

CITY PLANNING COMMISSION AGENDA
SEPTEMBER 16, 2021

STAFF: RYAN TEFERTILLER

FILE NO(S):

A. - CPC MP 93-176-A5MN21 – QUASI-JUDICIAL

B. - CPC ZC 21-00112 – QUASI-JUDICIAL

C. - CPC V 21-00113 – LEGISLATIVE

D. - CPC CP 18-00097-A2MJ21 – QUASI-JUDICIAL

PROJECT: CREEKWALK NORTH

OWNER: CREEKWALK NORTH LLC

DEVELOPER: CREEKWALK NORTH LLC

CONSULTANT: KIMLEY-HORN



PROJECT SUMMARY:

1. **Project Description:** This project includes concurrent applications for a minor amendment to the Ivywild Master Plan, a Zone Change to establish the C5 (Intermediate Business) zone over the entirety of the site, a Right-of-Way vacation for Creekwalk Court and Metzler Ave., and a major amendment to the Creekwalk Redevelopment Concept Plan. The applications have been submitted to allow for the planned development of a number of parcels west of S. Nevada Ave. between E. Ramona Ave. and E. St. Elmo Ave. A development plan and subdivision application have recently been submitted for a portion of the Creekwalk North area.
2. **Applicant's Project Statement:** (FIGURE 1)
3. **Planning and Development Team's Recommendation:** Staff recommends approval of all four applications with technical modifications.

BACKGROUND:

1. **Site Address:** the project includes 17 parcels that are addressed off E. Ramona Ave., Metzler St., Creekwalk Ct., S. Nevada Ave., E. St. Elmo Ave., and E. Cheyenne Rd.
2. **Existing Zoning/Land Use:** C5/SS and R5 (Intermediate Business with Streamside Overlay and Multi-Family Residential) (FIGURE 2)
3. **Surrounding Zoning/Land Use:** the area is largely commercial with multi-family residential uses along the west edge of the site
North: C5 / Commercial and Lodging uses
South: C5, OC, OR, and R5 / Commercial, office, and residential uses
East: C5 / Commercial and Lodging uses
West: R5 / Multi-family residential uses
4. **PlanCOS Vision:** Mature/Redevelopment Activity Center
5. **Annexation:** The Reannexation of the Southwest Annexation Area (1980)
6. **Master Plan/Designated Master Plan Land Use:** Ivywild Master Plan (1993) / Most of the site falls within the Community Activity Center designation, but a portion of the area north of St. Elmo Ave. is within the plan's Transition Zone designation on the Plan's Site Analysis Map and the Multifamily Residential designation on the Plan's Land Use Map. This site also falls within the South Nevada Urban Renewal Area (2015)
7. **Subdivisions:** The project falls within a number of subdivisions including: South Nevada Creekwalk Filing No. 1 (2019) south of E. St. Elmo Ave., The Arts in Ivywild Subdivision (2000) northwest of E. St. Elmo Ave. and S. Nevada Ave., The Metzlers Subdivision (1923) along both sides of Metzler Ave., and the Ivywild Subdivision (1888) along E. Ramona Ave. A portion of the site is subject to a recently submitted subdivision to create a new lot on the southwest corner of E. Ramona Ave. and S. Nevada Ave.
8. **Zoning Enforcement Action:** no active enforcement; numerous historic enforcement cases have been concluded in the area.
9. **Physical Characteristics:** The site is a mix of developed commercial properties, redevelopment that is currently underway, and vacant properties. Cheyenne Creek runs along the west edge of the site.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public process for these applications included posting the site and sending postcards to 322 property owners within a 1,000-foot buffer of the project as well as notifying the Ivywild Improvement Society (IIS) at the time of application submittal (July 2021). These applications largely build on the previously approved (2019) Creekwalk Commercial applications. Significant stakeholder involvement took place for the original applications in late 2018 and early 2019. And while the current suite of applications resulted in a few phone calls from stakeholders that wanted additional information or clarification, no written comments or concerns from stakeholders were received for the current applications.

Staff sent the original plans as well as the revised plans to all standard internal and external review agencies for comments. A number of review agencies had significant technical comments upon first review. While most items were resolved with the revised resubmittal, there are still a number technical issues that need additional attention; all remaining items are described within the technical modifications section of Staff's

recommendation at the conclusion of this report. Commenting agencies included City Engineering, Colorado Springs Utilities, Water Resource Engineering, the City Surveyor, and others.

