximately 49-acres. The overall development plan has been amended several times through both administrative review and public hearing. In 2018, Filing 2 was submitted with an accompanying PUD zone change request because the PUD did not take into consideration this building type (multi-family residential) and additional dwelling units (40 units), the applicant was required to seek a change of zone from the PUD-commercial use to a new PUD for multi-family residential.

The property immediately to the south of the site (southwest corner of Centennial Boulevard and Mule Deer Drive) was part of the same Tuscan Foothills Village Development Plan; that portion of the development did meet the original building types (two-family residential) and density allowance (a maximum 135 units, a recent administrative approval of a development plan amendment allowed 50 dwelling units, and the site is currently under construction).

The development entity involved with the development of the property immediately to the south is also part of the development of the subject property. Additional future

development to the west of Silverstone Drive is likely, following similar land use and density allowances currently permitted within the approved Planned Unit Development; although future amendment to the Tuscan Foothills Village development (one, two and three-unit buildings) will again be reviewed administratively.

b. Application Summary

i. Major Master Plan Amendment

The proposed Major Master Plan Amendment to the Master Shadows Master Plan (**see “Master Plan Amendment” attachment**) requests to modify the land use classification of 2.4 acres from Research & Development (R&D) to Residential with a density of 3.5-7.99 dwelling units per acre. Master Plans are generalized guides for development and, as noted in City Code Section 7.5.403.C, at times it may become necessary to amend the plans as conditions change. The Mountain Shadows Master Plan has a history of plan amendments approved changing land use classifications from commercial or industrial uses to residential uses, with amendments approved as recently as 2006. Since its inception, the master plan has maintained a balance of residential & non-residential uses. In 2006, the land use classification for 48-acres of this Master Plan was amended in favor of residential uses specifically for this Tuscan Foothills Village development. The R&D use, currently noted as the permitted land use, is no longer representative of the land use pattern of the surrounding area and is not a recognized master plan land use designation in City Code. The Mountain Shadows Master Plan envisioned a variety of residential and commercial uses. City Planning staff believes the request to change the land use designation in favor of a residential land use is more complimentary of the established surrounding land uses. Many uses surrounding the site are residential, civic, or low-intensity commercial uses. From a land use perspective some of the existing permitted land uses per the existing plan are higher-intensity, like industrial uses, and generally regarded as incompatible near residential uses. The proposed mixed residential land use is more reflective of the established residential, civic, and low-intensity commercial uses surrounding the project site.

City Planning staff finds the application to be consistent with the purpose of the master plan, as set forth in City Code Section 7.5.401.

ii. PUD Zone Change

The request is to rezone 5 acres of the project site from PUD/PIP1/HS (Planned Unit Development and General Industrial with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay) (**see “Zone Change” attachment**). The proposed land use is single-family attached and multi-family residential (townhomes specifically) with a density range of 3.5-7.99 dwelling units per acre and maximum building height of 35 feet. The rezone is substantially similar to established residential developments to the west. (**see “Context Map” attachment**) The project site is a logical location for residential due to its proximity to existing residential development and other desirable residential amenities like schools, parks & open space, and a short drive away from many service amenities along the Garden of the Gods Road corridor. Per City Code Section 7.3.601 *Planned Unit Development Districts Purpose*, this zone district encourages flexibility of design that cannot be achieved through the application of the City's standard single use zones.

City Planning staff finds the application to be consistent with the purpose for a PUD zone change request, as set forth in City Code Section 7.3.601 and City Code Section 7.5.601.

iii. PUD Development Plan Amendment

The Major PUD Development Plan Amendment, amends the previously approved Tuscan Foothills Village PUD Development Plan for the project area. The original application was approved in 2007. This amendment incorporates an additional 2.4-acres of land not included in the initial scope of work and illustrates a 24-unit residential development which consists of a mix of single-family attached and townhouse style residential units and ancillary site improvements (**see “Development Plan” attachment**). The proposed extension of Villa Lorenzo Drive, a public street, will connect to the existing Silverstone Terrace, platted under Tuscan Foothills Village Filing No. 3. The proposed private residential street, Tuscan Villa Point, will be owned and maintained by the Tuscan Foothills Village Metropolitan District. Sidewalks and pedestrian access are proposed throughout the site along both public and private streets, and guest parking spaces will be available in a perpendicular configuration along the private residential street. All units are proposed with two-car garages to satisfy the City’s parking requirements for the residential development. Additionally, on-street parking will be available on portions of the Villa Lorenzo Drive that are not marked as a “Fire Lane”.

A Final Landscaping Plan was submitted with this application, which complies with the City’s landscaping standards as set forth in City Code Section 7.4.301. Areas surrounding the proposed dwelling units are designed with a mix of cobble and shrub plantings in the front, side and rear yards. Larger landscaping tracts will be planted with native seed and trees; all landscaping within the designated tracts will be the responsibility of the Tuscan Foothills Metropolitan District. City Fire reviewed the proposed landscaping plan and confirmed the planting pattern is in conformance with the Wildland Fuel Management Requirements for new construction within the Wildland Urban Interface.

Per the PUD development plan review criteria, set forth in City Code Section 7.3.606 *Review Criteria for PUD Development Plans*, the project as shown is in substantial compliance with the stated criteria. Specifically, the proposed development is consistent with the surrounding established residential development to the south and reinforces the land use patterns as established by the approved master plan as amended (**see “Context Map” attachment**).

