



## Legislation Details (With Text)

**File #:** 14-0709      **Version:** 2      **Name:**

**Type:** Ordinance      **Status:** Consent - Second Pres

**File created:** 11/6/2014      **In control:** City Council

**On agenda:** 1/13/2015      **Final action:** 1/13/2015

**Title:** Ordinance No. 14-109 amending the zoning map of the City of Colorado Springs relating to 12.99 acres located southeast of the Tutt Boulevard and Sorpresa Lane intersection. (CPC PUZ 13-00073) (Quasi-Judicial Matter)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Cumbre Vista Apartments-Ordinance, 2. Cumbre Vista Apartments-Exhibit A, 3. Criteria-7.5.603-Zone Change, 4. Criteria-7.3.603-PUZ Zone, 5. Signed Ordinance\_14-109

Date	Ver.	Action By	Action	Result
1/13/2015	2	City Council	approved on first reading	Pass
12/9/2014	1	City Council	approved on first reading	Pass
11/25/2014	1	City Council	postpone to a date certain	Pass

Ordinance No. 14-109 amending the zoning map of the City of Colorado Springs relating to 12.99 acres located southeast of the Tutt Boulevard and Sorpresa Lane intersection. (CPC PUZ 13-00073) (Quasi-Judicial Matter)

**From:**

Peter Wysocki, Planning and Development Director, Planning and Development Department

**Summary:**

This project includes the following applications: 1.) the Powerwood 3-6 Master Plan Amendment, 2.) a change of zone district from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay for multi-family residential use, 12 to 18 dwelling units per acre and maximum building height of 45 feet), and 3.) the Cumbre Vista PUD Development Plan (the zone change and development plan are quasi-judicial applications). The property is located southeast of the Tutt Boulevard and Sorpresa Lane intersection and consists of 12.99 acres.

The applications would allow for the development of the Cumbre Vista Apartment project. The project proposes 204 apartments units, ten buildings, a clubhouse and a private recreational area.

Note: This property was reviewed and approved for annexation, a master plan and zoning to A (Agricultural) in 2006. However, the annexation process was not completed and the annexation plat was not recorded. The City Council recently re-approved the annexation and authorized the City Council President to sign the annexation plat and annexation agreement. The plat, agreement, and original approval ordinance were recently recorded, therefore this property is now located within the City.

### **Previous Council Action:**

The City Council originally approved the annexation in September of 2006. The City Council reaffirmed that approval on January 13, 2014. No other City Council action has occurred regarding these pending applications.

### **Background:**

The following provides a brief summary of the important issues related to this project:

Once the neighborhood decided to support the 204-unit apartment proposal, subject to the following conditions, the previous issues and concerns were addressed as part of the normal development review process and plan evaluation. Refer to the following stakeholder process section.

**Architectural Design:** The neighborhood requested that the structures' exterior finish match and compliment the aesthetics of their Cumbre Vista neighborhood, including tan and brown, earth toned stucco and stone. The developer agreed and the result is shown on the development plan's building elevation plan sheets.

**Playground:** The neighborhood requested that the project include on-site private recreational amenities similar to the existing Cumbre Vista neighborhood park, including playground equipment and a basketball court. The neighborhood also asked that the location of the facilities, shown on an early plan draft in the northeast corner, be moved to the northwest corner. The developer agreed and the result is shown on Sheet 1 of the development plan.

**Median Landscaping:** The neighborhood requested that the existing median located within Tutt Boulevard be landscaped and maintained by the developer. The developer agreed to the landscaping and the result is shown on Sheets 3, 4, 6, and 8 of the development plan's preliminary landscape plan. The Woodmen Heights Metro District has agreed to maintain the landscaping within the median and is stipulated as a modified plan note.

**Perimeter Wall:** The neighborhood requested that a perimeter wall be installed to match the existing Cumbre Vista wall. The developer agreed to install the wall on the west and north sides of the project only, since an existing fence was previously installed along the east side and is not necessary along the south side. The neighborhood representatives agreed. The wall is shown on Sheet 1 of the development plan.

