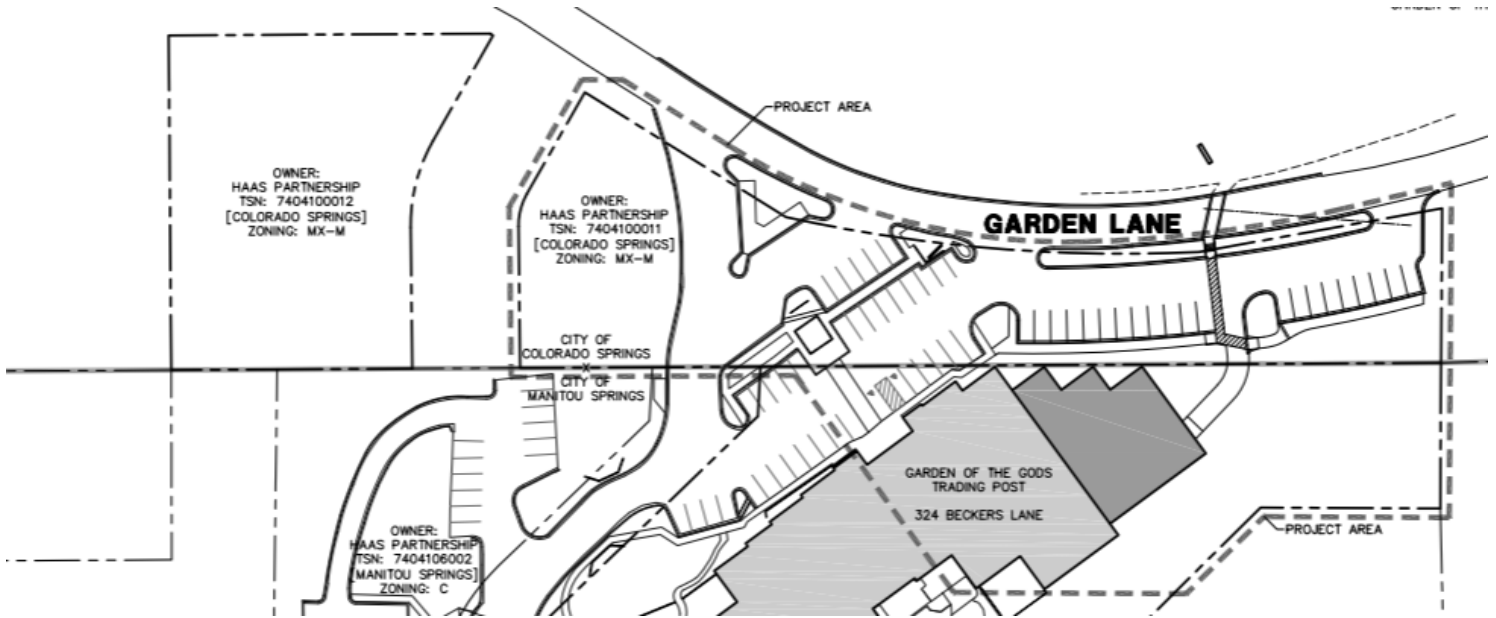




GARDEN OF THE GODS TRADING POST – ZONE CHANGE

Planning Commission May 8, 2024

Staff Report by Case Planner: Allison Stocker, AICP



In-Progress Development Plan (DEPN-23-0254)

Quick Facts

- Applicant Representative**
Zach Taylor, Architect
- Property Owner**
Tim O Haas & Terrance E Haas
PTR LLP
- Address / Location**
324 Beckers Lane
- TSN(s)**
7404107002;
7404100011
- Zoning and Overlays**
Current: PK/HS/WUI (Public Park with Hillside Overlay and Wildlife Urban Interface)
Proposed: MX-I/HS/WUI (Mixed Use Institutional with Hillside Overlay and Wildlife Urban Interface)
- Site Area**
1.609 Acres
- Proposed Land Use**
Private Parking Lot
- Applicable Code**
UDC

Project Summary

This project consists of a zone change consisting of 1.609 acres located at 324 Beckers Lane from PK/HS/WUI (Public Park with Hillside Overlay and Wildlife Urban Interface) to MX-I/HS/WUI (Mixed-Use Institutional with Hillside Overlay and Wildlife Urban Interface) and an accompanying land use statement.

