



## Legislation Details (With Text)

**File #:** ZONE-22-0021      **Version:** 2      **Name:** Falcon Trucking Zone Change

**Type:** Planning Case      **Status:** Mayor's Office

**File created:** 2/20/2023      **In control:** City Council

**On agenda:** 5/23/2023      **Final action:** 5/23/2023

**Title:** Ordinance No. 23-23 amending the zoning map of the City of Colorado Springs relating to 35.727-acres located southeast of the future Marksheffel Road and Barnes Road intersection, from PUD (Planned Unit Development: Single-Family Residential, 3.5 to 7.99 dwelling units per acre, 35' maximum building height; Multi-Family Residential, 12-24.99 du/ac, 45' maximum building height; and Commercial, 40,000 square feet gross floor area, 45' maximum building height with Airport Overlay) to PUD/AO (Planned Unit Development: Commercial, 40,000 square feet gross floor area, 45 feet maximum building height; and Residential, 24.99 dwelling units per acre maximum density, 45' maximum building height with Airport Overlay).

(Quasi-Judicial)

Related Files: MAPN-22-0008, PUDC 22-0005

**Presenter:**  
William Gray, Senior Planner  
Peter Wysocki, Director, Planning & Community Development

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal, 3. Exhibit B - Zone Change, 4. PUD Zone Change, 5. CPC\_Minutes\_04.12.23\_Falcon Trucking, 6. 7.5.603.B Findings - ZC, 7. 7.3.603 Establishment & Development of a PUD Zone, 8. Staff Presentation, 9. Signed Ordinance No. 23-23.pdf

Date	Ver.	Action By	Action	Result
5/23/2023	1	City Council	finally passed	Pass
5/9/2023	1	City Council	approved on first reading	Pass
3/8/2023	1	City Planning Commission	referred	Pass

Ordinance No. 23-23 amending the zoning map of the City of Colorado Springs relating to 35.727-acres located southeast of the future Marksheffel Road and Barnes Road intersection, from PUD (Planned Unit Development: Single-Family Residential, 3.5 to 7.99 dwelling units per acre, 35' maximum building height; Multi-Family Residential, 12-24.99 du/ac, 45' maximum building height; and Commercial, 40,000 square feet gross floor area, 45' maximum building height with Airport Overlay) to PUD/AO (Planned Unit Development: Commercial, 40,000 square feet gross floor area, 45 feet maximum building height; and Residential, 24.99 dwelling units per acre maximum density, 45' maximum building height with Airport Overlay).

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Related Files: MAPN-22-0008, PUDC 22-0005

**Presenter:**

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**Summary:**

Owner/Developer: Falcon Trucking Company

Representative: NES Colorado, Inc.

Location: Southeast of the future Marksheffel Road and Barnes Road intersection

The project includes applications for a major master plan amendment, PUD zone change and PUD concept plan major amendment for 35.727 acres of land located at the southeast corner of North Marksheffel Road and Barnes Road intersection. The project is herein referred to as “Falcon Trucking at BLR”. The major amendment to the Banning Lewis Master Plan changes the land use designation from Commercial, Residential High (12-24.99 du/ac), and Residential Medium High (3.5-7.99 du/ac) to Commercial (40,000 square feet), Residential High (12-24.99 du/ac) and Residential Medium-High (8-11.99 du/ac). The PUD zone change request would change the current zoning of PUD (Planned Unit Development: Single-Family Residential, 3.5-7.99 du/ac, Maximum Building Height 35 feet; Multi-Family Residential, 12-24.99 du/ac, Maximum Building Height 45 feet; and Commercial, 40,000 square footage, Maximum Building Height 45 feet; with Airport Overlay) to PUD/AO (Planned Unit Development: Commercial, 40,000 square feet maximum, 45 feet maximum building height; and Residential, maximum density 24.99 du/ac, maximum building height 45-feet with Airport Overlay). The proposed PUD concept plan graphically represents a proposed commercial and/or residential and residential development and access points.

**Background:**

The Applicant has requested a major amendment to the Banning Lewis Ranch Master Plan to change the land use designation from Commercial, Residential High (12-24.99 du/ac), and Residential Medium High (3.5-7.99 du/ac) for the 35.727 acres of land associated with the Falcon Trucking at BLR project to Commercial (40,000 square feet), Residential High (12-24.99 du/ac) and Residential Medium-High (8-11.99 du/ac). This change in master planned land use designations will increase the variety of residential uses and maintain the option for mixed commercial/residential and commercial uses for the project area, which is consistent with other recent requests in the immediate area and the vision of the Banning Lewis Ranch Master Plan.