City Planning staff finds the application consistent with the purpose for a PUD concept plan request, set forth in City Code Section 7.3.601 and City Code Section 7.5.501.

c. Traffic

City Traffic Engineering (Traffic) did not require a traffic study the proposed project. Overall, Traffic’s assessment of the proposed rezone request is in favor of residential development that will generate less traffic than currently permitted industrial uses and have less impact to the surrounding neighborhood in terms of bulk and scale (height). This project is a mix of single-family attached and townhouse style units. A conservative estimation of trip generation for the proposed development is to use trips per day of a multi-family residential development. Trip generation for multi-family projects is generally 7 to 8 trips per day multiplied by 24 units would equate to approximately 190 trips. A combination of commercial, industrial, and office uses would likely exceed the trip generation of the proposed residential use. There is an existing vacant commercial property at Chuckwagon Road and Centennial Boulevard that could serve the neighborhood for future retail needs.

d. Drainage

The City’s Water Resources Engineering Division of Public Works (herein referenced as “SWENT”) has reviewed the PUD development plan and accompanying final drainage report, prepared by Kimley-Horn. As designed, all proposed stormwater improvements

were found to comply with the City's Drainage Control Manual. SWENT has accepted the analysis and recommendations set forth in the report.

e. Geologic Hazards

The City's Engineering Development Review Division (EDRD) of Public Works and Planning & Community Development Department, with consultation from the Colorado Geological Survey (CGS), has reviewed the PUD development plan amendment and accompanying geological hazard investigation report, prepared by CTL Thompson Inc. **(see "CGS Letter" attachment)** The reviewing agencies have accepted the analysis and recommendations set forth in the report prepared by the applicant's consultant. The documented geologic hazards on-site include expansive bedrock and expansive soils. As noted in the report, the documented hazards and conditions will have some constraints on construction, but most noted conditions can be mitigated through proper engineering design and construction practices. Upon approval of the Tuscan Foothills Village Filing No. 4 project, City Planning staff is prepared to execute the provided report.

City Planning staff finds that the proposed project addresses all the applicable review criteria set forth in City Code.

2. Conformance with the City Comprehensive Plan:

Staff has evaluated the proposed project for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to the PlanCOS Vision Map, the project site is identified as an Established Suburban Neighborhood **(see "PlanCOS Vision Map" attachment)**. PlanCOS Chapter 2, Vibrant Neighborhoods, identifies in Goal VN-2 to:

"Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships and appropriate zoning and density that is adaptable to market demands and housing needs."

Provision of newly constructed residential units is a direct response to the market needs for housing in the City, and the allowance of a PUD zone district that allows for customizable design standards benefits this goal by allowing for a variety of housing types and density mixes.

A "Big Idea" from Chapter 4, entitled "Embrace Sustainability", has Goal TE-4 that states:

"Focus on productively developing and redeveloping areas already in, nearby, or surrounded by the city in order to preserve open spaces, maximize investments in existing infrastructure, limit future maintenance costs, and reduce the impacts of disinvestment in blighted areas."

A policy for this goal further reinforces that development should *"Prioritize development within the existing City boundaries and built environment (not in the periphery)."*

The proposed development is consistent with development surrounding the property and the zone change request to remove industrial zoning from a majority residential area is more complimentary of the established surrounding uses. City Planning Staff finds that the project balances the intent of PlanCOS, which prioritizes adaptive and responsive land use changes.

3. Conformance with the Area's Master Plan:

The project site is part of the Mountain Shadows master planned area, which is identified for research & development uses. A master plan amendment application that proposes to change the land use designation for 2.4 acres from Research & Development (R&D) to residential (density is proposed as 3.5-7.99 dwelling units per acre). City Planning staff finds that the Applicant's amendment request and concurrent project applications create a more complimentary and supportive land use pattern for the area that is in general conformance with the Mountain Shadows Master Plan **(see "Context Map" attachment)**.

STAFF RECOMMENDATION:

CPC MP 06-00065-A2MJ20 – MAJOR MASTER PLAN AMENDMENT

Recommend approval to City Council the major master plan amendment to the Mountain Shadows Master Plan, based upon the findings that the request meets the review criteria for granting a master plan amendment as set forth in City Code Section 7.5.408.

CPC PUZ 20-00071 – PUD ZONE CHANGE

Recommend approval to City Council the PUD zone change of 5 acres from Planned Unit Development and General Industrial with Hillside Overlay (PUD/PIP1/HS) to Planned Unit Development: Duplex and Multi-Family Residential, 3.5-7.99 dwelling units per acre and Maximum Building Height 35-feet with Hillside Overlay (PUD/HS), based upon the findings that the request meets the review criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and the review criteria for a zone change, as set forth in City Code Section 7.5.603.

CPC PUD 06-00067-A5MJ20 – MAJOR PUD DEVELOPMENT PLAN AMENDMENT

Recommend approval to City Council the Major PUD Development Plan Amendment for Tuscan Foothills Village Filing No. 4, based upon the findings that the request meets the review criteria established a PUD development plan, as set forth in City Code Section 7.3.606, and the review criteria for establishing a development plan, as set forth in City Code Section 7.5.502(E).