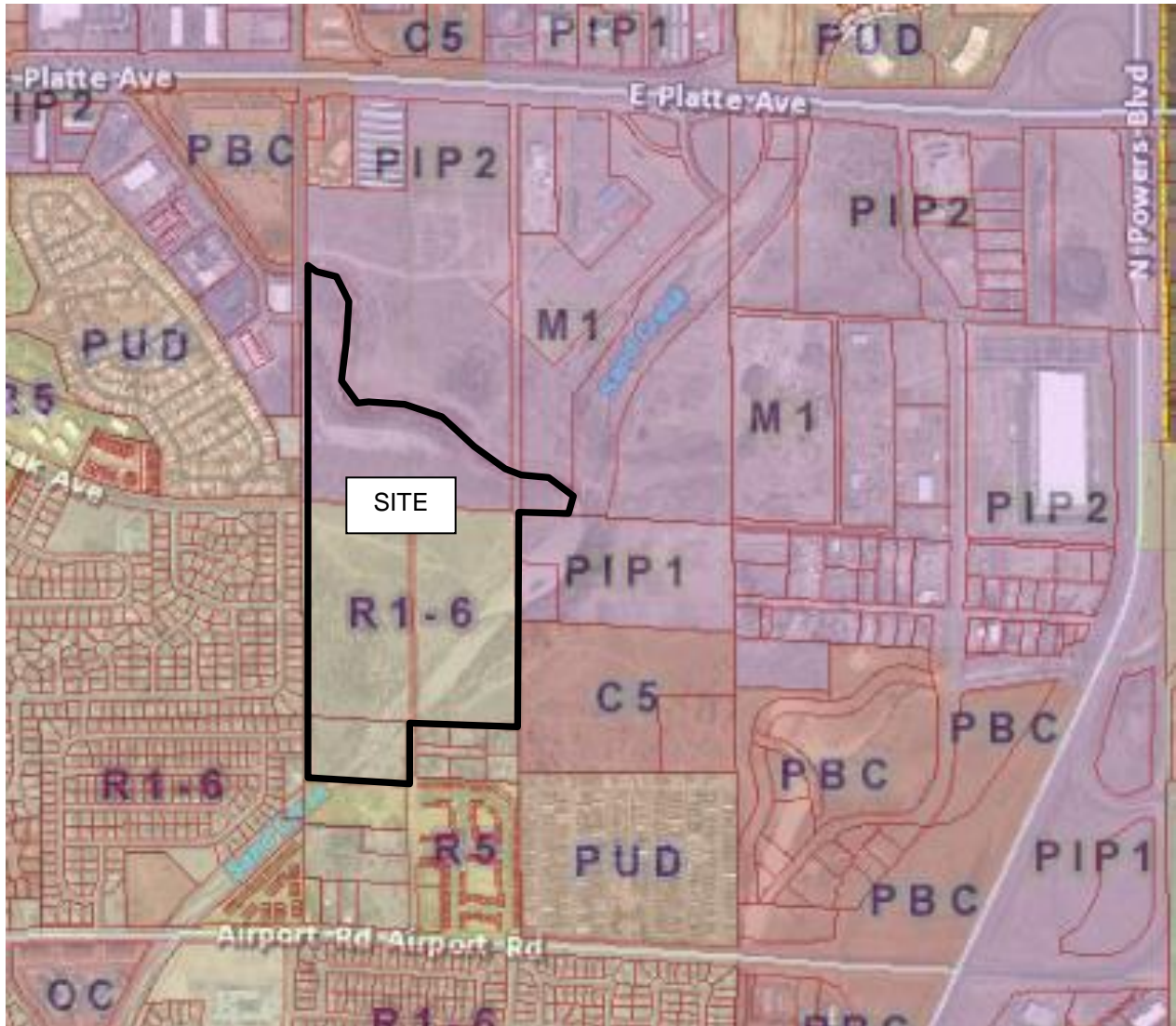


CITY PLANNING COMMISSION AGENDA  
February 20, 2020  
STAFF: LONNA THELEN

ASSOCIATED FILES:

CPC MP 85-217-A7MJ18- QUASI-JUDICIAL  
CPC PUZ 18-00089- QUASI-JUDICIAL  
CPC PUD 18-00091- QUASI-JUDICIAL  
CPC DP 19-00085- QUALI-JUDICIAL

PROJECT: PIKES PEAK HEIGHTS  
OWNER/APPLICANT: DEBARBET LLC AND FIRST PRESBYTERIAN CHURCH OF RATON  
CONSULTANT REPRESENTATIVE: NES INC



## **PROJECT SUMMARY**

1. Project Description: This project includes concurrent applications for a major master plan amendment, zone change, development plan and certificate of designation for 42.9-acres of the Pikes Peak Heights residential development located at the end of Pikes Peak Avenue, east of Academy Boulevard.

