



Legislation Details (With Text)

File #: CPC PUZ 22- 00004 **Version:** 4 **Name:** Freestyle North at Banning Lewis Ranch
Type: Ordinance **Status:** Mayor's Office
File created: 7/29/2022 **In control:** City Council
On agenda: 1/10/2023 **Final action:** 1/10/2023

Title: Ordinance No. 22-99 amending the zoning map of the City of Colorado Springs relating to 557.357 acres located east of Marksheffel Road and between the future extensions of Stetson Hills Boulevard, Barnes Road and Banning Lewis Parkway from R1-6000/R1-6000/cr/R5/cr/PBC/cr/PUD/SS/AO (Single-Family Residential, Single-Family Residential with conditions of record, Multi-Family Residential with conditions of record, Planned Business Center with conditions of record, and Planned Unit Development with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 2.0-24.99du/ac, and 35-50 foot maximum building heights with Streamside and Airport Overlays).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A30MJ22, CPC PUP 22-00005

Presenter:
Daniel Sexton, Planning Supervisor, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Sponsors:

Indexes: BLR, Master Plan Amendment

Code sections:

Attachments: 1. ORD_ZC_FreestyleNorth, 2. Exhibit A_Legal Description, 3. Exhibit B - PUD Zone Change, 4. Receipt 212258_Sandcreek, 5. 7.3.603 Establishment & Development of a PUD Zone, 6. 7.5.603.B Findings - ZC, 7. Signed Ordinance No. 22-99.pdf

Date	Ver.	Action By	Action	Result
1/10/2023	2	City Council	finally passed	Pass
12/13/2022	2	City Council	approved on first reading	Pass
8/10/2022	1	Planning Commission	recommended for approval	Pass

Ordinance No. 22-99 amending the zoning map of the City of Colorado Springs relating to 557.357 acres located east of Marksheffel Road and between the future extensions of Stetson Hills Boulevard, Barnes Road and Banning Lewis Parkway from R1-6000/R1-6000/cr/R5/cr/PBC/cr/PUD/SS/AO (Single-Family Residential, Single-Family Residential with conditions of record, Multi-Family Residential with conditions of record, Planned Business Center with conditions of record, and Planned Unit Development with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 2.0-24.99du/ac, and 35-50 foot maximum building heights with Streamside and Airport Overlays).

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Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

Summary:

Owner/Developer: BLH No. 2, LLC, AE Barnes III, LLC, and City of Colorado Springs
Representative: Kimley-Horn & Associates
Location: East of Marksheffel Road and between the future extensions of Stetson Hills Boulevard, Barnes Road and Banning Lewis Parkway

The project includes applications for a major master plan amendment, PUD zone change and PUD concept plan for 557.357 acres of land located east of Marksheffel Road and between the future extensions of Stetson Hills Boulevard, Barnes Road and Banning Lewis Parkway. The project is herein referred to as “Freestyle North at BLR”. The major amendment to the Banning Lewis Ranch Master Plan changes the land use designation to accommodate a mix of residential and civic (i.e. school, parks, public facilities, etc.) uses. The zone change request would change the current zoning from R1-6000/R1-6000/cr/R5/cr/PBC/cr/PUD/SS/AO (Single-Family Residential, Single-Family Residential with Conditions of Record, Multi-Family Residential with Conditions of Record, Planned Business Center with Conditions of Record, Planned Unit Development and Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 2.0-24.99du/ac, 35’-50’ Max. Building Heights; with Streamside and Airport Overlays). The proposed PUD concept plan illustrates a phased residential development with a mix of land uses and public and private improvements.

Background:

The Applicant has requested a major amendment to the Banning Lewis Ranch Master Plan to change the land use designation from residential, parks and public facility uses to accommodate a mix of residential and civic (i.e. school, parks, public facilities, etc.) uses for the 557.357 acres of land associated with the Freestyle North at BLR project. This change in master planned land use designations will position the site for a phased residential development that is more representative of similar residential developments found in the surrounding area and elsewhere throughout the city. The project area contains forks of Sand Creek, which the Applicant looks to flank with open spaces, parks, public facilities, and a school. Along the project area edges, which are bordered by future roadway extensions of Banning Lewis Parkway, Barnes Road, and Stetson Hills Boulevard, the more dense and intense residential ranges can be found. While the requested use change is not a significant deviation from the current land use trajectory for the area, it positions the project area well for with the Applicant’s envisioned more intense land use pattern anticipated for adjacent undeveloped holdings to the east and south. The proposed residential density ranges, which range from 2.0-24.99 dwelling units per acre, will create additional rooftops that will support future commercial development. City Planning staff notes that changes such as this are supported by the Amended and Restated Banning Lewis Ranch Annexation Agreement (Res. #36-18), as the previous vision was no longer representative of current City policies and land development within the City.

