

CITY PLANNING COMMISSION AGENDA
MARCH 18, 2021

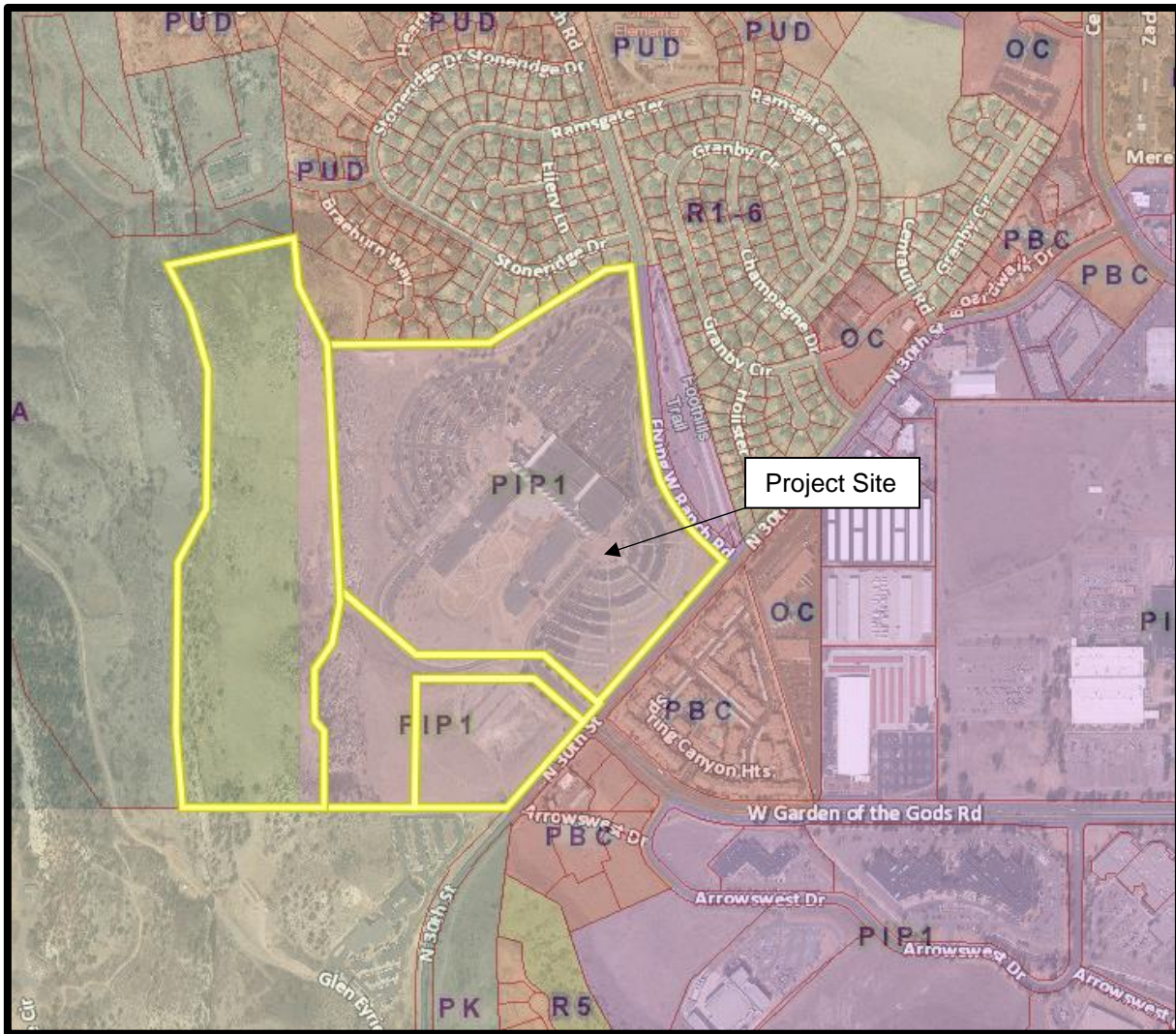
STAFF: KATELYNN WINTZ

FILE NO(S):
CPC MP 06-00065-A1MJ20 - LEGISLATIVE
CPC PUZ 20-00176 – QUASI-JUDICIAL
CPC PUP 20-00177 – QUASI-JUDICIAL

PROJECT: 2424 GARDEN OF THE GODS ROAD

OWNER: 2424 GOTG LLC

CONSULTANT: NES, INC.



