



## Legislation Details (With Text)

**File #:** CPC PUZ 19- 00056    **Version:** 3    **Name:**

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

**File created:** 9/30/2019    **In control:** City Council

**On agenda:** 1/28/2020    **Final action:** 1/28/2020

**Title:** Ordinance No. 20-8 amending the zoning map of the City of Colorado Springs pertaining to 1.1 acres located on the east side of 21st Street, north of Little Bear Creek Point from R5 (Multi-Family Residential) to PUD (Planned Unit Development: medical office, veterinary clinic, general office, personal consumer services and personal improvement services with a maximum height of 30 feet).

(Quasi-Judicial)

Related File: CPC PUD 19-00057

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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ZC\_ORD\_MastinDental, 2. Exhibit A - legal description, 3. Exhibit B - zoning depiction, 4. VICINITY MAP, 5. Signed Ordinance 20-8.pdf

Date	Ver.	Action By	Action	Result
1/28/2020	2	City Council	finally passed	Pass
1/14/2020	2	City Council	approved on first reading	Pass
11/21/2019	1	Planning Commission	referred	Pass

Ordinance No. 20-8 amending the zoning map of the City of Colorado Springs pertaining to 1.1 acres located on the east side of 21st Street, north of Little Bear Creek Point from R5 (Multi-Family Residential) to PUD (Planned Unit Development: medical office, veterinary clinic, general office, personal consumer services and personal improvement services with a maximum height of 30 feet).

(Quasi-Judicial)

Related File: CPC PUD 19-00057

**Presenter:**

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

**Summary:**

Applicant: NES Inc.  
Owner: Jessie B Mastin D.D.S.

Location: South of Lower Gold Camp and east of 21<sup>st</sup> Street

This project includes concurrent applications for a zone change to rezone the property from R5 (Multi-Family Residential) to PUD (Planned Unit Development: medical office, veterinary clinic, general office, personal consumer services and personal improvement services with a maximum height of 30 feet) and a development plan for construction of a 1,752 square foot general office and a 2,657 square foot medical office.

**Background:**

This site was originally approved for 120 units per development plan AR DP 03-00265; 100 of the 120 units were constructed. The 20 units not constructed were planned for the area that is under review with the current applications. After the original 100 units were constructed, a condominium plat, Villas at Bear Creek Condominiums Phase 2, was recorded. This condominium plat excluded the 1.01 acres that is part of the current application.

The property is currently zoned R5 (Multi-Family Residential) and is proposed to be rezoned to PUD, Planned Unit Development, to allow general office and medical office. The applicant has agreed to limit the uses to medical office, veterinary clinic, general office, personal consumer services and personal improvement services. The uses allowed in the PUD were very specifically analyzed to ensure compatibility with the surrounding uses. This site is located adjacent to 21<sup>st</sup> Street, a street with a very high level of traffic and across the street from Bear Creek Dog Park. To the north, south and east of the site are existing multi-family developments. The uses proposed are very light intensity uses and are compatible and compliment the surrounding uses. In addition, the uses proposed would provide services that could be utilized by the surrounding residential developments.

The development plan illustrates a 1,752 square foot general office and a 2,657 square foot medical office along with associated parking and landscaping. The site is accessed from 21<sup>st</sup> Street via Creek Crossing Street and Little Bear Creek Point. A shared access easement is utilized to gain access to the site. The access point from Little Bear Creek Point aligns with the right hand turn into the Little Bear Creek loop. This access location was strategically placed to create a four-way intersection and provide the safest point of access into the site. Once the site is accessed from Little Bear Creek loop, the buildings and parking are self-contained inside the newly created lot.

Staff has evaluated the proposed applications for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"). According to PlanCOS, the project site is identified on the plan's Vision map as a Newer Developing Neighborhood. Per the Vibrant Neighborhoods Framework Map (**FIGURE 7**) this site is part of the new development neighborhood map that is north of Bear Creek Park, west of 21<sup>st</sup> Street and south of Highway 24. The applicant's proposed general office and medical office project is supportive of this typologies goal, which encourages the strong development of livability and adaptability as they mature. This site will finalize the development of the Villas at Bear Creek site. This site has remained vacant for many years after the construction of the condominiums stopped. By allowing the development of the medical and general office building, this site is completed and the completion provides an amenity to the surrounding residential complexes.

This project proposes an addition of general and medical office to an existing residential development. Neighborhood level services and the integration of mixed-use developments in neighborhoods is a major goal of the PlanCOS document. Specific policies of PlanCOS that are supported are listed below:

Policy VN-2.A: Promote neighborhoods that incorporate common desired neighborhood elements. <<https://coloradosprings.gov/plancos/book/vibrant-neighborhoods-goals-and-policies?mlid=42966>>

Policy VN-3.C: Promote neighborhood-level shopping and service options to include a variety of healthy food markets, coffee houses, restaurants, and other supportive businesses that increase local access and walkability. <<https://coloradosprings.gov/plancos/book/vibrant-neighborhoods-goals-and-policies?mlid=42966>>

Policy VN-3.E: Encourage and support the integration of mixed-use development in neighborhoods.

As a supplement to this memo, please see the details of the proposed development, staff's analysis of the review criteria, and breakdown of the comprehensive plan in the City Planning Commission Staff Report.

**Previous Council Action:**

N/A

**Financial Implications:**

N/A

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

On November 21, 2019, the City Planning Commission voted 6-1 (Raughton, McMurray, Graham, McDonald, Eubanks and Almy in favor; Rickett against; Hente recused) to approve the subject zone change and development plan. Commissioner Raughton noted that the proposal complies with the Comprehensive Plan and that the PUD zoning is an appropriate zone to use to restrict height and to create a transition between 21<sup>st</sup> Street and the condominiums to the east.

The minutes of the hearing are attached for additional reference on the decision.

**Stakeholder Process:**

The public notification process consisted of providing notice to the neighbors by placing a poster for the project on site and sending postcards to 364 property owners within 1000 feet. Public comment was received after the initial submittal. Staff determined that a public meeting was needed in order to give neighbors the opportunity to discuss their comments and concerns. That public meeting was held on June 26, 2019 and approximately 38 people attended. Additional public comment was received. Public comment in support of the project was provided by the Villas at Bear Creek Homeowners Association Board as well as other individual residents. However, residents also provided comment in opposition. The concerns raised by neighbors in opposition related to the change of uses proposed, the traffic flow into and out of the site (especially near the mailbox location), blocking of views, and a decrease in property values. These items will be addressed in the review section of this report. The site will be posted prior to the City Planning Commission hearing and City Council hearing.

The applications were sent to the standard internal and external agencies for review and comment. Review comments were received and the remaining comments are listed as technical modifications. The modifications listed are minor. Review agencies for this project include Colorado Springs Utilities, City Traffic, City Engineering, City Fire Department and Police/E-911, as well as School District 11, Colorado Geologic Survey, and Floodplain and Enumerations.

**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 19-00056**

Adopt an ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.1 acres located on the east side of 21st Street, north of Little Bear Creek Point from R5 (Multi-Family Residential) to PUD (Planned Unit Development: medical office, veterinary clinic, general office, personal consumer services and personal improvement services with a maximum height of 30 feet), 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) as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603.

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.1 acres located on the east side of 21st Street, north of Little Bear Creek Point from R5 (Multi-Family Residential) to PUD (Planned Unit Development: medical office, veterinary clinic, general office, personal consumer services and personal improvement services with a maximum height of 30 feet).