



Legislation Details (With Text)

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Title: A nonuse variance from City Code Section 7.3.104.A.8 to allow a 40-foot building height within the Gold Hill Mesa Concept Plan Amendment area located southeast of Highway 24 and 21st Street

(Quasi-Judicial)

Related Files: CPC ZC 21-00051, CPC CP 04-00127-A7MJ21, AR NV 21-00388, AR NV 21-00389, AR NV 21-00390, AR NV 21-00391, AR NV 21-00393, AR NV 21-00394, AR NV 21-00395

Presenter:
Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development
Peter Wysocki, Planning & Community Development Director

Sponsors:

Indexes:

Code sections:

Attachments: 1. 7.5.802.E GuidelinesforReview_NonuseVariance, 2. 7.5.802.B Nonuse Variance Criteria, 3. 7.3.104 AG, Res, SU, TND Dev Standards

Date	Ver.	Action By	Action	Result
9/28/2021	1	City Council	approved	Pass
8/19/2021	1	City Planning Commission	referred	Pass

A nonuse variance from City Code Section 7.3.104.A.8 to allow a 40-foot building height within the Gold Hill Mesa Concept Plan Amendment area located southeast of Highway 24 and 21st Street

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Presenter:
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Peter Wysocki, Planning & Community Development Director

Summary:
 Owner: AIPA Colorado Investments, LLC; Gold Hill Neighborhood, LLC
 Developer: AIPA Colorado Investments, LLC; Gold Hill Neighborhood, LLC
 Representative: Civic Design Partnership
 Location: Southeast of Highway 24 and 21st Street

The proposed next phase of the Gold Hill Mesa development includes ten concurrent applications to rezone 33.3 acres to TND (Traditional Neighborhood Development) and PBC (Planned Business Center), to amend the Gold Hill Mesa concept plan to increase the acreage allotted for residential land uses, illustrate areas anticipated for mixed-use, and illustrate a proposed amphitheater (see “Gold Hill Mesa Concept Plan” attachment). Eight nonuse variances to the architectural standards required in the TND (Traditional Neighborhood Development) code accompany the zone change and major concept plan amendment. Having eight separate applications for each of the requested deviations from the TND section of code allows for separate considerations and actions by the City Council.

Background:

Golden Cycle Mill History:

The Gold Hill Mesa neighborhood sits on top of an old gold mill called the Golden Cycle Mill. Established in 1905, in the middle of the Colorado Gold Rush, it stood as an important mill in the region for nearly four decades. At the height of productivity, the mill processed 1,500 tons of ore per day from the Cripple Creek Mining District. It is documented that by the mid-1900s the mill had processed more gold than any other worldwide playing a role in Colorado Springs becoming a thriving frontier community. During World War II, miners were relocated and the mill closed in 1948, having produced an estimated 483,771 pounds of gold. Topsoil was then applied to the old leach ponds to promote vegetative cover, and townhomes (the Villa De Mesa neighborhood) were constructed on a portion of the site in the mid-1970s.

EPA & CDPHE:

The Environmental Protection Agency (EPA) listed the site on the national Superfund list. In 1999, real estate investors began to investigate the site and conducted studies to characterize the chemical levels within the soil and groundwater, and the resulting report (the “Dames & Moore” report) concluded the chemical levels were within safe limits established by the Colorado Department of Public Health and Environment (CDPHE). From a 1999 Gazette article; “The toughest environmental hurdle may be bureaucratic: persuading the federal Environmental Protection Agency to let the site off the Superfund list. ... Q & A ... Is the site safe, why is it listed as a Superfund site? The EPA listed the site without knowing a great deal about its problems. Since then, the EPA has determined the site doesn’t belong on the National Priorities List—a list of the worst Superfund sites. The EPA may soon determine the site doesn’t belong on the Superfund list.”

Later that year, the EPA determined the former site of the Golden Cycle Mill did not belong on the national Superfund list and oversight was transferred to state officials within CDPHE. From another 1999 Gazette article; “Developing the Gold Hill Mesa site actually is the best way to deal with its environmental problems, an official with the Environmental Protection Agency said Thursday. Pat Smith, a site assessment manager for the EPA, said investors are likely correct in their belief that Gold Hill can be built upon without removing tons of mine tailings. ... Smith said another solution could involve transferring oversight of the area to state health officials instead of the EPA. State officials could give developers the OK to build on the site under a voluntary cleanup program (VCUP) [a program] used when a site isn’t contaminated enough to tap into federal Superfund money.”

