



## Legislation Details (With Text)

**File #:** CPC PUZ 16- 00096    **Version:** 3    **Name:**

**Type:** Planning Case    **Status:** Mayor's Office

**File created:** 3/27/2017    **In control:** City Council

**On agenda:** 7/11/2017    **Final action:** 7/11/2017

**Title:** Ordinance No. 17-50 amending the zoning map of the City of Colorado Springs pertaining to 5.012 acres located at the southeast corner of Fillmore Street and Grand Vista Circle from R/HS (Residential Estate with Hillside Overlay) to PUD (Planned Unit Development: Multi-Family Residential, 18.16 Dwelling Units Per Acre and a 55 foot maximum building height).

(Quasi-Judicial)

Related File: CPC PUP 16-00097

**Presenter:**  
Peter Wysocki, Director Planning and Community Development  
Michael Schultz, Principal Planner, Planning and Community Development

**Sponsors:**

**Indexes:** Fillmore Street Apts

**Code sections:**

**Attachments:** 1. ZC\_ORD-Fillmore Street Apts, 2. Exhibit A - Legal Description, 3. New Vicinity Map, 4. Signed Ordinance 17-50

Date	Ver.	Action By	Action	Result
7/11/2017	2	City Council	finally passed	Pass
6/27/2017	2	City Council	approved on first reading	Pass
4/20/2017	1	City Planning Commission	referred	Pass

Ordinance No. 17-50 amending the zoning map of the City of Colorado Springs pertaining to 5.012 acres located at the southeast corner of Fillmore Street and Grand Vista Circle from R/HS (Residential Estate with Hillside Overlay) to PUD (Planned Unit Development: Multi-Family Residential, 18.16 Dwelling Units Per Acre and a 55 foot maximum building height).

(Quasi-Judicial)

Related File: CPC PUP 16-00097

**Presenter:**  
Peter Wysocki, Director Planning and Community Development  
Michael Schultz, Principal Planner, Planning and Community Development

**Summary:**  
Applicant: Land Patterns, Inc.  
Owner: Desirable Land Holdings

Location: Southeast corner of Fillmore Street and Grand Vista Circle

This project includes applications for a zone change from R/HS (Residential Estate with Hillside Overlay) to PUD (Planned Unit Development) and a PUD concept plan for the Fillmore Street Apartments allowing a maximum of 91 dwelling units and a 55 foot building height maximum.

**Previous Council Action:**

On June 27, 2017, this Ordinance was approved on first reading on the Consent Calendar.

**Background:**

The subject property is located within the Garden of the Gods Master Plan which designates the site as "Neighborhood Commercial". The City's Comprehensive Plan designates the site as "Commercial Center", which permits both general retail and high density residential (12 - 24.99 dwelling units per acre) as acceptable uses.

The rezoning request will change the zoning of 5.012 acres from R/HS (Residential Estate with Hillside Overlay) to PUD (Planned Unit Development) allowing multi-family residential (apartments) with a maximum of 91 dwelling units (18.16 DU/Acre) and a maximum building height of 55 feet.

The PUD concept plan illustrates two apartment buildings fronting both Fillmore Street and Grand Vista Circle; a third building is illustrated at the entrance point off Grand Vista Circle for the purposes of a manager's office and clubhouse. The parking for the project is shown tucked behind the two buildings with limited visibility from Fillmore Street or Grand Vista Circle. The Oasis Apartments to the west have a similar building and parking arrangement; the buildings screen the parking from public views. The applicant proposes only a single access off of Grand Vista Circle. No access along Fillmore Street is proposed at this time.

The proposed maximum building height of 55 feet, for only one of the buildings, was a concern of neighbors. Staff notes the recent approval of a 57 foot height maximum for a portion of the SQLC assisted living project located just to the south of this site and recent approval of the 165 foot height maximum for the Penrose St. Francis Hospital at Fillmore Street and Centennial Boulevard. The maximum building height for portions of the planned office development at both the southwest and southeast corners of Fillmore Street and Centennial Boulevard (including the VA Hospital) allow a 60 foot building height maximum.

City Planning Commission supported the proposed building height citing that the applicant anticipates that the building along Fillmore Street will be placed approximately 3 to 5 feet below the grade of the street; the appearance of the building height will be comparable to the Oasis Apartments located immediately to the west of the site.

This item supports the City's strategic goal relating to building community by fostering a land use pattern that encourages infill development

Please see the attached City Planning Commission staff report for additional detailed analysis.

**Financial Implications:**

N/A. A fiscal impact analysis is not required with a zone change and concept plan, but is typically required with a major master plan amendment.

**Board/Commission Recommendation:**

At their meeting on April 20, 2017 the City Planning Commission, after receiving a staff and applicant presentation and citizen input as part of the New Business calendar, voted 8-0-1 (8 yes, 0 no, 1 absent) to recommend approval of the change of zone to PUD and the Fillmore Street Apartments PUD Concept Plan.

**Stakeholder Process:**

The public process included a posting of the property and notification sent out to 30 property owners and HOA's located within 1,000 feet of the subject property. After receiving neighborhood comments and concerns a neighborhood meeting was held on February 15th; the site was posted and notifications sent out to 79 property owners and HOA's located within 1,500 feet of the subject property (residents who also participated on the Mesa Working Committee regarding the Penrose Hospital project were also included in the mailing list). Approximately 16 residents attended the meeting. The residents voiced concern regarding:

- The proposed maximum building height of 55-feet;
- Impacts of the building height to the character of the Mesa area, particularly the Fillmore corridor and the view toward Pikes Peak;
- The location of the apartments close to the street;
- Geologic issues associated with the property;
- Traffic concerns along Fillmore Street;
- Drainage from the site, impacts to properties to the east.

A follow up meeting was held on February 15th with residents and the applicant to address the concerns regarding the proposed building height and other issues voiced at the original meeting (staff did not attend that meeting).

Not all of the resident issues are addressed. However, the applicant has reached out to CONO (Council of Organizations and Neighbors) to assist with forming a working committee with the neighbors to continue discussions to resolve the above issues which could then be further addressed and documented as part of the future development plan submittal.

The site was posted and notifications sent prior to the City Planning Commission public hearing; 78 notices (a new buffer and mailing list was run to ensure we had the most recent property owners) were sent to property owners and HOA's located within 1,500 feet of the property.

Staff also sent the plans to standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, Water Resources Management, City Traffic, City Fire, Police and E-911. Colorado Geologic Survey (CGS) has reviewed the preliminary geologic hazard report and concept plan, CGS accepts the report and requests that a final report be submitted at the time a development plan is submitted. This site is not located within the Airport Overlay or the buffer area requiring review by USAFA.

**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:**

Adopt an ordinance changing the zoning map of the City of Colorado Springs relating to 5.012 acres located at the southeast corner of Fillmore Street and Grand Vista Circle from R/HS (Residential Estate with Hillside Overlay) to PUD (Planned Unit Development: Multi-Family Residential, 18.16 Dwelling Units Per Acre and a 55 foot maximum building height) based upon the findings that the change of zone 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 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 relating to 5.012 acres located at the southeast corner of Fillmore Street and Grand Vista Circle from R/HS (Residential Estate with Hillside Overlay) to PUD (Planned Unit Development).