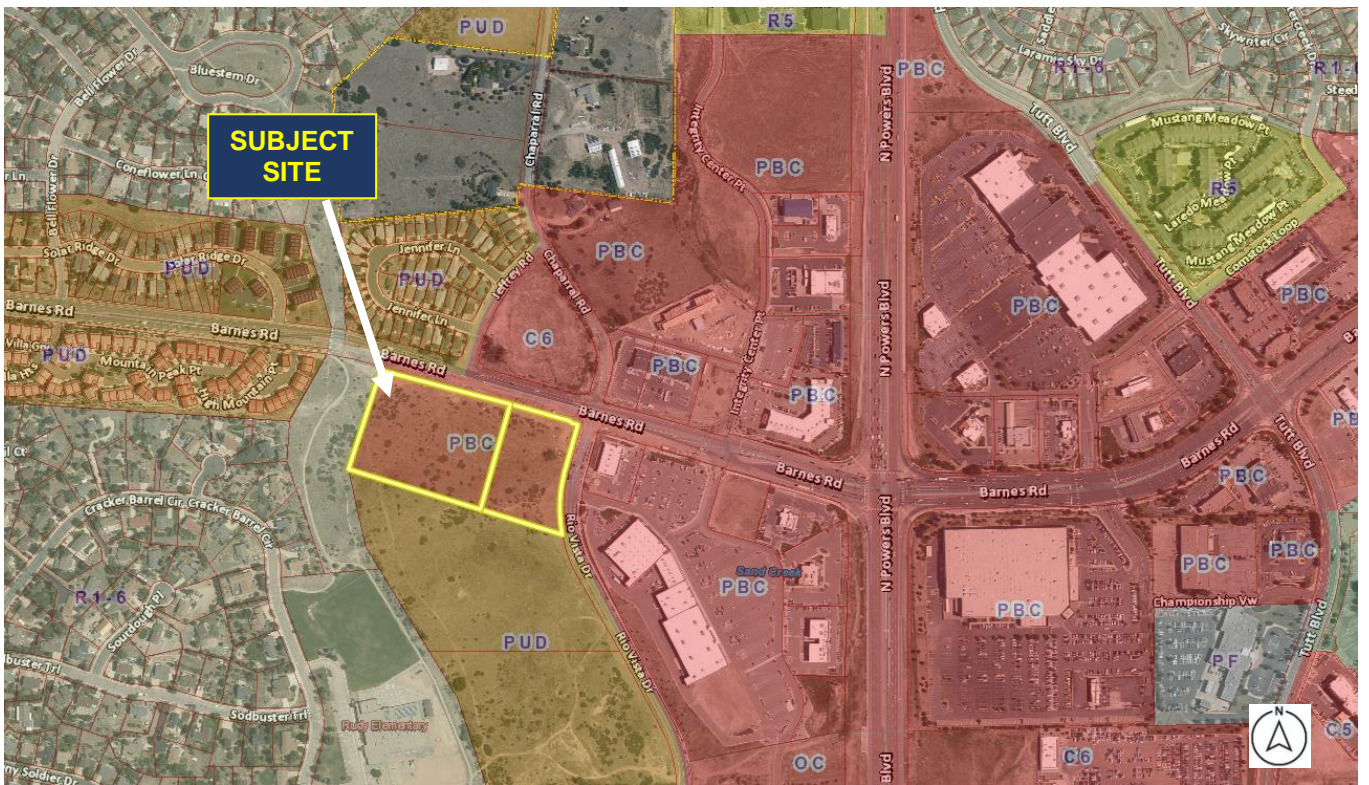


CITY PLANNING COMMISSION AGENDA  
December 14, 2022

STAFF: TAMARA BAXTER

FILE NO:  
CUDP-22-0004 – QUASI-JUDICIAL

**PROJECT:** RIO VISTA TOWNHOMES  
**OWNER:** TSG RIO VISTA, LLC  
**DEVELOPER:** GRAYS DEVELOPMENT  
**CONSULTANT:** GALLOWAY & COMPANY



## **PROJECT SUMMARY:**

1. Project Description: The project is for a conditional use development plan to allow a 94-unit, multi-family residential development, located in the southwest corner of Barnes Road and Rio Vista Drive. (see “**Conditional Use Development Plan**” attachment). The property is zoned PBC/AO (Planned Business Center with Airport Overlay) and consists of 7.32 acres.
2. Applicant’s Project Statement: (see “**Project Statement**” attachment)
3. Planning and Development Team’s Recommendation: Staff recommends approval of the application.

