



## Legislation Details (With Text)

**File #:** CPC ZC 21-00084    **Version:** 4    **Name:** Colorado College

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

**File created:** 12/6/2021    **In control:** City Council

**On agenda:**    **Final action:** 2/22/2022

**Title:** Ordinance No. 22-08 amending the zoning map of the City of Colorado Springs relating to 1.57-acres located on the block bound by East Dale Street, North Weber Street, East Cache la Poudre Street, and North Nevada Avenue from the C5 (Intermediate Business) and R4 (Multi-Family Residential) to SU/cr (Special Use with conditions of record) zone

(Quasi-Judicial)

Related Files: CPC MP 97-00261-A7MN21, CPC DP 21-00085

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department  
Peter Wysocki, Planning Director, Planning and Community Development Department

**Sponsors:**

**Indexes:** Colorado College Master Plan, Master Plan Amendment

**Code sections:**

**Attachments:** 1. ORD\_ZC\_ColoradoCollege\_w\_CR, 2. Exhibit A - Legal Desc, 3. Exhibit B - Zone Change, 4. Figure 3 - Zoning Exhibit, 5. Figure 7 - Zone Change, 6. 7.5.603.B Findings - ZC

Date	Ver.	Action By	Action	Result
2/22/2022	3	City Council	finally passed	Pass
2/8/2022	2	City Council	approved on first reading	Pass
2/8/2022	2	City Council	postpone to a date certain	Fail
12/16/2021	1	Planning Commission	failed for lack of second	
12/16/2021	1	Planning Commission	recommended for approval	Pass

Ordinance No. 22-08 amending the zoning map of the City of Colorado Springs relating to 1.57-acres located on the block bound by East Dale Street, North Weber Street, East Cache la Poudre Street, and North Nevada Avenue from the C5 (Intermediate Business) and R4 (Multi-Family Residential) to SU/cr (Special Use with conditions of record) zone

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**Summary:**

Owner: Colorado College

Developer: Colorado College

Representative: N.E.S. Inc.

Location: Nine parcels covering 1.57-acres on the block bound by E. Dale St., N. Weber St., E. Cache la Poudre St., and N. Nevada Ave.

An application to change the zoning of nine Colorado College owned parcels from the C5 (Intermediate Business) and R4 (Multi-Family Residential) zone districts to the SU (Special Use) zone district to allow the same use and bulk standards as the rest of the campus. The properties are on the southeastern edge of the Colorado College campus in a mixed-use area with commercial, office, institutional, multi-family, and single-family uses all on the same block.

**Background:**

Colorado College was established in 1874 on 20-acres of land that was set aside by General William Jackson Palmer specifically for higher education. The first class at the College was held on May 6, 1874, two years prior to Colorado officially becoming a State. Over the last 147 years the College has grown, expanded, planned, and replanned many times. Currently, the College has just over 2,000 students on a roughly 90-acre campus. The vast majority of the campus has the SU (Special Use) zone, though there are a few properties that have other zones including: FBZ-T2A, C6, R-1-9000, and R-1-6000 (as well as the subject properties which currently have C5 and R4 designations). Uses on the campus include fairly typical college uses such as dormitories, classrooms, faculty offices, research facilities, sports/recreation, support services, and cultural facilities. The vast majority of the campus, as well as a number of City blocks east of campus, have been zoned SU since the zone was initially established in 1965.

Colorado College has acquired the nine subject parcels over the last seven years; most are currently used for off-campus student apartments. Two of the subject properties are currently zoned C5 (Intermediate Business) while the other seven are zoned R4 (Multi-Family Residential). The proposed zone change to SU (Special Use) will allow a wider range of uses associated with the College including: administrative and faculty offices, student services, and student housing.

City Code requires that a zone change application be consistent with the associated master plan and be supported by either a concept plan or development plan. To address these requirements, the College has concurrently submitted a minor amendment to the Colorado College Master Plan to add the nine parcels to the plan's maps, and also submitted a development plan illustrating the existing structures, proposed land uses, and parking areas. It is important to note that no physical changes to the site or its structures are shown on the development plan; any future changes to the subject properties will require an amendment to the development plan to be reviewed and approved through standard City procedures, including public notice.

