

CITY PLANNING COMMISSION AGENDA
JANUARY 21, 2021

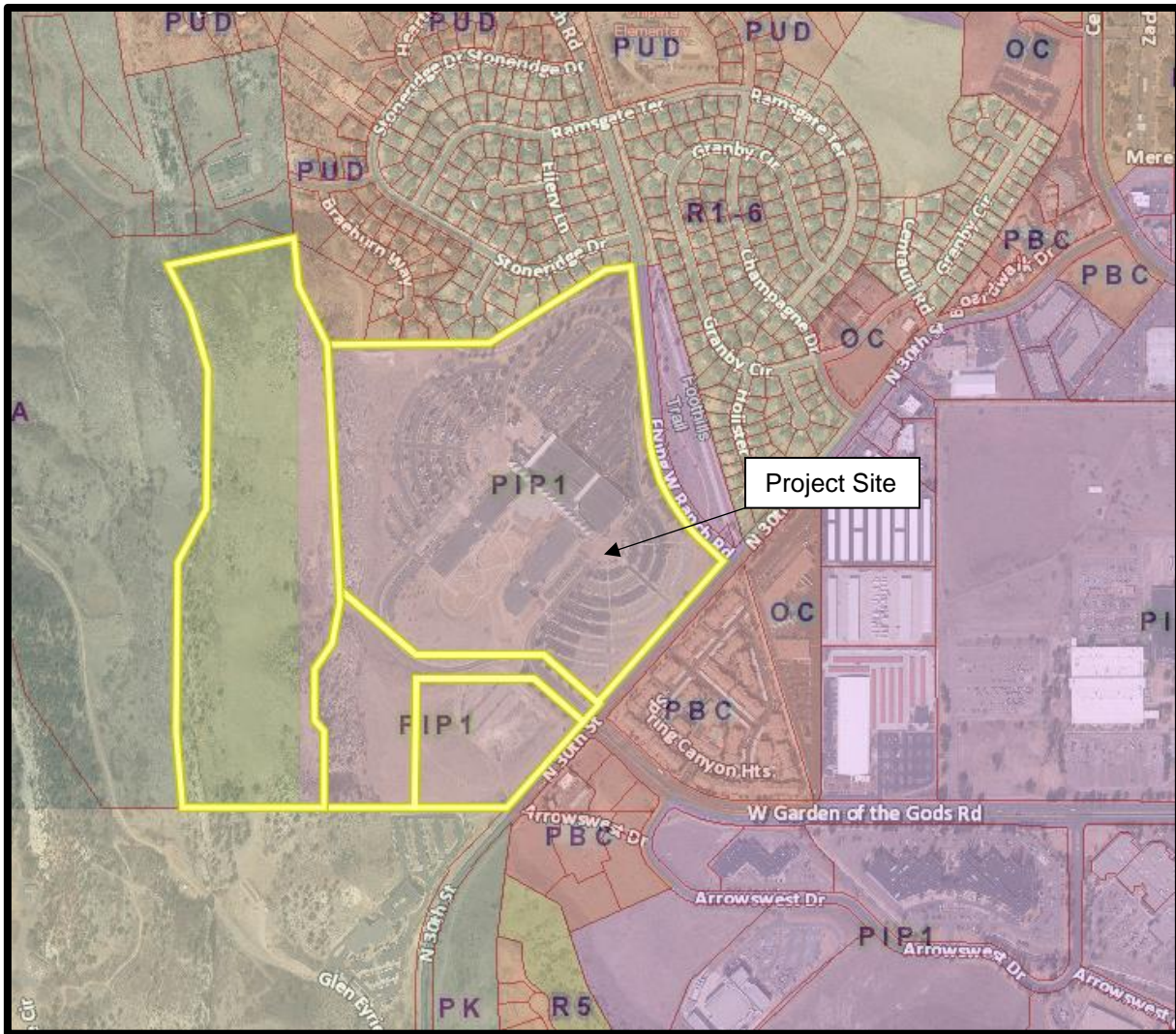
STAFF: KATELYNN WINTZ

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.



