



## Legislation Details (With Text)

**File #:** CPC V 20-00031      **Version:** 3      **Name:** BLR Village B1

**Type:** Ordinance      **Status:** Mayor's Office

**File created:** 7/28/2020      **In control:** City Council

**On agenda:** 10/13/2020      **Final action:** 10/13/2020

**Title:** Ordinance No. 20-65 vacating portions of a public right-of-way known as Banning Lewis Parkway consisting of 6.446 acres.

(Legislative)

Related Files: CPC MP 87-00381-A25MJ20, CPC V 20-00031, CPC PUZ 20-00029, and CPC PUP 20-00030

**Presenter:**  
Katelynn Wintz, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Sponsors:**

**Indexes:** BLR

**Code sections:**

**Attachments:** 1. VROW\_ORD\_BanningLewisParkway, 2. Exhibit A - Row Vacation, 3. Signed Ordinance 20-65.pdf

Date	Ver.	Action By	Action	Result
10/13/2020	2	City Council	finally passed	Pass
9/22/2020	2	City Council	approved on first reading	Pass
8/20/2020	1	Planning Commission	recommended for approval	Pass

Ordinance No. 20-65 vacating portions of a public right-of-way known as Banning Lewis Parkway consisting of 6.446 acres.

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**Summary:**

Owner: Walton Colorado LLC  
Developer: Clayton Properties Group II dba Oakwood Homes of Colorado Springs  
Representative: LAI Design Group

Location: Northeast of the intersection of Redcloud Peak Drive and Banning Lewis Parkway

The project includes four concurrent applications: a major master plan amendment, right-of-way vacation, PUD zone change and PUD concept plan. The major master plan amendment reduces the residential land use density from Residential-High (12-24 dwelling units per acre) to Residential-Medium (3.5-7.99 dwelling units per acre); the right-of-way vacation request is for 6.4 acres of platted Banning Lewis Parkway, which is currently undeveloped right-of-way. The PUD zone change request changes the zoning from R5/SS/AO (Multi-Family Residential with Streamside and Airport Overlays) to PUD/AO (Planned Unit Development: Single-Family Detached Residential, 3.5-7.99 Dwelling Units Per Acre, and a Maximum Building Height of 35 feet; with Airport Overlay). The PUD concept plan illustrates the envisioned single-family detached residential development with its proposed access points, roadway extensions, and connections to future developments.

**Background:**

The proposed Major Master Plan Amendment requests to modify the residential land use classification to reduce the density requirements from Residential-High (RH; (12-24 dwelling units per acre) to Residential-Medium (RES-M; Medium density, 3.5-7.99 dwelling units per acre) (see Exhibit A - Master Plan Amendment). The proposed land use designation change maintains a residential land use classification and is compatible with existing and proposed residential land uses to the west. The land use designation RES-M (Residential Medium) will not substantially impact public facilities, transportation, or the environment. A fiscal impact analysis confirms that the proposed changes will result in a positive cumulative cash flow during the 10-year time frame. The analysis attributes the positive outcome to the overall property assessment and demographics changes to positive impacts to sales tax revenue, property tax and taxes on building materials. The summary of expenditures and revenues page of the fiscal impact analysis does show negative annual impacts for years 2022-2030; this is attributable to the loss of population driven revenues due to the proposed density reduction.

The proposed right-of-way vacation requests a vacation of a 6.4 acre portion of the previously platted Banning Lewis Parkway situated northerly of the future Dublin Boulevard alignment (see Exhibit B - ROW Vacation). The street design for Banning Lewis Parkway has changed significantly since platting, including reducing the road classification from an expressway to a principal arterial, which reduces the needs for excess right-of-way. The right-of-way vacation request is consistent with the 2018 Amended Annexation Agreement, which states that the City will act on requests to vacate excess portions of right-of-way including any previously dedicated right-of-way for Banning Lewis Parkway in excess of 142 feet. The City's Traffic Engineering Division of Public Works (herein referred to as "Traffic Engineering") approves of the vacation request as proposed and the new easterly right-of-way line. All necessary right-of-way is retained through this request to accommodate public facilities and no City departments have requested maintaining easements within the proposed vacation area.

The requested zone change will rezone the 32.44 acre project site from R5/SS/AO (Multi-Family Residential with Streamside and Airport Overlays) to PUD/AO (Planned Unit Development with Airport Overlay) (see Exhibit C - Zone Change). The proposed rezone is for a portion of a larger 440.4-acre unplatted parcel. While the existing zoning references the streamside overlay, the inner or outer buffers of the overlay do not encumber the project site; therefore, the proposed rezoning will not include that Streamside Overlay zone. The envisioned land use is single-family detached residential with a density range of 3.5-7.99 dwelling units per acre and maximum building height of 35 feet. The rezone is substantially similar to established PUD developments to the west. The adjacent residential development is also a PUD single-family residential community and has the same density range and maximum building height as requested in this rezone. Per City Code Section 7.3.601

*Planned Unit Development Districts Purpose*, this zone district encourages flexibility of design that cannot be achieved through the application of the City's standard single use zones.