In mid-2000, the Gold Hill Mesa developer submitted their VCUP to CDPHE for review and approval. The VCUP was reviewed for two years before approval in December of 2002. The approved VCUP

described a method to protect individuals from contacting the residual tailings from the mill. This included placing additional fill material in some areas, placing a synthetic identification barrier capping the dirt which sits directly on top of the tailings, and then additional clean structural fill dirt on top of that barrier. Any intrusive (excavation) activity that is required below the identification barrier requires a special permit from CDPHE. The capping of the site for development was scrutinized heavily by the public and elected officials. Many were concerned that the chemicals could penetrate the synthetic barrier as a vapor and rise to the surface. In response to this concern, CDPHE wrote a letter dated December 18, 2002, to the City Council stating, "No contaminants have been found in the mine waste at this site that can travel as a vapor through a cap. Coverage by a parking lot, street, building foundation, or imported soil all accomplish the same thing: preventing human contact and preventing movement of the waste off the site where it could impact streams and fish."

Gold Hill Mesa Development History:

In October of 2002, the developer submitted their requests for a concept plan and zone change to the City Planning Department. A geologic hazard report accompanied the submittal and covered an area known as "Phase 1." The geologic hazard report was coordinated with the VCUP application and was referred to CGS for review who later concurred with the findings and recommendations of the report. The concept plan and zone change were approved by the City Planning Commission and City Council in 2003 with conditions that the recommendations of the geologic hazard report and VCUP are followed. Those conditions have remained on the concept plan through each amendment and are present on the subject applications. Development plans and final plats were submitted to the City Planning Department for individual filings consistently since the initial approval, and each of those filings were within the boundaries of phase one as described on the geologic hazard report. With each filing's application, a "validation letter" was included and stated the findings within the 2002 geologic hazard report were still applicable and satisfactory.

Filing 11 was submitted in March of 2019 and was the first filing outside of the phase one boundary. A full geologic hazard report was submitted for review and staff referred the review to CGS. The next month, CGS returned a review letter detailing concerns regarding the report's inadequacy in characterizing the mill's tailing ponds known to have existed beneath Filing 11 from historical aerial images of the mill. Specifically, CGS was concerned that without fully characterizing the mill tailings-measuring the stability of the soil beneath the synthetic barrier by understanding the proportion of liquid to solids-the area was at risk for liquefaction. Geologic liquefaction takes place when water-logged sediments lose their strength in response to strong ground shaking CGS was concerned liquefaction could occur if the soils had a high enough proportion of water, and those areas could act as a liquid if shaken by an event, such as an earthquake, causing a landslide. In June of 2020, a revised and peer-reviewed geologic hazard report, including a liquefaction analysis, was submitted and referred to CGS for review. Following this review, CGS commented they had no objection to the development of Filing 11. CGS commented in the review letter, "In general, our previous comments focused on the lack of data needed to identify and mitigate potential hazards. The applicant's latest submittal contains the needed testing and data. The work by the geotechnical engineer is thorough and satisfactorily identifies and provides mitigation for potential geologic hazards."

General:

The entire Gold Hill Mesa development is approximately 200 acres in size and is broken into two primary components-the residential neighborhood and the commercial district. The residential areas are zoned TND (Traditional Neighborhood Development) in order to support the development's goal

of creating connected neighborhoods. Zoning Code Section 7.3.901 describes, “The purpose of the Traditional Neighborhood Development (TND) Zone is to create a residential zoning classification that encourages a pattern of neighborhood development that was commonly built in Colorado Springs prior to World War II. These neighborhoods are characterized by a diversity of housing types integrated with neighborhood schools, parks, civic spaces and commercial uses. This traditional pattern is based on a pedestrian environment that is more people friendly than auto oriented and incorporates attractive streetscapes. Parks and open space form a network of outdoor amenities that provide for recreation, natural area preservation and pedestrian and bicycle transportation. Building design is architecturally distinctive, enhancing the streetscape and creating a definitive character for the neighborhood. ... Overall, the TND Zone is intended to promote the development of a neighborhood with a sense of place.” Gold Hill Mesa is the only neighborhood in Colorado Springs which utilizes the TND zone district.