PROJECT SUMMARY:

1. Project Description: The project includes concurrent applications for a major master plan amendment, PUD zone change and PUD concept plan for 125 acres of land located northwest of the intersection of West Garden of the Gods Road and North 30th Street & south of Flying W Ranch Road. The project (hereinafter referred to as “2424 Garden of the Gods”) is zoned PIP1/A/PUD/HS (General Industrial, Agriculture and Planned Unit Development with Hillside Overlay). The major master plan amendment proposes a change to the land use designation from Office Industrial Park (OIP) to a mix of new uses including Open Space, Office, Public Institution, Residential and Community & Neighborhood Commercial (**see “Master Plan Amendment” attachment**). The zone change request proposes to change the project area from PIP1/A/PUD/HS (General Industrial, Agricultural, and Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: Commercial and Residential uses, Maximum Building Height 45-feet, 16 – 17.99 dwelling units per acre and 1,130,000 maximum non-residential square footage, Hillside Overlay) (**see “Zone Change” attachment**). The concurrent PUD concept plan illustrates the envisioned mixed-use development of office, commercial, residential uses and 55 acres of open space (**see “PUD Concept Plan” attachment**).
2. Applicant’s Project Statement: (**see “Project Statement” attachment**)
3. Planning and Development Team’s Recommendation: Staff recommends approval of the applications.

BACKGROUND:

1. Site Address: There are several lots not addressed in the project area. The primary property address is 2424 West Garden of the Gods Road. The project site is located west of the intersection of Garden of the Gods Road and North 30th Street, south of Flying W Ranch Road.
2. Existing Zoning/Land Use: The property is zoned PIP1/A/PUD/HS (General Industrial, Agriculture, and Planned Unit Development with Hillside Overlay) and is commercially developed with one large office building and parking areas, other portions of the site remain vacant.
3. Surrounding Zoning/Land Use:
 - North: R-1 6000/PUD/HS (Single-Family Residential and Planned Unit Development with Hillside Overlay) and is residentially developed.
 - South: PK/R/PBC/HS (Public Parks, Estate Single-Family Residential and Planned Business Center with Hillside Overlay) and is commercially developed and contains the Blair Bridge Reach Urban Trail.
 - East: PBC/OC/R-1 6000/HS (Planned Business Center, Office Commercial and Single-Family Residential with Hillside Overlay) and is commercially and residentially developed.
 - West: A/HS (Agriculture with Hillside Overlay) and is undeveloped.
4. PlanCOS Vision: According to the PlanCOS Vision Map (**see “PlanCOS Vision Map” attachment**), the project site is identified as an Established Suburban Neighborhood and adjacent to the Mature/Redeveloping Activity Center along Garden of the Gods Road. The project site is also in close proximity to Garden of the Gods, which the PlanCOS Vision Map notes as a Majestic Landscape.
5. Annexation: The property was annexed into the City under two annexations: Flying W Addition #1 (March 9, 1971, Ordinance No. 4201) and Pope’s Bluff Addition (ordinance unknown, 1965)

6. Master Plan/Designated Master Plan Land Use: The project site is part of the Mountain Shadows Master Plan; the current designated master plan land use is Office Industrial Park (OIP).
7. Subdivision: A portion of the subject property was platted as Lot 1 in Mountain Shadow Filing 1; the remainder of the property is unplatted.
8. Zoning Enforcement Action: None.
9. Physical Characteristics: The project site has significant slopes along the western edge of the property; the developed areas of the site are relatively flat.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of providing notice to the surrounding property owners within 1,000 feet of the site, which included mailing postcards to 255 property owners on four occasions: during the initial review, in advance of two virtual neighborhood meetings, and prior to the Planning Commission hearing. The site was also posted during the four occasions noted above. The two virtual neighborhood meetings, coordinated by City Planning staff held on October 7, 2020 and December 10, 2020, were well attended with 380 and 187 interested residents respectively. City Planning staff received over 1,000 comments in opposition to the project; interested residents cited many concerns including traffic, safety, school capacity, emergency evacuations, and establishing residential uses at the project site among other concerns.

