



## Legislation Details (With Text)

**File #:** CPC PUZ 18- 00089    **Version:** 3    **Name:**

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

**File created:** 1/30/2020    **In control:** City Council

**On agenda:** 3/24/2020    **Final action:** 3/24/2020

**Title:** Ordinance No. 20-18 amending the zoning map of the City of Colorado Springs pertaining to 42.9-acres located on Pikes Peak Avenue, east of Academy Boulevard, from PIP-2, M-1 and R1-6 DF to PUD (35 feet maximum height, 3.5-7.99 dwelling units per acre, single-family attached and detached units).

(Quasi-judicial)

Related Files: CPC MP 85-217-A7MJ18, CPC PUZ 18-00089, CPC PUD 18-00091

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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ZC\_ORD\_PikesPeakHeights, 2. Exhibit A - legal description, 3. Exhibit B - zoning depiction, 4. Aerial Vicinity Map, 5. Signed Ordinance 20-18.pdf

Date	Ver.	Action By	Action	Result
3/24/2020	2	City Council	finally passed	Pass
3/10/2020	2	City Council	approved on first reading	Pass
2/20/2020	1	Planning Commission	recommended for approval	Pass

Ordinance No. 20-18 amending the zoning map of the City of Colorado Springs pertaining to 42.9-acres located on Pikes Peak Avenue, east of Academy Boulevard, from PIP-2, M-1 and R1-6 DF to PUD (35 feet maximum height, 3.5-7.99 dwelling units per acre, single-family attached and detached units).

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**Summary:**

Applicant: NES Inc

Owner: Debarbet LLC and First Presbyterian Church of Raton  
Location: At the end of Pikes Peak Avenue east of Academy Boulevard

This project includes concurrent applications for a major master plan amendment, zone change, and a development plan for 42.9-acres of the Pikes Peak Heights residential development located at the end of Pikes Peak Avenue, east of Academy Boulevard.

The major master plan amendment changes the designated land use from Research and Development to Residential with a density of 3.5-7.99 dwelling units per acre. The zone change rezones 42.9-acres of the property from R1-6/DF/AO (Single-family residential with design flexibility and airport overlay), M-1/AO/APZ1 (Light industrial with airport overlay and accident potential zone 1) and PIP-2/AO/APZ1 (Planned Industrial Park 2 with airport overlay and accident potential zone 1) to PUD/AO/APZ1 (Planned Unit Development: 35 feet maximum height, 3.5-7.99 dwelling units per acre, single-family attached and detached units with airport overlay and accident potential zone 1). The development plan illustrates 74 attached single-family residential units and 120 detached single-family units.

A certificate of designation to allow a long-term landfill for nonhazardous material was approved at City Planning Commission for this project. Colorado Revised Statutes 30-20-104.3 states that the Certificate of Designation shall be presented to the governing body having jurisdiction at a public hearing after proper notice is completed. City Code Section 6.3.105 states that upon recommendation from the Colorado Department of Public Health and Environment, City Planning shall refer the Certificate of Designation to City Planning Commission for a decision and that City Planning Commission shall either approve, deny or modify the application. The approval authority for the Certificate of Designation is with the City Planning Commission; therefore, no action is required by City Council.

### **Background:**

In 2005, an application to allow 110 single-family units on the area south of the extension of Pikes Peak Avenue was submitted for consideration. This request was reviewed and approved by City Planning Commission and City Council with the requirement for a Phase I Environmental Report. The Phase I Environmental Report was never completed and the applications formally withdrawn in 2010.

Since 2005, the area north of the Pikes Peak Avenue extension was purchased from School District 11 and added to the project. This project is a combination of applications to allow a vacant site, historically used as a landfill, to be developed into a total of 194 residential units (120 single-family detached and 74 single-family attached units).

### **Master Plan Amendment:**

The Towne East Master Plan encompasses a unique, primarily undeveloped, portion of Colorado Springs. The master plan designates a mix of industrial, commercial and residential uses. The application for a master plan amendment in 2005 proposed a change from research and industrial to residential, south of the Pikes Peak Avenue extension, and allowed the area north of the Pikes Peak Avenue extension to remain Research and Industrial. Pikes Peak Avenue was proposed to extend across Sand Creek and connect with Troy Hill Road and subsequently Airport Road. The current amendment removes the extension of Pikes Peak Avenue across Sand Creek and changes the Research and Industrial area north of Pikes Peak Avenue to Residential. A connection from Pikes Peak Avenue north to Wooten Road is retained. The proposed amendment allows the area east of Sand Creek to become residential and to utilize the extension of the Homestead trail corridor along

Sand Creek as an amenity. The removal of the extension of Pikes Peak Avenue across Sand Creek disconnects the residential area from the industrial and commercial area east of Sand Creek, but retains connectivity to Platte Avenue via an extension of Wooten Road.

#### Zone Change:

Although the development plan in 2005 was not formally approved, City Council did approve the zone change applications to R1-6/DF for the area south of the Pikes Peak Avenue extension. The applicant is requesting that the site be rezoned from R1-6/DF/AO, M-1/AO/APZ1 and PIP-2/AO/APZ1 to PUD/AO/APZ1. The area north of Pikes Peak Avenue is half-zoned M-1 and half-zoned PIP1. The PUD would allow 35 feet maximum height, 3.5-7.99 dwelling units per acre and single-family attached and detached units. The PUD zone district allows flexibility to incorporate 74 single-family attached units into the site along with the 120 single-family units. The minimum lot sizes for the single-family residential lots will be 3,000 square feet and the minimum lot size for the attached single-family units will be 5,000 square feet. Page two of the development plan shows the location of the Accident Potential Zone 1 (APZ1) area as a hatched area on the northeast corner of the site. The APZ1 does not allow residential units to be constructed and no residential units are proposed in the APZ1 area. This area is to be used for detention ponds, a trail corridor, and the creek channel. This site was also reviewed by the Airport Advisory Committee (AAC) when it was initially submitted. The AAC stated they had no objections to these applications.

