

September 14, 2022

William Gray
Senior Planner
Land Use Review
30 S. Nevada, Suite 701
Colorado Springs, CO 80901

RE: Spectrum Loop Zone Change and Concept Plan– City Council appeal of Planning Commission Decision

Dear Mr. Gray:

NES, Inc., on behalf of Chapter Two Investments, LLC, is pleased to submit changes to the Zone Change Exhibit B, Concept Plan, and Traffic Impact Study related to the proposed Spectrum Loop Multifamily Zone Change and Concept Plan, in support of the above referenced appeal of the Planning Commission's decision to the City Council. These changes are in response to the concerns expressed by neighbors at the Planning Commission's meeting and by Planning Commission in its decision to deny the zone change and concept plan for the project.

Zone Change

In response to concerns expressed by the neighbors at the Planning Commission meeting, the zone change request has been revised to reduce Maximum Density to 29 DU/AC, and to reduce the maximum height as follows:

Subzone A = Maximum Height of 38'

Subzone B = Maximum Height of 43'

Please refer to the Zone Change Exhibit B included with this submittal.

Concept Plan

The Concept Plan has been revised to reduce density to 29 DU/AC and further reduce overall height by eliminating height Subzone C, and reducing maximum height in Subzone A to 38' and Subzone B to 43'. Building bulk has been further reduced and green space areas have been maximized to provide more useable spaces. Please see the updated Concept Plan included with this submittal.

Traffic Impact Study

In response to Planning Commission concerns regarding insufficient information relating to the traffic impact of the development on the surrounding area, an expanded and updated Traffic Impact Study (TIS) has been completed for the project. Please see the attached summary of the changes to the TIS from Kimley-Horn and the updated TIS included with this submittal for findings and recommendations.

Sincerely,



Kimberly Johnson
Project Lead
N.E.S., Inc.

Enclosures:

Revised Zoning Exhibit
Revised Concept Plan
Illustrative Materials-Site Sections and Perspectives
Revised Traffic Impact Study
Kimley-Horn Memo with Improvement Options Exhibits

SPECTRUM LOOP APARTMENTS PUD REZONE & CONCEPT PLAN

APPEAL STATEMENT

AUGUST 2022

APPEAL REQUEST

N.E.S. Inc. on behalf of Chapter Two Investments, LLC, submits this appeal against the decision of the City Planning Commission at its hearing on August 10, 2022 to deny the Zone Change (CPC PUZ 22-00057) and Concept Plan (CPC PUP 22-00058) for the proposed Spectrum Loop Apartments multifamily development.

PROJECT BACKGROUND

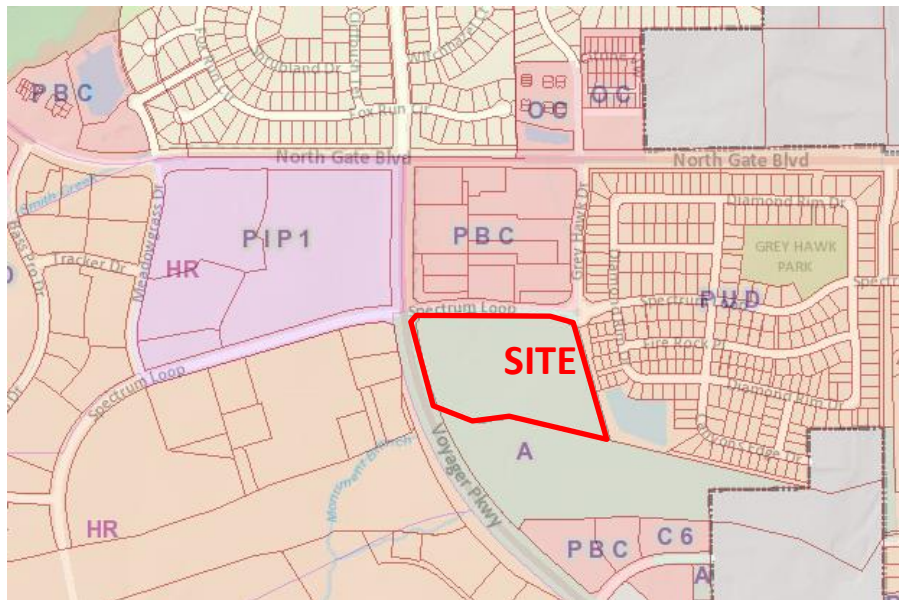
Spectrum Loop Apartments is located within the northern portion of the Northgate Master Plan. The property comprises a 11.9-acre vacant parcel located on the southeast corner of the intersection of Voyager Parkway and Spectrum Loop. To the east of the site is the Grey Hawk single-family residential neighborhood, with higher density alley-loaded single-family residential immediately adjacent to the site's eastern boundary. To the south is undeveloped land designated for the future Powers Boulevard extension. Immediately to the north, across Spectrum Loop, is a commercial center anchored by a Sprouts grocery store, beyond which, across North Gate Boulevard, is the Northgate Highlands single-family neighborhood. To the west of Voyager Parkway is the Polaris Pointe regional commercial center



which includes existing commercial and office development adjacent to Voyager Parkway and a larger partially undeveloped area that is zoned for future commercial.