This staff report is a supplement to the original report prepared for the City Planning Commission hearing on January 21, 2021, and is intended to summarize the process that has occurred since the original hearing as well as the plan changes that have been made since that hearing. The report also addresses the City Planning Commission's request for additional information and clarification to be presented at the March 18 City Planning Commission hearing.

Background Summary

2424 Garden of the Gods includes three concurrent applications for a major master plan amendment to the Mountain Shadows Master Plan, a PUD zone change, and PUD concept plan for 125 acres of land located at the intersection of West Garden of the Gods Road and North 30th Street and south of Flying W Ranch Road. The project was presented at the January 21, 2021, City Planning Commission hearing. The applicant presented an in-depth analysis of the proposed applications and discussed concerns raised by members of the public during the review process leading up to the Planning Commission hearing. The Mountain Shadows Community Association and many interested citizens provided comments in opposition to the proposed applications. City Planning Commission voted to postpone the item until March 18th, 2021, and requested that staff and the applicant provide additional information and make revisions to address citizen and Commissioner concerns.

City Planning Commission made the following requests at the January hearing:

- The applicant should address plan consistency between proposed master plan amendment and concept planned areas
- The applicant should refine the development vision and provide additional details about future development
- The applicant should consider the visual impacts of the proposal and provide a visual impact analysis from different points on the project site
- The applicant should provide conceptual designs for building placement
- The applicant should review building height & setback criteria
- Staff should coordinate a meeting between the applicant and the community association to discuss project scope and revisions
- Staff should coordinate with the Office of Emergency Management, Division of the Fire Marshall, and City Traffic to address emergency evacuation concerns related to the land use entitlement process
- Address questions about pedestrian connectivity

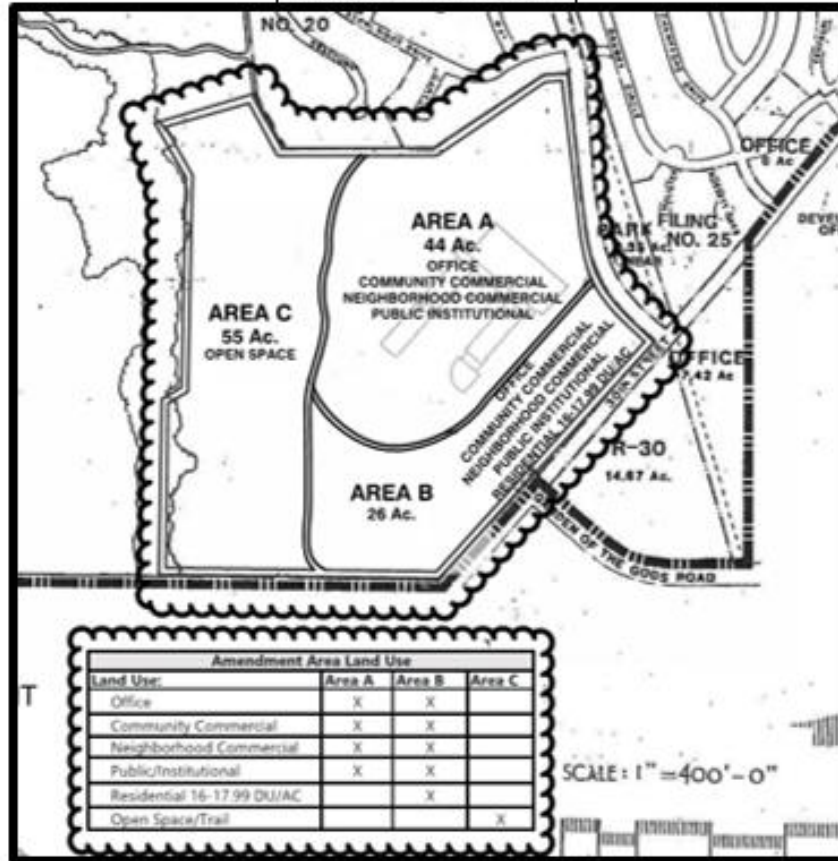
ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:

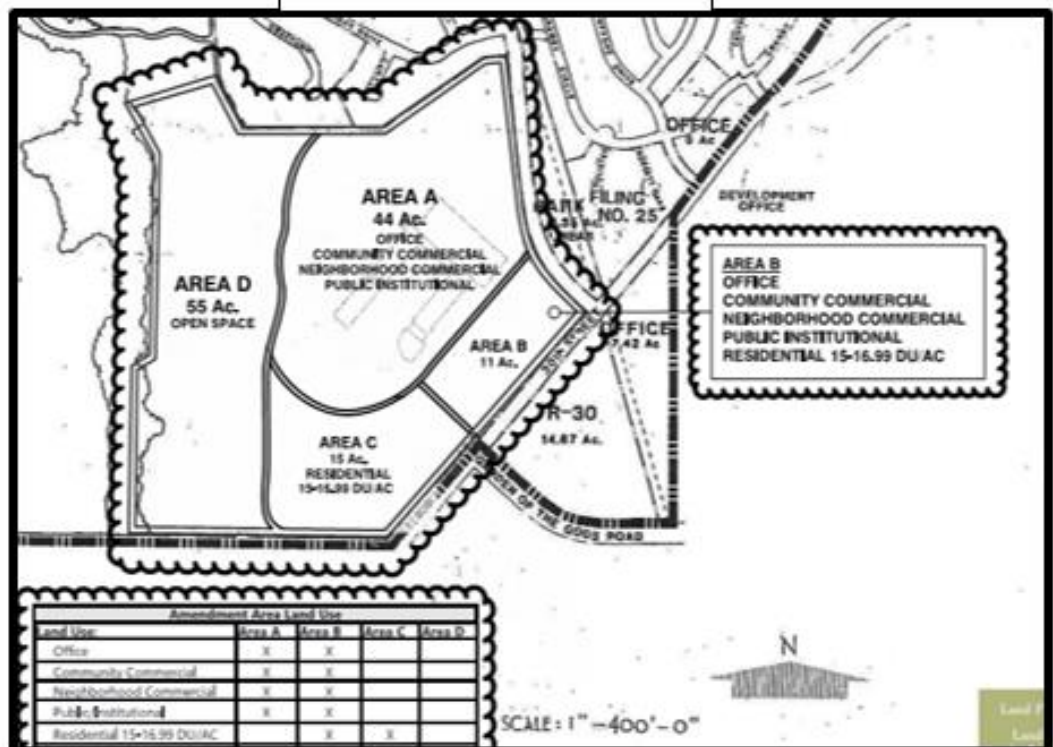
a. Major Master Plan Amendment

The overall scope of change is limited in comparison with the January proposal (**see “March Revised Master Plan Amendment” attachment**). Notable changes on this plan include a modification to how the parcels are identified on the plans. The areas noted on the plans are now consistent with the proposed PUD Concept Plan. An overall density range reduction from 16-17.99 dwelling units per acre to 15-16.99 dwelling units per acre is also proposed, along with a refinement to the permitted land uses to be established in each of the proposed sub-areas. Per the revised plans, a 15-acre area noted as Area C that previously permitted all office, commercial and residential uses, is now restricted to residential uses only. The graphics shown below visually represent the proposed changes from the plans reviewed at the January Planning Commission meeting.

January Master Plan



March Revision Master Plan



City Code Section 7.5.401 states in part that there is *a recognized need for flexibility and that long term planning and consistency must be balanced with the need to amend plans as conditions change. The intent is to permit changes to a master plan that conform to contemporary standards and current codes, policies, and plans. An approved master plan shall be used by the City as a guide to zoning. Subsequent steps in the development process will establish more specific plans, which shall be consistent with the adopted master plan.*

While there are a number of review criteria to consider in City Code Section 7.5.408 when reviewing a master plan or master plan amendment, surrounding land use relationships, patterns and conditions play an important role.

The Mountain Shadows Master Plan contemplates a variety of residential, office, and commercial uses; the request to change the land use designation to eliminate industrial uses is more complimentary of the established surrounding land use pattern. The proposed land uses are more reflective of the established residential and low-intensity commercial uses surrounding the project site. The proposed master plan amendment supports a mix of housing types in the area along with the potential for neighborhood supporting commercial and office uses. The proposed uses are considered compatible types of transitional land uses. Future review of development-specific plans will ensure consistency with the master plan and City Code.

