



Legislation Details (With Text)

File #: MAPN-23-0005 **Version:** 3 **Name:** Ovation Zone Change & LUP

Type: Planning Case **Status:** Passed

File created: 5/23/2023 **In control:** City Council

On agenda: 2/27/2024 **Final action:** 2/27/2024

Title: Approval of the Ovation Land Use Plan for proposed residential development consisting of 60.28 acres located at northwest of Old Ranch Road and Powers Boulevard.
(Quasi-Judicial)

Presenter:
Katelynn Wintz, Planning Supervisor, Planning + Neighborhood Services.
Peter Wysocki, Director, Planning + Neighborhood Services

Sponsors:

Indexes:

Code sections:

Attachments: 1. CPCStaffReport_Ovation, 2. Land Use Plan_Ovation, 3. GeohazardReport, 4. Traffic Impact Analysis, 5. 7.5.514 LAND USE PLAN, 6. Staff_Ovation_KAW

Date	Ver.	Action By	Action	Result
2/27/2024	3	City Council	approved	Pass
12/13/2023	1	Planning Commission	accepted	Fail
12/13/2023	1	Planning Commission	accepted	Fail
12/13/2023	1	Planning Commission	accepted	Fail
12/13/2023	1	Planning Commission	accepted	Pass

Approval of the Ovation Land Use Plan for proposed residential development consisting of 60.28 acres located at northwest of Old Ranch Road and Powers Boulevard.
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Summary:

Owner: City of Colorado Springs - Parks, Recreation and Cultural Services
Developer: La Plata Communities
Location: Northwest of Old Ranch Road and Powers Boulevard

The project proposes rezoning 60.28-acres of City of Colorado Springs, Parks, Recreation, and Cultural Services (Parks Department), owned property from Public Park (PK) to R-Flex low per the standards of the Unified Development Code. A concurrent Land Use Plan illustrates a proposed residential development with a maximum density of six dwelling units per acre, major circulation, and proposed green spaces.

Background:

Please see the attached City Planning Commission Staff Report for a complete analysis of the proposed application(s).

Review Criteria:

The review criteria for the zoning map amendment as set forth in City Code Section 7.5.704.D (UDC) are noted below.

The approval criteria for a zoning map amendment (rezoning) are noted below.

D. Approval Criteria: An application for an amendment to the zoning map shall be subject the following criteria for approval:

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).

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

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

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.

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.

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 Subsection 7.5.514C.3 (Land Use Plan Criteria).

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.

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 7.2.607

<https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings_co/0-0-0-50942>D.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.

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.

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)). (Ord. 23-03)

Staff finds that approval criteria 4, 5, 7, 8, and 9 are not applicable criteria given that the scope of the project does not include the elements referenced in those criteria. The purpose of the R-Flex Low zone district per Section 7.2.208.A states:

The R-Flex Low zone district accommodates a mix of, for example, detached and attached housing types up to a maximum residential density of up to six (6) dwelling units per acre. The layout of permitted housing types and densities shall be as shown in a Land Use Plan approved pursuant to Section 7.5.514

<https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings_co/0-0-0-

The Land Use Plan, discussed in the following section, proposes a mix of detached and attached housing types with a proposed maximum residential density of six (6) dwelling units per acre. The proposed development is surrounded by single-family residential development of similar density and height allowances. Per comments of our agency reviewers noted in the “Agency Review” section above, all comments have been addressed per the standards of their codes and manuals. After evaluation of the Ovation rezoning request meets the review criteria.

The Planning Commission found that the proposed application meets the review criteria.

The review criteria for the land use plan as set forth in City Code Section 7.5.514.C(3) (UDC) are noted below

The review criteria for a Land Use Plan submitted in connection with a rezoning are noted below.

3. Land Use Plan Criteria: If the Land Use Plan is submitted in connection with an application to establish a zone district or to change zone district boundaries shall be reviewed based on the following criteria:

- a. Consistency with the Colorado Springs Comprehensive Plan and other plans and policies adopted by City Council;
- b. Consistency with development standards the zone district in which the property is located, or would be located after a requested zone district change;
 - c. Compatibility with the land uses and development intensities surrounding the property;
- d. Impacts of the permitted or requested uses, appropriate to the type of development, the neighborhood, and the community;
 - e. Adequacy of proposed ingress/egress points and traffic circulation, both on and off the site;
- f. Capacity of the existing streets, utilities, parks, schools, and other public facilities to serve the proposed development;
- g. Promotion of transitions in height, intensity, or character between proposed non-residential or mixed-use development and nearby low-density residential zone districts.

