

**CITY PLANNING COMMISSION AGENDA
APRIL 18, 2019**

STAFF: MIKE SCHULTZ

FILE NO(S):
CPC PUZ 19-00004 – QUASI-JUDICIAL
CPC PUD 19-00005 – QUASI-JUDICIAL
AR NV 19-00184 – QUASI-JUDICIAL

PROJECT: UNIVERSITY BLUFFS FILING NO. 4A
OWNER: SCHOOL DISTRICT 11
APPLICANT: RBC CORPORATION
CONSULTANT REPRESENTATIVE: NES, INC.



PROJECT SUMMARY

1. **Project Description:** This project includes concurrent applications for a PUD (Planned Unit Development) zone change, a PUD development plan and non-use variance involving the proposed University Bluffs Filing Number 4A development. The subject property is located northwest of Collegiate Drive and Mount Union Court and consists of 9.9 acres.

The proposed rezone will change the current zoning of the subject property from R/HS (Residential Estate with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay).

The University Bluffs Filing Number 4A Development Plan illustrates 29 single-family homes on 9.9 acres, 2.93 dwelling units per acre with a maximum building height of 35-feet.

The non-use variance request is to allow slopes of 25% or greater to be graded and remaining undisturbed areas to be located within proposed building envelopes.

A Final Plat was submitted concurrent with these applications and being reviewed administratively.

(Note of clarification throughout this memo; the master plan and neighborhood development name where the subject property is located is referred to as University Park; many of the plats filed as part of the development are titled University Bluffs).

2. **Applicant's Project Statement:** (Refer to **FIGURE 1**)
3. **Planning and Development Team's Recommendation:** Staff recommends approval of the zone change (**FIGURE 2**), University Bluffs Filing Number 4A Development Plan (**FIGURE 3**) and non-use variance with the minor technical modifications listed below.

BACKGROUND

1. **Site Address:** 2112 Collegiate Drive (property not physically addressed).
2. **Existing Zoning/Land Use:** R/HS (Residential Estate with Hillside Overlay)/Vacant
(Note: Staff determined the current City Zoning Map is incorrectly showing the property as R-1 9000 (Single-Family Residential). Staff found no evidence that the property was rezoned; the site would not have been rezoned for the purposes of a future school since public schools are allowed through conditional use review in either the R or R-1 9000 (Single-Family Residential) zone districts.
3. **Surrounding Zoning/Land Use:**
 - North:* PK/Public Park and R-1 6000 (Single-Family Residential)/Single-Family homes
 - South:* PUD (Planned Unit Development/Single-Family homes
 - East:* PUD (Planned Unit Development/Single-Family homes
 - West:* PK (Public Parks)/City Park (Dr. Frank Houck Park)
4. **Annexation:** North Colorado Springs Addition #1 (December 1969)
5. **Master Plan/Designated Master Plan Land Use:** This property is part of the University Bluffs Master Plan. This plan has been deemed "Implemented" (City Code 7.4.402.B. 2. *Implemented master plan: A master plan that is eighty five percent (85%) or more built out and the remaining vacant land is zoned in conformance with the master plan.*

The redevelopment and neighborhood plans that are more than eighty five percent (85%) built out and are being used as an ongoing guide will not be classified as implemented).

6. Subdivision: Lot 108, University Bluffs Filing Number 4
7. Zoning Enforcement Action: None
8. Physical Characteristics: The site has the same hillside characteristics as the surrounding University Park neighborhood. The site slopes primarily from west-northwest to east-southeast with approximately 60 feet of grade difference (+/- 6,520' along western property line and +/- 6,460' at southeast property line). From north to south there is an approximate 30-foot grade difference; Collegiate Drive sits lower than the subject property. The site is covered with Ponderosa Pine, Rocky Mountain Juniper, Gamble Oak, Mountain Mahogany, Sage and native grasses, yucca and cactus. The site has experienced some disturbance with the grading near Collegiate Drive and other surrounding improvements such as the City trail system and high tension overhead electric lines lying north of the site. The land suitability analysis illustrates the topography, geology, soil and existing vegetation associated with the property (**FIGURE 4**).