The Applicant’s PUD zone change will rezone 557.357 acres of the Freestyle North at BLR project from R1-6000/R1-6000/cr/R5/cr/PBC/cr/PUD/SS/AO (Single-Family Residential, Single-Family Residential with Conditions of Record, Multi-Family Residential with Conditions of Record, Planned Business Center with Conditions of Record, Planned Unit Development and Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 2.0-24.99du/ac, 35’-50’ maximum building heights; with Streamside and Airport Overlays). The requested PUD zone establishes the

parameters for a mixed residential development with maximum building heights (35'-50' maximum building heights) and density ranges (2.0-24.99du/ac). The accompanying PUD concept plan for the Freestyle North at BLR project provides further information regarding the placement of the envisioned residential types.

While the establishment of new PUD zone districts can promote development characteristic with an overall unified approach and encourage certain flexibilities, PUD zone districts are only required to set the land use types and mix, the land use intensity. The Applicant's envisioned land uses, which consist largely of various residential use types, are similar to those uses found within the surrounding area and other newer residential developments throughout the city. As illustrated on the accompanying PUD concept plan, consideration of future parks, open space and public facility parcels have been contemplated. The custom dimensional controls and development standards are comparable with the established and developing land use pattern for the surrounding area. For such a large PUD zoned area, it is not uncommon to further guide and structure the development pattern of a project such as this through the creation of subareas that are tailored to specific development types. The Applicant did not, however, seek to establish subareas with the zone district. City Planning staff finds this to be acceptable as the proposed PUD zone district will afford greater flexibility for land planning when development moves forward and avoids future zone change applications to rescript the development parameters. Together, the land use and dimensional and development standards proposed mitigate the project's impacts and meets the applicable City Code standards for a zone change request.

The requested Freestyle North at BLR PUD Concept Plan illustrates a phased residential development with a mix of land uses and public and private improvements. To guide development of the project area, the Applicant has proposed specific parcel areas that are envisioned to accommodate different residential use types and follow different development standards. As structured, City Planning staff finds that the PUD concept plan development parameters encourage flexibility, innovation of design and a variety of development types that will improve the quality of physical development over that normally achieved through the application of the City's standard single use zones.

More specifically, the Applicant has proposed maximum building heights for the project that vary by area and range from 35-50 feet. Parcel areas 1-14 will adhere to a 35-foot maximum building height. Parcel area 15, which is directly adjacent to the future intersection of Banning Lewis Parkway and Barnes Road, has a 50-foot maximum building height to support more intense residential development. The manner for calculating the above referenced maximum building heights will follow the methodology set forth in City Code Section 7.2.201 *Definitions Enumerated - Building Height (Nonhillside Zone)*. The table below, which is present on the PUD concept plan, illustrates the parcel specific parameters.

PARCEL (1,2,3,4,5,7,9,11,12)	
DENSITY RANGE	2.00-7.99 DU/AC
LOT WIDTH (MIN)	25 FT.
MAX. BUILDING HEIGHT	35'-0"
PUD	
MINIMUM SETBACKS	
FRONT	10'
GARAGE*	20'
SIDE MINIMUM (TOTAL)	5'
REAR	10'
MAXIMUM LOT COVERAGE	NONE
PARCEL (6,8,10,13,14)	
DENSITY RANGE	3.5-11.99 DU/AC
LOT WIDTH (MIN)	25 FT.
MAX. BUILDING HEIGHT	35'-0"
PUD	
MINIMUM SETBACKS	
FRONT	10'
GARAGE*	20'
SIDE MINIMUM (TOTAL)	1' (6')
REAR (HOUSE)	10'
MAXIMUM LOT COVERAGE	NONE
PARCEL (15)	
DENSITY RANGE	15-24.99
LOT WIDTH (MIN)	16 FT.
MAX. BUILDING HEIGHT	40'-0"
PUD	
MINIMUM SETBACKS	
FRONT	10'
GARAGE*	20'
SIDE MINIMUM (TOTAL)	1' (6')
REAR	10'
MAXIMUM LOT COVERAGE	NONE

* MEASURED FROM BACK OF SIDEWALK TO FACE OF GARAGE

NOTE: FUTURE DEVELOPMENT PLAN SUBMITTALS MAY BE SUBJECT TO FUTURE SETBACKS AND ENCROACHMENT STANDARDS RELATED TO SITE SPECIFIC CONDITIONS AND PRODUCT TYPES.