The major master plan amendment changes the designated land use from Research and Development to Residential with a density of 12-24.99 dwelling units per acre (**FIGURE 1**). The zone change rezones 42.9-acres of the property from R1-6/DF/AO (Single-family residential with design flexibility and airport overlay), M-1/AO/APZ1 (Light industrial with airport overlay and accident potential zone 1) and PIP-2/AO/APZ1 (Planned Industrial Park 2 with airport overlay and accident potential zone 1) to PUD/AO/APZ1 (Planned Unit Development: 35 feet maximum height, 3.5-7.99 dwelling units per acre, single-family attached and detached units with airport overlay and accident potential zone 1). The development plan (**FIGURE 1**) illustrates 74 attached single-family residential units and 120 detached single-family units.

The certificate of designation is to allow a long-term landfill for nonhazardous material. The site is located at the end of Pikes Peak Avenue east of Academy Boulevard.

2. Applicant's Project Statement: (**Refer to FIGURE 3**)
3. Planning and Development Team's Recommendation: Staff recommends approval of the applications.

## **BACKGROUND**

1. Site Address: 150 Karr Road
2. Existing Zoning/Land Use: PIP-2 (Planned Industrial Park 2), M-1(Light Industrial) and R1-6 (Single-Family Residential)/vacant
3. Surrounding Zoning/Land Use:
  - North: PIP-2 (Planned Industrial Park 2) and M-1(Light Industrial)/vacant
  - South: R5 (Multi-family Residential) and R1-6(Single-Family Residential)/residential
  - East: PIP-1(Planned Industrial Park 1) and C5 (Intermediate Business)/vacant
  - West: R1-6(Single-Family Residential)/residential
4. Annexation: A portion of this property was annexed in 1964 as part of the Municipal Airport Addition and a portion of this property was annexed in 1963 as part of the Smartt's Addition #9.
5. Master Plan/Designated Master Plan Land Use: Towne East Master Plan/research and development and residential
6. Subdivision: The site is not platted
7. Zoning Enforcement Action: None
8. Physical Characteristics: The site is currently vacant with some existing vegetation and slopes gently from north to south.

## **STAKEHOLDER PROCESS AND INVOLVEMENT**

The public notification process consisted of providing initial notice to the neighbors by placing a poster for the project on site and sending postcards to 464 property owners within 1000 feet. Public comments were received during the initial review and staff required a neighborhood meeting. The first neighborhood meeting was held on August 30, 2018 and 30 people attended (**FIGURE 4** includes the initial neighborhood comments). The project added the Certificate of Designation component in May of 2019. A second neighborhood meeting was held on October 7, 2019 to discuss all components of the plan together as one project. **FIGURE 5** contains the comments provided from the second neighborhood meeting. The major areas of concern raised by the neighborhood include traffic, environmental impacts, closure of the existing landfill, and access points to the site. The site will again be posted and public notification sent prior to the City Planning Commission hearing and City Council hearing.

The applications were sent to the standard internal and external agencies for review and comment. Review comments were received and the remaining comments are listed as technical modifications. The modifications listed are minor. Review agencies for this project include Colorado Springs Utilities, City Traffic, City Engineering, City Landscape, City Fire Department and Police/E-911, as well as School District 11, Colorado Springs Airport, Peterson Airforce Base, Colorado Geologic Survey, and Floodplain and Enumerations.

## **ANALYSIS OF REVIEW AND CONFORMANCE WITH CITY COMPREHENSIVE PLANNING**

### **1. Review Criteria/Design & Development**

#### **Background:**

In 2005, an application to allow 110 single-family units on the area south of the extension of Pikes Peak Avenue was submitted for consideration. This request was reviewed and approved by City Planning Commission and City Council with the requirement for a Phase I Environmental Report. The Phase I Environmental Report was never completed and the applications formally withdrawn in 2010.

