

**CITY PLANNING COMMISSION AGENDA**

**STAFF: HANNAH VAN NIMWEGEN**

**FILE NO(S):**

**CPC MP 87-00381-A16MJ17 – QUASI-JUDICIAL**

**CPC PUZ 17-00047 – QUASI-JUDICIAL**

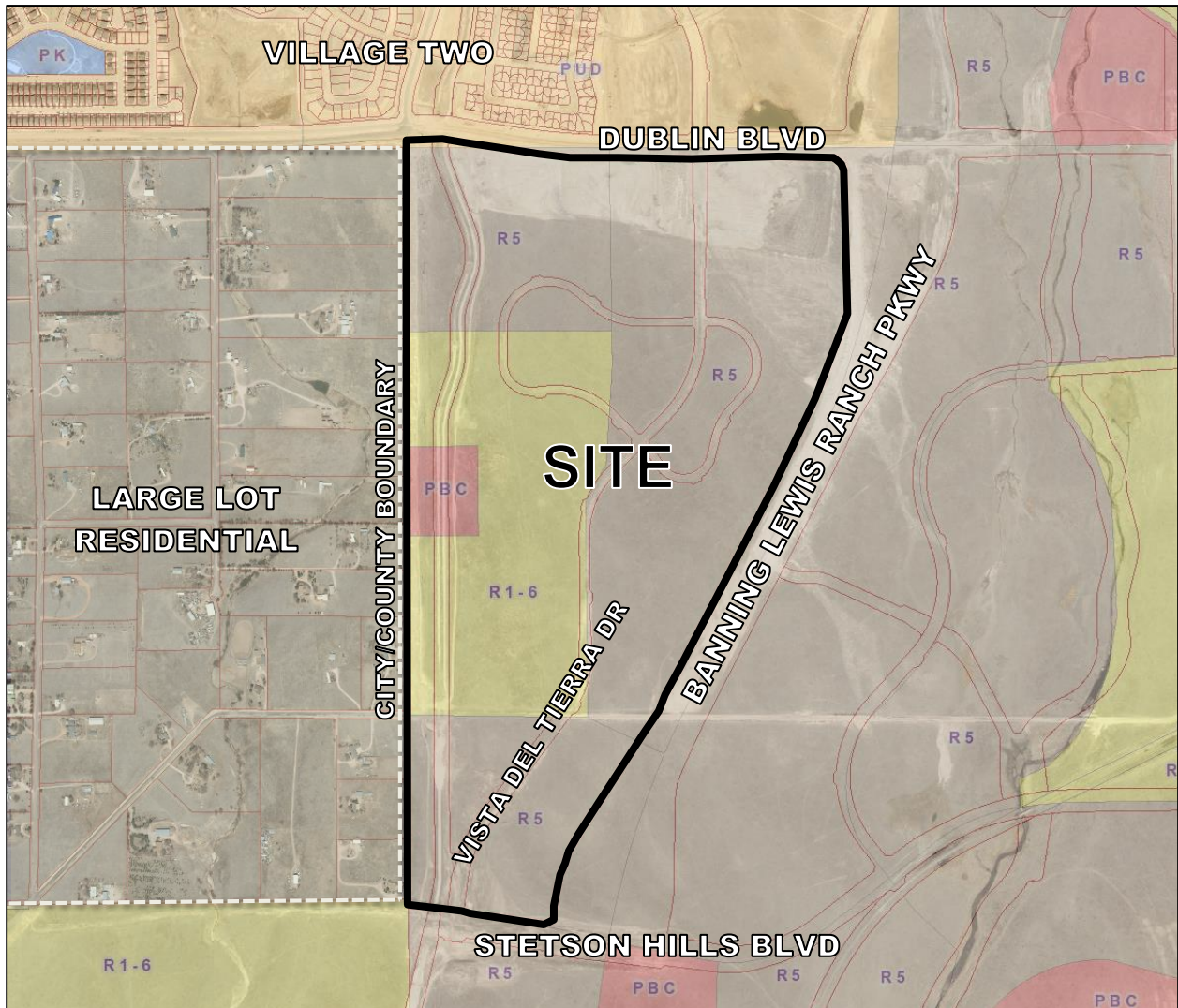
**CPC PUP 17-00048 – QUASI-JUDICIAL**

**CPC V 17-00049 – QUASI-JUDICIAL**

**PROJECT: BANNING LEWIS RANCH VILLAGE 3**

**APPLICANT: LAI DESIGN GROUP**

**OWNER: MREC OAKWOOD COLO INVESTMENTS, LLC**



## **PROJECT SUMMARY**

1. Project Description: This project includes concurrent applications for a major amendment to the Banning Lewis Ranch Master Plan, zone change, concept plan, and right-of-way vacation encompassing roughly 284 acres generally located southwest of the future Dublin Boulevard and Banning Lewis Ranch Parkway intersection.

The subject property contains four zone districts including: R-5/CR/AO/SS (Multi-Family Residential with Conditions of Record and an Airport and Streamside Overlay); R-5/CR/AO (Multi-Family Residential with Conditions of Record and an Airport Overlay); R1-6000/AO/SS (Single-Family Residential with an Airport and Streamside Overlay); PBC/CR/AO/SS (Planned Business Center with Conditions of Record and an Airport and Streamside Overlay) (**FIGURE 1**). Multiple master plan designations also exist including Residential-High, Residential-Medium, Residential-Low, Neighborhood Retail, Elementary School, and Park (**FIGURE 2**). Currently, the parcel is split north-south by Vista Del Tierra Drive, a 72 foot wide platted right-of-way, and further segmented by Circulo Del Sol Loop, a 60 foot wide platted right-of-way.

The zone change proposes to rezone the property to PUD/AO/SS (Planned Unit Development: Single-Family Residential with a maximum building height of 40 feet and a gross density of 7.99 dwelling units per acre with Airport and Streamside Overlays). However, "Tract E" is platted as a part of the Banning Lewis Ranch Filing Number 2 subdivision and is owned by the City of Colorado Springs. This tract will maintain the current zone districts (**FIGURE 1**). The major amendment to the Banning Lewis Ranch Master Plan proposes two designations: Residential-Medium, permitting a density range of 3.5 to 7.99 dwelling units per