**Woodmen Heights Metro District:** The neighborhood requested that the project and developer participate in, and not buy out, the Woodmen Heights Metro District. The developer agreed and this is shown as a plan note on the cover sheet of the development plan.

### **Financial Implications:**

The City Budget Department previously prepared a fiscal impact analysis report for this project during the annexation process; they found a positive cumulative cash flow for the City. The financial implications of the proposed development applications were not analyzed.

### **Board/Commission Recommendation:**

The City Planning Commission unanimously approved the applications at their March 20, 2014, regular meeting.

### **Stakeholder Process:**

This project has been subject to intense neighborhood involvement, review, and constructive input. It has been the subject of four neighborhood meetings.

During the pre-application stage, the first neighborhood meeting was conducted on July 19, 2012 at the Cottonwood Creek YMCA Recreation Center, after the initial notification resulted in the neighborhood's desire to conduct the meeting. Approximately 80 persons attended the meeting. The proposal described at that time included 286 apartment units. Neighborhood concerns included: market demand for apartments, grading, quality, access to site, affordability, shared park use with the existing neighborhood, traffic generation and distribution, security and crime concerns, school impacts, applicant's willingness to negotiate with the neighborhood, and the project's participation in the Woodmen Heights Metro District (WHMD). Many e-mails and a petition in opposition to the project were received at that time.

The second pre-application neighborhood meeting was conducted on August 8, 2012 at the Stetson Hills Police Station. Approximately 75 persons attended the meeting. The meeting was conducted together with then Councilperson Dougan, in order to explain the planning review process for this project to the neighborhood. Efforts to focus on process related issues and avoid discussing the project itself were somewhat successful.

The third pre-application neighborhood meeting was conducted on September 13, 2012 at the Stetson Hills Police Station. Approximately 35 persons attended the meeting. This meeting was conducted by the developer to explain three possible project alternative scenarios. Neighborhood concerns included: the City's pre-application review of the 286 unit project; wall enclosures, consideration of single-family dwellings, protecting the private access easement, the review process, grading and building elevations, traffic concerns, and WHMD participation. The developer asked the neighborhood to support Alternative #3, the 204 unit proposal.

The neighborhood organized themselves, evaluated the three alternatives, and together came to the conclusion to support Alternative #3, subject to conditions. A copy of the October 21, 2012 neighborhood meeting summary is included in the Planning Commission report. On November 1, 2012 representatives of the neighborhood met with the developer and City staff to offer their support for Alternative #3 and their conditions. The developer agreed to the conditions. The five conditions are discussed in the Design and Development Issues section of the CPC report.

The fourth pre-application neighborhood meeting was conducted on July 9, 2013 at the Woodmen Chapel Church. Approximately 20 persons attended the meeting. This meeting was to inform the neighborhood that the plans will address the conditions and that the submittal of the plans was forthcoming.

The standard City notification process for the internal review included posting the property with a notice poster and mailing postcards to approximately 250 property owners within 1,000 feet of the project area.

The same posting and notification process was utilized prior to the CPC public hearing. The site was posted once again prior to the City Council hearing.

All applicable agencies and departments were asked to review and comment. No significant concerns were identified. All issues and concerns were incorporated into the development plan or

provided as conditions of approval. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, School District 20, Police and E-911 and the US Air Force Academy.

**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:**

CPC PUZ 13-00073 - PUZ ZONE CHANGE

Approve the change of zone district of zone district from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay for multi-family residential use, 12 to 18 dwelling units per acre and maximum building height of 45 feet), based upon the finding that it complies with the findings of City Code Section 7.5.603.B and the PUD establishment criteria found in City Code Section 7.3.603.

An ordinance amending the Zoning map of the City of Colorado Springs from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development: Multi-Family residential, 12-18 dwelling units per acres and 45-foot maximum building height) consisting of 12.99 acres located southeast of the Tutt Boulevard and Sorpresa Lane intersection.