#### Development Plan:

The development plan for this site depicts the layout of the 194 units. The detached single-family units are on the periphery of development, while the attached single-family units are toward the center of the development. The site is surrounded by an area owned by the Pikes Peak Heights Metropolitan District and land gifted to the City of Colorado Springs. The Certificate of Designation section will discuss in further detail the existing landfill conditions on the site and how the landfill will be mitigated through a certificate of designation process.

#### Comprehensive Plan:

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 part of the Established Suburban Neighborhood. Per the Vibrant Neighborhoods Map, this site is part of the Eastborough neighborhood. This site is a part of the established neighborhoods typology with a goal to recognize, support and enhance the existing character of these neighborhoods, while supporting their ongoing investment and improved adaptation. This site will be an extension of an existing residential neighborhood. The development of the site will include adding a trail system for all residents and improving traffic access by adding an access to Platte Avenue via Wooten Road. In addition, the adjacent creek is planned to be reconstructed to address stormwater and utility concerns.

One of the "Big Ideas" in the Unique Places Chapter 3 of PlanCOS is entitled *Embrace Creative Infill, Adaptation and Land Use Change* and states, "We value the preservation of our built environment, especially our historic buildings and areas. But, for our city to be even more competitive, we also need areas to infill and adapt in response to a myriad of trends including demographics, technology, and the market. As a community we should embrace the prospect of managed, thoughtful, and forward-thinking changes in land use by reinvesting in key areas". Adaptive and responsive land use change is one of the core values of PlanCOS, including in largely established development areas. On balance, staff recommends that the diversity, location and proposed design of these land uses meets the overall intent of this idea.

This proposal also supports another “big idea” in the Majestic Landscapes Chapter called *Complete Our Creeks* and states, “Our creeks and stream corridors should be the lifeblood and arteries of our green infrastructure. We plan to fully incorporate our creeks as multipurpose and accessible corridors. They should actively be considered as places for wildlife, recreation, transportation, utilities, and for the conveyance of stormwater.” The subject proposal helps establish needed trail connection for the Homestead Trail.

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:**

On March 10, 2020, this item was called off consent for further discussion. Council ultimately passed this ordinance on first reading by a vote of 7:0:2:0 (Councilors Skorman and Gaebler were absent).

**Financial Implications:**

Since the project includes a major master plan amendment, a fiscal impact analysis is required by City Code. The fiscal impact analysis for this site shows a positive cash flow over a 10-year timeframe. This application changes a 23.9-acre area that was previously planned for research and development to residential. The remainder of the site was already master planned for residential. Of the 23.9-acres of research and development, seven acres are being gifted to the City. The area master planned for research and development has never been developed. This change to residential is not detrimental to the City due to the limited ability to develop this area for research and development. The use of residential for this area is a benefit to the City because it connects well to the proposed residential to the South and it is a complementary use to the creek. The removal of the connection of Pikes Peak Avenue over the creek to the east also isolates this research and development parcel making it even more difficult to develop.

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

At their meeting on February 20, 2020 the Planning Commission held a public hearing on the master plan amendment, zone change, development plan and certificate of designation. A number of citizens spoke in opposition to the project stating concerns related to an increase in traffic, removal of a natural animal habitat, and existing drainage conditions. The Planning Commission voted 7-0 to recommend approval the land use applications to the City Council and formally approved the Certificate of Designation (Aye: Raughton, Wilson, Hente, Graham, Rickett, Almy and Eubanks).

Please reference the minutes from the hearing for a detailed record.

**Stakeholder Process:**

The public notification process consisted of providing initial notice to the neighbors by placing a poster for the project on site and sending postcards to 464 property owners within 1000 feet. Public comments were received during the initial review and staff required a neighborhood meeting. The first neighborhood meeting was held on August 30, 2018 and 30 people attended. The project added the Certificate of Designation component in May of 2019. A second neighborhood meeting was held on October 7, 2019 to discuss all components of the plan together as one project. The major areas of concern raised by the neighborhood include traffic, environmental impacts, closure of the existing landfill, and access points to the site. The site will again be posted and public notification sent 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 Landscape, City Fire Department and Police/E-911, as well as School District 11, Colorado Springs Airport, Peterson Air Force Base, 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 18-00089

Adopt an ordinance amending the zoning map of the City of Colorado Springs pertaining to 42.9 acres from R1-6/DF/AO, M-1/AO/APZ1 and PIP-2/AO/APZ1 to PUD/AO/APZ1 (Planned Unit Development: 35 feet maximum height, 3.5-7.99 dwelling units per acre, single-family attached and detached units with airport overlay and accident potential zone 1), 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 42.9-acres located at the end of Pikes Peak Avenue east of Academy Boulevard from R1-6/DF/AO (Single-family residential with design flexibility and airport overlay), M-1/AO/APZ1 (Light industrial with airport overlay and accident potential zone 1) and PIP-2/AO/APZ1 (Planned Industrial Park 2 with airport overlay and accident potential zone 1) to PUD/AO/APZ1 (Planned Unit Development: 35 feet maximum height, 3.5-7.99 dwelling units per acre, single-family attached and detached units with airport overlay and accident potential zone 1).