Staff input is outlined in the following sections of this report. Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City SWENT, City Fire, City Police, District 11, Colorado Geologic Survey, Colorado Parks & Wildlife and City Finance. All comments received from the review agencies have been addressed.

- City Finance – The Budget Office of the Finance Department conducted a Fiscal Impact Analysis (FIA) with a ten-year time horizon to understand the estimated expenditures and revenues attributed to the Mountain Shadows Master Plan amendment application. The result of the FIA was a positive cumulative cash flow for the City (**see “Financial Impact Analysis” attachment**).
- Colorado Parks & Wildlife – The Colorado Parks & Wildlife Department of Natural Resources (CPW) reviewed the project to evaluate any potential impacts to the Bighorn Sheep population known to frequent the open space surrounding the project site. CPW determined that the project will have little to no impact on the Rampart Range Bighorn Sheep herd and provided several site design recommendations including wildlife-friendly fencing and bear-resistant trash cans (**see “CPW Review” attachment**).
- Colorado Geologic Survey – The Colorado Geologic Survey (CGS) reviewed the proposed PUD Concept Plan and Land Suitability Analysis and has no objection to the rezone request and concept plan with notes added that a full geologic hazards study is required with each future development plan.
- Parks Department – The new residential units trigger the Park and School Land Dedication Ordinance (PLDO). Fees in lieu of land dedication will be required for the future residential development.
- School District 11 – No comments were received from the School District 11. As such, City Planning staff will require the payment of fees in lieu of land dedication for the new residential units.

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

1. Review Criteria / Design & Development Issues:
 - a. Application Summaries

i. Master Plan Amendment

The proposed Major Master Plan Amendment (**see “Master Plan Amendment” attachment**) requests to modify the Office Industrial Park (OIP) land use classification to a mix of land use designations including Open Space, Office, Public Institution, Residential and Community & Neighborhood Commercial land uses for the 125 acres of land associated with the 2424 Garden of the Gods project. Master Plans are generalized guides for development and, as noted in City Code Section 7.5.403.C, at times it may become necessary to amend the plans as conditions change. The Mountain Shadows Master Plan has a history of plan amendments approved changing land use classifications from commercial or industrial uses to residential uses, with amendments approved as recently as 2006. Since its inception, the master plan has maintained a balance of residential & non-residential uses.

The proposed plan reduces the Office Industrial Park (OIP) land use from 311 acres to 186 acres throughout the master planned area. The site adds 55 acres of open space, resulting in 241 acres of natural open space. The existing master plan accounts for 1,110 acres of residential land uses. The proposed changes include the establishment of two new mixed-use land uses; 44 acres of office/commercial/civic and 26 acres of office/commercial/civic/residential with a density range of 16-17.99 dwelling units per acre. The Mountain Shadows Master Plan has 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. Many uses surrounding the site are residential or low-intensity commercial uses. From a land use perspective some of the existing permitted land uses per the existing plan are higher-intensity, like industrial uses, that are generally regarded as incompatible near residential uses. The proposed land uses are more reflective of the established residential and low-intensity commercial uses surrounding the project site. The proposed residential uses are part of a 26-acre portion of the site, Area B, on the Master Plan Amendment exhibit, with a proposed density range of 16-17.99 dwelling units per acre. The proposed density range does not match the permitted density ranges for residential master planned areas as noted in City Code; thus, City Planning staff is recommending a technical modification of the proposed density range to 16-17.99 dwelling units per acre.