Zone Change

The site is currently zoned Agriculture (A), which is a holding zone from when the property was annexed into the City. A zone change from Agriculture to Planned Unit Development (PUD) is requested to allow for residential development at a density of up to 35 DU/AC and height limit subzones of 40', 45', and 60' from east to west. Surrounding zoning includes PUD, PBC (Planned Business Center), PUD HR (High-Rise Overlay), PIP 1 HR (Planned Industrial Park, High-Rise Overlay), and R1-6 DF (Design Flexibility Overlay).



Concept Plan

The PUD Concept Plan proposes residential uses at a maximum density of 35 DU/AC in buildings that are three-stories, three-stories with basement, four-stories, or four-stories with basement, depending on proximity to single-family development and the height subzone each building is located within. Access to the proposed new development will be via two entrances on Spectrum Loop, aligned with the accesses to the retail center to the north. No other access is available into the development due to access policy restriction (Voyager Parkway and Powers Boulevard) constraints.

Planning Commission Decision

At the City Planning Commission hearing on August 10, 2022, a motion to approve the Zone Change (CPC PUZ 22-00057) and PUD Concept Plan (CPC PUP 22-00058) failed with 3-4 vote due to concerns related to insufficient information regarding traffic impacts and Master Plan compliance. In their decision to not approve both requests, Concept Plan Review Criteria were relied on as the basis for denial.

It should be noted that the Planning Commissioners who voted to deny the PUD Zone Change and Concept Plan also acknowledged that the site will be developed at some point, and that:

- a. Multi-family is generally an appropriate use for the site.
- b. Multi-family is consistent with Plan COS (which has been adopted since the Northgate Master Plan was approved in 1984).
- c. Multi-family use will generate less traffic than office/industrial/commercial use of the site.

While staff provided the Concept Plan Review Criteria (7.5.501.E) to the Planning Commission in their packet, the applicable review criteria are those for PUD Concept Plans (7.3.605). However, the same general topics are included in both sets of criteria. Further, the Planning Commission expressed concern about compounded traffic due to a potential amphitheater development in the area. The amphitheater project was submitted after this project, and is not yet approved. As such, the TIS for this study did not take the amphitheater traffic into account, nor should it. The TIS considers background traffic based on a growth factor as required by the City, as well as surrounding approved development. Traffic counts were conducted at agreed upon intersections and during peak hours as defined and required by City standards.

APPEAL STATEMENT

This appeal asks City Council to reverse City Planning Commission's decision and approve the Zone Change and Concept Plan for Spectrum Loop Multi-family. To appeal a decision that was made by the City Planning Commission, the Appellant must address the requirements of City Code 7.5.906.B. In this case, the appeal is of a Zone Change and PUD Concept Plan, therefore, the Zone Change Review Criteria (7.5.603.B) and the PUD Concept Plan Review Criteria (7.3.605) must be addressed. These criteria, as well as the Concept Plan Review Criteria (7.5.501 E) provided to the Planning Commission by staff, are addressed below:

Traffic and Associated Capacity and Safety, and Access

ARE THE PROPOSED INGRESS/EGRESS POINTS, TRAFFIC CIRCULATION, PARKING AREAS, LOADING AND SERVICE AREAS AND PEDESTRIAN AREAS DESIGNED TO PROMOTE SAFETY, CONVENIENCE AND EASE OF TRAFFIC FLOW AND PEDESTRIAN MOVEMENT BOTH ON AND OFF THE SITE? (7.5.501E.4. CONCEPT PLAN REVIEW CRITERIA)

Access to the proposed new development will be via two entrances on Spectrum Loop. These access points have been discussed with Colorado Springs Fire Department and provides adequate access for emergency purposes. An access to Voyager Parkway was investigated but was not permitted by CDOT due to the proximity to the future intersection of Voyager and Powers.

The proposed site access and internal circulation is entirely self-contained and will not result in through traffic in the adjacent residential neighborhood. Parking will be provided in compliance with City Code requirements. The proposed regional trail extension and new sidewalk that will be installed along Spectrum Loop will improve pedestrian connectivity, mobility choices and access to jobs, shopping and recreation.

