

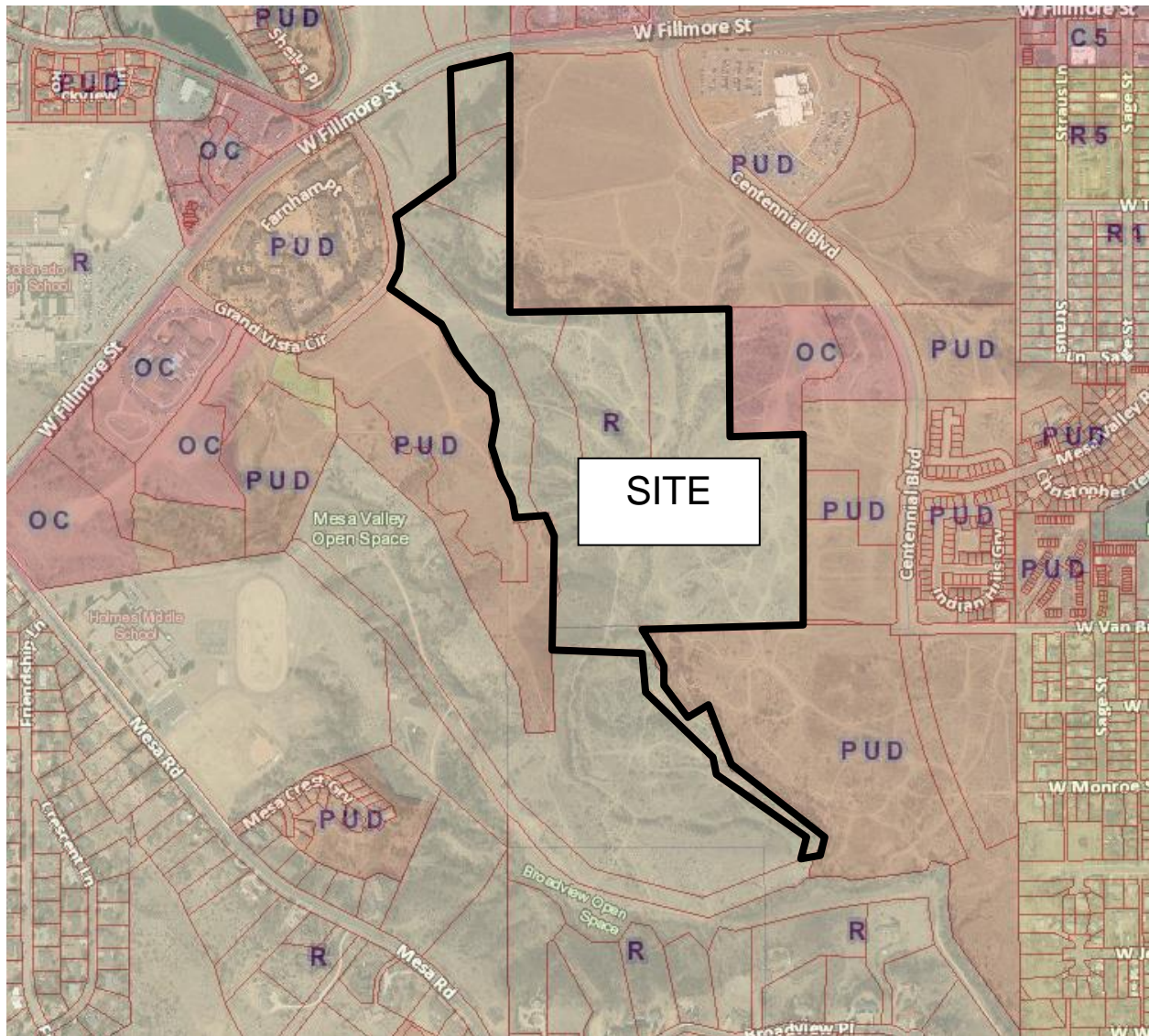
**CITY PLANNING COMMISSION AGENDA
September 19, 2019**

STAFF: LONNA THELEN

ASSOCIATED FILES:

