

CITY PLANNING COMMISSION AGENDA
January 11, 2023

STAFF: DANIEL BESINAIZ

FILE ID: 23-018 – LEGISLATIVE

PROJECT: FLYING HORSE RANCH MASTER PLAN LEGISLATIVE STATUS UPDATE

A resolution updating and confirming the legislative status of the City of Colorado Springs' adopted privately-initiated land use master plan for Flying Horse Ranch.

APPLICANT: CITY OF COLORADO SPRINGS – PLANNING AND DEVELOPMENT

PROJECT SUMMARY:

Project Description:

The proposed resolution updates and confirms the legislative status of the City of Colorado Springs' adopted privately-initiated master plan for Flying Horse Ranch. Code Section 7.5.402B *Types of Master Plans, Legislative Status of Master Plans* outlines a process and requirement for the City Planning Commission to recommend a status and for City Council to make a determination of the status of the Flying Horse Ranch Master Plan. Staff recommends updating the status of the master plan as "implemented."

BACKGROUND:

City of Colorado Springs Zoning Code section 7.5.401 through 7.4.410 governs requests to establish a master plan, powers of master plans, amendments to master plans, and the different types of master plans. In this section, three primary types of master plans are recognized: Citywide System Plans that detail the existing and future needs for infrastructure and facilities which are most frequently prepared by the City (for example, the Parks Master Plan); Facility Master Plans that detail existing physical components of various public and private sector facilities such as the Airport Master Plan or Penrose Hospital Master Plan; and Land Use Master Plans. Land Use Master Plans are specific to geographic areas and provide information about land use, transportation, open space, parks, and schools Land Use Master Plans for underdeveloped land are most frequently prepared by neighborhood organizations or the City, either singly or collaboratively (for example, the Old North End Master Plan and the Rawles Open Space Master Plan). The subject of this report and proposed action is a master plan that was initiated by the private sector for new development, and not those that are considered "publicly-initiated," i.e. created by, or in collaboration with, a neighborhood group and adopted by the City Council.

The specific code section most applicable to the subject request is 7.5.402B *Legislative Status of Master Plans*. This specific section established three potential "statuses" for master plans; operative, implemented, and out of date. Below are the criteria outlined in code for these status types:

1. Operative master plan: A master plan that is less than eighty five percent (85%) built out with property zoned with a temporary (or holding) zone district. There is continuous rezoning, development plan, and platting activity in conformance with an approved phasing plan.
2. Implemented master plan: A master plan that is eighty five percent (85%) or more built out and the remaining vacant land is zoned in conformance with the master plan.
3. Out of date master plan: A master plan that is no longer used because it has been either replaced by another master plan or no longer furthers the purpose of this part of this Zoning Code.

The subject code section outlines a process for which the status of each master plan is solidified; “the Planning Commission shall recommend, and the City Council shall determine the legislative status of each master plan. The legislative status will identify those master plans that remain operative, those that have been implemented, and those that are out of date. A recommendation concerning the legislative status will be made to the Planning Commission as part of an annual Colorado Springs Comprehensive Plan Monitoring and Evaluation Report prepared by the Community Development Department” (Code section 7.5.402.B). Staff notes that this report is no longer produced in its originally contemplated form, in part because the version of the Comprehensive Plan that recommended it, has been superseded by PlanCOS.

Staff notes that on April 12, 2022, Council acted to systematically update the implementation status of several master plans at that time, following a Planning Commission recommendation. Staff has now calculated that the 85% threshold has been achieved for this additional master plan. This is based in part on the recent progression of development activity within this project, but also because of the unique circumstances associated with several of the parcels in this master plan that are identified and limited for the purposes of Powers Boulevard right of way. Although these properties are still described as vacant and privately owned in the Assessors records, they are restricted to this future use. Because construction of this facility is stated in the annexation agreement as not being responsibility of the developer, it is reasonable to interpret that these parcels can be removed from the calculation for remaining developable property. Additionally, with the recent voter approval of the Pikes Peak Rural Transportation Authority (PPRTA) extension, funding for completion of this last remaining segment of Powers has now been committed. With the removal of this designated right of way parcels, the overall Flying Horse Ranch Master Plan now exceeds the 85% or implementation threshold. Due to the rapid progression of development in the Flying Horse Ranch Master Plan, staff has calculated that the 85% threshold has more recently been achieved for this additional master plan.

Staff additionally notes that, pending approval and implementation of RetoolCOS, the requirement for Planning Commission and Council determinations of master plan implementation status is expected to be modified or eliminated.

By updating the implementation status of Flying Horse Ranch Master Plan, the total number of implemented privately initiated master plans would be 75, with total of 32 with the category of operative. As additional background, because of their different nature and purpose, publicly initiated land use master plans (e.g. the Mill Street Plan) are always considered operative until and unless they are superseded.

It is staff’s recommendation that the Flying Horse Ranch Master Plan should be updated to “implemented” status in accordance with the criteria for such status changes as outlined in code section 7.5.402.B: “A master plan that is eighty five percent (85%) or more built out and the remaining vacant land is zoned in conformance with the master plan.”

STAFF RECOMMENDATION:

File ID: 23-018 FLYING HORSE RANCH MASTER PLAN LEGISLATIVE STATUS UPDATE

Recommend to the City Council adoption of a resolution updating the Flying Horse Ranch Master Plan’s legislative status from “operative” to “implemented.”