STAKEHOLDER PROCESS AND INVOLVEMENT

The public process included posting the site and sending postcards to 309 property owners located within a 1000-foot buffer of the subject property. After Staff had received a number of e-mails (**FIGURE 5**) in opposition to the project, a neighborhood meeting was held on February 4, 2019 at Freemont Elementary School; 32 property owners attended the meeting with a presentation from the consultant and applicant. Residents voiced the following concerns:

- That an elementary school would not be constructed on the property as originally intended;
- The loss of open space;
- Additional traffic through the neighborhood;
- Safety concerns of the visibility along Collegiate Drive;
- Price points of the homes/comparable to surrounding values;
- Disturbance of the property/vegetation removal;
- Maintenance of the stormwater pond;
- Privacy along the easterly property adjacent to existing homes;
- Access to the adjacent park and trails.

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, Water Resources Engineering, City Traffic, Colorado Geologic Survey (CGS), School District #11, Police and E-911.

NOTE: All of the resident comments (**FIGURE 5**) were received during the initial internal review for the project; the neighborhood meeting held on February 4, 2019 may have addressed a number of the resident comments as Staff has not received any additional opposition as of the writing of the memo.

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

1. Review Criteria / Design & Development Issues:

a. Background Analysis

The property, consisting of 9.9 acres, is located within the University Park neighborhood located south of North Academy Boulevard, west of Union Boulevard and north of Austin Bluffs Boulevard. The neighborhood was originally master planned during the early 1980's as the Houck Estates Master Plan. The Master Plan was periodically updated through the years and in 2000 became known as University Park Master Plan. The current University Park Master Plan (**FIGURE 6**) was approved in 2000 to reflect 258 acres of open space purchased by the TOPS (Trails, Open Space & Parks) committee known as the Austin Bluffs Open Space; part of the Pulpit Rock Open Space. The entire Austin Bluffs Open Space, including Pulpit Rock, comprises of a total of 584 acres.

The subject property was identified as an 11 acre "Park/School" site in the 2000 University Park Master Plan (see **FIGURE 6**) and located adjacent to an identified "Park" site consisting of approximately 6.44 acres. The Dr. Frank Houck Park was dedicated to the City in 2001 and comprises of 11.5 acres; approximately 8 acres consists of the park, the additional 3.5 acres consists of the linear trail system that runs north of the subject property and to the east. The park was developed in 2006 that includes the play structures, sidewalks and trail system.

City Code § 7.7.1207.E: Disposal of Surplus School Land (**FIGURE 7**) outlines the process school districts are required to follow when surplus land is determined; land must first be offered to the City and then to the dedicating land owner, in this case Classic Homes. School District #11 first offered City Parks the option to purchase the property, however, the Parks Department declined (**FIGURE 8**) citing no interest in the property. It is also important to note that if interested in the property the City would be required to reimburse the school district or the land owner as outlined in subsection one (1) of the above Code section). The School District then engaged in discussions with the dedicating developer, Classic Homes. The School District Board rejected Classic's offer (**FIGURE 9**) and later posted a "Request for Offer" (RFO) on the property.

b. Neighborhood Issues

As indicated above, the residents expressed a number of issues and concerns with the development of the property, Staff provides a response to these concerns.

- *Loss of school being constructed on the property.*
School District #11 has determined that the construction of an elementary school at this location is no longer necessary and has decided to dispose of the property. The School District is following the proper procedures for property disposal as outlined in City Code (as noted above). Disposal of surplus school property is not uncommon as both School Districts #11 and #49 have recently disposed of what they later determined as excess school property.
- *The loss of open space.*
Staff points out that there is approximately 400 acres of City owned open space surrounding the University Park neighborhood (this does not include Pulpit Rock Open Space or land owned by University of Colorado), in addition to the 11.5-acre City owned Dr. Frank Houck Park and additional 13 acres of open space owned and controlled by the University Park Homeowners Association that is scattered around the development.

