



## Legislation Details (With Text)

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**Title:** Ordinance No. 19-68 amending the zoning map of the City of Colorado Springs relating to 4 acres located at the southwest corner of Peterson Road and Pony Tracks Drive from R-1 6000/DF/AO (single-family residential with a design flexibility overlay and an airport overlay) to PUD/AO (single-family residential, maximum gross density of 9 dwelling units per acre with a 35-foot maximum building height with an Airport Overlay)

(QUASI-JUDICIAL)

Related Files: CPC PUZ 19-00006, CPC PUD 19-00007

Presenter:  
Hannah Van Nimwegen, Senior Planner, Planning & Community Development  
Peter Wysocki, Planning & Community Development Director

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Updated ZC\_ORD\_PonyParkResidences, 2. Exhibit A - Legal Description, 3. Exhibit B - Legal Description Depicted, 4. Vicinity Map, 5. Pony Park Presentation - Staff, 6. Figure 1cc - Public Comments Passed to CPC, 7. Figure 2cc - Public Comments Received After CPC, 8. CPC Report\_Pony Park, 9. Figure 1 - Development Plan, 10. Figure 2 - Project Statement, 11. Figure 3 - Existing Land Uses and Surrounding Zoning, 12. Figure 4 - Public Comments Received During Initial Review, 13. Figure 5 - Public Comments Received Following 2nd Neighborhood Meeting, 14. Figure 6 - Aerial Overlay, 15. Figure 7 - PlanCOS Analysis, 16. 7.5.603.B Findings - ZC, 17. 7.3.603 Establishment & Development of a PUD Zone, 18. CPC\_Minutes\_PonyPark\_draft, 19. ZC\_ORD\_PonyParkResidences, 20. Signed Ordinance 19-68.pdf

Date	Ver.	Action By	Action	Result
10/8/2019	2	City Council	finally passed	Pass
9/24/2019	2	City Council	approved on first reading	Pass
8/15/2019	1	City Planning Commission	referred	Pass

Ordinance No. 19-68 amending the zoning map of the City of Colorado Springs relating to 4 acres located at the southwest corner of Peterson Road and Pony Tracks Drive from R-1 6000/DF/AO (single-family residential with a design flexibility overlay and an airport overlay) to PUD/AO (single-family residential, maximum gross density of 9 dwelling units per acre with a 35-foot maximum building height with an Airport Overlay)

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**Presenter:**

Hannah Van Nimwegen, Senior Planner, Planning & Community Development  
Peter Wysocki, Planning & Community Development Director

**Summary:**

Owner: Rockwood Homes, LLC

Consultant: Altitude Land Consultants

Location: 3055 Flying Horse Road / Southwest corner of Peterson Road and Pony Tracks Drive

The applications under consideration are a zone change from R-1 6000/DF/AO (Single-family Residential with a Design Flexibility Overlay and an Airport Overlay) to PUD (Planned Unit Development: Single-family Residential with a maximum height of 35 feet and a maximum gross density of 9 dwelling units per acre) and a Development Plan illustrating 36 single-family detached homes.

**Background:**

The subject area was annexed in 1984 as part of the 1,327 acre Springs Ranch Addition. The Colorado Springs Ranch Master Plan was established with annexation and designated the area containing the subject parcel as Single-Family Residential. The Colorado Springs Master Plan's name was changed to Springs Ranch Master Plan in 1994.

The existing zone district was established in 1993 for the Colorado Springs Ranch Filing Number 4 subdivision. The R-1 6000 zone district in this area has a DFOZ (Design Flexibility Overlay Zone) which allows flexibility in development standards. According to zoning code section 7.3.502 DFOZ - Design Flexibility Overlay, "The DFOZ may be used to increase design flexibility by providing for greater variations in lot sizes, reduced setbacks, narrower lot widths, and increased lot coverages." Essentially, this overlay allows a developer to have lots that are 4,000 square feet as long as the average of all the lot's sizes is the zone district is a minimum of 6,000 square feet. The overlay then allows reduced setbacks and narrower lots to accommodate the smaller allowed lot size. However, the applicant is requesting to rezone the property to PUD to accommodate a small-lot, single-family detached product with common green spaces. On a four acre property, with requirements for a 0.25 acre detention pond and approximately 0.75 of an acre for roads, a designer could fit 21 lots. The proposed small-lot PUD accommodates 36 lots in addition to the 0.25 acre detention pond and needed roadways.