**CPC MPA 07-00308-A7MJ19 – LEGISLATIVE
CPC PUZ 19-00025 – QUASI-JUDICIAL
CPC PUP 19-00026 – QUASI-JUDICIAL**

PROJECT: FILLMORE SOUTH
OWNER/APPLICANT: PINE VALLEY LLC III
CONSULTANT REPRESENTATIVE: HR GREEN



PROJECT SUMMARY

1. **Project Description:** This project includes concurrent applications for a major master plan amendment (**FIGURE 1**) to change the land use designation of 66.99 acres from 58.99 acres of private open space and 8 acres of residential to multi-family residential, a zone change to rezone the property from R HS SS (Estate Single-Family Residential with Hillside and Streamside Overlay) to PUD HS SS (Planned Unit Development: multi-family, 3.5-7.99 dwelling units per acres (not to exceed 500 units), maximum height in accordance with the concept plan (CPC PUP 19-00026) with Hillside and Streamside Overlay) and a concept plan (**FIGURE 2**) for a maximum of 500 townhome and apartment units. The site is located south of Fillmore Street and west of Centennial Boulevard and consists of 66.99 acres.
2. **Applicant's Project Statement:** (**Refer to FIGURE 3**)
3. **Planning and Development Team's Recommendation:** Staff recommends approval of the applications with the technical modifications to the concept plan as listed in the motion.

BACKGROUND

1. **Site Address:** No address currently exists for the site.
2. **Existing Zoning/Land Use:** R HS SS (Estate Single-Family Residential with Hillside and Streamside Overlay)
3. **Surrounding Zoning/Land Use:**
 - North: PUD HS (Planned Unit Development with Hillside overlay)/multi-family residential
 - South: R (Estate Single-Family Residential and PUD (Planned Unit Development)/Mesa Valley Open Space and vacant land
 - East: PUD (Planned Unit Development) and OC (Office Complex)/office and light industrial and vacant land
 - West: PUD (Planned Unit Development)/vacant land
4. **Annexation:** The property was annexed in 1971 as part of the Mesa Addition #2.
5. **Master Plan/Designated Master Plan Land Use:** Garden of the Gods Club Master Plan/Private Open Space and residential
6. **Subdivision:** The site is currently unplatted.
7. **Zoning Enforcement Action:** None
8. **Physical Characteristics:** The site has significant slopes and existing natural features to include a creek running through the site. The site is undeveloped, but does contain multiple informal trails for walking and vehicles.

STAKEHOLDER PROCESS AND INVOLVEMENT

The public notification process consisted of providing notice to the neighbors by placing a poster for the project on site and sending postcards to 100 property owners within 1000 feet. Public comment was received after the initial submittal (**FIGURE 4**). Staff determined that a public meeting would be helpful to discuss concerns raised by the neighborhood comments. That public meeting was held on March 18, 2019 and approximately 17 people attended. The concerns raised by the neighborhood were related to additional traffic and how the traffic would enter and exit the site, the height of the structures and if the new structures would block the views of existing homes, and how the parking would be accommodated on the site. These items will be addressed in the review section of this report. The site will be posted 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 Fire Department and Police/E-911, as well as School District 11, Colorado Geologic Survey, and Floodplain and Enumerations.

ANALYSIS OF REVIEW AND CONFORMANCE WITH CITY COMPREHENSIVE PLANNING

1. Review Criteria/Design & Development

Background:

This site was historically proposed to be private open space as part of the Garden of the Gods Club Master Plan. The site has never been developed, but used over the years as homeless camps, a driving course for all-terrain and four-wheel vehicles and a dumping ground. Detailed explanation of the uses over the years can be found in the applicant's project statement (**FIGURE 3**). Even though it was master planned for private open space, there are no development restrictions nor a conservation easement that restricts development. The current proposal is a major master plan amendment, zone change and concept plan to allow the property to be used for townhomes and apartments while maintaining 77.5% of the site as open space. The site has challenges related to grade and includes significant existing vegetation. The applicant has provided detailed analysis through a land suitability analysis and geologic hazard report of areas that are buildable and the plan shows the location of the townhomes and apartment complex that minimize the impact on the site while maintaining a large part of the site as open space and trail system. To provide context with the surrounding area, **FIGURE 5** was prepared to provide an analysis of surrounding use and explanation of surrounding PUD allowances.

