

CITY PLANNING COMMISSION AGENDA  
MAY 19, 2022

STAFF: PETER LANGE

FILE NO(S):

A. - CPC ZC 22-00068 – QUASI-JUDICIAL

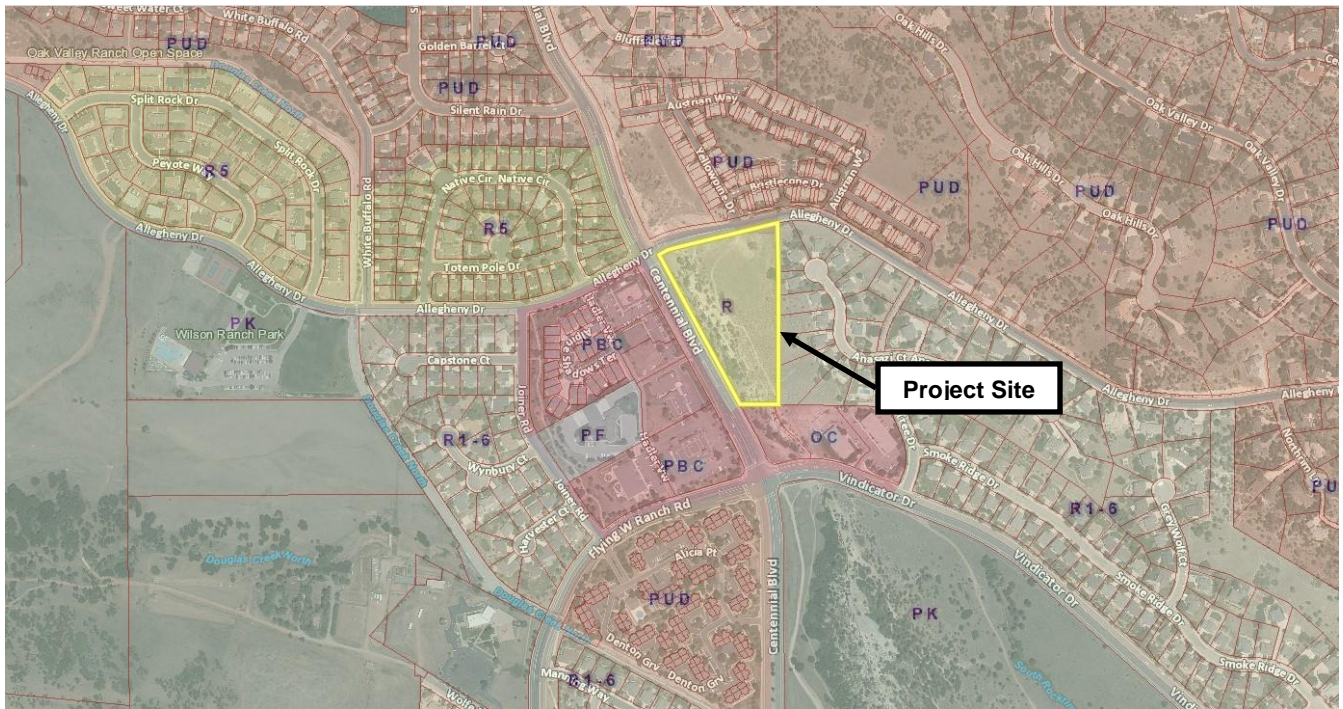
B. - CPC CP 22-00086 – QUASI-JUDICIAL

PROJECT: CSU ALLEGHENY AND YELLOWPINE

OWNER: CITY OF COLORADO SPRINGS

DEVELOPER: COLORADO SPRINGS UTILITIES

CONSULTANT: CSAI



PROJECT SUMMARY:

1. Project Description: The project proposes concurrent applications for a Zone Change and Concept Plan Statement. The zone change proposes to rezone the project site from PUD/R/HS (Planned Use Development and Estate Single-Family Residential with Hillside Overlay) to PF (Public Facilities). (**see “Zone Change” attachment**) The Concept Plan Statement reports the future development of a Colorado Springs Utility equipment enclosure that will contain infrastructure associated with the City’s proposed fiber-optic network. (**see “Concept Plan Statement” attachment**)

A separately submitted Development Plan application is being administratively reviewed.

2. Applicant's Project Statement: (see "Project Statement" attachment)
3. Planning and Development Team's Recommendation: Approval of the applications with Conditions of Record and Technical Modifications.

#### **BACKGROUND:**

1. Site Address: The project site is addressed as 1951 Allegheny Drive.
2. Existing Zoning/Land Use: The site is zoned PUD/R/HS (Planned Use Development and Estate Single-Family Residential with Hillside Overlay) and is presently vacant
3. Surrounding Zoning/Land Use:  
North: PUD/HS (Planned Unit Development with Hillside Overlay) and is residentially developed  
South: OC/cr/HS (Office Complex with Conditions of Record and Hillside Overlay) and is part of the Peregrine Open Space  
East: R1-6000/HS (Single-Family Residential with Hillside Overlay) and residentially developed  
West: PBC/HS (Planned Business Center with Hillside Overlay) and is commercial developed
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 Golden Cycle Addition No. 1 Annexation plat (April 1, 1966; ordinance unknown).
6. Master Plan/Designated Master Plan Land Use: The project site is part of the Rockrimmon master planned area, which has a status of implemented.
7. Subdivision: Property is unplatted
8. Zoning Enforcement Action: none
9. Physical Characteristics: The Project site is currently vacant with primarily native vegetation and slopes down from west to east, with slopes greater than 15 percent.

#### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

The public notification process consisted of providing notice to the surrounding owners within 1,000 feet of the site, which included mailing postcards to 447 property owners on two occasions; during the initial review and prior to the Planning Commission hearing. A public noticing poster was also posted during the two occasions noted above.

City Planning staff received eight written comments, which expressed objection, support, and inquiry. Those comments received in objection for the proposal raised concerns in regard to land use compatibility, visual impacts, noise, health, and operational impacts. All public comments received during the public noticing period pertained to the Development Plan and not the Zone Change request (See "Public Comment" attachment). The applicant is drafting a response to public comment letter and will be distributed to the community members who commented on the Development Plan component of the Project.

(see "Public Comment Response" attachment) No follow-up correspondence from the public were received.

Staff sent copies of the plan set and supporting documentation to the standard internal review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City SWENT, Landscaping, and Development Review Enterprises: Hillside Review. All reviewers support the Zone Change request and all comments pertaining to the development plan will be addressed during the administrative review of the applications.

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

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

#### a. Application Summaries:

##### i. Zone Change

The Applicant's (Colorado Springs Utilities) requested change of zone will rezone the 5.7-acre site from PUD/R/HS (Planned Use Development and Estate Single-Family Residential with Hillside Overlay) to PF (Public Facilities). **(See "Zone Change" attachment)** This application is necessary, as the current zoning limits development of the property to residential uses and ultimately, supports the Applicant's future development of a city-wide fiber-optic network. According to City Code Section 7.4.302(A) PF – Public Facilities, parcels with the PF zone district are intended for *"used or being reserved for a governmental purpose by the City of Colorado Springs, El Paso County, the State of Colorado, the Federal government or a public utility."* In addition, the change of zone to PF will complement the diverse mix of existing land uses in the surrounding, which consist of residential uses to the north and east, and commercial uses to the west. As Colorado Springs Utilities intends to use the property for facilities associated with the proposed city-wide fiber-optic network, such a public facility will be less impactful to the neighboring in comparison to land uses.

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

##### ii. Concept Plan Statement

Concurrently, the Applicant is requesting a Concept Plan Statement, which outlines the future intended use of the property. Specifically, Colorado Springs Utilities intends to develop an equipment enclosure that will contain infrastructure associated with the City's proposed fiber-optic network. **(see "Concept Plan Statement" attachment)** Per City Code Section 7.5.501(B)(1), *"a concept plan shall accompany an application for the establishment of a zone district or a change of zone district boundaries...unless specifically exempted per subsection C of the same section."* City Code Section 7.5.501(C) Exceptions, *"an application for the establishment of a zone district or a change of zone district boundaries for the following zone districts where a concept statement shall be deemed acceptable: A, R, R-1 9000, R-1 6000, R-2, PF."*

Based upon information depicted in the separately submitted development plan application, which is being administratively reviewed, the equipment enclosure will contain a 504 square foot prefabricated equipment shelter to support the incorporation of fiber optic infrastructure, a transformer, and diesel generator. The perimeter of the equipment enclosure will be enclosed with a fence which will be seven-foot tall as measured from existing grade. Through City Planning staff's further review of the development plan application, the final site design and layout will be evaluated for compliance with all applicable City Code review criteria.

### 2. Conformance with the City Comprehensive Plan:

The project applications have been evaluated for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to the PlanCOS, the project site is identified as an Established Suburban Neighborhood. **(see "PlanCOS Vision Map" attachment)** The CSU Allegheny & Yellowpine project is consistent with the intent of Policy TE-2.D of the Thriving Economy Chapter of PlanCOS which is defined as to *"Provide high-quality infrastructure and technology citywide."* Strategy TE-2.D-3 of the Thriving Economy

PlanCos Chapter would also be applicable as it encourages to “*Collaborate with providers to expand internet capacity and speed throughout the city, including targeted development-ready sites.*”

For the reasons provided in this overall staff report, City Planning staff finds that this proposal and its associated applications to be in substantially conformance with PlanCOS and its guidance.

3. Conformance with the Area’s Master Plan:

The project site is part of the Rockrimmon master plan, which is an “implemented” master plan. According to City Code Section 7.5.402(B)(2), a master plan can be deemed implemented when 85 percent or more of the planned area is built out. The neighborhood surrounding the project is developed with a mix of commercial, residential, and open; as such, City Planning staff finds this public facility project is complimentary of the surrounding land use patterns. Through staff’s review of the project applications the overall area impacts of the project were analyzed.

**STAFF RECOMMENDATION:**

**CPC ZC 22-00068 – Zone Change**

Recommend approval to City Council the zone change for 5.7-acres from PUD/R/HS (Planned Use Development and Estate Single-Family Residential with Hillside Overlay) to PF (Public Facilities), based upon the findings that the zone change meets the review criteria as set forth in City Code Section 7.5.603, subject to compliance with the following technical plan modifications.

1. Title the legal description “Zone Change Legal Description – Exhibit A.”
2. Title the drawing-depiction “Zone Change – Exhibit B.”
3. Label the exterior boundary with bearings, distances, and curve data to match the legal description.
4. Add the area at the end of the legal description and also label within Exhibit B.
5. Label the point of commencing and point of beginning within Exhibit B per the legal description.
6. Revise the legal description to the most current deed description.

**CPC CP 22-00086 – Concept Plan Statement**

Recommend approval to City Council the concept plan statement based upon the findings that the concept plan statement meets the review criteria, as set forth in City Code Section 7.5.501(E).