The submitted zone change request proposes to rezone the project site from PUD (Planned Unit Development: Single-Family Residential, 3.5-7.99 du/ac, Maximum Building Height 35 feet; Multi-Family Residential, 12-24.99 du/ac, Maximum Building Height 45 feet; and Commercial, 40,000 square footage, Maximum Building Height 45 feet; with Airport Overlay) to PUD/AO (Planned Unit Development: Commercial, 40,000 square feet maximum, 45 feet maximum building height; and Residential, maximum density 24.99 du/ac, maximum building height 45-feet with Airport Overlay). The Applicant has proposed maximum building heights and density ranges comparable to other properties throughout the City that are similarly zoned. These development standards will govern the future build-out of the project area. The requested zone also establishes an envisioned mix of commercial and residential uses, which creates a good mix of uses that is appropriate for this location.

More specifically, there are established commercial and residential uses located at the other corners of the Marksheffel Road/Barnes Road intersection. Together, the proposed development standards

and land use controls outlined above mitigate the project’s impacts and meets the applicable City Code standards for a zone change request.

The Applicant’s proposed PUD Concept Plan for the Falcon Trucking at BLR project illustrates the layout for the envisioned commercial and residential uses as well as development standards and site access points. The proposed layout of uses creates a complimentary and supportive land use pattern for the area, which transitions from west to east with the more intensive commercial and residential high (12-24.99 du/ac) uses adjacent to Marksheffel Road to the residential medium high (8-11.99 du/ac) use. In terms of the developability more specifically, the site is constrained by high-pressure inter-state gas lines and a natural ridge that bisect the property, the site’s topography slopes down significantly to the west and east of the ridge. To further refine the compatibility of uses, the Applicant has proposed development standards by use:

<b>Land Use</b>	<b>Density/Intensity</b>	<b>Max. Bldg. Height</b>
Residential High	12-24.99 du/ac	45 feet
Residential Medium-High	8-11.99 du/ac	45 feet
Commercial	40,000sf max.	45 feet

The proposed building height is a reasonable transition and consistent with development standards found in the immediate area.

In terms of circulation, the Applicant’s plan is very conceptual so only vehicular turning movements on the periphery of the project area were identified. More specifically, while no direct access onto Marksheffel Road will be allowed from the project, turning movements from the access points off Barnes Road and Graphite Drive will have full movement intersections. The traffic control measure at each of the envisioned intersections will be determined with a future traffic impact study and development plan submittals. Further discussions of proposed roadway improvements and potential traffic impacts can be found later in this report under the Traffic subsection.

As an infill development, the Applicant’s proposal is a good fit for the surrounding area. City Planning staff find this to be true because the proposed mix of commercial and residential uses function as a transitional land use between the existing residential uses to the east and Marksheffel Road to the west, which will be reconstructed to a higher capacity roadway in the future.

The above discussed development parameters and envisioned supportive land uses mitigate the impacts of this development and reinforce why this project will be compatible with the surrounding neighborhood.

The City’s Traffic Engineering Division of Public Works (herein referenced as “Traffic”) has reviewed the proposed PUD concept plan. Since the project applications do not establish the final mix of commercial and residential uses and this segment of the Marksheffel Road corridor has recently been studied, Traffic did not require a traffic study or trip generation analysis. Traffic did, however, apply a note to the proposed PUD concept plan stipulating that “A full traffic impact study at the time of development plan will be required addressing all needed roadway improvements for Marksheffel Road and Barnes Road.” Furthermore, Traffic set the allowable turning movements off Barnes Road and Graphite Drive as full movement intersections, the traffic control measure at each intersection will be determined with the future traffic impact study. City Planning and Traffic will evaluate future development plan designs and layouts to determine if additional roadway or intersection

improvements are necessary.

Furthermore, the City is actively working toward the widening of Marksheffel Road from North Carefree Circle to Dublin Boulevard. Engineering plans for the widening from N Carefree Cir to Dublin Blvd have reached 90 percent completion, and construction is set to begin in 2025. There are interim area improvements in the works right now too. These efforts include the construction of the Marksheffel/Barnes intersection to its ultimate configuration to fit the corridor improvements and this work is scheduled to start in Spring 2023. Also, the City and the Development community are working on the construction plans for the extension of Barnes Road to the east. These projects are being done to ensure current and future transportation needs are being addressed.

The City's Water Resources Engineering Division of Public Works (herein referenced as "SWENT") has reviewed the PUD concept plan and accompanying amended master development drainage report, prepared by M&S Civil Consultants, Inc. SWENT has accepted the analysis and recommendations set forth in the report. Stormwater from future development within the project area will require full spectrum water quality and detention facilities. This design approach was found to comply with the City's Drainage Control Manual. The Applicant will be required to submit a final master development drainage report with future development plan and final subdivision plat applications.