## **BACKGROUND:**

1. Site Address: The property is located in the southwest corner of Barnes Road and Rio Vista Drive. (see “**Concept Map**”)
2. Existing Zoning/Land Use: The properties are zoned PBC/AO (Planned Business Center with Airport Overlay) and are both vacant. The property was zoned PUD/AO (Planned Business Center with Airport Overlay) per Ordinance No. 21-19.
3. Surrounding Zoning/Land Use:  
North: PUD/AO (Planned Unit Development with Airport Overlay) and is residentially developed; and C-6-cr/AO (General Business with conditions of record and Airport Overlay) and is vacant.  
South: PUD/AO (Planned Unit Development with Airport Overlay) and is being developed with a multi-family residential project.  
East: PBC/cr/AO (Planned Business Center with conditions of record and Airport Overlay) and is commercially developed.  
West: R1-6000/AO (Single-Family Residential with Airport Overlay) and is City open space.
4. PlanCOS Vision: According to the PlanCOS Vision Map (see “**PlanCOS Vision Map**” attachment), the project site is identified as a ‘Establish Suburban Neighborhood’ and is proximate to Powers Boulevard, which is identified as a New/Developing activity center and is an Intercity/City Priority Corridor.
5. Annexation: The properties were annexed into the City under the Sparks Addition annexation (July 1, 1971; Ordinance No. 4256).
6. Master Plan/Designated Master Plan Land Use: The properties are not part of a master-planned area.
7. Subdivision: The properties were originally platted as Lot 1 of Colorado Country Filing No. 12 (May 30, 1997) and Lot 2 Block 1 of The Homestead Subdivision Filing No 10 (October 19, 1973). A subsequent final subdivision plat application will be necessary to combine the parcels into one parcel.
8. Zoning Enforcement Action: None.
9. Physical Characteristics: The properties are vacant and slope from a west to east direction. The vegetation on the property is scrub oak and native grasses.

## **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 250 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 one (1) email in opposition expressing general concerns of too many multi-family residential units in this area (see **“Public Comment” attachment**). The applicant provided a written response to the received public comments (see **“Public Comment Response” attachment**). No follow-up correspondences from the public were received.

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 Geologic Survey (CGS), Colorado Springs Utilities, City Engineering Development Review Division (EDRD), City Traffic, Colorado Springs Fire Department, and City Stormwater Enterprise (SWENT). All comments received from the review agencies have been addressed.

City Planning staff notes that the following review agencies provided project-specific comments:

- City Traffic - The City's Traffic Engineering Division stated they have no comments on the development plan and agree with the *Trip Generation and Turn Lane Assessment* findings and recommendations.
- SWENT - SWENT has indicated that they have a level of comfort with the Preliminary Drainage Report (PDR) for this project to be considered by City Planning Commission. Nonetheless, SWENT is not comfortable enough to have the conditional use development plan stamped and approved. Hydraulic calculations and off-site flows to the detention pond still need to be further addressed in the PDR.
- CGS – SCI Engineering provided a *Revised Geologic Hazard Report*. CGS noted that the report did not provide global stability analysis to support the achieved factor of safety of 1.5 for the retaining walls. CGS is supportive of this project to be considered by City Planning Commission and that prior to the approval of the conditional use development plan, an updated report providing the necessary slope stability analysis be reviewed and approved by CGS.

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

### 1. Review Criteria / Design & Development Issues:

#### a. Application Summaries

##### i. Background

The two properties were rezoned to PBC/AO (Planned Business Center with Airport Overlay), per Ordinance No. 21-19. An accompanying concept plan illustrating five commercial lots was approved. In accordance with City Code Section 7.3.203, *Office, Commercial, Industrial, Traditional Neighborhood Development, Special Purpose and Form Base Zone Districts*, multi-family residential use is a 'conditional use' in the PBC (Planned Business Center) zone district. Per City Code 7.5.501(C)(2), an amendment to the 'Rio Vista Dr & Barnes Rd' Concept Plan is not required as the conditional use development plan will convert the entire concept planned area to the new residential use.