Major Master Plan Amendment:

The Garden of the Gods Club Master Plan currently shows this area as residential and private open space (**FIGURE 6**). As discussed above, the private open space is currently being misused and is not well maintained. The proposed project changes the master planned use of the site to residential, but includes large preservation areas and other open space areas that will function as private open space. The trails that will be provided with the plans allow residents to truly use the open space and preserve it for the future. The change in use from private open space to residential is compatible with the surrounding uses. The properties to the south and west are proposed for multi-family and assisted living uses. The site to the east is developed as office and light industrial. There was a fiscal impact analysis (**FIGURE 7**) prepared for this site. The results state that the fiscal impact is a positive cash flow for the City during the 10-year timeframe.

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

Zone Change:

Any change of zone application must be evaluated using the review criteria in Section 7.5.603.B of City Code and 7.3.603 for PUD zone changes. Specifically, the request must not be detrimental to public interest, health, safety, convenience or general welfare; the proposal must be consistent with the City's Comprehensive Plan; and the request must be consistent to the approved master plan for the area. Staff finds that the criteria are met. While a more detailed analysis of how the newly adopted PlanCOS applies to this project is provided below, it should be noted that the City has been supporting infill development and redevelopment opportunities.

The property is currently zoned R HS SS (Estate Single-Family Residential with Hillside and Streamside Overlay) and is proposed to be rezoned to PUD HS SS (Planned Unit Development with Hillside and Streamside Overlay) to allow multi-family as a mixture of townhomes and apartment units. The applicant has agreed to a condition of record to limit the number of units on the site to no more than 500 total units. In addition, the applicant has maintained the Hillside and Streamside Overlay on the property because the site exhibits significant natural features and steep slopes. The density of 3.5-7.99 dwelling units per acre is compatible with the surrounding uses to the site which include apartments to the west and southeast.

The site topography varies drastically from east to west which makes using the standard hillside height calculations, taking the height from the existing grade, very difficult. The concept plan (**FIGURE 2**) includes details on the proposed grading for the site on pages 4-8. Staff has

determined that the notes below are appropriate to regulate the height of the structures on this site. The following notes will be added to the concept plan:

- a. The maximum hillside height as calculated per the hillside building height calculations will be 55 feet with the exception of the following buildings:
 - i. 12, 13, 20, 21, 33, and 34. The maximum hillside height of these buildings will be a maximum of 69 feet using hillside height calculations.
- b. The townhome structures will be no taller than 35 feet in height and will match the elevations shown in the concept plan.
- c. The apartment structures will be no taller than 51 feet in height and will match the elevations shown in the concept plan.

Buildings 12, 13, 20, 21, 33, and 34, as depicted on the concept plan (**FIGURE 2**), are located near the creek. Due to the steep topography on the site, these buildings require significant fill to make the road grades and drainage work on the site as a whole. With the conceptual nature of the plans, the exact amount of fill and potential retaining wall height and location is not known. These details will need to be finalized at the development plan stage and a note has been added to the concept plan to ensure that at the development plan the retaining wall heights are limited to 4 feet and that there is a 4 foot spacing between walls when possible on the site. The sections through the site provided on pages 9 and 10 of **FIGURE 2** also help to show that an increase in height for the structures located near the creek will not negatively impact the view corridors for the surrounding neighborhood as this part of the site is significantly lower currently.

The townhome and apartment buildings elevations have been provided as part of the concept plan. Notes b and c above specify that the overall structures will not exceed 35 feet for townhomes and 51 feet for apartments.

The surrounding properties currently allow very similar heights variations to what is proposed by this site. The PUD property to the west allows a maximum height of 57 feet and the PUD's to the east (north and south of Van Buren Street) both allow a 35 foot maximum height. The PUD to the west is on the top of the hill making the height allowance of 57 feet more noticeable than the height of the PUD for this site. If the property did not have the hillside overlay, the maximum height of the apartment structure would be 51 feet and the maximum height of the townhome structures would be 35 feet, both are very comparable to the surrounding properties.