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. (see "**PlanCOS Vision Map**" attachment) The Falcon Trucking at Banning Lewis Ranch project is consistent with one of the core values of PlanCOS, which reinforces the importance of encouraging the infill development proposals. One of the "Big Ideas" in the Vibrant Neighborhood Chapter 2 of PlanCOS is entitled "Reclaim Neighborhood Space", which has goal VN-3 that states:

*"Through neighborhood plans, associations, and partnerships, empower neighborhoods to reinvest in order to create community, vibrancy, and to address their specific vision and needs."*

To do this, PlanCOS suggests, *"New development should focus on safe connections into and within these neighborhoods"*.

A "Big Idea" from Chapter 4, entitled "Embrace Sustainability", has Goal TE-4 that 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."*

A policy for this goal further reinforces that development should *"Prioritize development within the existing City boundaries and built environment (not in the periphery)."*

Adaptive and responsive land use change is one of the core values of PlanCOS. On balance with this perspective, City Planning staff has determined that the project's land uses, location and site development standards meet the overall intent of this idea.

For the reasons provided in this overall staff report, City Planning staff finds that this project and its associated applications to be in substantial conformance with PlanCOS and its guidance.

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

**Previous Council Action:**

City Council previously acted on this property in January 2022 with the review and approval of a Banning Lewis Master Plan major amendment, zone change to PUD and PUD Concept Plan.

**Financial Implications:**

Falcon Trucking at BLR MPA amends a 35.727-acre property in the City. Based on the planned uses, this analysis evaluates the fiscal impact to the City of adding 19.65 acres of residential high density and 16.08 acres of residential medium-high density. The assumption is that development will begin in 2023 and take one year to complete.

The result of the Fiscal Impact Analysis is a negative cumulative cashflow for the City during the 10-year timeframe. The reason for this outcome is that the increased demand for service generated by adding higher density residential acreage exceeds the expected revenue that is to be generated by the development.

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

At the City Planning Commission meeting held on March 8, 2023, the project applications were heard as a part of the Consent Agenda. The Planning Commission voted 7-0-2 (Commissioners Hente and Raughton absent) to approve the consent agenda.

**Stakeholder Process:**

The public notification process consisted of providing notice to surrounding homeowners' associations and property owners within 1,000 feet of the site, which included the mailing of postcards to 342 property owners on three (3) occasions: during the internal review and prior to the Planning Commission and City Council hearings. The site was also posted during the three occasions noted above. City Planning staff received a total of five (5) correspondences from interested residents inquiring about the development and others objecting to the proposal because they thought it was a trucking company proposal.

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 Fire, City SWENT, City Parks, Council of Neighborhood Organizations (CONO), District 49, El Paso County, Police, and E-911. All comments received from the review agencies have been addressed. City Planning staff notes that the following review agency provided project specific comments:

- City Finance - The Budget Office of the Finance Department 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 result of the FIA was a negative cumulative cashflow for the city. The reason for this outcome is the increased demand for services generated by adding the high and medium density residential acreage that exceeds the expected revenue generated by the development.

- City Traffic - The City's Traffic Engineering Division reviewed and accepted the proposed site design and layout for the project. The applicant is required to submit a Traffic Impact Analysis (TIA) to analyze access locations and future roadway improvements with the submittal of a development plan.

**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:**

Approve an ordinance amending the zoning map of the City of Colorado Springs relating to 35.73 acres of land from PUD/AO (Planned Unit Development: Single-Family Residential, 3.5-7.99 du/ac, maximum building height 35-feet; Multifamily Residential, 12-24.99 du/ac, maximum building height 45-feet; and commercial, 40,000 square feet, maximum building height 45 feet with Airport Overlay) to PUD/AO (Planned Unit Development: Commercial, 40,000 square feet maximum, 45 feet maximum building height; and Residential, maximum density 24.99 du/ac, maximum building height 45-feet with Airport Overlay), based upon the findings that the PUD zone change meets the criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and the review criteria for a change of zone, as set forth in City Code Section 7.5.603

An ordinance amending the zoning map of the City of Colorado Springs relating to 35.73 acres located southeast of the future Marksheffel Road and Barnes Road intersection, from PUD (Planned Unit Development: Single-Family Residential, 3.5 to 7.99 dwelling units per acre, 35' maximum building height; Multi-Family Residential, 12-24.99 du/ac, 45' maximum building height; and Commercial, 40,000 square feet gross floor area, 45' maximum building height with Airport Overlay) to PUD/AO (Planned Unit Development: Commercial, 40,000 square feet gross floor area, 45 feet maximum building height; and Residential, 24.99 dwelling units per acre maximum density, 45' maximum building height with Airport Overlay).