The proposed PUD concept plan consists of a conceptual design for 32.44 acres of property to be developed as medium-density residential (3.5-7.99 dwelling units per acre) with approximately 161 planned single-family detached residential units (see Exhibit D - Concept Plan). Temporary primary access to this development will be through the established residential development to the west utilizing Redcloud Peak Drive, which will extend into the project area. Upon the completion of future Banning Lewis Parkway, primary access will shift out of the residential development onto the future extensions of Dublin Boulevard and Banning Lewis Parkway to Redcloud Peak Drive. The PUD concept plan also notes that all dimensional development standards will be established with a subsequent development plan. Detached 5-foot sidewalks are envisioned to run adjacent to all public streets throughout the development for pedestrian circulation. Per the PUD concept plan review criteria, set forth in City Code Section 7.3.605 *Review Criteria for PUD Concept Plans*, the project as shown is in substantial compliance with the stated criteria. Specifically, the proposed development is consistent with the surrounding established residential development to the west and reinforces the land use patterns as established by the approved master plan as amended.

Staff has evaluated the proposed project for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to the PlanCOS Vision Map, the project site is identified as a Newer Developing Neighborhood. The project fits within the emerging neighborhood typology as defined in Chapter 2, Vibrant Neighborhoods, and this typology encourages a variety of housing types from low to medium density and ensure that careful attention is paid to the amenities the development may offer to enhance the neighborhood's livability. Banning Lewis Ranch Village B1 will be served by a Metropolitan District, which are known to finance public improvements and provide higher levels of ongoing services and amenities. Chapter 2 also identifies in Goal VN-2 to:

*"Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships and appropriate zoning and density that is adaptable to market demands and housing needs."*

Provision of newly constructed residential units is a direct response to the market needs for housing in the City, and the allowance of a PUD zone district that allows for customizable design standards benefits this goal by allowing for a variety of housing types and density mixes.

The project aligns with PlanCOS Chapter 4 Goal TE-4, which states:

*"Focus on productively developing and redeveloping areas already in, nearby, or surrounded by the city in order to preserve open spaces, maximize investments in existing infrastructure, limit future maintenance costs, and reduce the impacts of disinvestment in blighted areas."*

Policy TE-4.A encourages prioritization of development within the existing City boundaries and built environment (not in the periphery) and is further supported by Strategy TE.4-A-3 which supports greenfield development that includes mixed-use, higher density clusters, and quality design. Banning Lewis Ranch Village B1 is a proposed medium-density single family residential greenfield development within the existing City boundaries. While the proposed development is on the periphery of the built environment, staff finds the project to still substantially conform to the intent of the Policy as stated because the project site is within the existing City boundaries and is located adjacent to existing development which further reinforces the ability to maximize investments in existing infrastructure.

As discussed above, this proposal will amend the Banning Lewis Ranch Master Plan by changing the

envisioned land use designations for 32.4 acres of land. This request will transition the land use designation from RH (Residential-High) to RES-M (Residential-Medium) with a density range of 3.5-7.99 dwelling units per gross acre. Staff finds that the Residential-Medium density will allow for diversity of residential product desired with the initial classifications while also capping the total allowable density. Staff finds the proposal to be consistent with, and in substantial compliance with, the Banning Lewis Ranch Master Plan as amended.

This item supports the City's strategic plan goal to build community and collaborative relationships through the proposed infill development of a vacant parcel within the current limits of the City. This project will increase housing opportunities and prioritizing walkability and bike-friendliness in the new community, through a connected system of sidewalks, trails and parks. This development will support existing and emerging communities in the surrounding area, and strengthen the Colorado Springs economy through the orderly growth of Banning Lewis Ranch and surrounding areas.

**Previous Council Action:**

City Council previously took action on this property in 1988 when the property was zoned.

**Financial Implications:**

A fiscal impact analysis was completed for the proposed master plan amendment for a period of 2021-2030. City Fire and City Police identified that the proposed density reduction would decrease their costs of service for this development \$870 and \$11,771 respectively. The fiscal impact analysis finds the proposed changes will result in a positive cumulative cash flow for the City.

**City Council Appointed Board/Commission/Committee Recommendation:**

At the City Planning Commission meeting held on August 20, 2020, the project applications were considered under New Business. Planning Commission voted unanimously 8-0-1 (with Commissioner McMurray absent) to approve the project applications.

**Stakeholder Process:**

The public notification process consisted of providing notice to the surrounding property owners within 1,000 feet of the site, which included mailing postcards to 169 property owners on two occasions; during the initial review and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. City Planning staff received no comments in favor or in opposition to the project.

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, City Traffic, City SWENT, City Fire, City Police, District 49 and City Budget. All comments received for the review agencies have been addressed.

- Parks Department - The Parks Department determined that the development as proposed will not require parkland dedication at this time. The existing developed park area to the west will adequately service residents in this development. Future development on neighboring parcels to the south and east will require the dedication of parkland and the opportunities for trail connections between future developments.
- District 49 - District 49 expressed concern for the proposed development moving east of Banning Lewis Parkway with no consensus on school sites. On March 23, 2020, the District sent a follow up letter acknowledging that coordination is occurring to evaluate the existing

master plan to ensure the sites work for the District's needs and are comfortable with the project moving forward.

**Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration.

**Proposed Motion:**

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Adopt an ordinance vacating portions of public right-of-way known as Banning Lewis Parkway, based on the findings that the request meets the review criteria granting a street vacation as set forth in City Code Section 7.7.402(C).

An Ordinance vacating portions of a public right-of-way known as Banning Lewis Parkway consisting of 6.446 acres.