The proposed zone change and concept plan amendment intends to redistribute the use of the TND (Traditional Neighborhood Development) and PBC (Planned Business Center) zone districts.

Zone Change & Major Concept Plan Amendment:

The TND zone currently ends at the northern boundary of Filing 11 and the Villa De Mesa neighborhood, but is proposed to be extended north and east enveloping 29 additional acres of what is currently zoned PBC (**see “Proposed Zoning Diagram” attachment**). This additional 29 acres is intended for additional single-family detached lots and single-family attached townhomes. Specific lot layout would be reviewed and finalized with a future development plan application.

Central to the Gold Hill Mesa planned development is the historic smokestack which was a part of the original mill (see photo below). The subject proposal seeks to create an amphitheater around this smokestack for a community gathering area and where the “Music on the Mesa” events could continue. This area is to be zoned PBC (Planned Business Center) as illustrated on the Proposed Zoning Diagram. The remainder of the PBC zone district is intended for pedestrian-oriented commercial development. The proposed concept plan amendment also illustrates multi-family land uses in the PBC zoned area which would require a future Conditional Use Development Plan to be approved by the City Planning Commission. Lastly, the areas closest to Highway 24, Fountain Creek, and northeast of Filing 10 are to remain as designated open space with the potential for future regional trail connections.

The review criteria for zone changes can be found in code section 7.5.603.B. It is staff’s judgement the proposed zone change to increase the residential area and to zone the amphitheater PBC (Planned Business Center) will not be detrimental to the public interest, health, safety, or general welfare, and is consistent with PlanCOS as discussed further in this report.

The review criteria for TND concept plans can be found in code section 7.3.605:

1. TND Concept Plan Review Criteria: The TND concept plan shall:
 - a. Demonstrate that the land use chart, and land use design standards are met, and land use design guidelines are considered;
 - b. Identify street types and show how the street, pedestrian, transit and bicycle circulation system are interconnected so that access for all modes of transportation is direct and convenient;
 - c. Show the general location of the utility distribution and connection system;
 - d. Identify how outdoor lighting and signage will be applied throughout the project;

- e. Include a statement of building design intent, which may include illustrations, defining height, massing, scale, materials, repetition of architectural features, window and door fenestration and roof treatments, or actual elevations. This is intended to ensure common theme(s) is applied throughout the project; and
- f. Identify phases of development.

Additionally, the standard concept plan review criteria apply and are found in code section 7.5.501.E. It is staff's judgement that the materials contained within the application for the concept plan amendment comply with the TND concept plan review criteria above. Staff also believes the request is compliant with standard concept plan criteria, and the amendment will not be detrimental to the public's health, safety, or general welfare; that the conceptual layout of uses will adequately permit light and air onto each property; the proposed traffic circulation will be adequate for the proposed uses (described in more detail in the following sections of this report); and that the proposed development will not overburden existing infrastructure.

Nonuse Variances:

Eight nonuse variance requests accompany the zone change and concept plan amendment submittal. These requests have been approved elsewhere in the existing Gold Hill Mesa development (with one exception as described further in this report), and the applicant is requesting to carry forward the resulting development pattern and architecture to future filings in the development. These requests are largely regarding architectural standards for single-family homes and various site design elements found in the TND section of code. The following is a break down of each variance request. The applicant's project statement also describes each request with photos which help illustrate the proposed change (**see "Project Statement" attachment**). The review criteria for nonuse variances can be found in code section 7.5.802.B.

Nonuse Variance #1 - Increase the size of Accessory Dwelling Units (ADU) on 7,000 square foot lots

- A nonuse variance to code section 7.3.907.A.11 which limits the square footage of ADUs to 600 square feet on lots which are 7,000 square feet or less in size in TND zones. The variance proposes to increase that maximum ADU size to 750 square feet, which is the existing maximum size for lots greater than 7,000 square feet. The TND section of code includes regulations for ADUs beyond what is currently outlined elsewhere in code and applicable to other residential zone districts. Currently, code section 7.3.105.M allows ADUs to be 50% of the size of the primary structure with a maximum of 1,250 square feet and a minimum right to build of 750 square feet. It is staff's opinion that this variance brings the Gold Hill Mesa development in line with what's allowed in other, similar residential zone districts. Other nonuse variances requesting the same have been approved for other filings in Gold Hill Mesa.