File Number	Application Type	Decision Type
#ZONE-23-0033	Zone Change	Quasi-Judicial

Staff Report Revised: May 14th, 2024

- Updates to technical modification status
- Changes to acreage of zone change due to completion of technical modifications
- Updates to public comment section

Background

Prior Land-Use History and Applicable Actions

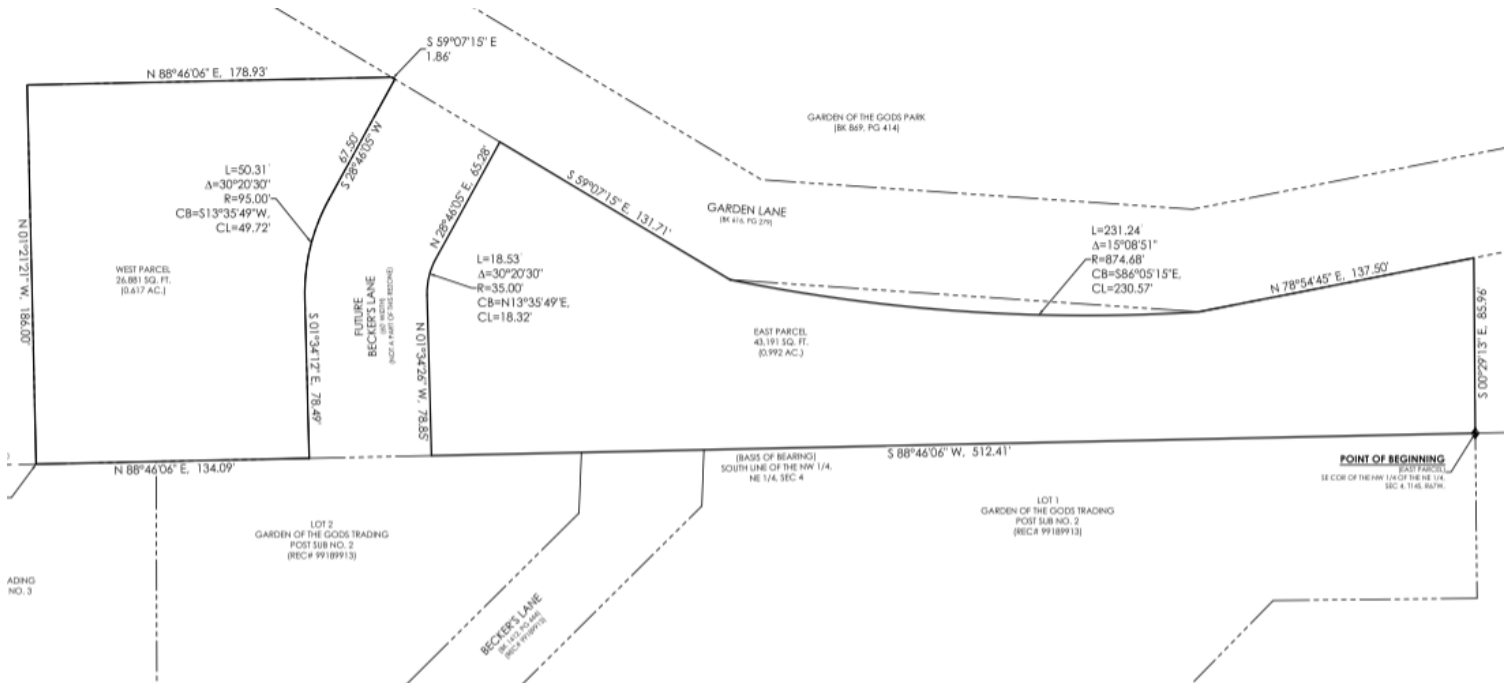
<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Garden of the Gods Addition #1, Filing No. 2	February 1964
Subdivision	Unplatted Land	N/A
Master Plan	N/A	
Prior Enforcement Action	N/A	

Site History

The Garden of the Gods Trading Post is a long-established commercial entity within the region that has been in operation at its current location since 1929. Through the years, the “Trading Post” has seen many changes and expansions as tourism has increased to the Garden of the Gods Park and provide new goods and services based on changing needs. The proposed zone change is the next step in allowing this business to utilize its land to provide an enhanced experience for its customer base and benefit public usage of the Garden of the Gods Park roads and trail systems.