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

1. Review Criteria / Design & Development Issues:

a. Background and History

The project area totals just under 15 acres of land on the west side of S. Nevada Ave. north of E. Cheyenne Rd. The site falls within the South Nevada Urban Renewal Area which was established in 2015 with the goal to “reduce, eliminate and prevent the spread of blight and to stimulate and catalyze growth and investment within the area boundaries” (Section 3.0 – Plan Purpose; 2015 South Nevada Urban Renewal Plan). In addition to creating new commercial and residential development within the area, the plan aims to improve public spaces including the establishment of a public trail system along Cheyenne Creek. Projects which benefit from tax increment financing (TIF) within the district are intended to catalyze yet more development in the area.

While progress within the South Nevada Urban Renewal Area was initially slow, much has been accomplished in the last few years. A Natural Grocers, Chick-fil-A, and multiple other commercial uses have been successfully established north of the subject property. Residential and hospitality projects are currently under construction to the northwest of the site. And most importantly, the southern half of the subject property is currently under construction for roughly 55,000 square feet of commercial use. Referred to as Creekwalk South, and spanning from Cheyenne Rd. to St. Elmo, the southern portion of the concept plan is nearing completion and will provide a major stimulus to the South Nevada corridor. In addition to numerous destination commercial users, the project removed a number of blighted buildings and completed significant creek and trail improvements along the site’s western edge.

b. Current Proposal

The four proposed applications were submitted to expand and improve upon the northern portion of the Creekwalk Commercial plans. The original version of the concept plan, which was approved in late 2018, illustrated three new commercial buildings between St. Elmo Ave. and Ramona Ave. The three buildings were well placed along S. Nevada Ave. with most of the parking behind the buildings to the west, however, they were relatively modest in size and scope (average size roughly 3,500 square feet) compared to some of the other investments in the corridor.

Since 2018, the developer has worked to acquire additional properties to the west of the original plan area as well as to secure an anchor grocer tenant for the corner of S. Nevada Ave. and E. Ramona Ave. These changes are not fully consistent with the 2018 approvals, though they are well aligned with the overall goals of the concept plan and Urban Renewal area. Four applications are needed to allow the proposed project expansion to move forward: a minor amendment to the Ivywild Master Plan; a Zone Change to establish the C5 (Intermediate Business) zone over the entirety of the site; a Right-of-Way vacation for Creekwalk Court and Metzler Ave.; and a major amendment to the Creekwalk Redevelopment Concept Plan.

c. Minor Amendment to the Ivywild Master Plan

The Ivywild Master Plan was adopted in 1993 as a City initiated neighborhood plan. The plan covers approximately 240 acres and spans from Motor Way on the north to Cheyenne Rd. on the south, and S. Nevada Ave. on the east and Lorraine St. on the west. As a neighborhood master plan, the plan focused on preserving the neighborhood character and addressing infrastructure needs such as sidewalk and lighting. Although the plan is 25 years old, it is still considered an operative plan (i.e. still active), therefore many applications including zone changes and development plans are evaluated using the plan.

The Creekwalk Redevelopment Project falls within the extreme southeastern corner of the Ivywild Master Plan. Prior to 2018, the Plan's Land Use Map identified the project area as including "auto-oriented commercial," "neighborhood commercial," and "multi-family residential." The Plan also includes a Zoning Map which labeled the project area with the R5 and C5 zones. A third map within the plan is titled "Site Analysis Map" which labeled the Creekwalk area as "auto related commercial," cottage commercial" and "transition zone." In addition to these maps the plan includes numerous charts and tables describing each area and providing data such as acreage, of the various zones. The City's Planning Commission and City Council approved the 2018 Ivywild Master Plan Amendment to update all the Plan's maps and figures to recognize the area as a "Community Activity Center" with the C5 (Intermediate Business) Zoning Designation.

The proposed Master Plan Amendment updates the Plan once again to expand the "Community Activity Center" designation and the area of C5 zoning to reflect the proposed Creekwalk Commercial Center expansion between St. Elmo Ave. and Ramona Ave. **(FIGURE 3)** The approval of the proposed changes will allow the concurrent zone change and concept plan amendment to be considered consistent with the relevant master plan.