acre; and Parks & Open Space for the neighborhood park (**FIGURE 2**). Additionally, the Banning Lewis Ranch Village Three Concept Plan illustrates approximately 128 acres of age-restricted residential, 107 acres of traditional residential, 28 acres of open space, and a 3.5 acre neighborhood park (**FIGURE 3**). The proposed right-of-way vacation seeks to vacate the entirety of Vista Del Tierra Drive and Circulo Del Sol Loop with a 40 foot utility reservation to follow the current Vista Del Tierra Drive alignment (**FIGURE 4**).

2. Applicant's Project Statement: (**FIGURE 5**)
3. Planning and Development Team's Recommendation: Staff recommends approval of the applications.

## **BACKGROUND**

1. Site Address: None assigned.
2. Existing Zoning/Land Use: R-5/CR/AO/SS (Multi-Family Residential with Conditions of Record and an Airport and Streamside Overlay); R-5/CR/AO (Multi-Family Residential with Conditions of Record and an Airport Overlay); R1-6000/AO/SS (Single-Family Residential with an Airport and Streamside Overlay); PBC/CR/AO/SS (Planned Business Center with Conditions of Record and an Airport and Streamside Overlay). The property is currently undeveloped and unimproved.
3. Surrounding Zoning/Land Use: North: PUD/AO (Planned Unit Development with an Airport Overlay) /Dublin Boulevard then Single-family residential and undeveloped land  
South: R-5/CR/AO/SS (Multi-Family Residential with Conditions of Record and an Airport and Streamside Overlay)/undeveloped land  
East: R-5/CR/AO/SS (Multi-Family Residential with Conditions of Record and an Airport and Streamside Overlay)/undeveloped land  
West: County zoned residential/large lot residential homes
4. Comprehensive Plan/Designated 2020 Land Use: This area is primarily designated General Residential with a pocket Community Activity Center designation along the western border.
5. Annexation: The property was annexed on September 1, 1988 as part of the Banning Lewis Ranch Number 2 annexation.
6. Master Plan/Designated Master Plan Land Use: Banning Lewis Ranch Master Plan designations for this property include Residential-High, Residential-Medium, Residential-Low, Neighborhood Retail, Elementary School, and Park.