Staff finds that the proposed major master plan amendment is in substantial conformance with the review criteria for granting a major amendment to an approved master plan, as set forth in City Code Section 7.5.408. Specifically, staff finds the proposed application satisfies all subsections of the review criteria including conformance with the City's PlanCOS comprehensive plan, proposes a compatible land use pattern with the established surrounding uses, buffers the proposed open space, and conforms with the necessary public facility and transportation requirements as supported by the documentation and technical reports.

City Planning staff finds the application to be consistent with the purpose of the *Master Plan*, as set forth in City Code Section 7.5.401.

b. PUD Zone Change

The proposed PUD zone change revisions include a reduction to the permitted residential density, reduction in maximum non-residential square footage, and the addition of a maximum dwelling unit count to be included in the ordinance language. The table below provides a comparison of the proposed changes. The revised motion provided in this report reflects the changes.

	January PUD Zone Change	March Revised PUD Zone Change
Residential Denisty	16-17.99 du/a	15-16.99 du/a
Maximum Unit Count	set by permitted density	420 units
Building Height	45-feet	45 feet*
Max. Non-residential square footage	1,130,000 square feet	950,000 sqature feet
* - The proposed building height remains 45-feet, additional restrictions to building height are set per the PUD concept plan		

The proposed PUD zone district will also maintain the existing Hillside Overlay. City Code Section 7.3.504, Hillside Area Overlay, notes that the use of a PUD zone district is preferred

in areas encumbered by the overlay due to its flexibility in establishing dimensional controls that best suit the goals of the Hillside Overlay. The dimensional controls for the proposed PUD zone district are set forth in the concurrent PUD concept plan.

Staff finds the request is consistent with the criteria for a zone change request, as set forth in City Code Section 7.5.603.B, and complies with the review criteria for establishing a PUD zone district, as set forth in City Code Section 7.3.605. The current industrial zoning is generally incompatible with the surrounding residential development and areas of open space. Specifically, the proposed permitted uses and land use mix, along with the dimensional controls set forth as part of the PUD concept plan, reinforce the flexibility of design to accommodate Hillside Overlay design criteria and promote a better mix of compatible, non-industrial uses, adjacent to an established residential neighborhood.

Per City Code Section 7.5.502.B, a development plan will be required prior to any new construction or conversion of the existing building or land use type to another land use type.

City Planning staff finds the application to be consistent with the purpose for a zone change request, as set forth in City Code Section 7.3.601 and City Code Section 7.5.601.

c. PUD Concept Plan

City Code Section 7.5.501.B.1 states:

A concept plan shall accompany an application for the establishment of a zone district or a change of zone district boundaries and include the entire zone district area unless specifically exempted per subsection C of this section.

Section 7.5.501.C.2 specifies an exemption:

When an application for a development plan is submitted that includes the entire concept plan area.

At the point of submittal and zone change request, the applicant does not have specific development plans for the property and, therefore, did not submit a development plan, but followed the Code requirements for the concept plan to accompany the zone change request.

The applicant has made revisions based on neighborhood comments and comments from the January City Planning Commission hearing. Consistent with the changes outlined in the above report sections the PUD concept plan (**see “March Revised Concept Plan” attachment**) has been modified.

- The overall permitted residential density was reduced to 15-16.99 dwelling units per acre with a maximum unit count of 420 residential dwelling units.
- The maximum non-residential building square footage was reduced to 950,000 square feet, this figure includes the existing 750,000 square foot commercial building on Area A.
- The PUD Permitted use table was revised to include each proposed subarea (Areas A-D) and specifically identifies permitted uses per subarea. This revision refined the future development vision for Area C, limiting the use to the permitted residential use types, and open space, and eliminating all non-residential development. Note 10 on the PUD concept plan clarifies the allowable development pattern for Area B stating that either 220 residential units or 200,000 square feet of non-residential space are permitted, not both, or some proportional combination within these limits.

Building height and views are of particular concern to both the interested residents in opposition to the proposed applications and the City Planning Commissioners. The applicant has revised the plans to place additional stipulations on the PUD concept plan to address these concerns.