In June of 2023, an agreement was finalized between the City of Colorado Springs Parks Department and Tim O and Terrance E Haas Partnership LLP (“Trading Post”) to approve a land swap. For context, the Trading Post itself is within the City of Manitou Springs but is situated along the border with the City of Colorado Springs and the Garden of the Gods Park. This swap allowed for a mutually beneficial transition of land to better serve both the Trading Post and the City of Colorado Springs’ Parks Department. Through this exchange the Trading Post received 1.63 acres of land which is currently a part of the zone district known as “PK” (Public Park). For the Trading Post to utilize this newly acquired land, the property must be rezoned to a new zoning district as PK only allows public park uses.

The long-term goal of the land swap and rezoning is to allow for a new parking lot configuration and a long-term realignment of Beckers Lane. Given that the newly acquired land will be a part of the new parking lot area, the Applicant must select a zone district that allows for a private parking lot use since parking is on a separate parcel from the Trading Post building. The Applicant has selected to pursue MX-I (Mixed-Use Institutional) as the zoning district for the 1.609 acres of land to be rezoned. The remainder of land deeded to the Trading Post is to be used to realign Beckers Lane as a part of a future application.



Zone Change Map Exhibit which shows future Beckers Lane alignment

To further support the new parking lot area and other improvements to be made on site, there are two concurrent applications that are being administratively reviewed and are not a part of the zone change application.

DEPN-23-0254:

This development plan is being reviewed by City of Colorado Springs Land Use Review Staff as an administrative application. The scope of work proposed in this application is to allow the private parking lot use to be established on the newly acquired land and be associated with the Trading Post. Additionally, this application accounts for changes made to site landscaping, pedestrian access, and accounts for parking increases on site.

At the agreement of the Parks Department, Traffic Engineering, and the City of Manitou Springs Planning Department, the realignment of Beckers Lane will be required to be planned and constructed by the Trading Post at the time of any subsequent development plan applications, which is anticipated in the next several years to be submitted. The realignment and construction of Beckers Lane is a mandatory condition included in the land exchange agreement made between the Parks Department and the Trading Post.

MNR2401:

Given that the Trading Post is within the City of Manitou Springs and the newly acquired land is within the City of Colorado Springs, the scope of work is not limited to work completed within Colorado Springs' jurisdiction. In addition to the parking lot addition, the City of Manitou Springs has a separate application to consider allowing the Trading Post to expand its building along the north-east side. This building addition would not cross property lines or jurisdictional boundaries. This application will be reviewed based upon the City of Manitou Springs review criteria and a decision will be made separate from the decisions made by the City of Colorado Springs.

Due to the interrelated nature of the two applications, Staff has been proactively working with the City of Manitou Springs' Planning Team to coordinate how the two applications will piece together. Through this work, it has been ensured that both applications have been looked at comprehensively in order to capture all Code requirements and plan for future improvements which will impact both jurisdictions.

Applicable Code

The subject application was submitted after the implementation date (06/05/2023) of the ReTool project, and as such, the application shall be reviewed based on the Unified Development Code (UDC) application standards. All subsequent references within this report that are made to "the Code" and related sections are references to the Unified Development Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	PK	Park	
West	PK	Park	
South	Manitou Springs	Commercial	
East	PK	Park	

Zoning Map



Stakeholder Involvement

Public Notice

Public Notice Occurrences (Poster / Postcards)	7 Comments
Postcard Mailing Radius	1000 ft
Number of Postcards Mailed	69 Postcards
Number of Comments Received	2 Comments

Public Engagement

During the initial public notice period, only two (2) comments were received in reference to the zone change application. Both comments were primarily concerned with potential traffic generation that could come along with increased commercial activity at the Trading Post. Leading up to the City Planning Commission hearing, Staff heard from five (5) individuals. Two of the five ended up withdrawing their comments from consideration after receiving clarification on project scope from Staff. The other three individuals expressed concern regarding increasing development possibilities and the impacts that come with development, and the concern that increasing commercial activities is incompatible with the Garden of the Gods' Park operation and neighboring residential homes.

In addition to the zone change, Staff has other communications with the neighborhood in reference to the related development plan (DEPN-23-0254). Staff received seven (7) comments during this period that expressed concern regarding both the proposed parking lot expansion within Colorado Springs' jurisdiction and the Trading Post building addition within the Manitou Springs' jurisdiction. The primary concerns of the neighborhood include stormwater runoff, increased traffic congestion, noise and light impacts, and that the request to expand commercial activity is incompatible with the residential neighborhood. One of the seven comments was in support of the development plan application.