7. Subdivision: The existing right-of-way and Tract E are platted as part of the Banning Lewis Ranch Filing Number 1 subdivision, however, the land remains unplatted and not part of a subdivision.
8. Zoning Enforcement Action: None.
9. Physical Characteristics: The site is currently undeveloped and does not significantly change in grade.

### **STAKEHOLDER PROCESS AND INVOLVEMENT**

Upon submittal of the requests; public notice was mailed to 68 property owners within a 1,000 foot radius of the subject site, and the property was posted with a poster visible from Dublin Boulevard with application and contact information. Staff received one communication from a neighboring property owner indicating they did not have concerns with the proposal. Due to little public input, Staff did not require a neighborhood meeting. Prior to the City Planning Commission hearing; the site was posted in the same location with the hearing date information, and a postcard was mailed to the same 68 property owners.

Staff input is outlined in the following section of this report. Staff sent plans to the standard internal and external review agencies for comments including; Colorado Springs Utilities, City Engineering, City Traffic Engineering, Water Resources Engineering, City Fire, the Airport, and Parks and Recreation. Additionally, Staff consulted the Fiscal and Strategic Planning Office and School District 49 whose recommendation is further described below. At this time, all requested revisionary comments have been satisfied except for the addition of a general note outlining the age-restriction parameters also described below.

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

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

##### a. Background

This project includes concurrent applications for a major master plan amendment, zone change, concept plan, and right-of-way vacation encompassing roughly 284 acres generally located southwest of the future Dublin Boulevard and Banning Lewis Ranch Parkway intersection.

This proposal, known as Banning Lewis Ranch Village Three, is intending to provide two types of residential communities. The western portion of Village Three is planned as an active adult community which will restrict the age of the potential residents and also provide its residents with private amenities including a clubhouse. The eastern portion of Village Three will be a traditional residential community with a 3.5 acre public neighborhood park and access to the trail system connecting Village Three to other amenities within Village One and Village Two.

##### b. Major Master Plan Amendment (FIGURE 2)

The subject property contains multiple master plan designations including Residential-High, Residential-Medium, Residential-Low, Neighborhood Retail, Elementary School, and Park. The major amendment to the Banning Lewis Ranch Master Plan proposes two designations: Residential-Medium, permitting a density range of 3.5 to 7.99 dwelling units per gross acre; and Parks & Open Space for the neighborhood park and open space corridor along the western property line.

*Fiscal Impact Analysis:* A review was conducted by the Fiscal and Strategic Planning Office regarding the potential impact of the proposed amendment and determined a full fiscal impact analysis is not warranted (**FIGURE 6**). After review of the existing land use designations and the proposed alterations, it was stated the major amendment was neutral and would not have an adverse impact to the City. The Fiscal and Strategic Planning Office noted the removal of the higher density residential and the neighborhood retail land uses in addition to the proposed reduction in right-of-way widths (to be further discussed below) resulted in “a wash” when considering all medium density residential.

##### c. Zone Change (FIGURE 1)

The subject property currently is zoned with four districts: R-5/CR/AO/SS (Multi-family residential with conditions of record and an Airport and Streamside Overlay); R-5/CR/AO (Multi-family

residential with conditions of record and an Airport Overlay); R1-6000/AO/SS (Single-family residential with an Airport and Streamside Overlay); PBC/CR/AO/SS (Planned Business Center with conditions of record and an Airport and Streamside Overlay).