MAX BUILDING HEIGHT TO BE MEASURED AND REVIEWED PER THE CURRENT DEVELOPMENT CODE.

The plan incorporates layout configurations for pedestrian and vehicular improvements throughout the project to afford greater connectivity between the identified project parcels to established and developing portions of the surrounding area, and future channel improvements and land dedication for parks, open space and public facilities. The pedestrian improvements are comprised of public trails along certain drainage ways and roadways. The proposed roadway improvements will consist of new public roads connecting to existing roadways in the area. Intersection improvements and turning movements will be determined with future development plan applications. While parameters for the channel improvements will be finalized with future PUD development plans; the Freestyle North at BLR project will also meet or exceed the streamside protection standards for development within the Streamside Overlay, as stated in City Code Section 7.3.508(E) *Development Standards*. The final site design and layout for the project area will be determined as part of future PUD development plan applications.

The above discussed development parameters and supportive land use mix encourage flexibility in design to create a better living environment and development proposal and reinforce why this project will be a good fit for the surrounding neighborhood.

The City's Traffic Engineering Division of Public Works (herein referenced as "Traffic") has reviewed the PUD concept plan and accompanying Traffic Impact Study; prepared by Kimley-Horn & Associates. Traffic has accepted the analysis and recommendations set forth in the study. As noted on the proposed PUD concept plan, that Applicant has agreed to dedicate acreage to the City for

future roadways such as Banning Lewis Parkway, Barnes Road, and Stetson Hills Boulevard. Traffic is requiring that the roadway extensions along the edges of the development will be constructed as 4-lane roads, with opportunities to expand these roadways in the future to a 6-lane capacity. The Applicant has accepted these terms.

Triggers for establishing timing and scope for certain street improvements has been deferred until future PUD development plan applications are reviewed. The Applicant and Traffic have also agreed that no remitting of funds triggers would be applied to the Freestyle North at BLR PUD Concept Plan, as both parties agreed to the timely construction of all future roadway and intersection improvement with the corresponding portion of the project. City Planning and Traffic will monitor the build-out of this project to determine if additional roadway or intersection improvements are necessary.

The City's Stormwater Enterprise Division of Public Works (herein referenced as "SWENT") has reviewed the PUD concept plan and accompanying preliminary drainage report, prepared by Classic Consulting. SWENT has accepted the analysis and recommendations set forth in the report. As detailed within the report, stormwater from the proposed project will be treated on-site in full spectrum stormwater facilities. The final design and siting of those facilities will be determined under future PUD development plan and final subdivision plat applications. City Planning staff notes that the above referenced applications will require the preparation and acceptance of a detailed master development drainage plan and development specific final drainage reports.

Through the project review, SWENT also noted that Tract E of Banning Lewis Ranch Filing No 2, which is partly located within the project area, is currently held by the City of Colorado Springs. This parcel of land was dedicated in 2008 to the City per the Banning Lewis Annexation Agreement. Subsequently, City Council approved the Amended and Restated Banning Lewis Ranch Annexation Agreement (Res. #36-18). Under the amended and restated agreement, specifically Subsection D *Drainage of Part IV Public Facilities*, direction is provided for administering land previously dedicated to the City for drainage facilities and is stated as follows:

D. Drainage. The Sand Creek Drainage Basin and the Jimmy Camp Creek Drainage Basin are both located on the Property. Subject to required approvals, Sand Creek Drainage Basin and the Jimmy Camp Creek Drainage Basin as contained on the Property may each be developed as separate "closed basins," with Owners being responsible, at their sole cost, to construct such storm water control systems and "Best Management Practices" ("BMPs"), drainage detention and other related facilities in conformance with the City's then-current Drainage Criteria Manual and the applicable drainage basin planning studies so as to discharge stormwater from the Property onto adjacent and downstream properties at no more than historic flows as to location, quantity and velocity. Owners will amend any existing drainage basin planning studies affecting their Property and seek the required approvals as necessary to implement this "closed basin" concept, including closure of tributary and sub-basins. In recognition of developing as "closed basin" systems, the Property shall not be subject to any additional requirement for payment of drainage fees under City ordinances. Upon receipt of appropriate approvals of the modification of the drainage basin studies showing "closed" drainage basins, the City will act on requests to convey to the applicable Owners, or vacate, any land previously dedicated to the City for drainage facilities no longer needed pursuant to the "closed basins" drainage systems. In exchange for such conveyances, any credits received by the Owners for previously-dedicated property that is conveyed pursuant to this Section will be cancelled, with any deficiency in otherwise payable fees being adjusted accordingly.