- *Additional traffic through the neighborhood.*
A formal traffic generation analysis was completed by SM Rocha, LLC (**FIGURE 10**) and was provided by the consultant during the February 4th neighborhood meeting. The report estimates as much as 2,366 trips if the elementary school was constructed compared to approximately 274 trips for the 29 single-family homes (page 4 of the traffic report).
- *Safety concerns of the visibility along Collegiate Drive.*
Residents pointed out that Collegiate Drive occasionally experiences speeding traffic as well as concerns of a blind crest near Rockhurst Boulevard. Due to the topography of the site the sole access into the site is located at the easterly extent of the property; thus allowing better line of sight in both directions. Again, the traffic generation analysis indicates less trips with single-family than with the elementary school which will support increased safety along the roadway and lessen the concerns of the neighborhood.
- *Price points of the homes/comparable to surrounding values.*
The developer indicated at the February 4th neighborhood meeting that most of the homes will range from 3,000 to 4,000 square feet with prices ranging from \$500,000 to \$700,000. Home pricing and valuation is not within the review criteria for either a zone change or development plan.
- *Disturbance of the property/vegetation removal.*
Staff has evaluated the land suitability analysis (**FIGURE 4**) completed for the property and understands that there will need to be site disturbance involving grading and vegetation removal to accommodate roads, drainage requirements and creating viable building sites. It is Staff's opinion that the site is restricted due to the adjacent City park and trail system to the north and west, as well as not having any access from the east, forcing access from Collegiate Drive that will immediately disturb existing grades and vegetation.

The development is also required to meet current drainage criteria, which was not a requirement at the time a majority of the University Park neighborhood was developed. The City's drainage manual requires the project to capture and treat a percentage of the site runoff, forcing the developer to properly grade the site to accommodate stormwater capture, which will occur in the southeast corner of the site. If a school were to be constructed at this location the same type of drainage and water quality requirements would be imposed and it is likely that a larger school building with ample parking would cause more disturbances to the site than the individual lots.

The developer has agreed to protect designated areas within the development during initial grading of the site, shown on Sheets 2 and 5 of the Development Plan. In addition, Note #9 reiterates the need for a site specific hillside site grading plan which will ensure protection of significant vegetation. The note also specifies the allowance by the City Fire Department to require vegetation removal based on the City's Fire Wise requirements regarding separation of certain vegetation from any residential structure, which is generally a 15 to 20-foot distance.

Given the development constraints of the site coupled with the development requirements for stormwater drainage and Fire Wise protection and taking into consideration the vast number of acres that already protected or preserved by either the City or the University Park HOA, Staff believes the site design is in keeping with the Hillside Review Criteria.

- *Maintenance of the stormwater pond.*
The developer has been in negotiations with the University Park Homeowners Association regarding the acceptance of this development within the HOA. The developer and HOA have agreed that the designated tracts, including the stormwater facility, will eventually be turned over and maintained by the University Park Homeowner's Association.
- *Privacy along the easterly property adjacent to existing homes.*
The developer illustrates additional trees to be planted along the rear area of Lots 1 – 4 (easterly portion of the site) as well as conducting a site inventory to determine what vegetation may remain on the site during siting of the house. Solid fences are prohibited within University Park, and were not considered.

The Development Plan also illustrates a landscape buffer along Collegiate Drive. This 15-foot buffer will provide trees along the street frontage that will provide a buffering and screening for both current residents across Collegiate Drive as well as future residents.

- *Access to the adjacent park and trails.*
The project will provide better access to existing park and trail systems located near the subject property. A sidewalk will be constructed along Collegiate Drive where one does not currently exist; the new sidewalk will provide access for residents to Dr. Frank Houck Park. Additionally, trail access is proposed on the north side of the project, northeast of Bowling Green Lane and Stanbridge Court; sidewalks will be constructed along the public streets within the development that will be open to the public. Homes located immediately east of the site do not have a designated access point within their enclave that provides access to the adjacent trail system.

c. Wildfire Urban Interface (WUI) and Fire Review

The subject property is located within the City's designated Wildland Urban Interface (WUI) area (**FIGURE 11**) which identifies urban areas within the City that are prone to wildfire events. Properties located within a WUI are required an additional evaluation by the City Fire Department to assess the site along with the proposed development to determine proper mitigation measures. A copy of the assessment completed by the City Division of the Fire Marshal is attached as **FIGURE 12**.