*Current Zoning:* At the time of zoning in 1988, conditions of record attached to the zone district's ordinance were used to regulate the type of development, the development's standards, and the development application's process for review. The conditions of record were intended to uphold the applicable designations in the Banning Lewis Ranch Master Plan. **FIGURE 7** illustrates the breakdown of zone districts, master plan designations, and applicable conditions of record on the Banning Lewis Ranch Village Three parcel and is further described below:

1. The northwest corner and southern portion of the subject property is zoned R-5/CR with conditions of record set in place by Ordinance 88-135, and designated Residential-Medium (3.5-7.99 dwelling units per acre) on the master plan. The conditions of record limit permitted land uses to single-family detached and attached, duplexes, and public and nonpublic schools. Multi-family land uses are listed as conditionally permitted (requiring further conditional use approval). This ordinance also outlines a minimum lot area of 4,000 square feet.
2. The eastern portion of the subject parcel is zoned R-5/CR with conditions of record set in place by Ordinance 88-133, and designated as Residential-High (12-24.99 dwelling units per acre) on the master plan. The conditions of record prohibit detached and attached single-family and duplexes land uses.
3. Approximately 7 acres along the western property line is zoned PBC/CR with conditions of record set in place by Ordinance 88-130, and designated as Neighborhood-Retail on the master plan. The condition of record limits the maximum allowable floor area of commercial space per parcel to 20%.
4. The western portion of the subject parcel surrounding the PBC/CR piece is zoned R1-6000 with no applicable conditions of record, and designated as Residential-Low (2-3.49 dwelling units per acre) on the master plan. Because this portion does not have additional conditions of record, the standards for the R1-6000 zone district regulate.

*Proposed Zoning:* The zone change proposes to rezone the property from the above described districts to PUD/AO/SS (Planned Unit Development: Single-Family Residential with a maximum building height of 40 feet and a gross density of 7.99 dwelling units per acre with Airport and Streamside Overlays). This zone district permits both single-family attached and detached residential while limiting Village Three's cumulative/gross density to a maximum of 7.99 dwelling units per gross acre to match the proposed Residential-Medium master plan designation. Single-family attached is commonly defined as a dwelling unit having one or more walls or portions of a wall in common with another dwelling unit, however, each unit is located on its own individually platted lot—frequently referenced as townhomes or paired patio homes, whereas, single-family detached is one dwelling not sharing any structural connection to another dwelling unit.

"Tract E" is platted as part of the Banning Lewis Ranch Filing Number 2 subdivision. The tract is owned by the City of Colorado Springs and follows an existing sanitary sewer main. Because the tract is not owned by the applicant, it is not a part of the current zone change request and will maintain the current zone districts.

Overall, replacement of the high density residential and low density residential with medium-density residential will relatively even out. Meaning, the number of total potential dwelling units is not significantly different between what's currently planned and what's proposed with Village Three. One key difference, though, is the allowable land uses and product types. This proposal is removing the commercial section and the prospective multi-family and replacing with single-family residential detached and attached building types.

a. **Concept Plan (FIGURE 3)**

The Village Three Concept Plan illustrates 284 acres of residential development. The western portion, approximately 128 acres, is proposed as an “active adult” community and is labeled as age-restricted on the concept plan. This portion of Village Three will provide private amenities for the residents of the community such as a club house and private pocket parks. The eastern portion of the Village Three development, approximately 107 acres, will be traditional single-family residential with a 3.5 acre public park. As a whole, Village Three will also provide its residents with 28 acres of open space along the western property line with a trail which will connect to the trail system in Village One and Village Two. This open space tract will also serve as a buffer between Village Three’s development and the existing large lot, single-family neighborhood to the west in El Paso County.

*Traffic and Access:* A Traffic Impact Analysis was reviewed and approved by City Traffic Engineering for the proposed development. The study identified three key intersections for discussion. The first is the intersection of Marksheffel and Woodmen Roads which was identified to need a second northbound left turn lane. At this time, the City of Colorado Springs is working to secure funding to complete improvements to Marksheffel Road south of Woodmen Road which will likely include the addition of a second turn lane. Second, the intersection of Marksheffel Road and Dublin Boulevard could benefit from a second left turn lane from Dublin Boulevard to Marksheffel Road, but at this time there is no funding to complete this improvement. Third, the full-movement intersection at Dublin Boulevard and Vista Del Tierra Road is currently operating with an all-way stop sign control. The analysis indicated this control could potentially need to be upgraded to be signalized, but that the all-way stop sign control was sufficient until Dublin Boulevard is extended east of Vista Del Tierra Road. The fourth intersection is the Dublin Boulevard right-in/right-out only access into the western portion of Village Three was satisfactory. Overall, the analysis concludes the projected traffic levels at the discussed intersections will be acceptable, assuming total build-out of Village Three, with the discussed improvements.