Since 2005, the area north of the Pikes Peak Avenue extension was purchased from School District 11 and added to the project. This project is a combination of applications to allow a vacant site, historically used as a landfill, to be developed into a total of 194 residential units (120 single-family detached and 74 single-family attached units).

#### **Master Plan Amendment:**

The Towne East Master Plan encompasses a unique, primarily undeveloped, portion of Colorado Springs. The master plan designates a mix of industrial, commercial and residential uses. The application for a master plan amendment in 2005 proposed a change from research and industrial to residential, south of the Pikes Peak Avenue extension and allowed the area north of the Pikes Peak Avenue extension to remain Research and Industrial. Pikes Peak Avenue was proposed to extend across Sand Creek and connect with Troy Hill Road and subsequently Airport Road (**FIGURE 6**). The current amendment removes the extension of Pikes Peak Avenue across Sand Creek and changes the Research and Industrial are north of Pikes Peak Avenue to Residential. A connection from Pikes Peak Avenue north to Wooten Road is retained. The proposed amendment allows the area east of Sand Creek to become residential and to utilize the extension of the Homestead trail corridor along Sand Creek as an amenity. The removal of the extension of Pikes Peak Avenue across Sand Creek disconnects the residential area from the industrial and commercial area east of Sand Creek, but still retains connectivity to Platte Avenue via an extension of Wooten Road. The Contextual Map in **FIGURE 7** shows the location of the residential, industrial and commercial uses surrounding the property.

A fiscal impact analysis was prepared for this site and is attached as **FIGURE 8**. This analysis shows a positive cash flow over a 10-year timeframe. This application changes a 23.9-acre area that was previously planned for research and development to residential. The remainder of the site was already master planned for residential. Of the 23.9-acres of research and development, seven acres are being gifted to the City. The area master planned for research and development has never been developed. This change to residential is not detrimental to the City due to the limited ability to develop this area for research and development. The use of residential for this area is a benefit to the City because it connects well to the proposed residential to the South and it is a complementary use to the creek. The removal of the connection of Pikes Peak Avenue over the creek to the east also isolates this research and development parcel making it even more difficult to develop.

Staff finds that the request for the master plan amendment is in conformance with the City Code Section 7.5.408 criteria for a master plan amendment.

#### **Zone Change:**

Although the development plan in 2005 was not formally approved, City Council did approve the zone change applications to R1-6/DF for the area south of the Pikes Peak Avenue extension. The

applicant is requesting that the site be rezoned from R1-6/DF/AO, M-1/AO/APZ1 and PIP-2/AO/APZ1 to PUD/AO/APZ1. The area north of Pikes Peak Avenue is half-zoned M-1 and half-zoned PIP1. The PUD would allow 35 feet maximum height, 3.5-7.99 dwelling units per acre and single-family attached and detached units. The PUD zone district allows flexibility to incorporate 74 single-family attached units into the site along with the 120 single-family units. The minimum lot sizes for the single-family residential lots will be 3,000 square feet and the minimum lot size for the attached single-family units will be 5,000 square feet. Page two of the development plan (**FIGURE 1**) shows the location of the Accident Potential Zone 1 (APZ1) area as a hatched area on the northeast corner of the site. The APZ1 does not allow residential units to be constructed; no residential units are proposed in the APZ1 area. This area is to be used for detention ponds, a trail corridor, and the creek channel. This site was also reviewed by the Airport Advisory Committee (AAC) when it was initially submitted. The AAC stated they had no objections to these applications.

Staff finds that the request for the zone change is in conformance with the City Code Section 7.5.603(B) criteria for a zone change establishment, as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603.

#### Development Plan:

The development plan (**FIGURE 1**) for this site depicts the layout of the 194 units. The detached single-family units are on the periphery of development, while the attached single-family units are toward the center of the development. The site is surrounded by an area owned by the Pikes Peak Heights Metropolitan District and land gifted to the City of Colorado Springs. **FIGURE 9** provides a representation of the area that is part of the development (including the detention ponds and green spaces for the community), the area gifted to the City and the land owned by the Pikes Peak Heights Metropolitan District. The Certificate of Designation section will discuss in further detail the existing landfill conditions on the site and how the landfill will be mitigated through a certificate of designation process.