As a part of Manitou Springs' Planning Department requirements, the Applicant was required to host a neighborhood meeting to discuss the proposed building expansion. City of Colorado Springs' Staff did attend this meeting to listen in and take note of neighborhood concerns which could be mitigated through the development plan within our purview. The comments made during this meeting were consistent with those received by City of Colorado Springs Staff via email.

Timeline of Review

Initial Submittal Date	2/15/2023
Number of Review Cycles	4
Item(s) Ready for Agenda	April 2024

Agency Review

Traffic Impact Study

No comments received.

Parks

The Parks Department has provided a letter of support for this application. The land swap was coordinated with Parks with the intention for the property to be rezoned and the land to be used to support the existing commercial activity at the Trading Post.

Licensed Surveyor

Two technical modifications were called out prior to the May 8th, 2024 City Planning Commission hearing. Those technical modifications have since been completed by Applicant.

SWENT

No comments received.

Colorado Springs Utilities

No comments received.

Zone Change

Summary of Application

The proposed zone change would allow the Applicant to utilize their newly acquired land to expand and reconfigure their existing parking lot, and set up the opportunity for long-term improvements to Beckers Lane and the pedestrian interaction between the Garden of the Gods Park with the Trading Post. Under the current PK (Public Park) zoning district, the Applicant would not be permitted to establish a private parking lot.

The MX-I zone district is defined in the UDC as a district that should, “provide a framework for the development of, for example, unique cultural, resort, recreational, educational, or institutional developments that may attract visitors from both within and outside the Colorado Springs metropolitan area...”. This district allows for unique opportunities for development specific dimensional standards and offers a wider variety of use types compared to the PK district.

The guiding entitlement which is accompanying this zone change is the land use statement which elaborates on the proposed improvements. A development plan is also undergoing an administrative review which will assess the development proposal’s ability to comply with MX-I district standards and the interaction with existing conditions.

Application Review Criteria

Section 7.5.704.D – Approval Criteria for Zone Changes

Below are the three review criteria as outlined in the zoning code Section 7.5704.D. The Applicant meets these criteria as follows:

1. The proposed rezoning is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, with other plans and policies adopted by the City Council; and with the purpose statement of the proposed zone district(s).

The proposed rezoning is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, PlanCOS, and other applicable plans and policies. In the “Compliance with PlanCOS” section of this report there will be more detailed discussion on how this rezoning meets specific policies and objectives.

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

Based on the Staff’s review, this rezoning was not found to be detrimental to the public interest, health, or safety. This rezoning will provide opportunities for Garden of the Gods visitors to have better access to the Trading Post by adding more parking stalls along the main frontage (Garden Lane) and better access to trailheads in this area of the Park. Additionally, this rezoning and its related development plan to reconfigure the parking lot will allow for the site to begin laying the groundwork for the future realignment of Beckers Lane. The future realignment of Beckers Lane will provide a more predictable pattern for vehicular traffic and allow for safer movement of vehicles in this area.

During the administrative review of this application, this project was routed to a variety of public safety agencies to ensure that there are no anticipated impacts. During this review, no comments of concern were received.

3. The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).

The land in the zoning map area of change has historically been adjacent and impacted by the long-standing commercial operations of the Trading Post. The MX-I district will serve as a great intermediary zone district to continue allowing the Trading Post to serve as a commercial and cultural hub but limit the span of allowable uses to those that stand to serve the goal of creating public benefits as intended by this zone district.

4. If the application proposes to rezone a small area of land, the application demonstrates that the size, scale, height density, and multimodal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions.

The land to be rezoned consists of 1.609 acres and is able to meet all zone district size and lot requirements. The present scope of work being reviewed by Staff through the development plan consists only of the creation of a private parking lot and proposed long-term changes to Beckers Lane. Both immediate and long-term improvements are to the benefit of the Parks Department and the Trading Post, as additional parking will serve to benefit Park tourist and locals alike, while the future realignment of Beckers Lane will substantially improve vehicle circulation and improve safety at this intersection.

5. If the application proposes to rezone a relatively small area of land, the application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.

The proposed rezone will be changing the zoning district of land that was previously apart of the Garden of the Gods Park and now is owned by the Trading Post. The request to rezone will not dislocate any pre-existing uses or persons from the area as the land is currently undeveloped.

6. If a Land Use Plan or amendment to a Land Use Plan accompanies the application, the Land Use Plan or amendment complies with the applicable criteria in in Subsection 7.5.514C.3 (Land Use Plan Criteria).