The assessment recommends maintaining "30-foot defensible space surrounding any and all of the proposed structure(s)". The notes located on page 2 of the assessment under "Recommended Wildfire Mitigation Measures" are listed on Sheet 1 of the Development Plan. Many of the mitigation measures recommend vegetation mitigation including spacing from residential structures, refraining from planting certain vegetation as well as pruning and maintaining trees and native grasses as part of fuels mitigation.

City Fire is also recommending that homes located on Lots 15 – 20, inclusive, shall have, at a minimum, a monitored fire alarm system. These are the lots located at the very end of the cul-de-sac along Stanbridge Court.

City Planning Commissioners can read additional information regarding the City's Firewise program by visiting the following website: <https://coloradosprings.gov/fire-department/page/wildfire-risk-reduction-requirements-within-wildland>

d. Geologic Hazard Study

Because the property is located within a hillside overlay zone and the area is known to have topography containing 25% slope or greater, a geologic hazard study was completed by CTL Thompson; a copy of the report was sent to both City Engineer and the Colorado Geologic Survey (CGS) for review.

The study indicates that no geologic hazards are identified within the site area. The study further indicates that the only significant issues are related to shallow depth sandstone particularly in the northeast portion of the site. Excavation of this sandstone may require special equipment for excavation. Also identified are thin layers of claystone soils which tend to be highly expansive. Limited over-excavation may be necessary on certain sites due to the claystone soils. Conventional spread footing foundations and slab-on-grade floors will be the most appropriate for this site.

Both CGS and City Engineering found the report to be satisfactory with no concerns.

e. Traffic Analysis

The traffic analysis (**FIGURE 10**) completed by SM Rocha, LLC for the proposed development of this site was reviewed and accepted by City Traffic Engineering. The traffic letter indicates that the anticipated traffic, approximately 274 trips, "would not create a negative impact to traffic operations for the surrounding roadway network and is in compliance with previous(ly) land use assumptions for the overall area."

2. Application Summaries

a. PUD Zoning

Throughout the University Park neighborhood the use of PUD zoning was utilized in pockets and enclaves throughout the development following the University Park Master Plan; this applied to Single-Family neighborhoods, attached/paired housing and multi-family development. The open spaces that weave through the developed portions retained the R (Residential Estate) zone district designation, except for the PK zone applied on the Dr. Frank Houck Park. The proposed rezoning and use of the PUD zone district would be consistent with the rest of the development.

The PUD zone proposes 29 Single-Family detached homes with a density of 2.93 dwelling units per acre and maximum building height of 35 feet (as measured by hillside height allowance). The PUD zone would allow a variation in required building setbacks and lot coverage allowances (see below for further analysis).

b. PUD Development Plan

The proposed University Bluffs Filing Number 4A development proposed 29 Single-Family lots on 9.9 acres, with a density of 2.93 dwelling units per acre and maximum

building height of 35-feet. These development thresholds are similar to the adjacent properties that limit building heights to 35-feet and have similar lot sizes and densities. The only variation that the developer has requested is to allow slightly higher lot coverage allowances as compared to the adjacent existing neighborhood. Lots under 10,500 square feet will have a maximum lot coverage allowance of 40% and lots greater than 10,500 square feet will have a 35% maximum lot coverage. The 40% lot coverage allowance will apply to 15 of the 29 proposed lots.

The Filing 4 area of University Bluffs has lot coverage allowance of 30% and 35% which are designated by the platted lots and not the lot size; the lower lot coverage allowance applies to larger platted lots within Filing 4 that range from 14,000 to 30,000+ square feet.

Aside from the additional permitted lot coverage requested by the developer, the proposed Filing 4A development will be compatible with the surrounding neighborhood.

c. Non-use Variance/Hillside Overlay

After the initial review of the project it was determined that the proposed development would likely disturb portions of the site that contain 25% slope or greater and/or 25% grade will exist within proposed building envelopes. City Code Section 7.3.504 references that slopes of 25% or greater shall be avoided or not placed within building envelopes.