*School District 49:* Additionally, the proposal was reviewed by School District 49 who concluded land dedication, or fees-in-lieu of land, within Village Three was not necessary and the removal of the Elementary School designation on the master plan was acceptable (**FIGURE 8**). The school district notes that due to the proposed age-restriction within a portion of Village Three, it was determined the over dedication within Village Two would be sufficient to cover the requirements of Village Three. As noted in a previous section of this report, a note will be placed on the concept plan outlining the parameters of the age-restriction but is currently being reviewed by Staff and the applicant’s attorneys. This note will be added to the concept plan prior to final approval and is listed as a technical modification in this staff report.

School District 49 is aware of the ability to amend the concept plan to remove the active adult concept. In this instance, the dedication requirements of Village Three would likely exceed Village Two’s overcompensation and the school district requests that the developer balance the requirement in future developments (Village Four, Five, and or Six). If such an amendment were requested, additional review by the school district would be required.

*Neighborhood Park:* Required parkland is dictated by the Park Land Dedication Ordinance (PLDO) and is based on proposed densities. Village Three benefits from over dedication within Villages One and Two and only a 3.5 acre park is required (**FIGURE 9**). This distribution of parkland was approved by the Parks and Recreation Advisory Committee in March of 2017. The neighborhood park is conceptually illustrated on the concept plan but will require additional action on the design, size, and location. The developer will be required to rezone the applicable 3.5 acres to PK (Park) when the location is permanently sited, and construction of the park must be complete prior to 75% of the build-out of the surrounding residential filing. The concept plan outlines these triggers which were reviewed and approved by Parks and Recreation representatives.

*Tracking Density:* The proposed PUD zone district and master plan amendment allow a cumulative maximum density of 7.99 dwelling units per gross acre for all of Village Three. The concept plan provides a table to track the density of each filing to ensure that maximum density is not exceeded. The concept plan notes when a development plan and plat are submitted for review, this table on the concept plan must be updated with the residential product type, the acreage of the filing, and the unit count.

b. Right-of-Way Vacation (FIGURE 4)

One right-of-way vacation covering a portion of Dublin Boulevard, all of Vista Del Tierra Road south of Dublin Boulevard to Stetson Hills Boulevard, all of Circulo Del Sol Road, and a portion of Stetson Hills Boulevard is requested as part of the Village Three proposal. Right-of-way within Banning Lewis Ranch north of Stetson Hills Boulevard and west of Banning Lewis Ranch Parkway were dedicated as part of the Banning Lewis Ranch Filing Number 1 subdivision, and the platted right-of-way utilized street standards applicable at that time, 2005. However, a new set of roadway standards was approved in 2010—generally, roadway widths were lessened in each classification. Village Three is not proposing to reclassify any of the roadways within the development area, but are requesting to reduce the widths to better suit the current standard. The applicant is requesting to vacate at one time in order to avoid a series of vacation requests for one roadway and additional applications with each adjacent residential filing's submittal. The necessary right-of-way will then be dedicated at the appropriate width during the review of adjacent filings.

The requested portion of Dublin and Stetson Hills Boulevards to be vacated squares and straightens those roadways approaching future Banning Lewis Ranch Parkway. Circulo Del Sol Loop is not proposed to be replaced as it does not fit with the developer's subdivision design. Internal roadways will be dedicated as necessary with the adjacent filings. Vista Del Tierra Drive is currently a 72 foot wide collector roadway and is proposed as a 57 foot collector roadway following the vacation. A conceptual cross section is illustrated on sheet five of the concept plan (**FIGURE 3**). Accompanying the vacation request is a reservation for existing utilities due to the existing 16" water main which runs the length of Vista Del Tierra Drive in Village Three. Because of the existing water main, the redesigned Vista Del Tierra Drive will follow the same general path through Village Three.