Nonuse Variance #2 - Increase lot coverage to 75%

- A nonuse variance to code section 7.3.907.A.2 which establishes a 60% maximum lot coverage for single-family detached lots. The proposed variance will increase the maximum lot coverage to 75%. Nonuse variances to this code section have been approved for other filings in Gold Hill Mesa and would continue the development pattern, and is similar to maximum lot coverages found in small-lot PUD developments. It is staff's opinion that this variance supports the intent of the TND zone district by allowing smaller lots with standard sized homes.

Nonuse Variance #3 - Allow a second story above a porch and stoops in lieu of a front porch

- A nonuse variance to code section 7.3.907.A.5 which reads; "Front porches on primary

residential units shall be included for all one- and two-family homes. The minimum depth of the porch shall be five feet (5') of unobstructed space at the narrowest point and the minimum area shall be fifty (50) square feet. A second story area above a first story porch that encroaches into a build-to zone may be constructed as a balcony, but shall not be roofed or enclosed, except with a porch railing or porch wall. Porch walls, which may be opaque, and porch railings shall not exceed forty-two inches (42") in height."

Regarding second stories above porches, the applicant requests to allow a roofed second story above a porch to maximize views from the Gold Hill Mesa development. Regarding front porches, the applicant states that stoops are better suited for lots where the grade of the back of the home is higher than the front of the home. As described previously in this report, Gold Hill Mesa slopes downward as it moves north toward Highway 24. It is staff's opinion the above code section regulates architecture beyond what is required by other single-family residential zone districts, but also does not contradict or harm the intent of the TND zone district when describing the zone's distinctive architecture or definitive neighborhood character. Nonuse variances to allow the above requested change have been approved in other areas of Gold Hill Mesa.

Nonuse Variance #4 - Allow a greater range in the front build-to-zone on all residential lots

- A nonuse variance to code section 7.3.908.A.2 which requires the front facade of a home to be in an area between 10 and 15-feet from the front property line. The nonuse variance request increases the width of the build-to-zone to 5-feet and 25-feet from the front property line allowing a greater range in the home's location on the lot. Nonuse variances to allow the above requested change have been approved in other areas of Gold Hill Mesa, and the applicant states that this greater range creates more interest from the street.

Nonuse Variance #5 - Increase allowed building height

- A nonuse variance to code section 7.3.104.A.8 which establishes a maximum building height of 30-feet where adjacent to a street cross-section for a "TND Street." This nonuse variance proposes to increase that maximum building height to 40 feet. The applicant is proposing 3-story structures, but because of the slope, additional height may be needed. This is due to how the Colorado Springs Zoning Code measures building height outside of the Hillside Overlay (code section 7.2.201), "measured from the average elevation of the finished grade adjoining the building to the highest point of the roof surface of a flat roof and to a point five feet (5') below the highest ridge of a gable, hipped, or gambrel roof. The average elevation of the finished grade adjoining the building shall be the average of the exposed exterior elevations of all major corners of the building." On a flat lot, the average elevation of the structure is relatively even with the finished floor area of the structure. However, on a sloped lot, that average elevation is brought down as illustrated to the right.

It is staff's opinion the additional building height allows for a similar home product that's currently constructed in Gold Hill Mesa to be constructed on sloped lots in the proposed residential area.

Nonuse Variance #6 - Allow garage faces to be even with the front façade of the home

- A nonuse variance to code section 7.3.907.A.15 which requires a front-loaded garage to be set back at least six feet from the front façade of the house, not including the required porch. The request would allow the garage face to be even with the front façade of the home only where there's a porch which extends six feet in front of the home. It is staff's opinion the above code section regulates architecture beyond what is required by other single-family residential

zone districts, but the request still meets the intent of the requirement and reduces construction costs of the home.

