



Legislation Details (With Text)

File #: 14-0651 **Version:** 2 **Name:**

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

File created: 10/10/2014 **In control:** City Council

On agenda: 10/28/2014 **Final action:** 11/10/2014

Title: Ordinance No. 14-97 amending the zoning map of the City of Colorado Springs relating to 17.05 acres located at the northeast corner of Voyager Parkway and New Life Drive, north of New Life Church at 11305 Voyager Parkway.
(Quasi-Judicial Matter)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 11305 Voyager - Rezoning Ordinance, 2. 11305 Voyager - Ordinance Exhibit A, 3. Criteria-7.5.603-Zone Change, 4. Criteria-7.3.603-PUD Zone Change

Date	Ver.	Action By	Action	Result
11/10/2014	2	City Council	finally passed	Pass
10/28/2014	1	City Council	approved on first reading	Pass

Ordinance No. 14-97 amending the zoning map of the City of Colorado Springs relating to 17.05 acres located at the northeast corner of Voyager Parkway and New Life Drive, north of New Life Church at 11305 Voyager Parkway.
(Quasi-Judicial Matter)

From:

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

Summary:

This project includes concurrent quasi-judicial applications for a minor amendment to the Northgate Master Plan, zone change and a concept plan for a 17.05-acre site located at the northeast corner of Voyager Parkway and New Life Drive.

The minor master plan amendment proposes to change the land use from an office and industrial designation to community commercial and multi-family residential. Rezoning will change the 17.05 acres from PIP-1 (Planned Industrial Park) to PUD (Planned Unit Development), allowing a mix of commercial and multi-family uses (multi-family residential at a maximum of 30 dwelling units per acre) with a 45-foot maximum building height for all structures.

The PUD concept plan illustrates the development of 3.7 acres of mixed commercial uses along Voyager Parkway and a 13.35-acre apartment project on the eastern portion of the site. The concept plan illustrates the multi-family development including up to 344 apartment units of varying size within 15 individual buildings, along with internal private parks and open space areas.

Previous Council Action:

None.

Background:

The Northgate Master Plan was originally adopted in 1985 with the annexation of Northgate Additions Numbers 1 through 4. This master plan has been amended 20 times since adoption. Those amendments vary in size and impact, often changing land uses and access locations. A recent major amendment to the master plan was approved for the Copper Ridge commercial area. That amendment changed 192 acres from office and industrial to regional commercial.

The Northgate Master Plan now illustrates 364 acres of Office and Industrial, 46 acres of Community Commercial and 100 acres of Multi-Family.

The property was zoned PIP-1 as part of a larger zoning in 1985 along with the approval of the annexation and adoption of the master plan. This zone change proposes to rezone the 17.05 acres from PIP-1 (Planned Industrial Park) to PUD (Planned Unit Development). The PUD is a customized zone district that sets specific uses, densities, and building heights for the property. This PUD rezoning request will allow multi-family uses at a density maximum of 30 dwelling units per acre and all land uses permitted in the PBC zone district excluding:

- Medical/Recreational Marijuana Center
- Motor Vehicle Service Station
- Sexually Oriented Businesses

The maximum building height of the PUD zone is proposed as 45 feet. The 45-foot height is the typical office and commercial building height.

Allowable uses and building heights are outlined on the concept plan along with building and landscape setbacks. All setbacks shown on the plan meet the minimums for City Code requirements.

Financial Implications:

None.

Board/Commission Recommendation:

At their meeting on September 18, 2014 the Planning Commission voted 7-1 to approve the master plan amendment and zone change (with Commissioner Markewich in opposition) and 6-2 to approve the concept plan (Commissioners Donley and Markewich in opposition).

The staff recommendation to the City Planning Commission was denial of all three applications based on the findings that the City Code review criteria were not met. Staff's analysis is provided in the attached Planning Commission Staff Report. However, at the conclusion of the City Planning Commission hearing, the Commission disagreed with staff and found that the applications met the City Code review criteria. In summary, the Planning Commission felt that the proposed multi-family and commercial use of the property:

- Is compatible with the surrounding mix of land uses,
- Establishes higher residential density which would support commercial development in the area, and likewise, the commercial development will support the residential uses,
- The City already has an abundance of industrially zoned land.

Planning Commission's discussion is provided in greater detail in the attached draft Record of Decision.

Stakeholder Process:

The public process included posting the site and sending postcards to 35 property owners within 500 feet.

Written opposition was received from the property owner to the north. This adjacent property is zoned PIP-1 (Planned Industrial Park) with a number of office/warehouse tenants. The owners of the property feel that the conversion of the site to multi-family residential will have a negative impact on their industrial uses.

Staff also sent the plans to the standard internal and external review agencies for comments. There were no significant comments from the review agencies, and all comments received have been addressed. 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.

On July 30, 2014, staff received written comments for the US Air Force Academy stating that the property is inside the Academy's east pattern and maneuver area and the inhabitants will be exposed to aircraft traffic pattern noise during daylight hours Monday through Friday and occasionally on Saturdays (there were no attachments to this email). The request from the Academy is to add a standard notice to the plans as follows: "NOTICE: This property may be impacted by noise and other similar sensory effects of flight by aircraft used in the United States Air Force Academy's Airmanship Program. This notice shall remain in effect until the Air Force Academy shall cease to be used for flight training purposes. This notice shall run with the land." The applicant has added the note to the concept plan and will add the same note to the future development plan.

Alternatives:

1. Uphold the action of the City Planning Commission and approve the applications;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission and deny the applications; or
4. Refer the matter back to the City Planning Commission for further consideration.

Proposed Motion:

CPC PUZ 14-00066 - ZONE CHANGE

Approve the zone change of 17.05 acres from PIP-1 (Planned Industrial Park) to PUD (Planned Unit Development: Multi-family residential, 30 dwelling units per acre maximum, uses as permitted in the PBC zone district excluding Medical/Recreational Marijuana Center, Motor Vehicle Service Station and Sexually Oriented Businesses, 45-foot maximum building height), 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 and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603.

An ordinance amending the Zoning Map of the City of Colorado Springs changing 17.05 acres from PIP-1 (Planned Industrial Park) to PUD (Planned Unit Development: Multi-Family Residential, 30 dwelling units per acre maximum, commercial uses as permitted I the PBC zone district excluding Medical/REcretional Marijuana Center, Motor Vehicle Service Station and Sexually Oriented Businesses, 45-foot maximum building height) located at the northeast corner of Voyager Parkway and New Life Drive north of New Life Church at 11305 Voyager Parkway