The application was routed to the airport to review when submitted. On January 23, 2019, the Airport Advisory Commission recommended no objection with the following standard conditions:

- Avigation Easement noted on submittals; no action required.
- If use of temporary construction equipment will exceed 45 feet above ground level in height at this site, the applicant is to file an airspace evaluation case with the Federal Aviation Administration (FAA) and provide the results to the Airport before the commencement of construction activities.
- More information about the airspace evaluation submittal process is available on the FAA's Obstruction Evaluation/Airport Airspace Analysis website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).

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 master plan and comprehensive plan in the City Planning Commission Staff Report.

**Previous Council Action:**

There have not been any actions by the City Council on this parcel since the zoning of the property in 1994.

**Financial Implications:**

N/A

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

This item was heard by the City Planning Commission on August 15, 2019 at which time the Commission voted to recommend approval of the zone change and development plan to City Council (7 to 0 vote; Commissioners McDonald and Graham were absent).

Please reference the minutes from the hearing for a detailed record. Although this project was unanimously approved by the Planning Commission, a number of area residents spoke during the hearing; therefore, this project is placed under the “public hearing” portion of the Council agenda rather than “consent”.

**Stakeholder Process:**

Prior to the official application to rezone the property, City Planning staff held a pre-application neighborhood meeting with surrounding neighbors on June 28, 2018. At the time of this meeting, the applicant was proposing 42 townhomes for consideration. To notify the surrounding property owners of the proposal, staff mailed postcards to 479 property owners within a 1000-foot radius of the subject site. Staff also posted a sign on the property indicating the neighborhood meeting date, time, and location. The pre-application neighborhood meeting was attended by roughly 74 individuals. Generally, those in attendance expressed concerns regarding traffic, parking, queuing for Remington Elementary, and residential density.

An application to rezone the property and a development plan was submitted on January 9, 2019. This application revised the proposed product from townhomes to a small-lot PUD with 38 single-family detached units. At the time of application, the site was posted and 520 postcards were sent to property owners within a 1000-foot buffer of the subject property. During the initial review, approximately 21 emails were received from different property owners detailing concerns.

It was requested that a second neighborhood meeting be held and one was scheduled for April 2, 2019. For this meeting, City Planning staff mailed 503 additional postcards and posted the site a third time to notify the public of the second neighborhood meeting. The 44 individuals who attended also signed-in. Similar concerns were discussed at this meeting-traffic, parking, queueing for student pick up and drop off for Remington Elementary, and residential density (though reduced from 42 units to 36). 10 additional emails were received following the second neighborhood meeting.

This application was heard by the City Planning Commission on August 15, 2019. For this meeting, a poster was posted on-site and 520 postcards were mailed to property owners within 1,000 feet of the subject site. Following this notification, six additional letters of concern were received and were shared with the Planning Commission at the beginning of the staff presentation (FIGURE 1cc). Two additional letters were received since City Planning Commission rendered a recommendation (FIGURE 2cc).

**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:**

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Approve the zone change of 4 acres from R-1 6000/DF/AO (Single-family Residential with a Design Flexibility Overlay and an Airport Overlay) to PUD/AO (Planned Unit Development: Single-family Residential with a maximum height of 35 feet and a maximum gross density of 9 dwelling units per acre with an Airport Overlay), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603(B) and the criteria for establishment 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 pertaining to 4 acres located at the southwest corner of Peterson Road and Pony Tracks Drive from R-1 6000/DF/AO (Single-family Residential with a Design Flexibility Overlay and an Airport Overlay) to PUD (Planned Unit Development: Single-family Residential, maximum gross density of 9 dwelling units per acre with a 35-foot maximum building height)