Nonuse Variance #7 - Allow wider driveways at the build-to-line for 50 residential lots

- A nonuse variance to code section 7.3.907.A.14 which states that driveways to front loaded garages on single-family lots, with 50 or more feet of street frontage, shall not exceed 20-feet in width. The request is to increase that maximum width to 24-feet for only 50 of the proposed residential lots. The applicant states this would allow for larger estate homes to have three-car garages. It is staff's opinion the additional driveway width for a total of 50 lots will not interfere with the pedestrian-oriented intent of the TND zone. A similar nonuse variance was approved elsewhere in Gold Hill Mesa.

Nonuse Variance #8 - Increase the proportion of the front façade of a home which may be a garage door for a maximum of 50 residential lots

- A nonuse variance to code section 7.3.907.A.16 which states that front loaded garages shall not exceed 40% of the width of the entire home's front façade. This nonuse variance requests this is increased to 50% only for 50 of the proposed residential lots for the same reason as the previous variance-allowing a larger estate home with a three-car garage. It is staff's opinion the additional driveway width for a total of 50 lots will not interfere with the pedestrian-oriented intent of the TND zone. A similar nonuse variance was approved elsewhere in Gold Hill Mesa.

Access, Internal Roadways, and the Traffic Impact Analysis:

The next filings of Gold Hill Mesa will intersect with 21st Street in two locations-at Wheeler Avenue and at Broadway Avenue. Each is proposed as a full movement intersection. Direct vehicular access to Highway 24 is not permitted. Pedestrian circulation and access was considered in the concept planning within this amendment. The next filings of Gold Hill Mesa will include two primary pedestrian-only corridors which will move pedestrians between the amphitheater and the commercial district and between Wheeler Avenue and the Villa De Mesa area. Future pedestrian trails are also conceptually planned along Fountain Creek which would connect to the commercial district as well as the residential portions of Gold Hill Mesa.

Gold Hill Mesa utilizes special roadway standards which were approved as part of the TND zone district, and have narrower pavement mats, emphasize sidewalks and landscaping. There are eight roadways which can be utilized in a TND development: TND Alleys, Lanes, Streets, Neighborhood Streets, Main Streets, Avenues, Boulevards, and Parkways. Because these roadway standards are adopted as part of city code, roadways utilizing the standards within a TND zone district are considered public. Within the concept plan amendment area, future filings will use a mix of TND Streets, Alleys, and the Main Street cross section which will move pedestrian and vehicular traffic from 21st Street at the Wheeler Avenue intersection to the proposed amphitheater. A private street is also proposed as the primary corridor in the commercial district. Specifics on the private street cross section will be reviewed with future development plan applications.

A Traffic Impact Analysis was reviewed and accepted by the City traffic Engineering division. This analysis concluded:

- Without the proposed development, Year 2026 operational analysis shows the signalized intersection of S 21st Street with U.S. Highway 24 will operate at LOS C during both morning and afternoon peak traffic hours. By Year 2041 and without the proposed development, the

study intersection of S 21st Street with U.S. Highway 24 anticipates overall operations at LOS C during the morning peak traffic hour and LOS E during the afternoon peak traffic hour.

- Without the proposed development, Year 2026 operational analysis shows the stop-controlled intersection of S 21st Street with Broadway Street experiences turn movement operations at or better than LOS B during the morning peak traffic hour and LOS C or better during the afternoon peak traffic hour. By Year 2041, the signalized intersection of S 21st Street with Broadway Street projects overall operations LOS A during both morning and afternoon peak traffic hours.
- Without the proposed development, Year 2026 and 2041 operational analysis shows the unsignalized intersection of S 21st Street with Wheeler Avenue has turn movement operations at or better than LOS B during the morning peak traffic hour and LOS C or better during the afternoon peak traffic hour.
- Without the proposed development, Year 2026 and 2041 operational analysis shows that the stop-controlled intersection of S 21st Street with Gold Hill Mesa Drive shows turn movement operations at or better than LOS C during both morning and afternoon peak traffic hours.
- Analysis of future traffic conditions indicates that the addition of site-generated traffic is expected to create minimal negative impact to traffic operations for the existing and surrounding roadway system. Proposed site accesses have long-term operations at LOS D or better during peak traffic periods and upon build-out.
- A northbound right turn deceleration lane at Broadway Street is required since the development's projected peak hour right turn ingress volume exceeds the City's threshold of 50 vehicles per hour. The requirement to build this deceleration lane has been added to the concept plan.
- A signal warrant analysis, using Year 2026 and 2041 total traffic volumes, was conducted for the S 21st Street intersections with Broadway Street. Year 2026 analysis results conclude that the S 21st Street and Broadway Street intersection will require signalization. On the concept plan amendment, a note was added stating, "Prior to construction plan approval, the developer is required to fully remit \$150,000 for the future traffic signal at 21st Street and Broadway Avenue."

