



## Legislation Details (With Text)

**File #:** CPC V 21-00170      **Version:** 2      **Name:** Avanterra  
**Type:** Ordinance      **Status:** Mayor's Office  
**File created:** 12/22/2021      **In control:** City Council  
**On agenda:** 1/25/2022      **Final action:** 1/25/2022

**Title:** Ordinance No. 22-01 vacating portions of a public right-of-way described as Tract B, Blackwood Crossing, a replat of lots 1 and 2 of Glover Subdivision consisting of 0.093 acres located southwest of East Woodmen Road and Black Forest Road.  
(Legislative)

Related Files: CPC MP 03-00279-A2MJ21, CPC ZC 21-00135, CPC CP 21-00136

**Presenter:**  
Katie Carleo, Land Use Planning Manager, Planning & Community Development Department  
Peter Wysocki, Planning Director, Planning & Community Development Department

**Sponsors:**

**Indexes:** Woodmen Heights MP

**Code sections:**

**Attachments:** 1. ORD\_ROW\_Vacation\_Avanterra, 2. Exhibit A - Avanterra\_ROW\_Vacation\_LegalDescription, 3. Exhibit B - BLACKWOOD CROSSING VACATION PLAT, 4. Signed Ordinance 22-01

Date	Ver.	Action By	Action	Result
1/25/2022	1	City Council	finally passed	Pass
1/11/2022	1	City Council	approved on first reading	Pass

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**Summary:**

Owner: Radiant Church Assembly of God, Todd Hudnall  
Developer: Continental 613 Fund LLC, Erin Conway  
Representative: N.E.S., Brooks Swenson  
Location: Southwest of E. Woodmen Road and Black Forest Road

This project includes concurrent applications for a right-of-way vacation, major master plan Amendment to the Woodmen Heights Master Plan, a zone change to establish PBC/AO (Planned

Business Center with Airport Overlay) and the supporting Avanterra Concept Plan. The plans illustrate the proposed land use configuration, access, circulation, intended infrastructure and overall intent for single-unit residential horizontal multi-family.

**Background:**

Existing Zoning/Land Use: The property is currently zoned A/AO (Agricultural with Airport Overlay) and vacant.

Surrounding Zoning/Land Use:

North: PUD (Planned Unit Development) as Multi-family Residential

South: El Paso County A-5 (Agricultural) as religious institution

East: PBC (Planned Business Center) as commercial convenient services

West: A (Agricultural) as City of Colorado Springs property for future right-of-way

Annexation: Woodmen Heights No. 4

Master Plan/Designated Master Plan Land Use: Woodmen Heights Master Plan with current designation of Community Commercial / Office (amendment as part of the proposed application)

Subdivision: Property is not platted

Zoning Enforcement Action: None

Physical Characteristics: The proposed area is vacant land with primarily native vegetation with no areas of major slope.

The proposed site is located within the Woodmen Heights Master Plan that was originally established with annexation of this property, and several others in the area, in early 2000. The property is located south of Woodmen Road and west of Black Forest Road. Within this area development has historically established commercial use along Woodmen Road to include sites of higher residential density which fits the proposed land use direction with these applications. In addition, being an area generating high levels of residential service the proposed project as a single-unit horizontal multi-family residential operated as rentable units (horizontal multi-family as sometimes referred) which will offer additional residential options in this area. This is a very active area of City development and will most likely see the elimination of remaining vacant parcels over the next 5 years if the current pace of development continues.

A master plan is required with annexation per City Code Section 7.5.403(B)(1); the Woodmen Heights Master Plan (**attached WOODMEN HEIGHTS MASTER PLAN**) was established with this property in 2004. As mentioned above this area has seen significant development over the last 10 years and in fact the Woodmen Heights Master Plan will now be seen as 'implemented' per City Code (85% developed and no remaining holding zones) which the master plan will then be considered complete, and no further amendments would be required. This parcel is the last holding zone parcel (discussed further below) and is currently identified as Community Commercial and Office on the Woodmen Heights Master Plan. The proposed request's a change to Residential designation to allow for future development of single-unit horizontal multi-family residential. Staff believes the proposed development shows appropriate compatibility when evaluated with the established surrounding land use pattern.

The proposed zoning request will establish the site as PBC/AO (Planned Business Center with Airport Overlay) zone district to accommodate the future intended single-unit horizontal multi-family residential. The proposed application accompanying the zoning request is a concept plan which means for future development the owner will be required (per City Code) to follow the Condition Use Development Plan process to establish multi-family residential. This will require coming before City Planning Commission for final approval. As a general land pattern that has been established in the

neighborhood, we see commercial zoning (as established by the PBC zone district) along Woodmen Road which gives opportunity to a higher density residential along this commercial corridor, an appropriate transition to lower residential density in the surrounding neighborhood.

The subject property is currently the last untouched 'holding zone' parcel within the Woodmen Heights Master Plan. The zoning of A (Agricultural) that was established with the original zoning and master plan applications puts the property into this zone district as it awaits development to reach the intended parcel. At that time evaluation of surrounding land use patterns and alignment with PlanCOS helps establish the appropriate land use designation. Staff supports that as the last holding zone of the Woodmen Heights Master Plan, and in evaluation of the above, the proposed zone district establishes an appropriate zoning for this parcel.

The establishment of this zone district will allow for the further development of high density residential that fits appropriately into the land use patterns established in the surrounding area and is supported by nearby community and regional commercial land uses. The proposed concept plan (**see attached AVANTERRA CONCEPT PLAN**) illustrates the intended schematic layout for future development. As mentioned before final details will be included in the development plan review which will be considered a Condition Use and will have final approval through City Planning Commission. This residential site is within less than one mile of several supporting commercial and civic uses to include: grocery store, convenience and fuel station, bank, post office, religious institutions, and several restaurants. As discussed above, this site will offer a unique residential option within the City of Colorado Springs community which allows for a broader breath of housing options.