##### ii. Conditional Use Development Plan

The conditional use development plan is for a 94-unit multi-family residential development on 7.32 acres. The development proposes 15, 3-story townhome

structures each containing four (4), six (6), or seven (7) for-rent units. **(see “Conditional Use Development Plan” attachment).**

In accordance with City Code Section 7.3.205(Q)(1), residential dwelling units in the PBC (Planned Business Center) zone district shall comply with the R-5 (Multi-Family Residential) zone district development standards. City Planning staff notes that the Applicant has not requested any relief from these standards for the requested development

The project has two access points. One full movement access onto Rio Vista Drive which aligns with the access point of the neighborhood commercial center to the east and the other access is a right-in/right-out access onto Barnes Road which has a median. This access point generally aligns with Jeffrey Road to the north. This segment of Barnes Road has recently been improved adjacent to the project site which anticipated future development of this site. A \$75,000 contribution is required to be paid by this project for the recently installed signal at Barnes Road, Rio Vista Drive, and Chaparral Road intersection. A *Trip Generation and Turn Lane Assessment* was prepared by Galloway and Company, Inc. dated August 11, 2022. The City’s Traffic Engineering Division reviewed this assessment and agreed with the findings and recommendations.

iii. Stormwater

The Preliminary Drainage Report (PDR), prepared by Galloway & Company, Inc., is under consideration by the City’s Stormwater Enterprises (SWENT). SWENT has indicated that there is a level of comfort with PDR as currently written and the project overall, which allows for it to be considered by City Planning Commission. Nonetheless, SWENT is not comfortable enough to have the conditional use development plan stamped and approved. SWENT indicated that the civil consultant needs to provide hydraulic calculations and address the off-site flows to the pond. SWENT indicated that assuming no major issues with the hydraulic calculations provided with the resubmitted PDR, SWENT will have a level of comfort with the conditional use development plan being approved with a condition of approval stating:

- Prior to approval stamping, the Preliminary Drainage report must be approved by the City’s Stormwater Enterprise.

iv. Geologic Hazard

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 conditional use development plan and accompanying geological hazard investigation report, prepared by SCI Engineering. CGS indicated that without the global stability analysis to support the achieved factor of safety of 1.5 for the retaining walls provided by SCI Engineering in the *Revised Geological Hazard Report* for this project, CGS cannot complete their review of this report **(see “CGS Letter 11.23.22”)**. EDRD has reviewed the geologic hazard report and found it acceptable but noted that CGS’s comments will need to be addressed before the report can be signed off by EDRD and Planning staff. As such, City Planning staff recommends a condition of approval be added stating:

- Prior to approval stamping and execution of the Revised Geologic Hazard report for the project, City staff shall receive confirmation from CGS that confirms the calculated factor of safety of 1.5 for the planned retaining walls for this project have been addressed.

b. Findings for Granting a Conditional Use Development Plan

- i. *Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.*

City Planning Staff finds that the request will not injure the value and quality of the surrounding neighborhood, as the immediate area is currently developed with a broad mix of commercial, retail, and multi-family and single-family residential uses. Overall, the development is also located proximate to places of employment, schools, parks, groceries, services, and entertainment. All are characteristics that make it a good fit for residential development as proposed. This site is a good fit for multi-family development (see “**Context Map**” attachment).

- ii. *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.*

Based on City Code Section 7.3.201 *Purpose*, commercial zone districts are intended to provide “...areas for commercial retail, service, and office uses required by the residents of the City in a manner consistent with the *Comprehensive Plan*.” Commercial zone districts are also envisioned to allow for and/or accommodate other land uses should certain standards be met and approvals be granted.

The Applicant’s request to develop a multi-family residential development is consistent with the additional standards set forth in City Code Section 7.3.205(Q)(2) for residential units in the PBC (Planned Business Center) zone district. These standards are structured to mitigate potential impacts that apply to certain uses conditionally permitted in commercial zone districts to ensure the intent and purpose of City Code to promote public health, safety and general welfare is met. This is further reinforced by the requirement that residential uses in the PBC (Planned Business Center) zone district must comply with the R-5 (Multi-Family Residential) zone district.

- iii. *Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.*

The proposed multi-family residential development use, as illustrated by the conditional use development plan, conforms to the goals and policies of the City Comprehensive Plan (herein referred to as “PlanCOS”).

The conditional use development plan for the project has been reviewed using the criteria established in City Code Sections 7.5.502(E) and 7.5.705(A-C). The project meets site development standards such as off-street parking and required landscape standards.