Geologic Hazard Report & Recommendations:

A "concept plan level" geologic hazard report was produced for the remaining concept plan area yet to be developed. Future, site specific, geologic hazard reports will be required with development plan applications and referred to CGS for review. This higher-level analysis considered the historical context of the site, conducted a subsurface investigation, and analyzed seismicity and liquefaction. Overall, the report concluded the concept plan area can be developed following additional study of specific areas and recommendations to mitigate hazards are followed. The report states, "we did not identify geologic hazards that we believe preclude development of the site for the construction as conceptually planned following the remediation discussed" (page 15).

On July 2, 2021, CGS issued their review of the submitted report. Their review states, "CGS has no objection to the approval of the Concept Plan and Zone Change provided there is strict adherence to

all the recommendations found in CTL Thompson’s report during development” (see “**July 2, 2021 CGS Review**” attachment). CGS recommended the city require additional study of consolidation with future grading plans, and that site-specific geologic hazard reports are produced. City Engineering concurred with CGS’s assessment, and two notes were added to the concept plan requiring the above be reviewed at future stages.

Conformance with the Area’s Master Plan, PlanCOS, and the City’s Strategic Plan:

The Midland Master Plan was established in 1980, and states, “owners submit master plans for development in this area” for the Gold Hill Mesa area. Staff finds the requests compliant with the master plan, because the master plan intended the area to be reviewed independent of the Midland Master Plan.

The residential component of this project is supported by elements in the Vibrant Neighborhoods chapter by fitting within the Emerging Neighborhoods typology. Recommendations for this typology include incorporating higher density housing and a mix of housing types on remaining parcels. This project supports Strategy VN-2.A-3 which discusses supporting land use decisions that provide a variety of housing types and sizes, serving a range of demographic sectors. A number of other policies and strategies within this chapter also support a mixture of commercial and residential land uses which create a community gathering place-specifically policy VN-3.E which encourages and supports the integration of mixed-use developments in neighborhoods.

The commercial component of the Gold Hill Mesa development speaks to the Thriving Economy chapter of PlanCOS. It is staff’s opinion that the proposal would create an “experience economy” which is a listed typology for the chapter. This typology recommends highlighting local and regional destinations, attracting large-scale retail, entertainment, and lodging, and creating walkable destinations. The goal of this typology is to support a variety of high quality existing and new attractions and related amenities appealing to a diverse mix of interests and incomes. Additionally, Strategy TE-1.C-2 states, “support and leverage projects and initiatives with mixed uses, transit supported and walkable attributes to attract and retain a skilled workforce and business investment.”

The Unique Places chapter of PlanCOS is also applicable. Gold Hill Mesa fits within the “Neighborhood Center” typology within the Unique Places chapter. This typology recommends integrating character and neighborhood-defining features, designing buildings at a pedestrian scale, reinforcing connections to outdoor spaces, and integrating different uses. Gold Hill Mesa embodies these recommendations by utilizing the TND (Traditional Neighborhood Development) zone district, emphasizing pedestrian circulation, providing outdoor community areas such as the proposed amphitheater, and providing a commercial district accessible to the pedestrian.

For the above reasons, it is staff’s judgment the proposed Gold Hill Mesa development is compliant with and supports the goals and policies within PlanCOS.

This item supports the City’s strategic plan goal to promote job creation by supporting new development-a critical influence for a resilient economy. Further, the subject proposal will increase housing variety and opportunities in a desirable area of town.

Previous Council Action:
None.

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

The City Planning Commission voted 7-0-2 (Commissioners Graham, Almy, Slattery, McMurray, Raughton, Eubanks, and Wilson in favor, and Commissioners Hente and Rickett were absent), as part of the New Business calendar, to approve the subject applications for Gold Hill Mesa.