Tract B of the Blackwood Crossing Subdivision (**see attached BLACKWOOD CROSSING PLAT**) is currently owned by the City of Colorado Springs for public right-of-way. A vacation plat of Tract B (**see attached BLACKWOOD CROSSING VACATION PLAT**) is being submitted concurrently with the Avanterra master plan amendment, rezone and concept plan. This portion of right-of-way is a remnant left over from previous plat, Blackwood Crossing, where it had been identified for public right-of-way with the proposed development at the time. This previously planned roadway is no longer part of the future development for on site circulation. A meeting was held on September 29, 2021, with City staff, to include City Planning, Engineering and Surveying, and it was determined that the right-of-way is no longer needed and the vacation would be appropriate. The right-of-way vacation of Tract B complies with all City criteria and is no longer needed for the public transportation purpose.

The current Comprehensive Plan, PlanCOS, identifies policies related to the establishment of zoning and planning for the land use pattern to be created. Several themes support the proposed development with positive connections between a mix of residential that will foster economic and community growth. The proposed development allows for logical residential growth within an identified Vibrant Neighborhood Framework from PlanCOS. This typology encourages incorporated higher density housing types along larger roadways with supported neighborhood amenities. The new growth opportunity will be a benefit to the City as logical establishment for residential growth. It is the finding of the Planning and Community Development Department that the proposed master plan amendment along with associated zoning, and concept plan substantially conform to the PlanCOS goals and objectives.

#### **Previous Council Action:**

Previous City Council action relating to this item last included action on approving the annexation in 2004.

### **Financial Implications:**

A Fiscal Impact Analysis (FIA) is required for all major master plan amendments and is completed by the City Budget Office. The fiscal review criteria of the City Code states city costs related to infrastructure and service levels shall be evaluated for a ten-year time horizon for the appropriate municipal funds. Per the attached FIA memo (**see attached FISCAL IMPACT ANALYSIS AVANTERRA**) the result of the analysis is a negative cumulative cashflow for the City during the ten-year timeframe. This is driven mainly by the residential zoning and creating a higher level of obligation on services. Staff supports the establishment of this zoning in alignment with City Code and PlanCOS for the creation of needed mix of housing types for City residents, specifically currently with housing needs.

The Fiscal Impact Analysis prepared considers the 'multi-family' proposed as this development will be owned by a single entity and have rented units; however, those units will act as single-family homes. Generally multi-family residential increases the cost of our City safety services provided due to density. The future proposed development will actually function more like a single-family residential neighborhood, but this proposed 'horizontal multi-family' is a new concept and housing type for the City of Colorado Springs (which is being done in our neighboring large Colorado cities). The proposed development will be required to pay fees in lieu of parkland dedication and school land dedication. Overall, the amount of sales and property taxes generated by adding this residential is generally below the offset to increased services provided.

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

The associated applications for master plan, zone change, and concept plan were heard before the City Planning Commission as part of the consent agenda on November 18, 2021, at the regularly scheduled hearing. Items were approved unanimously on the consent agenda.

According to Section 7.7.402.B.2 of the City Code, a request to vacate right-of-way is placed directly onto a City Council agenda for action after review by the administration. No review by a board or commission is required.

### **Stakeholder Process:**

The public process for the proposed applications included posting the site and sending postcards to 30 property owners within a 1000-foot buffer. In addition, a neighborhood meeting was held during the internal review stage on September 13, 2021. No citizens attended the neighborhood meeting and no public comments have been received. The site will also be posted prior to all public hearings.

Staff input is outlined in the following section of this report. Staff sent plans to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, Academy School District 49, Police and E-911. Agreements between the City of Colorado Springs and the surrounding military installations establish a two-mile buffer for land use application review. Staff has determined that this application is outside the two-mile buffer for USAFA notification. All comments received from the review agencies are addressed.

- **City Traffic Engineering:** City Traffic Engineering required a TIA and has found the use fits well into the already established traffic circulation pattern and the projected operation of the adjacent roadway will be at an acceptable level of service with the addition of this use. Comments were received by El Paso County for roadway needs; City Traffic Engineering and Planning coordinated comments with El Paso County and no further concerns were received.

- City Parks Department: The associated development is proposed for future residential uses and thus triggers the City Park Land Dedication Ordinance (PLDO). The proposed development is small in nature and does not include a park site that could be counted towards any dedication. Therefore, the PLDO fees will be collected for residential units established. The Parks and Recreation Department has reviewed this application and supports the collection of fees in lieu of land dedication.
- School District 49: No comments were received from School District 49 throughout this review and hearing process; when the district does not respond with specific comments the City shall collect fees in lieu of land dedication per City Code Section 7.7.12
- Airport Advisory Commission: The associated zone change with Airport Overlay was presented to the commission at their September meeting where approval was recommended.

**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 V 21-00170

Adopt an ordinance vacating portions of a public right-of-way described as Tract B, Blackwood Crossing, a replat of lots 1 and 2 of Glover Subdivision consisting of 0.093 acres, based upon the finding that the application complies with the review criteria in City Code Section 7.7.402.C

An ordinance vacating portions of a public right-of-way described as Tract B, Blackwood Crossing, a replat of lots 1 and 2 of Glover Subdivision consisting of 0.093 acres located southwest of East Woodmen Road and Black Forest Road.