The Code does not clearly outline how slopes of 25% or greater are measured and determining the severity of these areas. For example, the land suitability analysis (**FIGURE 4**) illustrates slopes of 25% or greater in purple, which are located primarily on the southern half of the site; immediately off of Collegiate Drive and scattered in generally short distances throughout the project.

Due to the limited options to access the property other than Collegiate Drive, the project will need to disturb that area immediately north of the street to gain access. Additionally, in order to avoid over-grading of the site and minimizing land disturbance, only the areas for streets and utilities as well for drainage purposes are intended to be disturbed, resulting in several lots having 25% slope within their building envelope.

Upon the submittal of a hillside site grading plan the staff, builder and/or landscape architect will need to evaluate grades with optimal site layout. The PUD plan proposes to allow shorter building setbacks from the front property line in order to provide flexibility in siting the home and minimize disturbance in the rear of the property where disturbance hasn't likely occurred.

Given the site constraints and limited options for site access and the want of the developer to minimize overall site disturbance during initial construction, staff supports the non-use variance to allow disturbance of slopes 25% and greater as well as allowing limited slopes to be located within designated building envelopes.

3. Conformance with the City Comprehensive Plan

The PlanCOS plan identifies this area within the Vibrant Neighborhoods section as the “Pulpit Rock” neighborhood (**FIGURE 13**) and categorized as an “Established Suburban Neighborhood”, PlanCOS describes these areas as:

Established Neighborhoods are predominantly built-out and have been for at least a few decades. Relative to other neighborhoods, they are stable and do not anticipate high levels of land use changes. However, most Established Neighborhoods within the city should expect some degree of infill and redevelopment. Within this typology, several distinctions are important to the application of PlanCOS, as defined by the following sub-categories:

3. Suburban Neighborhoods include those that developed with a suburban pattern, including curvilinear streets with cul-de-sacs. These neighborhoods have matured to the point where they are not actively being developed and no longer have actively managed privately initiated master plans, and ordinarily do not yet have publicly initiated master plans. These neighborhoods have a high value in maintaining the privacy of homes and safe streets for families. New development should focus on safe connections into and within these neighborhoods.

Throughout the PlanCOS document, infill development is encouraged and should be embraced with thoughtful but forward thinking ideas. The proposed development would certainly be considered infill development on a piece of vacant ground that was originally intended for an elementary school. Although the project is not necessarily creative in design or providing the higher density that is sometimes desired for infill projects; the project blends with the established surrounding character within the University Park neighborhood and adds to the availability of housing options along the North Academy Boulevard corridor.

As indicated above, City Planning staff finds the proposed zone change, development plan and non-use variance applications substantially conform to PlanCOS and its guidance.

4. Conformance with the Area’s Master Plan:

The University Bluffs Master Plan is considered implemented; no amendment was required as part of proposed applications.

STAFF RECOMMENDATION

CPC PUZ 19-00004 – CHANGE OF ZONING TO PUD

Recommend approval to City Council the zone change of 9.9 acres from R/HS (Residential Estate with Hillside Overlay to PUD/HS (Planned Unit Development with Hillside Overlay: detached single-family residential, 2.93 dwelling units per acre, maximum building height of 35 feet), 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(B) and the development of a PUD zone as set forth in City Code Section 7.3.603.

CPC PUD 19-00005 – PUD DEVELOPMENT PLAN

Recommend approval to City Council the University Bluffs Filing Number 4A Development Plan, based upon the findings that the plan meets the review criteria for granting a PUD development plan as set forth in City Code Section 7.3.606 and meets the review criteria for granting a

development plan as set forth in City Code Section 7.5.502(E) subject to the following technical modification:

1. Move fire lane to the east side of Bowling Green Lane in order to allow proper turning radius to access the shared driveway on the west side.

AR NV 19-00184 – NON-USE VARIANCE

Recommend approval to City Council the non-use variance request pertaining to City Code Section 7.3.504.D.2 relating to slopes 25% or greater being disturbed or located within a designated building envelope, based upon the findings that the non-use variance meets the review criteria for granting a non-use variance as set forth in City Code Section 7.5.802.B.