The SU zone is described in City Code as accommodating "primarily colleges or universities and those uses customarily associated with and in close proximity to those institutions." As stated, above, the vast majority of the Colorado College campus is currently zoned SU. Additionally, the area immediately east of the campus, extending beyond North Shooks Run Park to N. Prospect St. is also zoned SU. An exhibit of the area's zoning is included as Figure 3 in the Planning Commission packet.

The Use and Bulk standards for the SU zone are comparable, though somewhat more permissive, than the existing zones. The table below (also provided in the Planning Commission staff report) is provided to illustrate the multi-family residential density allocations, as well as the minimum setbacks,

maximum lot coverage, maximum building height, and permitted uses in the existing and proposed zones. While higher density, and taller buildings are permitted in the SU zone than the existing C5 or R4 zones, the SU zone requires larger building setbacks than either existing zone and has fewer permitted uses than the C5 zone district.

All three land use applications (master plan amendment, zone change, and development plan) must be evaluated with the required evaluation criteria. Planning Staff has concluded that the required criteria are met for all three applications; more detailed analysis is provided within the Planning Commission staff report.

The applications are consistent with PlanCOS, the City’s Comprehensive Plan, in that the proposed actions support a key educational and cultural resource for the community, in a higher-density, mixed-use area on the edge of Downtown Colorado Springs. Specific policies and strategies within the Vibrant Neighborhoods and Unique Places chapters support the proposed zone change. The Planning Commission Staff report provides specific examples and plan details that justify the applications.

	C-5	R-4	SU
Multi-Family Density*			
1-story	1,400 sf	2,500 sf	1,000 sf
2-story	1,100 sf	2,000 sf	800 sf
3-story	900 sf	1,500 sf	700 sf
4-story	800 sf	N/A	600 sf
Townhome Product	2,200 sf	3,000 sf	N/A
Setbacks			
front	20'	20'	25'
rear	20'	5'	25'
side	0	25'	5'
Lot Coverage	N/A	35%	50%
Max Height	45'	40'	60'
Uses	Wide range of residential, office, commercial, civic, educational, and light industrial	Residential, educational, daycare homes, religious institutions	Educational, residential, B & B, office, cultural, daycare, religious institutions

\*minimum sf per DU; C5 figures are via R5 Zone

**Previous Council Action:**

City Council has taken action on a number of Colorado College applications in the area in the recent past. Multiple amendments to the College Master Plan have been approved since the current version was approved by Council in 1997. Some of those amendments were initiated to support zone change requests to expand the SU zone. Most recently, in 2019 City Council approved a number of applications, including a master plan amendment, immediately west of the subject properties to allow the construction of Robson Arena.

On February 8<sup>th</sup> 2022 City Council held the public hearing for all three applications associated with

this project. After considerable discussion regarding the proposed zone change to SU (Special Use), City Council approved a modified ordinance establishing the SU/cr (Special Use with Conditions of Record) zone district. The majority of Council found that the SU zone was appropriate for the property if two conditions of record were established for those parcels east of the public alley bisecting the district. The conditions of record require the development east of the alley to substantially comply with the Design Guidelines for the North Weber/Wahsatch Historic District and set a maximum building height of 40 ft. The motion to approve the SU/cr zone passed 8 - 1 with Councilmember O'Malley dissenting.

**Financial Implications:**

N/A

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

On December 16, 2021 the City's Planning Commission voted to recommend approval of all three applications. The votes for the Master Plan amendment and development plan were unanimous while the vote for the zone change was 4 - 1 with Commissioner Rickett opposed. Commissioner Rickett made a motion, which failed for a lack of a second, approving the proposed zone change to SU but adding a condition of record which restricted uses within the zone to the current uses on the properties. The other commissioners expressed comfort that presence of a development plan, which regulates current and future uses of the properties, provides adequate protections for neighbors and stakeholders as future use changes would trigger development plan amendments with standard public notice and participation opportunities.

**Stakeholder Process:**

The public process involved with the review of these applications included posting of the site and sending 263 postcards on two separate occasions to all property owners within a 1,000-foot buffer area. Numerous e-mails and communications were received in response to these notifications (see **FIGURE 5** from the Planning Commission packet). While most stakeholder comments express opposition to the applications, Staff also received letters of support and letters expressing support if certain conditions or restrictions are applied. Concerns relate to a range of issues, but primarily due to concerns with Colorado College expanding into adjacent neighborhoods.