Staff finds that the proposed project addresses the applicable review criteria set forth in City Code for the development of a multi-family residential use in this PBC zone district, as set forth in City Code Section 7.3.205(Q)(1), the criteria for granting conditional use development plan, as set forth in City Code Section 7.5.704; and a development plan, as set forth in City Code Section 7.5.502(E), with the following conditions of approval and technical modifications being addressed prior to final approval of the conditional use development plan:

1. Conditions of Approval:
  - a. Prior to approval stamping, the Preliminary Drainage report must be approved by the City’s Stormwater Enterprise.
  - b. Prior to approval stamping and execution of the Revised Geologic Hazard report for the project, City staff shall receive confirmation from CGS that confirms the

calculated factor of safety of 1.5 for the planned retaining walls for this project have been addressed.

2. Technical Modifications:

- a. Provide screening (upright junipers, etc.) along the base of the retaining wall and parking spaces along the south side of the project;
- b. Show and label all landscape lighting;
- c. Show the speed line of sight for each intersection and access point. Ensure that no boulders nor plantings (including evergreen trees) with heights over 30" are within this area.
- d. Proposed Junipers shall be at least 15 feet from all structures.
- e. Accessible parking calculation shall be provided in the site data table.

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 (see "**PlanCOS Vision Map**" attachment), the project site is identified as an 'Established Suburban Neighborhood' and is proximate to Powers Boulevard, which is identified as a New/Developing activity center and is an Intercity/City Priority Corridor. Suburban neighborhoods "should expect to incorporate a wider variety of unit sizes, densities and types, which offer the chance for residents to up- or downsize while remaining in their chosen neighborhoods." New development should focus on safe connections into and within these suburban neighborhoods. This project benefits from a network of existing connections which include a primary street system, sidewalks and bike/path routes, community park, local school and transit. Certain qualities and elements such as an integration of a mix of land uses (residential, retail, office, school, recreational) in close proximity with each other shall be supported and widely encouraged.

The Rio Vista Townhomes project is consistent with the following PlanCOS vision:

- Vibrant Neighborhood - Housing for All

**GOAL VN-2:** 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.

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

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

*Policy VN-3.F:* Enhance mobility and connectivity between neighborhoods across Colorado Springs and with surrounding jurisdictions.

*Strategy VN-3.F-1:* Increase transportation recreation choices for all neighborhoods by improving or adding bike lanes, sidewalks, off-street neighborhood trails, and greenways that connects to larger system trails...

- Unique Places – Embrace Creative Infill, Adaptation, and Land Use Change

**GOAL UP-2:** Embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market.

*Policy UP-2.A:* Support infill and land use investment throughout mature and developed areas of the city.

City planning staff finds the project in question and its associated applications to be substantially in conformance with PlanCOS and its guidance.

3. Conformance with the Area's Master Plan:

The project site is not part of a master-planned area. However, City Planning staff finds that the Rio Vista Townhomes project to be complimentary and supportive of the long-range vision for the area. (see "**Context Map**" attachment) Through staff's review of the proposed conditional use development plan the overall area impacts of the project were analyzed.

**STAFF RECOMMENDATION:**

**CUDP-22-0004 – Conditional Use Development Plan**

Approve the Conditional Use Development plan for the Rio Vista Townhome project, based upon the findings that the request meets the review criteria for conditional use as set forth in City Code Section 7.5.704, and the development plan review criteria in City Code Section 7.5.502(E), with the following conditions of approval and technical modifications being addressed prior to final approval of the conditional use development plan:

1. Conditions of Approval:
  - a. Prior to approval stamping, the Preliminary Drainage report must be approved by the City's Stormwater Enterprise.
  - b. Prior to approval stamping and execution of the Revised Geologic Hazard report for the project, City staff shall receive confirmation from CGS that confirms the calculated factor of safety of 1.5 for the planned retaining walls for this project have been addressed.
2. Technical Modifications:
  - a. Provide screening (upright junipers, etc.) along the base of the retaining wall and parking spaces along the south side of the project;
  - b. Show and label all landscape lighting;
  - c. Show the speed line of sight for each intersection and access point. Ensure that no boulders nor plantings (including evergreen trees) with heights over 30" are within this area.
  - d. Proposed Junipers shall be at least 15 feet from all structures.
  - e. Accessible parking calculation shall be provided in the site data table.