The Owners agree to maintain the detention/water quality ponds and storm water control systems and channels until areas tributary to those facilities are stabilized. Once the tributary areas are stabilized and the facilities are finally accepted by the City pursuant to City Code, the City will take ownership of the storm water control systems, channels and the areas within the detention/water quality ponds that may include items such as the trickle channels, forebays, micropools, orifice plates, trash racks and outlet structures. The Owners agree to maintain the perimeter of, and side slopes into, the detention/water quality ponds.

After City Planning Commission considered the project application in August, the City Drainage Board meet and voted on October 11, 2022 to approve the partial closure of the Sand Creek Drainage Basin. Based on the City Drainage Board's advisory decision, concurrent resolutions for the

partial basin closure and conveyance of drainage ways from the City to the applicable owner are being considered in accordance with the Amended and Restated Banning Lewis Ranch Annexation Agreement (Res. #36-18). As such, City Planning staff has removed the conditions of approval applied by City Planning Commission to their advisory recommendation to approve the project applications based on the City Drainage Board's actions noted above.

The City's Engineering Development Review Division (EDRD) and Land Use Review Division of the Planning & Community Development Department, with consultation from the Colorado Geological Survey (CGS), has reviewed the PUD concept plan and accompanying geological hazard investigation reports, prepared by ENTECH Engineering, Inc., for the project. The reviewing agencies have accepted the analysis and recommendations set forth in the reports prepared by the applicant's consultant. The documented geological hazards and engineering geological conditions on the project site included hydro compaction, loose soils, potential expansive soils, erosion, and seasonal and potentially seasonal shallow groundwater, ponded water, and floodplain areas, and artificial fill. As noted by ENTECH, the documented hazards and conditions will have some constraints on the proposed development and construction, but even the most significant problem affecting development, which is the adjacent floodplain, can be avoided. As such, ENTECH determine that the site was found to be suitable for the proposed development. This conclusion was supported by City staff and CGS. Upon approval for the Freestyle North at BLR project applications, City staff is prepared to execute the provided report.

The project applications have been evaluated for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to PlanCOS, the project site is identified as a Future Neighborhood. Through the Applicant's envisioned development of a new future neighborhood, this project looks to support the integration of a diversity of housing types, connectivity between developed and developing areas, integrate traffic measures and connections to improve the City's roadway network, and develop connected parks and gathering places. The Applicant has proposed design and dimensional controls that accommodate a variety of lot configurations and building orientations, which will enhance the surrounding land use pattern.

One of the "Big Ideas" in the Unique Places Chapter 3 of PlanCOS is entitled "Be a City of Places" which has Goal UP-1 that states:

"Enrich the texture and livability of the city as a tapestry of unique, vibrant, and walkable places."

Adaptive and responsive land use change is one of the core values of PlanCOS, including in largely undeveloped areas. Staff recommends that the diversity, location and proposed project design meets the overall intent of this idea.

The Majestic Landscapes theme (in Chapter 7 of PlanCOS) is also an important consideration. Although this overall plan will result in more areas with vertical development and less perceptual open space, staff recommends that the resulting plan supports several of the Majestic Landscapes Big Ideas including "Providing Parks for the People", "Engaging with Our Landscapes", and "Complete our Creeks". More detail can be found at: <https://coloradosprings.gov/plancos/book/introduction-vision-and-big-ideas?mlid=42926> Accessible and connected parks and trails facilities are being provided.

Finally, PlanCOS sets the high-level planning and vision and framework, and establishes a relationship and importance of related plans in providing additional direction. In this case the most

significant related plan is the City of Colorado Springs Parks System Master Plan (2014). Consistency with that document is addressed elsewhere in this staff report and has been supported by Parks.

For the reasons provided above and in this overall staff report, City Planning staff recommends that this adaptive redevelopment proposal and its associated applications are in substantially conformance with PlanCOS and its guidance.