Two virtual pre-application neighborhood meetings were held on March 10<sup>th</sup> and March 11<sup>th</sup>, 2021 (one in the AM and one early evening meeting) where stakeholders could hear from the College and their representatives about their desired change of zone. Participation was limited, but key neighbors and neighborhood representatives were able to participate.

There has been notable stakeholder interest regarding this project, particularly from the leaders of Near North End Neighborhood Association and the newly formed Historic Neighborhoods Partnership. While a few individual property owners in the area have shared their thoughts with staff, the number of individuals not associated with local neighborhood groups who have voiced concerns has been minimal. That said, Staff is certain that local neighborhood representatives have been communicating with their members and coordinating concerns into a comprehensive opinion.

**Figure 5** from the Planning Commission packet includes all the written input received by Staff regarding the proposed project. Concerns span a wide range of issue including the College's continued encroachment into adjacent neighborhoods, historic preservation concerns, the value in transitional land uses and densities in a mixed-use area on the edge of downtown, ample supply of

SU zoned properties east of campus, the wide range of uses that are permitted in the SU zone, and the uncertainty of the RetoolCOS process on the future of the SU zone.

For roughly two years, the City has been engaged in a process to update the City's Zoning and Subdivision code; this process is referred to as RetoolCOS. One element of this effort has been to analyze existing zone districts and to make changes to the list of permitted uses and bulk standards where appropriate. One point of discussion, among many, has been the future of the SU given its relative limited use across the City. The "consolidated draft" of the City's new code was released in September 2021 and based on feedback received from stakeholders from previous Modules, proposes that the SU zone become a new district named "Mixed-Use Transition." While the name of the zone may change, most of the bulk standards as well as the permitted, conditional and prohibited uses for the new zone remain identical to the existing SU standards.

While current drafts of RetoolCOS proposed little change to the SU zone, many stakeholders believe that the timing of the proposed code, the evolution of the SU / Mixed-Use Transition standards, and overall uncertainty of the future zone code leads to a conclusion that the proposed zone change should be denied or delayed until after RetoolCOS adoption. While Staff understands these concerns, we're responsible for acting on the application at hand under the Code that is currently in place. Staff finds that the proposed zone change is consistent with current standards and criteria and if stakeholders have concern or opposition to proposed changes via RetoolCOS, then they can participate in that process and advocate for changes to the draft code.

The applications were reviewed by all standard City agencies including, Public Works, Traffic Engineering, Colorado Springs Utilities, Water Resource Engineering, Parks and Recreation, and others. All reviewers support the project; a few remaining technical concerns on the development plan are included as Technical Modifications at the end 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 Motions:**

CPC ZC 21-00084

Adopt an ordinance amending the zoning map of the City of Colorado Springs relating to 1.57-acres located on the block bound by East Dale Street, North Weber Street, East Cache la Poudre Street, and North Nevada Avenue from the C5 (Intermediate Business) and R4 (Multi-Family Residential) to SU/cr (Special Use with conditions of record) zone, based upon the finding that the application complies with the review criteria in City Code Section 7.5.603.B and the criteria for conditions of record as set forth in City Code Section 7.3.507.A, with the following two Conditions of Record, applicable only to those properties east of the alley which include 802, 810, 812, 816, 818, 820, and 822 North Weber Street, and 222 and 228 East Dale Street:

1. Development shall substantially comply with the "Design Guidelines for the North Weber/Wahsatch Historic District" produced by the City of Colorado Springs, published in 1990; and
2. Future development shall not exceed a maximum building height of forty feet (40').

An ordinance amending the zoning map of the City of Colorado Springs relating to 1.57-acres located on the block bound by East Dale Street, North Weber Street, East Cache la Poudre Street, and North

Nevada Avenue from the C5 (Intermediate Business) and R4 (Multi-Family Residential) to SU/cr (Special Use with conditions of record) with the following two Conditions of Record, applicable only to those properties east of the alley

1. Development shall substantially comply with the “Design Guidelines for the North Weber/Wahsatch Historic District” produced by the City of Colorado Springs, published in 1990; and
2. Future development shall not exceed a maximum building height of forty feet (40’).