WILL THE PROPOSED DEVELOPMENT OVERBURDEN THE CAPACITIES OF EXISTING STREETS, UTILITIES, PARKS, SCHOOLS AND OTHER PUBLIC FACILITIES? (7.5.501E.5. Concept Plan Review Criteria and 7.3.605 P. PUD Concept Plan Review Criteria)

Utilities

The proposed development will not overburden the capacities of the existing streets, utilities, parks, schools or other public facilities. The project engineering team has coordinated with City of Colorado Springs Public Works Department and Colorado Springs Utilities to develop this plan to ensure there is sufficient public utility capacity.

Traffic/Streets

A Traffic Impact Analysis (TIA) was completed for the proposed development, which projects traffic generation characteristics for the 2024 short-term build-out and 2045 long-term planning horizon, to determine potential traffic related impacts on the surrounding road network. The TIA studied the intersections of North Gate Boulevard and Voyager Parkway, North Gate Boulevard and Grey Hawk Drive, Voyager Parkway and Spectrum Loop, Spectrum Loop and Grey Hawk Drive, as well as the two site access points on Spectrum Loop. Existing turning movement counts were conducted at the study intersections on Wednesday, January 26, 2022 during the morning and afternoon peak hours. The counts were conducted during the morning and afternoon peak hours of adjacent street traffic in 15-minute intervals from 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM.

The report indicates that the proposed development is expected to generate approximately 2,012 weekday daily trips, with 164 of these trips occurring during the morning peak hour and 173 of these trips occurring during the afternoon peak hour. Based on the analysis presented in the TIA, the proposed multifamily community will be successfully incorporated into the existing and future roadway network without any adverse impacts on adjacent streets or intersections.

The study area key intersections are all expected to operate acceptably during the peak hours in 2024 with the existing lane configurations and control. The vehicle queues are all expected to be managed within the available storage length throughout 2024 with the exception of the westbound left turn lane at the intersection of Spectrum Loop and Voyager Parkway. This westbound left turn lane is constructed to the maximum possible length and cannot be extended due to the back-to-back left turn lane configuration with the access to the east. Implementing protective-permissive left turn phasing on the westbound approach of the Spectrum Loop and Voyager Parkway intersection could be considered to help reduce vehicle queues.

By 2045, dual westbound left turn lanes may be needed at the intersection of North Gate Boulevard and Voyager Parkway to accommodate the anticipated vehicle queues. The area for these dual left turn lanes is presently available and will only require restriping as the space for the second turn lane is currently striped out.

The TIA included a comparison of the traffic generation from the Office-Industrial Park land use designation in the Northgate Master Plan and the proposed multifamily development. Using existing the office buildings in the surrounding area as a comparison, the TIA assumed that a 200,000 square foot office building could be developed on this parcel. The following Table 2 from the report compares the trip generation of the Northgate Master Plan office use to the proposed residential zoning. This shows that the proposed multifamily development will generate approximately 7% less traffic than the master planned office-industrial park.

Table 2 – Trip Generation Comparison: Existing Zoning vs. Proposed Zoning

Land Use and Size	Weekday Vehicle Trips						
	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Northgate Master Plan: Office Use							
General Office Building (710) – 200,000 Square Feet	2,168	268	36	304	49	239	288
Proposed Zoning: Residential							
Multifamily Mid-Rise Housing (ITE 221) – 443 Dwelling Units	2,012	38	126	164	106	67	173
Net Difference in Trips	-156	-230	+90	-140	+57	-172	-115

Parks

This proposal triggers land obligation per the Parkland Dedication Ordinance. There will be sufficient open and amenity space for residents use onsite. It is anticipated the project will provide fees in lieu of parkland which should support development or improvement of existing parks in the area. The nearby parks, trails and open space have adequate capacity to serve the needs of the new residents of the proposed community and include:

- To the east, Grey Hawk Park, which is owned by the City but has not been constructed.
- To the southeast, Mary Kyer Park and trail accessible via the Skyline Trail which follows the projects western boundary along Voyager Parkway.
- To the south, the La Foret trail, accessible from Voyager Parkway, connects to Mary Kyer Park.
- To the northwest, the Smith Creek Natural Area.
- To the west, the Air Force Academy which operates as an open base with multiple trails and open spaces.

Schools

The proposed neighborhood will be served by Academy School District 20. The School District has reviewed this application and has confirmed School District capacity. The School District has requested the payment of fees in lieu of land dedication.