The project site is part of the Banning Lewis Ranch Master Planned area and is currently envisioned to be developed with a mix of residential types, parks, and public facility use, and roadway connections. While the Applicant is proposing changes to the master plan land use designations within the project area, the proposed land use mix not a significant deviation from the previously envisioned land use trajectory. In fact, it positions the project area well for with the Applicant's more intense land use pattern anticipated for adjacent undeveloped holdings. City Planning staff notes that the Banning Lewis Ranch Master Planned area is currently deemed as an "Operative" plan. According to City Code Section 7.5.402(B)(1), *"A master plan that is less than eighty five percent (85%) built out with some or all of the property zoned with a temporary zoning district. There is continuous rezoning, development plan and platting activity in conformance with an approved phasing plan. Built out is when a structure or structures have been constructed on platted lots."* City Planning staff finds that the Freestyle North at BLR project to be complimentary and supportive of the long-range vision for the Banning Lewis Ranch Master Plan, which consisted of a mix of residential, commercial, and civic uses. Through staff's review of the PUD concept plan and consideration of the review criteria for establishing a PUD concept plan, as set forth in City Code Section 7.3.605, and the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E), the overall area impacts of the project were also analyzed

The project supports the City's Strategic plan goals of building community and collaborative relationships and provides a platform for the building of neighborhoods and communities through the infill redevelopment of vacant parcels with residential and civic uses. The development of new residential units will further development and investment within the area through the creation of additional rooftops and strengthen the Colorado Springs economy through the orderly growth of the corridor.

Previous Council Action:

City Council previously took action on this property in 2018 when the Amended and Restated Banning Lewis Ranch Annexation Agreement (Res. #36-18) was approved.

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

At the City Planning Commission meeting held on August 10, 2022, the project applications were heard under the Consent Calendar portion of the hearing, so no discussion occurred. The Planning Commission voted 6-0-1 (Commissioners Raughton was absent) to approve the project applications.

Stakeholder Process:

The public notification process consisted of providing notice to surrounding homeowners associations and adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 325 property owners on two occasions: as part of the internal review/neighborhood meeting and prior

to the Planning Commission hearing. The site was also posted in three (3) locations during the two occasions noted above. During the public notice period, City Planning staff received some public comments. The Applicant's response was provided to those who provided public comments.

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 Airport, City Engineering, City Traffic, City Fire, City Water Resource Engineering, Council of Neighborhood Organizations (CONO), School District #49, Colorado Geological Survey, Police and E-911. All comments received from the review agencies have been addressed. As an infill project, City Planning staff notes that the following review agency provided project specific comments:

- Colorado Geological Survey - Colorado Geological Survey reviewed the proposed concept plan, geological hazard report and envisioned land uses. Standard notes were applied to the entitlement documents to acknowledge the geological hazard analysis and documented hazards on the site. Future development plan and final subdivision plat applications will require a more detailed site-specific geological hazard and slope stability analysis once more in-depth site design and details are known.
- City Finance - The Budget Office of the Finance Department has conducted a Fiscal Impact Analysis (FIA) with a ten-year time horizon to understand the estimated expenditures and revenues attributed to the Banning Lewis Ranch Master Plan amendment application. The results of this analysis indicate a positive cumulative cashflow for the city. The reason for this outcome is largely due to the revenue collected because of construction, which is greater than the expenditures for the city.
- City Traffic - The City's Traffic Engineering Division reviewed and accepted the proposed site design and layout, and the accompanying Traffic Impact study for the project. The submitted study assessed current and projected traffic volumes based on the proposed land uses along current and envisioned roadways near the project area and concluded there will be adequate roadway capacity. The Applicant will be required to install all new roadway extensions (ie. Barnes Road, Banning Lewis Parkway and Stetson Hills Boulevard), which are stated as "Future Roadway" on the project plan. Triggers have been applied to the project plans to ensure compliance with the City's Traffic Control Manual.

Alternatives:

City Council may choose to approve, amend, deny, or refer the item back to staff or City Planning Commission.

Proposed Motion:

Approve an ordinance amending the zoning map of the City of Colorado Springs relating to 557.357 acres from R1-6000/R1-6000/cr/R5/cr/PBC/cr/PUD/SS/AO (Single-Family Residential, Single-Family Residential with Conditions of Record, Multi-Family Residential with Conditions of Record, Planned Business Center with Conditions of Record, Planned Unit Development and Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 2.0-24.99du/ac, 35'-50' Max. Building Heights; with Streamside and Airport Overlays), based upon the findings that the review criteria for establishing a PUD zone have been met, as set forth in City Code Section 7.3.603, and the review criteria for a zone change, as set forth in City Code Section 7.5.603.

An ordinance amending the zoning map of the City of Colorado Springs relating to 557.357 acres

located east of Marksheffel Road and between the future extensions of Stetson Hills Boulevard, Barnes Road and Banning Lewis Parkway from R1-6000/R1-6000/cr/R5/cr/PBC/cr/PUD/SS/AO (Single-Family Residential, Single-Family Residential with conditions of record, Multi-Family Residential with conditions of record, Planned Business Center with conditions of record, and Planned Unit Development with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 2.0-24.99du/ac, and 35-50 foot maximum building heights with Streamside and Airport Overlays)