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.

ii. PUD Zone Change

The request will rezone the 125-acre project site from PIP1/A/PUD/HS (General Industrial, Agriculture and Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay) (**see “Zone Change” attachment**). The project site is subject to three different zone districts. The proposed rezone consolidates zoning to one comprehensive zone district. A chart is attached (**see “Permitted Uses Comparison” attachment**) to compare the permitted uses under the current PIP1 (General Industrial) zoning and the proposed permitted uses as defined by the PUD Concept Plan. The existing zoning allows for a variety of high-intensity uses that may be deemed incompatible with the surround residential development. The proposed land uses are a mix of residential uses allowed on 26 acres of the project site, Areas B and C, with a maximum density of 16-17.99 dwelling units per acre, and commercial uses permitted on Areas A, B and C with a maximum non-residential square footage of 1,130,000 square feet and a maximum building height of 45-feet. The PUD Concept Plan, discussed below, sets specific dimensional standards and restricts the permitted land uses to a mix of office, commercial and residential uses

throughout 70 acres of the project site noted for development. Per City Code Section 7.3.601 *Planned Unit Development Districts Purpose*, this zone district encourages flexibility of design that cannot be achieved through the application of the City's standard single use zones.

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.

iii. PUD Concept Plan

The proposed PUD Concept Plan (**see "PUD Concept Plan" attachment**) consists of a conceptual design for 125 acres of property as a mixed-use development. The plan includes a table on the cover sheet of permitted land uses for potential future development and allows for a variety of new uses for the existing commercial building on site. The PUD zone district sets the dimensional standards with this concept plan, the proposed 45-foot building height and setbacks are similar to the setbacks for the existing PIP1 zone district, including a 100-foot setback from the residential uses to the north of the site. The property is part of the Hillside Overlay; constrained by significant slopes to the west of the project site. The PUD concept plan specifically notes geologic hazard reports and compliance with the City's Hillside Overlay requirements will be required for future development plans within the concept-planned area. There is a 55-acre area noted as open space. This area is identified as City Parks Department Candidate Open Space in the Park System Master Plan. The Applicant may coordinate with the City Parks Department for acquisition of the open space area for the benefit of the City's Parks & Open Space program.

The PUD concept plan review criteria require notes on a PUD concept plan to stipulate specific residential density ranges and the maximum square footage of non-residential land uses. A maximum residential density of 17.99 dwelling units per acre is noted for 26 acres. Additionally, a non-residential maximum square footage of land uses is shown on the concept plan. The plan notes specific allowances for each of the planning areas. Area A is a 44-acre parcel with the existing building. This area shows a stated maximum non-residential square footage of 750,000 square feet. Area B is an 11-acre portion of the site with a proposed maximum non-residential square footage of 200,000 square feet and Area C, 15 acres, notes a maximum of 180,000 square feet.

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 (**see "Context Map" attachment**). Per City Code Section 7.5.501.B, *Concept Plan Requirements*, a concept plan is required to accompany an application to establish a zone district. The requirements to submit a development plan are noted in City Code Section 7.5.502.B which include, but are not limited to, all new construction, total redevelopment of a site, or a change in the properties land use type. In this instance, the applicant has satisfied the code requirements with the submittal of the PUD concept plan to accompany the PUD zone change request.

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.

b. Traffic

The City's Traffic Engineering Division of Public Works (herein referenced as "Traffic") has reviewed the proposed PUD concept plan and accompanying Master Traffic Impact Study (TIS), prepared by SM Rocha, LLC. Traffic has determined that there is adequate capacity to accommodate the proposed site uses and resulting trip generation. The TIS specifically models full build-out of the site including 100% occupancy of the existing office building and approximately 450 residential units, indicating that levels of service at peak hours will not substantially change at full build-out. The existing signalization & unsignalized intersections are not proposed to change because of these applications or future development plans. The TIS indicates that existing traffic counts at the southbound left turning movement at the stop-controlled intersection of Flying W Ranch Road and 30th Street operates with noticeable delays, though that is not uncommon of unsignalized movements to or from an arterial roadway during peak hours. The analysis ultimately concludes that the proposed development is expected to create no negative impact the traffic operations to the existing and surrounding roadway system. Interested residents noted that traffic impacts to the existing roadway infrastructure is among their primary concerns related to the proposed development. The TIS accounts for many of the neighborhoods concerns related to the study including: a COVID-19 traffic count adjustment, seasonal adjustment, area tourism leading toward Garden of the Gods, 100% office occupancy at the existing building and development build-out in the short-term and 2040 future traffic. Traffic has accepted the analysis and recommendations set forth in the report. City Planning staff and Traffic will continue to review future development plan applications to determine if additional traffic mitigation is necessary. Traffic has determined that any future development proposals will require amendments to the master TIS. The City has also committed to monitoring the intersection of North 30th Street and Flying W Ranch Road to determine if road usage warrants a future signal at this intersection. There are road improvements planned in the area along North 30th Street, including a roundabout at Garden of the Gods park entry. Traffic anticipates that the roadway improvements will improve safety and operation for vehicles and non-motorist traffic traveling along the North 30th Street corridor.