#### Traffic:

Pikes Peak Avenue, Wooten Road and Canyon Wren Lane are the three primary access points into the site. A traffic study was not required as part of the review for this project. The analysis of the use and the traffic generated was acceptable to City Traffic Engineering. The initial submittal did not include the access point to the north to Wooten Road. When this access point was added, staff required that the applicant work with the property owner at the southwest corner of Towne Center Drive and Wooten Road to make a connection to Wooten Road over property owned by Alan and Josefine Crawford. A private agreement between the Crawford's and the applicant was prepared to define the roadway construction and timing of the right-of-way dedication. This agreement is in the process of being finalized. The additional right-of-way dedication allows the roadway to connect directly to the intersection of Town Center Drive and Wooten Road.

A parking assessment was required by staff to analyze the parking needed for the site. City code requires one off-street parking space per unit. In addition to the off-street parking, the applicant found that there were over 200 on-street parking spaces that could be used by residents and guests.

#### Creekside development:

The project is adjacent to Sand Creek. Stormwater Engineering (SWENT) has a project planned on the main stem of Sand Creek in the vicinity of Pikes Peak Heights for the program years 2024 – 2026. Due to erosion that has been occurring along this section of creek, SWENT is collaborating with Colorado Spring Utilities to advance the project so that construction will occur as early as 2022. Advancing the project requires securing the necessary property and/or easements ahead of the anticipated construction. SWENT has performed a 10% concept level design of the stabilization needed to help determine how much land is needed from the adjacent property owners. This analysis confirmed that SWENT needs the area shown as gifted to the City in **FIGURE 9**. In addition, SWENT will be adding vegetation along the Homestead trail corridor

once the certificate of designation cleanup is completed and the trail is installed. This vegetation will complete the trail experience intended for the residents in Pikes Peak Heights and surrounding communities.

**Parks and Recreation:**

A request was made in 2014 nominating this property for acquisition by Trails and Open Space (TOPS). Parks did not pursue the property for acquisition in 2014 due to an unwilling seller. This development proposal for a new residential subdivision confirms that the property owner is unwilling to sell the property to TOPS.

With respect to Park Land Dedication Ordinance (PLDO) requirements, the applicant and the Parks and Recreation Department have come to an agreement to completely offset the PLDO fees with a 3,260 linear foot trail segment to be constructed by the developer. The trail will begin at the south end of the site and continue north 3,260 linear feet. The final trail routing is in process of being determined. If there is a gap after the 3,260 linear feet is constructed, the remaining portion will be installed by the Parks Department at an undetermined later date. A trail easement will be granted by the applicant and the Pikes Peak Heights Metro District for any area of trail not on the property gifted to the City.

**Geologic Hazard Report:**

The geological hazard report submitted by CTL Thompson was last revised November 18, 2019 and approved by the City on December 27, 2019. The primary hazards listed for this site include uncontrolled soil and debris laden fill, potentially hydro compactive soils, shallow groundwater, erosion and the regional issue of seismicity. Mitigations include removal of suspect quality existing soils and replacement with controlled fill prior to building, usage of spread footing or slab-on-grade foundations, and directing surface runoff away from foundations. There were no geologic hazards cited which will preclude development on this site.

**Drainage Report:**

A Master Development Drainage Report (MDDP) was required for this site because the site was over 10-acres. Only minor revisions to the MDDP remain prior to the report be ready for approval. The report shows that the proposed drainage system will route developed stormwater runoff to one of three (3) full spectrum (including water quality) extended detention basins, where it will be released into adjacent Sand Creek at or below historic rates.

Staff finds that the request for the development plan is in conformance with the City Code 7.5.501(E) criteria for a development plan and criteria for PUD concept plans set forth in City Code Section 7.3.606.

**Certificate of Designation Section:**

Under City Code Section 6.3.105, review of a Certificate of Designation for any operation of a landfill within City limits falls under the authority of the City Planning Commission. The applicant has followed the processes for posting and review required by the Colorado Department of Public Health and Environment (CDPHE) and has received a draft recommendation of conditional approval from the State (**FIGURE 10**). The final approval letter will be provided to staff the day of the City Planning Commission after the 30-day posting period has closed.

A Materials Management Plan (MMP) (**FIGURE 11**) and a Construction Quality Assurance Plan (CQA) (**FIGURE 12**) were prepared by the applicant and approved by CDPHE. The CQA is used to document that the excavation, placement and cover of the landfill material and is completed in accordance with the specifications, roles, responsibilities and required qualifications indicated in the MMP.