Elements noted below will demonstrate general compliance with the City Comprehensive plan. The Land Use Plan notes dimensional standards consistent with the R-Flex Low zone district, specifically maximum residential density of up to six (6) dwelling units per acre. The property is surrounded by residential development of a similar density and height, additional residential development at the proposed development is consistent with the surrounding development patterns. The Traffic Impact Study (TIS) finds that there is adequate capacity of the existing roadways to serve the proposed development, Traffic Engineering agrees with the findings of that study. The School District notes that District 20 is able to serve all students who reside in the district. After evaluation of the Ovation Land Use Plan, the application meets the review criteria.

Previous Council Action:

City Council annexed the property into the City on September 28, 1982, with Briargate Addition No. 5. In 2003, with the support of the City Council Parks Department purchased the property from La Plata

Investments for \$2,657,160.00. In 2022, City Council supported executing three agreements related to land exchanges and land purchase agreements which included this property. First, La Plata would sell a parcel of land along Interquest Parkway to the City for future Fire Station 24. The second agreement included La Plata donating 352.32 acres of open space to the City Parks Trails, Open Space, and Parks (TOPS) program. Lastly, the Parks Department would sell the 60.28 acres back to La Plata at fair market value. One stipulation of the contract to sell the Parks Department property required the Parks Department to apply for and pursue the rezoning and land use application to formally rezone the property from Public Park (PK) to R-flex low.

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

This item was presented to the City Planning Commission at the December 13, 2023, meeting. Meeting minutes detailing the discussion of the Planning Commissioners related to this item. Majority of the discussion is centered on the proposed emergency access to CDOT right of way. CDOT provided a letter to the developer indicating that “no formal permitted access will be granted to CDOT right-of-way but in the event of an emergency that emergency traffic routes may be established, including direct access to Powers Boulevard across fence lines if necessary.” This discussion included 3 failed motions associated with the Land Use Plan with different iterations and requirements for addressing access to CDOT-controlled Powers Boulevard. Ultimately, a recommendation of approval of the Land Use Plan passed with the following condition of approval: “Recognize the language provided by CDOT to not preclude coordination and access during an emergency via a required easement by the developer to CDOT property at grade”.

City Planning Commission voted to recommend approval of the zoning map amendment at the December 13, 2023, meeting. (6-2-1; Commissioners Foos, and Rickett voting No, Commissioner McMurray Absent)

City Planning Commission voted to recommend approval of the Land Use Plan with one condition of approval and one technical modification at the December 13, 2023, meeting. (5-3-1; Commissioners Briggs, Foos, and Rickett voting No, Commissioner McMurray Absent)

Proposed Motions:

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Should the City Council wish to approve the Land Use Plan application, the following motion is suggested:

Approve the Ovation Land Use Plan related to 60.28 acres based upon the findings that the request complies with the review criteria for Land Use Plans as set forth in City Code Section 7.5.514, with the following condition of approval and technical modification:

Condition of Approval:

Recognize the language provided by CDOT to not preclude coordination and access during an emergency via a required easement by the developer to CDOT property at grade.

Technical Modification:

Revise note 19 of the Land Use Plan to the following: “This property is subject to the finding’s summary and conclusions of a geologic hazard report prepared by CTL Thompson Inc. dated May 2,

2023, which identified the following specific geologic hazards on the property; expansive soil and bedrock and shallow groundwater. The following recommendations shall be adhered to 1. Construction materials testing and observation services during site development and construction. 2. Individual lot soils and foundation investigations for foundation design. 3. Subgrade investigation and pavement design for on-site pavements. A copy of said report has been placed within File# MAPN-23-0005 or within the subdivision file of the City of Colorado Springs Planning and Development Team. Contact the Planning and Development team, 30 S Nevada, Suite 701, Colorado Springs, CO, 80903, if you would like to review said report.”

Should the City Council wish to deny the Land Use Plan application, the following motion is suggested.

Deny the Ovation Land Use Plan related to 60.28 acres based upon the findings that the request does not comply with the review criteria for Land Use Plans as set forth in City Code Section 7.5.514.