



Legislation Details (With Text)

File #: CPC ZC 17-00096 **Version:** 3 **Name:**
Type: Planning Case **Status:** Mayor's Office
File created: 10/9/2017 **In control:** City Council
On agenda: 1/9/2018 **Final action:** 1/9/2018

Title: Ordinance No. 17-120 amending the zoning map of the City of Colorado Springs pertaining to 43.08 acres located northwest of Powers Boulevard and Platte Avenue from PUD/AO/SS (Planned Unit Development with Streamside and Airport Overlay) to PUD/AO/SS (Planned Unit Development: Single-Family Residential, 8-11.99 Dwelling Units per Acre, Maximum Building Height of 35 Feet; Multi-Family Residential, 25+ Dwelling Units per Acre, Maximum Building Height of 55 Feet; Private Open Space with Streamside and Airport Overlay).
(Quasi-Judicial)

Related File: CPC PUP 08-00157-A1MJ17

Presenter:
 Lonna Thelen, Principal Planner, Planning and Community Department
 Peter Wysocki, Director of Planning and Community Development

Sponsors:

Indexes: Patriot Park

Code sections:

Attachments: 1. ZC_ORD_Patriot Park, 2. EXHIBIT A - Legal Description, 3. EXHIBIT B - Zone change depiction, 4. Vicinity Map, 5. Signed Ordinance 17-120

Date	Ver.	Action By	Action	Result
1/9/2018	2	City Council	finally passed	Pass
12/12/2017	2	City Council	approved on first reading	Pass
11/28/2017	2	City Council	postpone to a date certain	Pass
10/19/2017	1	Planning Commission	referred	Pass

Ordinance No. 17-120 amending the zoning map of the City of Colorado Springs pertaining to 43.08 acres located northwest of Powers Boulevard and Platte Avenue from PUD/AO/SS (Planned Unit Development with Streamside and Airport Overlay) to PUD/AO/SS (Planned Unit Development: Single-Family Residential, 8-11.99 Dwelling Units per Acre, Maximum Building Height of 35 Feet; Multi-Family Residential, 25+ Dwelling Units per Acre, Maximum Building Height of 55 Feet; Private Open Space with Streamside and Airport Overlay).
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Presenter:
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 Peter Wysocki, Director of Planning and Community Development

Summary:

Applicant: NES Inc

Owner: Patriot Park Investments, LLC

Location: Northwest of Powers Boulevard and Platte Avenue

An appeal was filed on October 30, 2017 by Silver & DeBoskey, P.C. regarding the City Planning Commission's decision to recommend approval to the City Council of the proposed zone change and concept plan applications associated with the Patriot Park project (**EXHIBIT 1**).

This project includes concurrent applications for a zone change and concept plan for Patriot Park. The zone change will rezone the property from PUD/AO/SS (Planned Unit Development with Airport Overlay and Streamside Overlay) to PUD/AO/SS (Planned Unit Development with Airport Overlay and Streamside Overlay). The original PUD is a combination of the OC (Office Complex), PBC (Planned Business Center) and PIP-1 (Planned Industrial Park) zone districts, with limited uses adjacent to the Sand Creek. The proposed PUD will allow multi-family, single-family and private open space.

The appellant has requested the onetime, non-discretionary postponement of the appeal hearing as permitted in City Code Section 7.5.906.B.3 (**EXHIBIT 2**).

Previous Council Action:

This item was presented to City Council on December 12, 2017. The ordinance passed on first reading with a vote of 6:3, with Council members Knight, Pico, and Avila opposing.

Background:

The appeal of the October 19, 2017 City Planning Commission's decision to approve the aforementioned zone change and concept plan applications was filed with the City Clerk on October 30, 2017. The appeal was scheduled for City Council consideration on November 28, 2017. However, the appellant has requested postponement of the hearing until the next available City Council date, that being on December 12, 2017. The appellant justifies the request in writing, indicating that the owner will not be able to be in town on November 28, 2017 (EXHIBIT 2).

Financial Implications:

N/A

Board/Commission Recommendation:

At their regular meeting on October 19, 2017, the Planning Commission voted 6-3 to recommend approval of the requested zone change and concept plan applications.

Stakeholder Process:

The public process involved with the review of the applications included posting the site and sending postcards to 150 property owners within 1000 feet with the internal review and prior to the City Planning Commission hearing. Public comment was received from the neighboring office park. They commented that the proposed residential and park use is incompatible with the surrounding office uses.

Staff sent plans to the standard internal and external review agencies for comment. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, Police, Enumerations, Floodplain, Real Estate Services, City Landscape, Parks, Comcast, School District 11 and E-911. This site is within the

Airport Overlay and was reviewed by the Airport Advisory Committee and it is also within the review area for Peterson Airforce Base; both agencies reviewed the plans and did not object to the applications

Alternatives:

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Grant the appeal and reverse the action of the City Planning Commission - granting of the appeal will essentially deny the project as proposed; or
4. Refer the matter back to the City Planning Commission for further consideration

Proposed Motion:

CPC ZC 17-00096 - APPEAL

Deny the appeal and uphold City Planning Commission's decision to recommend approval to the City Council of the zone change application CPC ZC 17-00096 based on the findings that the application meets City Code Section 7.5.603(B) and 7.3.603 (Review Criteria to establish and zone and for the PUD zoning).

Uphold the appeal and deny the City Planning Commission's decision to recommend approval to the City Council of the zone change application CPC ZC 17-00096.

Planning Commission's Recommendation

Adopt an ordinance amending the zoning map of the City of Colorado Springs pertaining to 43.08 acres from PUD/AO/SS (Planned Unit Development with Streamside and Airport Overlay) to PUD/AO/SS (Planned Unit Development: Single-Family Residential, 8-11.99 Dwelling Units per Acre, Maximum Building Height of 35 Feet; Multi-Family Residential, 25+ Dwelling Units per Acre, Maximum Building Height of 55 Feet; Private Open Space with Streamside and Airport Overlay), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) and complies with City Code Section 7.3.603 for establishment of a PUD zone.

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 43.08 acres located northwest of Powers Boulevard and Platte Avenue from PUD/AO/SS (Planned Unit Development with Streamside and Airport Overlay) to PUD/AO/SS (Planned Unit Development: Single-Family Residential, 8-11.99 Dwelling Units per Acre, Maximum Building Height of 35 Feet; Multi-Family Residential, 25+ Dwelling Units per Acre, Maximum Building Height of 55 Feet; Private Open Space with Streamside and Airport Overlay).