Before 1996, portions of this property were used for landfill construction debris from Colorado Springs Utilities. The construction debris, reportedly composed strictly of asphalt, gravel, soil and concrete, has been evaluated with the CQA report. The applicant plans to uncover the

construction debris and evaluate if the debris is hazardous or non-hazardous. If the debris is hazardous, it must be removed from the site and properly disposed. If the debris is non-hazardous, it will be buried to the north and east of the site in the area owned by the Metro District **(FIGURE 9)**. The process for the evaluation is outlined in the MMP report. The project will also pursue the Voluntary Cleanup Program once the MMP and CQA reports are approved. Final documents for long-term maintenance process and responsibility for the Pikes Peak Heights Metropolitan District must be reviewed and approved by CDPHE.

City Code Section 6.3.106 outlines four (4) factors considered by the City Planning Commission when reviewing the Certificate of Designation. The following list, including the justifications that the Land Use Review Division considered while reviewing the application, contains the relevant review factors:

*a. The effect that the solid waste disposal site or facility will have on the surrounding property, taking into consideration the types of processing to be used, surrounding property uses and values, and wind and climatic conditions.*

The site is an existing historic landfill. The proposal is to clean-up the landfill and consolidate it into a long-term landfill. This site has never been developed due to the historic landfill. The clean landfill material will be buried along the north and east sides of the site between the development and Sand Creek. The surrounding land will be able to be built on once appropriate land use entitlement approvals are granted. Staff finds that surrounding property values will not be adversely affected by this use.

*b. The convenience and accessibility of the solid waste disposal site or facility to potential users*

The proposed site will be a closed landfill. After the property has been cleaned and the landfill consolidated, no new landfill material will be allowed to be accepted. The site will require long-term monitoring and environmental testing.

*c. The ability of the applicant to comply with the health standards and operating procedures required by this article and by the "Solid Waste Disposal Sites And Facilities Act", part 1 of article 20 of title 30, Colorado Revised Statutes, and the regulations promulgated thereunder by the Colorado Department of Public Health and Environment found at 6 CCR 1007.2.*

A letter from the Colorado Department of Public Health and Environment has been provided to the City and notes that the health standards and operating procedures required by the State have been followed. **(FIGURE 10)**

*d. Recommendations by the various departments and divisions of the Health Department.*

El Paso County Public Health has reviewed this application and supports the Colorado Department of Public Health and Environment recommendations for this facility.

2. Conformance with the City Comprehensive Plan

Staff has evaluated the proposed applications for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"). According to PlanCOS, the project site is identified on the plan's Vision map as a part of the Established Suburban Neighborhood. Per the Vibrant Neighborhoods Map **(FIGURE 13)** this site is part of the Eastborough neighborhood. This site part established neighborhoods typology with a goal to recognize, support and enhance the existing character of these neighborhoods, while supporting their ongoing investment and improved adaptation. This site will be an extension of an existing residential neighborhood. The

development of the site will include adding a trail system for all residents and improving traffic access by adding an access to Platte Avenue via Wooten Road. In addition, the adjacent creek is planned to be reconstructed to address stormwater and utility concerns.

One of the “Big Ideas” in the Unique Places Chapter 3 of PlanCOS is entitled *Embrace Creative Infill, Adaptation and Land Use Change* and states, “We value the preservation of our built environment, especially our historic buildings and areas. But, for our city to be even more competitive, we also need areas to infill and adapt in response to a myriad of trends including demographics, technology, and the market. As a community we should embrace the prospect of managed, thoughtful, and forward-thinking changes in land use by reinvesting in key areas”. Adaptive and responsive land use change is one of the core values of PlanCOS, including in largely established development areas. On balance, staff recommends that the diversity, location and proposed design of these land uses meets the overall intent of this idea.

This proposal also supports another “big idea” in the Majestic Landscapes Chapter called *Complete Our Creeks* and states, “Our creeks and stream corridors should be the lifeblood and arteries of our green infrastructure. We plan to fully incorporate our creeks as multipurpose and accessible corridors. They should actively be considered as places for wildlife, recreation, transportation, utilities, and for the conveyance of stormwater.” The subject proposal helps establish needed trail connection for the Homestead Trail.

Specific policies of PlanCOS that are supported are listed below:

Policy VN-1.A: Prioritize replicable, effective, and up-to-date neighborhood plans and programs for those areas with the most potential for change and need of direction.