Stakeholder Process:

The initial public notification process for the zone change and concept plan amendment consisted of placing a poster on the project site and sending postcards to 952 property owners within the standard 1,000-foot buffer of the subject site. Staff received comments from seven property owners within the 1,000-foot radius. Comments were also received from the Villa De Mesa Homeowners Association regarding compliance with an agreement between the Gold Hill Mesa development and the Villa De Mesa neighborhood. The agreement stated that roof lines of the units on the lots bordering Villa De Mesa to the north will not be more than 36-inches higher than the corresponding finished floor elevations of the Villa De Mesa units. At this time, the applicant has ensured compliance and noted such on the Concept Plan amendment. Following first review of the two applications, staff determined nonuse variances would be required for items described on the concept plan (discussed in more detail in the following sections of this report). Staff required a new poster to be posted onsite notifying of the formal application of the requests.

The Gold Hill Mesa development team hosted two meetings (April 6, 2021 and July 20, 2021) for Gold Hill Mesa neighborhood residents, and one meeting with Villa De Mesa neighborhood residents (April 8, 2021) to learn more about the proposed zone change, major concept plan amendment, and the eight nonuse variance requests. A fourth neighborhood meeting was held on August 10, 2021. Prior to the August 10, 2021 meeting, staff mailed 1,126 postcards to all property owners within 1,000-feet of the subject site, and extended south to reach all property owners within the Gold Hill Mesa development. Two posters were also posted within the Gold Hill Mesa development notifying of the meeting's date, time, and location.

Staff then noticed all ten applications prior to the City Planning Commission and City Council meetings by posting a poster on the subject site and mailing postcards to 952 property owners detailing the meeting's information. For each of the notification rounds, the Council of Neighbors and Organizations (CONO) emailed an additional notification to all Homeowners Associations and Metro Districts with jurisdiction in 1,000-foot buffer of the subject site. This included an email notice to A-1 Mobile Home Village, Bear Star Property Owner's Association, Broadview Terraces Homeowners Association (HOA), Broadway Heights Townhomes HOA, Garden View Townhomes HOA, Gold Hill Mesa Community Association, Gold Hill Mesa Heirloom Townhome Association, Gold Hill Mesa Metro District, Gold Hill Mesa Neighborhood Association, Organization of Westside Neighbors, Townes at Gold Hill Mesa Condominium Owners Association, and Villa De Mesa HOA. .

Public comments were received during each of the notification rounds described above (**see "Public Comments" attachment for comments received prior to the publishing of the staff report and see "Additional Public Comments" for comments received after the publishing of the staff report**). Largely, individuals are concerned with increased traffic, increased noise caused by the proposed amphitheater, and obstructing views. Many also commented on adding additional open space and community amenities to the neighborhood such as additional benches or pool. Regarding the proposed variances, concern was raised with varying from the traditional architecture exhibited in

Gold Hill Mesa.

Staff input is outlined in the following sections of this report. The applications were sent to the standard internal and external agencies for review including Colorado Springs Utilities, City Traffic Engineering, City Engineering, Landscape, Colorado Springs Fire Department and Police/E-911, the Stormwater Enterprise, School District 11, and Parks, Recreation and Cultural Services. Minor revisionary comments were received and addressed. At this time all comments from review agencies have been addressed.

- Colorado Springs Fire Department: Minor revisionary comments were returned during review of the applications; there are no concerns with ability to service the property.
- City Traffic Engineering: Comments received stated Traffic Engineering agreed with the findings in the submitted Traffic Impact Analysis. Details on this analysis are discussed in the following sections of this report.
- Colorado Geologic Survey (CGS): CGS has no objection to the approval of the zone change and concept plan provided there is adherence to all the recommendations found in the geologic hazard report. Those recommendations have been added as notes on the concept plan. Details on the history of Gold Hill Mesa and this project's geotechnical analysis are discussed in the following sections of this report.

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:

AR NV 21-00392

Approve the nonuse variance from City Code Section 7.3.104.A.8 to allow a 40-foot building height, based upon the finding that the request complies with the review criteria for granting nonuse variances as set forth in City Code Section 7.5.802.B.

NA