- Maximum building height is noted on the PUD concept plan under site data to be "45' or 3 stories, whichever is less unless otherwise limited to 2-story".
- A 150-foot cross-hatched buffer measured from the property line in Areas B and C along Flying W Ranch Road and North 30th Street is noted on the plans as an area of building height restriction where all buildings within the 150-foot buffer are limited to 2-story development. A reduction of the building height within 150 feet of the property line creates a visual offset.
- The applicant submitted a visual impact analysis to model the impacts of the proposed changes (**see "Visual Impact Analysis" attachment**).

Per the PUD concept plan review criteria, set forth in City Code Section 7.3.605 *Review Criteria for PUD Concept Plans*, the project as shown is in substantial compliance with the stated criteria. Specifically, the proposed development is more compatible with the surrounding established uses and reinforces the land use patterns as established by the approved master plan as amended.

City Planning staff finds the application consistent with the purpose for a PUD concept plan request, set forth in City Code Section 7.3.601 and City Code Section 7.5.501.

d. Emergency Evacuations

Planning Commissioners raised concerns about emergency evacuations and the City evaluation process for land use applications in vulnerable locations throughout the City. Planning staff coordinated with Pikes Peak Office of Emergency Management, Division of the Fire Marshall, and City Traffic Engineering to discuss the broader implications of development and related emergency evacuation planning. A summary of that meeting outlining the role of each agency in the Land Use Review process and participation in evacuation planning is attached (**see "Evacuation Agency Response" attachment**).

e. Hillside Overlay

Questions have been raised about the applicability of the Hillside Overlay and the impact on the applications under consideration. Properties within the Hillside Overlay are required to comply with the standards set forth in City Code section 7.3.504. While there are some noted plan requirements at both master plan and concept plan level review, many of the hillside requirements in the City Code are focused on development plan level criteria and construction.

The applicable Hillside Overlay requirements focus heavily on identifying geologic hazards, utilizing a land suitability analysis to determine basic site characteristics, and assessing of impacts of possible future development. A stated objective of the overlay is to conserve the aesthetic qualities of the hillside areas. Staff finds that the visual impact analysis provided by the applicant, consistent with the PUD concept plan revisions implementing the 150-foot buffer which limits building height to 2-story development adequately addresses the spirit of the overlay and desire to protect the aesthetic qualities of the hillside area. Notes on the PUD concept plan also acknowledge that all "future development plans will require a development specific geologic hazard report meeting all hillside criteria requirements. If the criteria are not met, portions of the site may not be developable."

A Hillside Development Design Manual is available to the public to review best practices for development within the overlay area. This manual is not codified, so while staff encourages compliance with the stated goals, many of the noted standards are

suggestions to consider at the development plan level and single-family site plan. Staff will utilize the standards and goals from this manual in the review of future hillside development plans. As noted above, plans are required to meet the hillside criteria and considerations may be made to place further restrictions at the development review to ensure it meets the required hillside design criteria.

f. Stakeholder Process

Staff held two meetings with the applicant and a working group from the Mountain Shadows Community Association. The working group from the community association included MSCA President, Bill Wysong, community members Eddie Hurt, Tina Brooks, and their counsel, Harmon Zuckerman. The applicant was represented by their consultant, Andrea Barlow. The first on February 1st to discuss changes the community association would like to see, and a second on February 26th to review the plan revisions the applicant submitted for review.

STAFF RECOMMENDATION:

CPC MP 06-00065-A1MJ20 – Major Master Plan Amendment

Recommend approval to City Council the Mountain Shadows Master Plan amendment from Office, Industrial Park to Open Space, Office, Public Institution, Residential and Community & Neighborhood Commercial, based on the findings that the master plan amendment request complies with the review criteria for master plans as set forth in City Code Section 7.5.408.

CPC PUZ 20-00176 – PUD Zone Change

Recommend approval to City Council the PUD zone change from General Industrial, Agriculture and Planned Unit Development with Hillside Overlay (PIP1/A/PUD/HS) to Planned Unit Development: Residential and Commercial Uses, 15-16.99 Dwelling Units Per Acre, 420 maximum dwelling units, Maximum Building Height of 45-feet; and a Maximum Commercial Building Square Footage of 950,000 square feet with a Hillside Overlay (PUD/HS), based upon the findings that the request meets the review criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and the review criteria for a zone change, as set forth in City Code Section 7.5.603.

CPC PUP 20-00177 – PUD Concept Plan

Recommend approval to the City Council the PUD concept plan for the 2424 Garden of the Gods project, based upon the findings the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605.