Staff finds that the request for the zone change is in conformance with the City Code Section 7.5.603(B) and 7.3.603 standards and criteria for a zone change establishment and a PUD zone district

Concept Plan

The concept plan illustrates 135 townhome units and 279 apartment units for a total of 414 multi-family units along with a very detailed analysis of the site through detailed grading and a land suitability analysis (LSA). The layout provided is conceptual and will be refined with the submittal of a development plan and final plat prior to building permit. The majority of the townhome units are proposed on the west side of the creek and the apartment units are proposed on the east side of the creek. The site is proposed to function as a whole with a clubhouse located on the east side of the creek with the apartment units. The site can be accessed from Grand Vista Circle on the northwest corner or Van Buren Street on the east side of the site which connects to Centennial Boulevard. A significant trail system is proposed through the site to use the amenities of the preservation area and the stream. This trail is proposed to connect to the Mesa Valley City trail on the south side of the site.

Land Suitability Analysis

As required by City Code, the Developer has prepared a Land Suitability Analysis (LSA) for the subject property. The Land Suitability Analysis (LSA) was completed and included with the concept plan to identify suitability of the proposed development and potential constraints. Information reflecting slopes, vegetation and geological conditions were evaluated. The site

contained many areas of slopes over 25% and existing vegetation. The areas with significant slope and vegetation have been preserved in a preservation easement and other areas have been minimally graded to preserve the overall hillside and streamside character.

Geologic Hazard Report:

This geological hazard report was originally submitted February 12, 2019. The primary geologic hazards discussed for this site were active and potentially active slope movements, unstable slopes, expansive soils, bedrock, undocumented fill, flooding and erosion. Some of the mitigations discussed included grading the site by following existing contours, using spread-footing foundations, removal and replacement of expansive material, moving drainage away from structures and avoiding ponding from irrigation. Colorado Geologic Survey (CGS) reviewed the report and stated that the report should not be approved until slope stability was conducted for the site and impacts to adjacent developments were evaluated and discussed. The Geotechnical Engineer, CTL, re-submitted report June 4, 2019 and revised it according to CGS's comments (**FIGURE 8**). The statements listed below were added to Concept Plan regarding lining all detention ponds, using engineered retaining walls and using conservative contouring with grading designs.

- d. Due to problem soils, bedrock and slope instability, all detention ponds must be synthetically lined with leak detection systems so infiltration is prevented.
- e. All retaining walls placed on this site must be engineered to enhance slope stability.
- f. All cut and fill grading designs must use conservative contouring and follow existing contours as much as possible.

CGS completed a final review and recommended approval of the Geologic Hazard Report. The Report was accepted by the City on August 11, 2019.

Traffic Study

A traffic study was reviewed and accepted for this site. The traffic study noted that this project would generate approximately 2,545 new driveway vehicle-trips on average per weekday. All turning movements at the intersection of Fillmore Street/Grand Vista Circle are projected to operate at Level of Service C or better during both peak periods upon build out during the future. The traffic study recommended and City Traffic Engineering agreed that the site access point on Grand Vista Circle be a stop sign-controlled access and that the intersection of Fillmore/Grand Vista near Coronado High School should remain stop sign-controlled.

Neighborhood Concerns

The concerns raised by the neighborhood were related to additional traffic and where the traffic would enter and exit the site, the height of the structures and if they would block the views of existing homes, and how the parking would be accommodated on the site. The previous section discusses the traffic study that was reviewed and accepted by City Traffic Engineering. This study notes that the Levels of Service at the intersections receiving new traffic will operate at a level C or higher. In response to the concerns raised by the neighbors for the building heights blocking views, the applicant prepared three section cuts through the site. These can be found in **FIGURE 2** on pages 9 and 10. The sections provide a line of site from Centennial Boulevard right-of-way through the site. The site has an existing hill on the east side of the creek. The proposed development does not block the existing views more than the current site conditions. City Code does not prohibit views from being blocked by new development; however, the details provided by the sections through the site show that views will not be impeded any more than the current conditions.

Drainage

There are three (3) proposed private full spectrum extended detention basins associated with the Fillmore South project. Pond A is located in the western corner of the site. Pond B is located in the southwest corner of the site. Pond C is located in the southern portion of the site, east of the East Fork channel. All three detention basins have been designed to provide water quality treatment for the site and release runoff at historic rates into the existing channel. The site

required a variance from the City's Drainage Criteria Manual (DCM) as it relates to maximum channel flow velocity, Froude number design criteria, and shear stress associated with a new development in the north-central portion of Colorado Springs. This request was approved by City Engineering as well as Pueblo County. The overall Master Development Drainage Plan (MDDP) was approved by City Engineering.