A Master Plan amendment must be evaluated using the criteria found in Section 7.5.408. The criteria cover a number of broad categories including: conformance with the Comprehensive Plan, land use relationships, public facilities, transportation, environment, and fiscal. Staff has completed a thorough review of mandatory criteria. Specifically, Staff has concluded that the Creekwalk project conforms to the City's Comprehensive Plan and that the proposed land use relationships are appropriate, especially in light of the natural creek buffer to the west and the fact that many of the surrounding properties are expected to redevelop in the near future as well. The area has adequate public facilities, including transportation infrastructure. While the project will likely increase traffic in the area, the City has studied the existing and future traffic flow in the area and concluded that the increased volumes can be accommodated with intersection improvements, roadway vacations, turn lane additions and other planned improvements. While the amount of impervious surfaces in the area will be increased, the project includes numerous improvements to Cheyenne Creek, new landscaping, and new stormwater quality infrastructure. Fiscally, the City expects the project to create jobs and produce a higher level of property and sales tax than exists within the area today.

Staff finds that the proposed amendment to the Ivywild Master Plan conforms to the required criteria and therefore recommends approval of the application.

d. Zone Change

The vast majority of the Creekwalk Concept Plan area is currently zoned C5 (Intermediate Business) with the Streamside Overlay zone along those areas near Cheyenne Creek. There is only one parcel that is currently zoned R5 (Multi-Family Residential) that is directly affected by the proposed zone change application (See **FIGURE 2** for an exhibit of existing zoning designations). The legal description and depiction provided for the proposed zone change are limited to the single R5 property (**FIGURE 4**) and cover only 13,424 square feet (0.308 acres). Should the proposed zone change be approved, the entirety of the northern portion of the Creekwalk Concept Plan could be planned and platted under the C5 zone district for development.

The requested zone change application must meet the required criteria found in Section 7.5.603.B. of City Code. The criteria are:

1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.

2. The proposal is consistent with the goals and policies of the Comprehensive Plan.
3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.
4. For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this chapter.

After careful consideration, Staff finds that the required zone change criteria are met. The proposed expansion of the C5 zone will not be detrimental to the public's interest and is consistent with the City's Comprehensive Plan. With the approval of the proposed amendment to the Ivywild Master Plan, the zone change can also be found compliant with the third criteria. The fourth zone change criteria is not applicable as it only applies to the Mixed Use (MU) zone. Staff recommends approval of the proposed zone change.

e. ROW Vacation

The expansion of the Creekwalk project includes the remaining sections of two public roadways that will no longer be needed for public access or infrastructure. While portions of Metzler Ave. and Mt. Washington Ave. (renamed as Creekwalk Ct. in 2019) had previously been vacated by City Council, portions remained in order to provide legal access to properties outside of the redevelopment project. Now that the developer has assembled most of those properties and created a partnership with the one remaining property owner that needs access, the last road sections can be vacated.

Right-of-way vacation is a legislative action that can only be finalized with the adoption of a City Council ordinance. The proposed vacation includes the remaining section of Creekwalk Ct. (aka Mt. Washington Ave.) and Metzler Ave. (**FIGURE 5**). Public utility and public access easements will be retained over the vacated areas until such time that all utility infrastructure is removed, and other means of access are secured. Public easements can be administratively vacated via the City's Real Estate Services Division.

The proposed vacation application must be evaluated using the formal criteria in Section 7.7.402.C. The roadways have fairly minimal traffic volumes and adequate access is still available via the adjacent public roads including St. Elmo Ave. and Ramona Ave. The single property that is outside of the Creekwalk project and depends on Metzler for access will retain temporary access via easements and is expected to redevelop as part of the larger piece to the south which has adjacency to St. Elmo Ave.

Staff finds that the proposed vacation application meets the required review criteria and recommends that the Planning Commission support the request and that City Council approve the application. Utility and access easements will be retained as part of the vacation until such time that improvements are in place and the easements can be administratively vacated.

f. Major Amendment to the Concept Plan

The principal application within this project is a major amendment to the 2018 Creekwalk Concept Plan (**FIGURE 6**). The amendment adds additional properties to the northern portion of the plan and replaces three relatively modest commercial buildings with one large grocery building and a second multi-tenant commercial building along Cheyenne Creek. The updated plan also illustrates improved access provisions to the northern portion of the plan with primary access points being pushed further west away from S. Nevada Ave. The 2018 version of the plan is included in the Planning Commission as **FIGURE 7** for reference.