c. Geological Hazards

The City's Engineering Development Review Division (EDRD) of Public Works and Planning & Community Development Department, with consultation from the Colorado Geological Survey (CGS), have reviewed the master plan amendment, PUD concept plan and Land Suitability Analysis (LSA) for the project. CGS stated that they have no objection to the rezone and concept plan with notes that a geologic hazards study is required with future development plans (**see "CGS Letter" attachment**). The LSA provides some detail of certain hazards and development constraints. As noted on the PUD Concept Plan, Areas A, B and C are developed with buildings and parking lots. Portions of Area C remain undeveloped but were, at some time, disturbed and graded. The areas of existing development or previous disturbance account for roughly 14 of the 26-acre site for future development. The Master Plan Amendment and PUD Concept Plan abstractly define uses and areas of future development; without specific site design details such as roadway layouts or building locations a full geologic hazard report maps existing conditions with little detail of potential impacts. There are notes on the PUD Concept Plan requiring a site and construction specific geologic hazard report to be submitted with all future development plans within the Concept Plan area in compliance with the City's Hillside Overlay criteria. The note also includes language stating if any future development plans do not meet the criteria that portions of the site may not be developable. CGS notes there are several mapped geologic conditions associated with geologic hazards on-site; these hazards, and any other hazards affecting this site, must be mapped and addressed in the future geologic hazard reports. The geotechnical write-up provided by the applicant supports and also recommend this approach. The geologic hazards requirements per City Code has been met for these applications as the full study requirement is noted for future construction and

initial disturbance review is not warranted because a majority of the areas to be developed have already been graded.

2. Conformance with the City Comprehensive Plan:

Staff has evaluated the proposed project for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to the PlanCOS Vision Map, the project site is identified as an Established Suburban Neighborhood (**see "PlanCOS Vision Map" attachment**). PlanCOS is a high-level vision document with a focus on community-wide themes, larger neighborhoods, corridors, nodes, "typologies", places and big ideas.

This project site is located at an "intersection" or overlap of several of these key elements. The Garden of the Gods Road corridor is identified as a "Mature/Redeveloping Corridor" on the Vision Map and on the Unique Places and Thriving Economy Framework Maps. The site also "intersects" with Established Suburban Neighborhoods including the Mountain Shadows Neighborhood. Finally, PlanCOS's Majestic Landscapes theme is of particular importance for this project given its proximity with Garden of the Gods Park, the mountain backdrop and other sensitive natural areas.

With respect to Mature/Redeveloping Corridors PlanCOS embodies a vision, value and need for adaptive and appropriate land use change. The Thriving Economy chapter of PlanCOS articulates a vision for reasonable adaptation of land use with corridors. The PlanCOS Areas of Change Map (page 11 of the Plan), captures this sense and direction. The Garden of the Gods Road corridor is somewhat unique among maturing arterial corridors because it was originally developed primarily as the high technology and manufacturing center for the City, more so than a typical commercial corridor, beginning in the 1970's. Up and down this corridor there has been an ongoing evolution of land uses both for undeveloped sites and within existing buildings. A sense for the uniqueness of this corridor is reflected by the fact that no other area of the City has a more diverse cluster of Thriving Economy typologies as depicted on the Thriving Economy Framework Map (page 72 of PlanCOS)

A "Big Idea" from Thriving Economy Chapter 4, entitled "Embrace Sustainability", has Goal TE-4 that states:

"Focus on productively developing and redeveloping areas already in, nearby, or surrounded by the city in order to preserve open spaces, maximize investments in existing infrastructure, limit future maintenance costs, and reduce the impacts of disinvestment in blighted areas."