Staff finds that the request for the concept plan is in conformance with the City Code 7.5.501(E) and 7.3.605 standards and criteria for a concept plan and a PUD concept plan.

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 Changing Neighborhood. Per the Vibrant Neighborhoods Framework Map (**FIGURE 9**) this site is part of the changing neighborhoods map that extends west of 1-25 and past Mesa Road from Uintah Street north to Fillmore Street. The applicant's proposed multi-family residential project is supportive of this typologies goal, which encourages neighborhoods that have the potential or need for City attention, reinvestment and land use change to be developed. This site will utilize the future extension of Centennial Boulevard and the existing and proposed commercial and office development along Centennial Boulevard. By allowing the development of the multi-family residential use in this area, the project encourages infill development that maintains a large open space for the enjoyment of residents.

This project proposes a mix of housing types to allow housing for all, a major goal of the PlanCOS document. In addition, the site focuses on using the stream as an amenity for the adjacent users by designing stormwater infrastructure naturally. Lastly, the site development follows the requirements specified in the geologic hazard report to address hazard mitigation. Specific policies of PlanCOS that are supported are listed below:

Goal VN-2: 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.

Policy VN-3.A: Preserve and enhance the physical elements that define a neighborhood's character.

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 and Strategy SC-3.B-1: Design and construct stormwater improvements to incorporate recreational opportunities and protect infrastructure.

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.

Goal ML-5: Strengthen resiliency to natural disasters and the impact of climate changes through development patterns, hazard mitigation, and education.

City Planning staff finds the Fillmore South project and its associated application to be in substantial conformance with PlanCOS and its guidance.

3. Conformance with the Area's Master Plan

This area is part of the Garden of the Gods Club Master Plan and the majority is currently designated as private open space with the expectation of eight acres in the southeast corner. With this application, the applicant is requesting a master plan amendment to change to residential with 24 acres of the 66.99 acres preserved as preservation area. In addition, the proposal currently retains 77.5% of the total site as green space due to the steep slopes and existing vegetation. Staff is in support of the Master Plan amendment for this site.

STAFF RECOMMENDATION

CPC MPA 07-00308-A7MJ19 – Master Plan Amendment

Recommend approval to the City Council the major master plan amendment, 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 19-00025 – PUD Zone Change

Recommend approval to City Council the rezone of 66.99 acres from R HS SS (Estate Single-Family Residential with hillside and streamside) to PUD HS SS ((Planned Unit Development: multi-family, 3.5-7.99 dwelling units per acres (not to exceed 500 units), maximum height in accordance with the concept plan (CPC PUP 19-00026) with Hillside and Streamside Overlay), 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 PUP 19-00026 – PUD Concept Plan

Recommend approval to the City Council the concept plan for multi-family, based upon the findings 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 subject to the following technical modifications:

1. Include the following notes on the development plan to the geologic hazard report on page 4 and page 1:
 - a. Due to problem soils, bedrock and slope instability, all detention ponds must be synthetically lined with leak detection systems so infiltration is prevented.
 - b. All retaining walls placed on this site must be engineered to enhance slope stability.
 - c. All cut and fill grading designs must use conservative contouring and follow existing contours as much as possible.
2. Revise the zoning information on pages 1-3 to state:
 - a. PUD HS SS ((Planned Unit Development: multi-family, 3.5-7.99 dwelling units per acres (not to exceed 500 units), maximum height in accordance with the concept plan (CPC PUP 19-00026) with Hillside and Streamside Overlay)
3. Include the following notes on page 1:
 - a. The maximum hillside height as calculated per the hillside building height calculations will be 55 feet with the exception of the following buildings:
 - i. 12, 13, 20, 21, 33, and 34. The maximum hillside height of these buildings will be a maximum of 69 feet in height using hillside height calculations.
 - b. The townhome structures will be no taller than 35 feet in height and will match the elevations shown in the concept plan.
 - c. The apartment structures will be no taller than 51 feet in height and will match the elevations shown in the concept plan.
4. Include the following note:
 - a. Final location and heights of retaining walls will be determined at the development plan stage. Wherever possible retaining walls shall be 4' in height with a 4' spacing between walls and shall include landscaping between walls.
5. Call out on the Site Plan and/or Grading Plan sheet that the cul-de-sac at the Van Buren intersection has a FL-FL diameter of 88'.