This zone change application was accompanied by a Land Use Statement. This review criteria are not applicable.

7. The application is consistent with any approved Concept Plans in the area for which the map is being amended or includes or is accompanied by a provision that approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map.

This area is not within an area with an approved concept plan. This review criteria are not applicable.

8. If the application is for creation of an ADS-O district, the approval criteria applicable to the creation of the text of the ADS-O district in Section 7.2.607D.47.5.702 (Decision) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.

This application does not request the creation of an ADS-O district. This review criteria are not applicable.

9. If rezoning to a PDZ district, the proposed PDZ district provides significant community amenities or other benefits, as determined by the Manager, that promote the achievement of Colorado Springs Comprehensive Plan goals and would not otherwise be required of the applicant under this UDC or other City or governmental regulations.

This application does not request a rezone to PDZ district. This review criteria are not applicable.

10. Complies with the additional standards of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts))

The proposed zone change follows the standards of the proposed base zone district, MX-I. Further discussion on this can be found in the below section entitled, "Compliance with Development Standards".

Based on the above discussion, Staff finds that the proposed rezoning is consistent with the review criteria outlined in Section 7.5.704.D.

Compliance with Development Standards

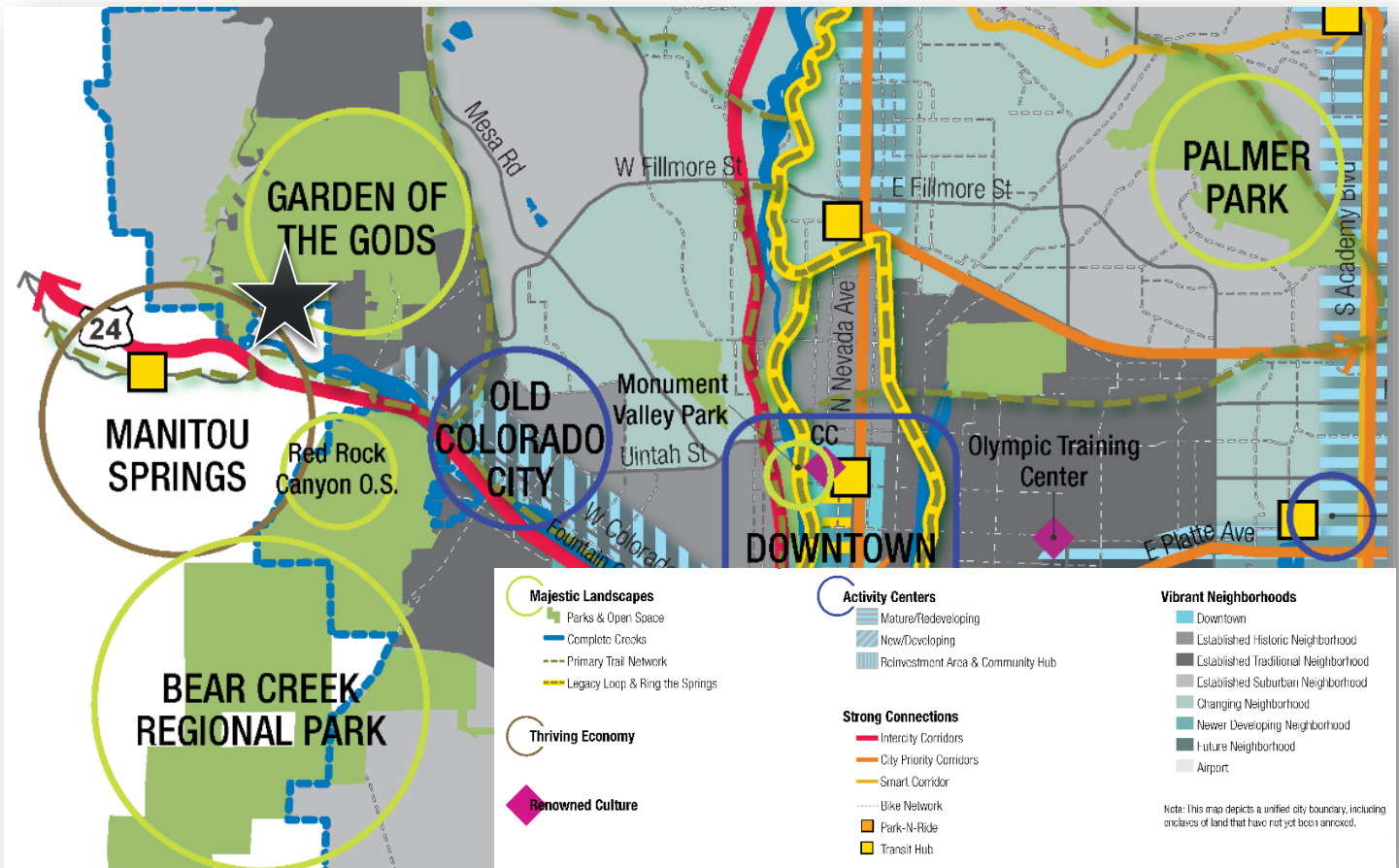
Below are the dimensional standards for the MX-I zone district as designated in Section 7.2.306.B. The Applicant full anticipates being able to meet the zone district's requirements and these will be fully assessed in the separate development plan application (DEPN-23-0254) by Staff.