The Unique Places chapter of PlanCOS also captures this vision for appropriate and reasoned land use adaptation through its "Embrace Creative Infill, Adaptation and Land Use Change" big idea.

"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"

Juxtaposed with PlanCOS acknowledgement of the need for land use planning adaptation are its Vibrant Neighborhoods values embodied in Chapter 2

PlanCOS Chapter 2, Vibrant Neighborhoods, identifies in Goal VN-2 to:

"Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships and appropriate zoning and density that is adaptable to market demands and housing needs."

Staff recommends that, especially when compared with the currently permitted business and light industrial uses, conversion of the site to multi-family uses will not result in substantively greater impacts to this existing established neighborhood.

Provision of newly constructed residential units is a direct response to the market needs for housing in the City, and the allowance of a PUD zone district that allows for customizable design standards benefits this goal by allowing for a variety of housing types and density mixes.

A policy for this goal further reinforces that development should “*Prioritize development within the existing City boundaries and built environment (not in the periphery).*”

The Majestic Landscapes theme, Chapter 7 of PlanCOS, is also an important consideration. The project is in close proximity to Garden of the Gods Park, and therefore some specific considerations related to the impact of development to the surrounding landscapes is needed in relation to the goals & policies of this chapter. Although this project will result in more areas with development and less open space, staff recommends that the resulting plan supports several “Big Ideas” of the Majestic Landscapes chapter including: Providing Parks for People, Value Our Scenery and Environment, and Invest in Resilient and Adaptable Landscapes.

In particular, Goal ML-4- in Chapter 7 states the following:

“VALUE OUR SCENERY AND ENVIRONMENT”

“*Provide stewardship for our majestic natural landscapes through improved preservation, resource conservation, air quality, and protection of our viewsheds*”

For this particular site and its proposed development, staff recommends that a reasonable balance has been achieved between allowance for the adaptive development of this property, while also setting the stage for preservation of the key areas of the site that contribute most to the City’s Majestic Landscapes.

Overall, City Planning Staff finds that the project balances the intent of PlanCOS, which prioritizes adaptive and responsive land use changes.

3. Conformance with the Area’s Master Plan:

The project site is part of the Mountain Shadows master planned area, which is identified for office and industrial uses. The master plan amendment application proposes to change the land use designation for the 125-acre project area from Office Industrial Park (OIP) to a mix of land use designations including Open Space, Office, Public Institution, Residential and Community & Neighborhood Commercial land uses. City Planning staff finds that the amendment request and concurrent project applications are more complimentary and supportive of the established land use pattern for the area that is in general conformance with the Mountain Shadows Master Plan (**see “Context Map” attachment**).

STAFF RECOMMENDATION:

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

Recommend approval to City Council the major master plan amendment to the Mountain Shadows Master Plan, based upon the findings that the request meets the review criteria for granting a master plan amendment 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 General Industrial, Agriculture and Planned Unit Development with Hillside Overlay (PIP1/A/PUD/HS) to Planned Unit Development: Residential and Commercial Uses, 16-17.99 Dwelling Units Per Acre, and a Maximum Building Height of 45-feet; and a Maximum Commercial Building Square Footage of 1,130,000 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 City Council the PUD concept plan for 2424 Garden of the Gods Road, based upon the findings that the request meets the review criteria for establishing a PUD concept plan, as set forth in City Code Section 7.3.605, and the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E).