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## **Lots 1, 2, & 3 Point of the Pines Gardens Subdivision Zoning Map Amendment Project Statement**

### **Description**

This application is for Lots 1, 2, & 3 Point of the Pines Gardens Subdivision. The addresses are 330, 360, and 390 Elkton Drive.

The site is located in the southwest quarter of Section 19, Township 13 South, Range 66 West of the 6<sup>th</sup> Principal Meridian in the city of Colorado Springs, Colorado, as well as the southeast quarter of Section 24, Township 13 South, Range 67 West of the 6<sup>th</sup> Principal Meridian in the city of Colorado Springs, Colorado. The site is bounded to the north by a Tracts A & B Mission Ridge Townhomes Filing No. 2 and Lot 1 Block 1 Sunbird Filing No. 1, to the east by Rusina Road public ROW, to the south by Elkton Drive public ROW, and to the west by Point of the Pines Drive public ROW.

The total area for Lot 1 Point of the Pines Gardens Subdivision is 2.57 acres. The total area for Lot 2 Point of the Pines Gardens Subdivision is 2.42 acres. The total area for Lot 3 Point of the Pines Gardens Subdivision is 4.63 acres. The current zoning for all 3 lots is MX-N, and the purpose of this application is to change the zoning to MX-M. This is a technical request due to the existing non-conforming use, which contains an existing assisted living facility. This property conformed to the old code, but with the new UDC, the property was re-zoned to MX-N to which the existing facility is non-conforming in its current state. Thus, this zoning change request is to bring the existing facility back into conformity with the zoning code. Additionally, a zone change to MX-M is required due to the scale of the existing facility with regard to surrounding developments and neighborhoods. Zoning this property as MX-M would conform to the surrounding zoning of the properties to the north and south. Lot 3 is currently vacant. Lot 1 is currently used as a gravel parking lot for the existing facility, and Lot 2 is developed as the assisted living facility. The site is within both a Hillside and WUI overlay.

### **Justification**

The existing facility is consistent with and has no adverse impact on the surrounding properties and will be a permitted use under the future zoning. The lot directly south is currently developed as a use very similar to this project. Existing neighborhoods border the site to the west and north and is bordered by commercial areas to the east and south. There is existing zoning of MX-M to the south and north of this site. Therefore, the proposed mixed-use medium-scale use is a logical use of this site.

## Review Criteria

- 1. The proposed rezoning is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, with other plans and policies adopted by the City Council; and with the purpose statement of the proposed zoning district(s).**

As stated in the justification section, the use of this site for mixed-use medium-scale as used for an assisted living facility, is compatible and harmonious with the surrounding land uses. Additionally, the rezoning is consistent with the policies and goals of the Colorado Springs Comprehensive Plan in the following ways:

- The document encourages mixed and integrated land uses within and around neighborhoods.
- 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.
- Strategy RC-5.A-3: Support plans for facilities that proactively and holistically address the mental health needs of our community, and that are reasonably and appropriately integrated with surrounding land uses.

- 2. The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare.**

The existing assisted living facility is beneficial for the health, safety, convenience and general welfare of the public. Assisted living facilities are likely in the interest of the public as they are a health and human service that benefits the community, particularly those with issues living on their own. Additionally, there is no light, odor, or noise pollution as a result of this facility, and there is no evidence of an increase in crime as a result of development.

- 3. The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).**

The location being amended is appropriate for the proposed district as there is an existing assisted living facility on-site as well as surrounding neighborhoods, shopping centers, and UHealth Grandview. Additionally, adjacent developments to the north and south are zoned as MX-M.

4. **If the application proposes to rezone a small area of land, the application demonstrates that the size, scale, height, density, and multimodal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions.**

The approved concept plan and land use statement provided demonstrates that the proposed use is compatible with surrounding developments, including the existing assisted living facility on Lot 2 and surrounding neighborhood and medical office developments, some of which are already zoned as MX-M. The size, scale, height, and density of the existing building is consistent with the proposed zoning, and there is no evidence that the development has an adverse impact on multimodal traffic due primarily to the density of the building.

5. **If the application proposes to rezone a relatively small area of land, the application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.**

The change in zoning will not create significant dislocations of tenants or occupants of the property because the existing Lots 2 & 3 are undeveloped and contain no occupants and the existing facility will remain after the zone change.

6. **If a Land Use Plan or amendment to a Land Use Plan accompanies the application, the Land Use Plan or amendment complies with the applicable criteria in Subsection 7.5.514C.3 (Land Use Plan Criteria).**

This Zoning Map Amendment complies with all applicable criteria in Subsection 7.5.514C.3.

7. **The application is consistent with any approved Concept Plans in the area for which the map is being amended or includes or is accompanied by a provision that approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map.**

The application is consistent with approved Concept Plan AR CP 07-00806-A1MJ11.

8. **If the application is for creation of an ADS-O district, the approval criteria applicable to the creation of the text of the ADS-O district in Section 7.2.607D.47.5.702 (Decision) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.**

This application is **not** for the creation of an ADS-O district.



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9. **If rezoning to a PDZ district, the proposed PDZ district provides significant community amenities or other benefits, as determined by the Manager, that promote the achievement of Colorado Springs Comprehensive Plan goals and would not otherwise be required of the applicant under this UDC or other City of governmental regulations.**

This application is **not** for the creation of a PDZ district.

10. **Complies with the additional standards of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts)).**

Existing development complies with all standards from base zone and overlay districts. Base district MX-M accommodates medium-density mixed-use usage which an assisted living facility of the existing size falls into. The facility is laid out in a compact pattern which promotes pedestrian activity and provides outdoor gathering spaces. The existing development has minimal impact on the surrounding neighborhoods. Additionally, existing development complies with all standards from overlay district WUI (Wildland Urban Interface) and overlay district HS (Hillside).

Sincerely,

Jacob Schlueb, E.I.

Terra Nova Engineering, Inc.

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