Development Standard	Required	Proposed
District Size	N/A	1.609 acres
Lot Area Minimum	N/A	Western Lot: 0.617 acres Eastern Lot: 0.992 acres
Lot Width Minimum	N/A	Western Lot: 190 feet Eastern Lot: 504 feet
Building Height	65 feet	No proposed structures at this time
Setbacks	N/A	No proposed structure at this time
Front	20 feet	
Side	20 feet	
Rear	20 feet	

Compliance with Relevant Guiding Plans and Overlays

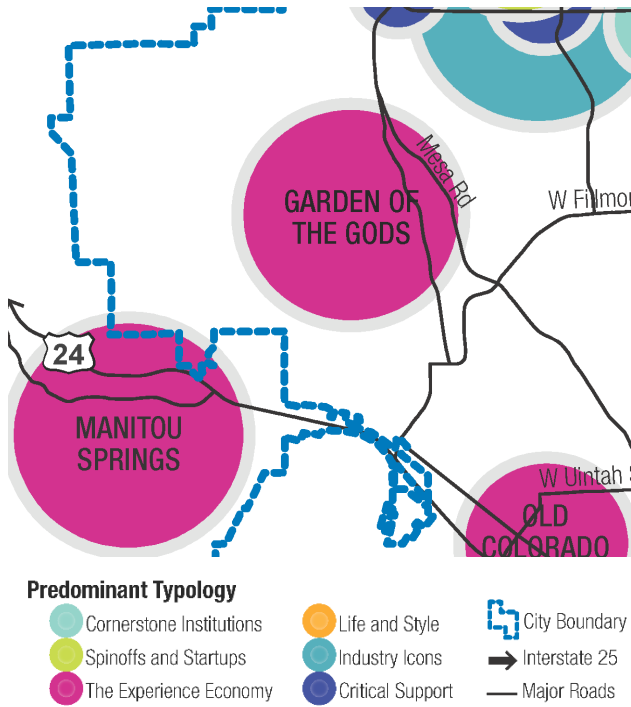
This site is within the Hillside Overlay. The proposed zone change shall not impact on the implementation of the Hillside overlay standards and all development within the subject parcels will be assessed further through the development plan review. This site is not within a master planned area or within any other special planned areas.

PlanCOS Vision



The proposed zone change is part of a unique corner of the City and lies in the shadows of the Garden of the Gods rock formations. This site is situated within the Majestic Landscapes “Parks and Open Space” typology and on the border with the City of Manitou Springs and “established traditional neighborhoods”.

This zone change promotes the PlanCOS policies and objectives in multiple ways as discussed in the upcoming section.



Thriving Economy

While the Trading Post is not within the City of Colorado Springs jurisdiction, the Garden of the Gods Park is a key pillar within the City’s tourism industry. By investing directly and indirectly into facilities, infrastructure, and business that promote tourism within the Garden of the Gods, the City will continue to benefit from the growing tourism economy.

The proposed rezoning supports **Policy TE-1.B** which encourages the support of our recreation based industries. This project also enhances cross-jurisdictional collaboration and planning with the City of Manitou Springs as it relates to the shared tourism economy which is encouraged by **Policy TE-3.A**. Through this rezone and related application, Staff has put in considerable effort to ensure that planning decisions are made to the benefit of both jurisdictions.

Statement of Compliance

ZONE-23-0033

After evaluation of the Garden of the Gods Trading Post Zone Change, the application meets the review criteria.