The updated plan retains the same building locations, densities, and access points south of St. Elmo Ave. as the original plan. That area has had development plans and building permits approved administratively and construction is nearing completion.

The original Creekwalk Concept Plan as well as the proposed amendment have been evaluated using the required review criteria found in Section 7.5.501.E as well as the South Nevada Urban Renewal District Streetscape Design Standards (**FIGURE 8**) which were adopted by City Council via Ordinance # 17-97 in October of 2017. While the Standards largely focus on the required physical improvement of public streetscapes within the District, they also include a number of design objects that relate to site design, mobility, and consistent design elements throughout the district. Additionally, the Standards include a section titled "Building Design" which encourages projects to locate buildings "forward on the site adjacent to the streetscape setback" to improve pedestrian interest and walkability. This goal is clearly met on the updated Creekwalk concept plan in that the largest of the new buildings, the grocery store site, is located immediately adjacent to S. Nevada Ave. and Ramona establishing the internal portions of the site as the primary parking fields.

After careful evaluation of the required criteria and development standards, Staff recommends that the proposed concept plan amendment be approved. It should be noted that a handful of technical items must still be resolved prior to final approval. This includes relatively minor technical issues such as clarifying line work or adding labels, to larger issues like finalizing the project's drainage report.

2. Conformance with the City Comprehensive Plan:

The existing Creekwalk Plan as well as the proposed amendments are closely aligned with PlanCOS, the City's Comprehensive Plan. The project is found within an Urban Renewal Area which was created in order to cure blight and incentivize infill development. The project's positive impact on the S. Nevada Ave. corridor is difficult to overstate; under-utilized, blighted, and vacant properties are being replaced with local and regional serving businesses, many of which were not previously available in this service area.

The project takes advantage of Cheyenne Creek to the west as a project amenity, buffer to adjacent use to the west, and as an opportunity for micro-mobility options along the newly developed creek trail system. While adequate off-street parking is included in the plan, development efforts throughout the corridor will also offer opportunities for customers and employees to walk, bike or scooter along the creek and rebuilt sidewalks to ease congestion on adjacent roadways.

The original project, as well as the proposed changes, closely align with nearly every chapter of PlanCOS: Vibrant Neighborhoods, Unique Places, Thriving Economy, Strong Connections, and Majestic Landscapes all include numerous goals and strategies that support this project.

3. Conformance with the Area's Master Plan:

The subject property is located within the Ivywild Master Plan adopted in 1993. As discussed above, the applicant has submitted a proposed amendment to the Master Plan to ensure compliance.

Staff finds that the proposed project is largely compliant with the proposed amendment to the Ivywild Master Plan.

STAFF RECOMMENDATIONS:

Item No: A CPC MP 93-176-A5MN21 – MASTER PLAN AMENDMENT

Approve the minor amendment to the Ivywild Master Plan, based upon the finding that the amendment complies with the review criteria in City Code Section 7.5.408, subject to compliance with the following conditions and/or significant design, technical and/or informational plan modifications:

Technical and Informational Modifications to the Master Plan Amendment:

1. Add the correct file number to the bottom corner of each sheet of the amendment as well as relevant plan labels.

Item No: B CPC ZC 21-00112 – ZONE CHANGE

Approve the zone change from R5 (Multi-Family Residential) to C5 (Intermediate Business), based upon the finding that the application complies with the review criteria in City Code Section 7.5.603.B.

Item No: C CPC V 21-00113 – RIGHT OF WAY VACATION

Approve the vacation of Metzler Ave. and Creekwalk Ct., retaining public utility and public access easements, based upon the finding that the application complies with the review criteria in City Code Section 7.7.402.C.

Item No: D CPC CP 18-00097-A2MJ21 – CONCEPT PLAN AMENDMENT

Approve the major amendment to the Creekwalk Concept Plan, based upon the finding that the application complies with the review criteria in City Code Section 7.5.501.E, subject to compliance with the following conditions and/or significant design, technical and/or informational plan modifications:

Technical and Informational Modifications to the Concept Plan Amendment:

1. Finalize completion of the required drainage report.
2. Add the file number to the bottom corner of all plan sheets.
3. Add access easements, both new and retained, to the concept plan to document access needs for parcel 6430209071.
4. Update the utility and grading sheets to show the stormwater pipe in E. Ramona extending all the way to the creek.