DOES THE PUD CONCEPT PLAN INCLUDE A LOGICAL HIERARCHY OF PERIMETER AND INTERNAL ARTERIAL, COLLECTOR AND LOCAL STREETS THAT WILL DISPERSE DEVELOPMENT GENERATED VEHICULAR TRAFFIC TO A VARIETY OF ACCESS POINTS AND WAYS, REDUCE THROUGH TRAFFIC IN ADJACENT RESIDENTIAL NEIGHBORHOODS AND IMPROVE RESIDENT ACCESS TO JOBS, TRANSIT, SHOPPING AND RECREATION? (7.3.605 K. PUD Concept Plan Review Criteria)

Regional access to the site will be provided by Interstate 25 (I-25) and State Highway 83 (SH-83). Principal arterial access will be provided by North Gate Boulevard and Voyager Parkway. The future extension of Powers Boulevard will connect to SH21 and SH 83. The site will have direct access off Spectrum Loop, which is a collector. These streets are designed and have the capacity for the level of development and growth anticipated in this area on the Northgate Master Plan. As noted above, the traffic generation from the proposed multifamily use will be less than the master planned Office-Industrial Park. The majority of the site traffic will travel to and from the west and will not have reason to travel through the adjacent residential neighborhood to the north. If traffic wishes to travel east, the most logical route is via Grey Hawk Drive to North Gate Boulevard, rather than on the local residential streets to the east.

WILL STREETS AND DRIVES WITHIN THE PROJECT AREA BE CONNECTED TO STREETS OUTSIDE THE PROJECT AREA IN A WAY THAT MINIMIZES SIGNIFICANT THROUGH TRAFFIC IMPACTS ON ADJACENT RESIDENTIAL NEIGHBORHOODS, BUT STILL IMPROVES CONNECTIVITY, MOBILITY CHOICES AND ACCESS TO JOBS, SHOPPING AND RECREATION? (7.3.605 L. PUD Concept Plan Review Criteria)

Access to the proposed new development will be via two entrances on Spectrum Loop. These access points have been discussed with Colorado Springs Fire Department and provides adequate access for emergency purposes. An access to Voyager Parkway was investigated but was not permitted by CDOT due to the proximity to the future intersection of Voyager and Powers. The proposed site access and internal circulation is entirely self-contained and will not result in through traffic in the adjacent residential neighborhood. The proposed regional trail extension and new sidewalk that will be installed along Spectrum Loop will improve pedestrian connectivity, mobility choices and access to jobs, shopping and recreation.

Compliance with North Gate Master Plan

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. (7.5.603 2. Zone Change Criteria)

IS THE PROPOSED DEVELOPMENT CONSISTENT WITH ANY CITY APPROVED MASTER PLAN THAT APPLIES TO THE SITE? (7.3.605 C. PUD Concept Plan Review Criteria)

The property is within the Northgate Master Plan. The Northgate Master Plan describes the intended land use of this property as Office-Industrial Park. The Master Plan is implemented and therefore does not need amending in order to be considered consistent with the proposed Zone Change. Section

7.5.401 of the City Zoning Code states that “a master plan is designed to serve as a refinement of the Comprehensive Plan” and “recognizes the need for flexibility and that long term planning and consistency must be balanced with the need to amend plans as conditions change. The intent is to permit changes to a master plan that conform to contemporary standards and current codes, policies and plans.”

Since the Northgate Master Plan was approved in 1984, the City has adopted a new comprehensive plan, PlanCOS. The proposed land use change to multifamily is consistent with the approach in PlanCOS to provide a variety of housing types and sizes, serving a range of demographic sectors; to encourage higher density residential development in activity centers; to adapt to ever-changing market needs and demands, and to emphasize infill. The property is within the Polaris Point Regional Activity Center, where “higher density residential development” is specifically encouraged to create “complete and well-functioning places.” The proposed land use change to multifamily is consistent with the policies and objectives in the more recently adopted PlanCOS.

CONCLUSION

The Applicant contends that the Planning Commission erred in its decision to deny the submitted PUD Zone Change and PUD Concept Plan for Spectrum Loop Apartments. The proposed Spectrum Loop Apartments PUD Rezone and Concept Plan meets all Zone Change and PUD Concept Plan criteria. In particular, the planned use is consistent with the policies and objectives of PlanCOS, which provides more up to date policy guidance than the 1984 Northgate Master Plan. The multifamily use provides a transition between the single-family neighborhood to the east and the more intense commercial uses to the north and west, and future Powers Boulevard to the south. The proposed zone height limitations and building orientation provide additional transition and compatibility with the adjacent single-family neighborhood.

The submitted Traffic Impact Study meets all City requirements and standards. The TIS demonstrates adequate capacity on the surrounding road network and at the adjacent Spectrum Loop and Voyager Parkway intersection with proposed improvements. The Applicant considers that the denial of the project was based on an inadequate understanding of the required scope of the TIS, which does not include a requirement to analyze the cumulative impacts of proposals yet to be approved by the City.

The Applicant is continuing to review the proposed plan for changes that could improve the transition to the adjacent neighborhood and intends to present revised plans at or before the appeal hearing. The Applicant has met with City Traffic Engineering to expand the scope of the Traffic Study to address comments made by neighbors and concerns noted by Planning Commission. The results of this additional analysis will also be presented at the appeal hearing.