Strategy VN-1.A-1: Prioritize development of Neighborhood Plans, particularly in mature areas of the city. Update outdated plans.

Strategy VN-1.A-3: Support the location of City and County services and amenities within or near neighborhoods that need them the most and along/near bus services.

Policy VN-1.B: Inform and engage with neighborhoods, neighborhood-based organizations, and individual residents during the development review process, capital improvement planning, and decisions on City and County facilities and services.

Strategy SC-1.D-6: Continue to coordinate bicycle and pedestrian planning, design, and implementation with other infrastructure projects and land use decisions. Specifically, coordinate implementation among elements of the Intermodal Transportation Plan, the Bicycle Master Plan, as well as Parks and Trails Master Plan.

Strategy SC-1.D-8: Complete the system of hard and soft-surfaced trails for off-street non-motorized and nonequestrian uses, with an emphasis on addressing identified high priority gaps and connections.

GOAL SC-3 Manage our stormwater and flood control system as a vital and integrated community asset.

Policy SC-3.A: Design new and redeveloped projects to reduce their contribution to regional stormwater flows and to improve the quality of the runoff that is generated.

Policy SC-3.B: Design stormwater infrastructure as an integral and connected part of new development and redeveloping areas and preserve or incorporate naturalistic stream profiles and features where feasible.

Strategy SC-3.B-2: Incorporate complete creek stormwater corridors as part of the City's overall non-motorized transportation network where feasible and environmentally sustainable.

City Planning staff finds Pikes Peak Heights to be in substantially conformance with PlanCOS and its guidance.

3. Conformance with the Area's Master Plan

This area is part of the Towne East Master Plan. This master plan currently shows this area as research and industrial and residential. As part of this application, the applicant is requesting a master plan amendment to change the entire area to residential. This area is an extension of the Pikes Peak Heights residential area to the east of the property. The amendment proposed will allow all area east of Sand Creek to remain residential. The area west of Sand Creek is currently zoned primarily industrial to the north, commercial to the southeast and residential to the south. Staff believes that the proposed master plan amendment will allow an extension of the residential in this area to the creek to utilize the trail creek improvements and provide complimentary streamside development.

## **STAFF RECOMMENDATION**

### **CPC MP 85-217-A7MJ18– Master Plan Amendment**

Recommend approval to City Council the master plan amendment to change 23.9-acres of research and development residential, based upon the findings that the master plan amendment request complies with the criteria for granting of master plan amendment as set forth in City Code Section 7.5.408.

### **CPC PUZ 18-00089 – PUD Zone Change**

Recommend approval to City Council the rezone of 42.9 acres from R1-6/DF/AO (Single-family residential with design flexibility and airport overlay), M-1/AO/APZ1 (Light industrial with airport overlay and accident potential zone 1) and PIP-2/AO/APZ1 (Planned Industrial Park 2 with airport overlay and accident potential zone 1) to PUD/AO/APZ1 (Planned Unit Development: 35 feet maximum height, 3.5-7.99 dwelling units per acre, single-family attached and detached units with airport overlay and accident potential zone 1), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B), as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603.

### **CPC PUD 18-00091– Development Plan**

Recommend approval to the City Council the development plan for 120 single-family detached and 74 single-family attached units based upon the findings proposal meets the review criteria for development plans as set forth in City Code Section 7.5.502(E) and criteria for PUD development plans set forth in City Code Section 7.3.606 subject to the following technical modifications:

1. Receive approval of the MDDP by City Stormwater Engineering.
2. Rename the 30-ft easement to "Public Drainage Easement"
3. Show the proposed public EDB maintenance access road a minimum of 15-ft wide.
4. Ensure Tract J is large enough to encompass the entire EDB and associated appurtenances.
5. Finalize developer built scope of trail construction on the plans to show the beginning and ending point.
6. Include a note that states "The ownership of Karr Road and additional easements was granted with Reception number 205200433 to the of Debarbet, LLC."

### **CPC DP 19-00085 – Pikes Peak Heights Certificate of Designation**

Approve a Certificate of Designation for a long-term landfill consolidation for the Pikes Peak Heights property located at the end of Pikes Peak Avenue east of Academy Boulevard, based on the finding that the Certificate of Designation request complies with the review criteria for a Certificate of Designation set forth in City Code Section 6.3.106.