Staff finds that the above requests will not be detrimental to the public interest, health, safety, or general welfare. As further explained below, the proposal is consistent with and supportive of the established goals and policies of the Comprehensive Plan. The finding is that the proposal will not overwhelm surrounding properties or City infrastructure through density, bulk, or lack of open space.

5. Conformance with the City Comprehensive Plan

The proposed applications are consistent with the envisioned development patterns for the subject area, which is identified as General Residential (averaging  $\geq 3$  dwelling units per acre) per the Comprehensive Plan 2020 Land Use Map. This is supported by the intention of the Comprehensive Plan to accommodate regional growth and a sensible land use pattern.

a. Objective LU 2: Develop Cohesive Residential Areas

The 2020 Comprehensive Plan states, "neighborhoods are the fundamental building block for developing residential areas of the city. ... Residential areas of the city should be developed, as cohesive sets of neighborhoods, sharing an interconnected network of streets, schools, parks, trails, open spaces, activity centers, and public facilities and services." The current subdivision design of Village Three provides that network of parks special to each neighborhood, trails to other neighborhoods, activity centers, and open spaces within the development, exemplifying the objective's intent.

b. Objective N 1: Focus On neighborhoods

The 2020 Comprehensive Plan states, “While neighborhoods change over time, there are certain fundamental characteristics of most neighborhoods, such as natural features and landscaping, building and street patterns, historic and cultural features, parks, open space and schools, which need to be preserved in order to maintain their character. At the same time, there are new and developing residential areas that need to be supported so that they emerge as well-functioning neighborhoods.” Banning Lewis Ranch Village Three includes open space that includes preservation of natural vegetation, a neighborhood park, and trail; all supporting the creation of a community. These features will also assert the viability of Banning Lewis Ranch as a community into the future.

It is the finding of the Planning and Community Development Department that Banning Lewis Ranch Village Three will substantially conform to the City Comprehensive Plan 2020 Land Use Map and the Plan’s goals and objectives.

6. Conformance with the Area’s Master Plan

As discussed above, this proposal will amend the Banning Lewis Ranch Master Plan by changing the envisioned land use designations for 284 acres of land. This request will transition the land use designation to a mostly residential classification, Residential-Medium (RES-M) with a density range of 3.5-7.99 dwelling units per gross acre. Staff is of the opinion the Residential-Medium density will allow for diversity of residential product desired with the initial classifications while also capping the total allowable density.

Staff finds the proposal to be consistent with, and in substantial compliance with, the Banning Lewis Ranch Master Plan as amended.

**STAFF RECOMMENDATION**

**CPC MP 87-00381-A16MJ17 – MAJOR MASTER PLAN AMENDMENT**

Recommend approval to City Council the major amendment to the Banning Lewis Ranch Master Plan, based upon the finding that the amendment meets the review criteria for granting a master plan amendment as set forth in City Code Section 7.5.408.

**CPC V 17-00049 – RIGHT-OF-WAY VACATION**

Recommend approval to City Council vacating City right-of-way along a portion Dublin Boulevard, Vista Del Tierra Drive from Dublin Boulevard to Stetson Hills Boulevard, Circulo Del Sol Loop, and a portion of Stetson Hills Boulevard based on the finding the request complies with the review criteria in City Code Section 7.7.402.C.

**CPC PUZ 17-00047 – ZONE CHANGE**

Recommend approval to City Council the zone change from R-5/CR/AO/SS; R-5/CR/AO; R1-6000/AO/SS; PBC/CR/AO/SS to PUD/AO/SS (Planned Unit Development: single-family residential with a maximum building height of 40 feet and a gross density of 7.99 dwelling units per acre with Airport and Streamside Overlays), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603.

**CPC PUP 17-00048 –CONCEPT PLAN**

Recommend approval to City Council the Banning Lewis Ranch Village Three Concept Plan based upon the findings that the concept plan meets the review criteria for granting approval of a concept plan as set forth in City Code Section 7.5.501.E and the PUD Concept Plan criteria as set forth in City Code Section 7.3.605 subject to the below Technical Modification:

Technical Modification to the Banning Lewis Ranch Village Three Concept Plan:

1. General note to be added to the cover sheet detailing the parameters of the age-restricted portion of Village Three.