



## Legislation Details (With Text)

**File #:** CPC ZC 19-00131    **Version:** 3    **Name:** Austin Bluffs Heights

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

**File created:** 7/1/2020    **In control:** City Council

**On agenda:** 9/8/2020    **Final action:** 9/8/2020

**Title:** Ordinance No. 20-57 amending the zoning map of the City of Colorado Springs pertaining to 1.13-acre from Single-Family Residential (R1-6000) to Intermediate Business with Conditions of Record (C-5/cr), located south of Austin Bluffs Parkway to the southwest of the Austin Bluffs Parkway/Meadow Lane/Regent Circle intersection.

(Quasi-Judicial)

Related Files: CPC ZC 19-00131, CPC DP 19-00132

**Presenter:**  
Daniel Sexton, Principal Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ZC\_ORD\_AustinBluffsHeights, 2. Exhibit A - Legal Desc, 3. Exhibit B - Zone Change, 4. Vicinity Map, 5. Signed Ordinance 20-57.pdf

Date	Ver.	Action By	Action	Result
9/8/2020	2	City Council	finally passed	Pass
8/25/2020	2	City Council	approved on first reading	Pass
7/16/2020	1	Planning Commission	referred	Pass

Ordinance No. 20-57 amending the zoning map of the City of Colorado Springs pertaining to 1.13-acre from Single-Family Residential (R1-6000) to Intermediate Business with Conditions of Record (C-5/cr), located south of Austin Bluffs Parkway to the southwest of the Austin Bluffs Parkway/Meadow Lane/Regent Circle intersection.

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**Summary:**

Owner: Shirihal Properties, LLC  
Developer: SAI Holdings, LLC.

Representative: YOW Architects, PC

Location: South of Austin Bluffs Parkway to the southwest of the Austin Bluffs Parkway/Meadow Lane/Regent Circle intersection

The project includes concurrent applications for a zone change and development plan. The zone change request changes the zoning from R1-6000 (Single-Family Residential) to C-5/cr (Intermediate Business with Conditions of Record). The development plan illustrates the construction for the 1.13-acre site as a multi-tenant commercial building with ancillary site improvements.

**Background:**

The applicant's zone change request will rezone the 1.13-acre project site from R1-6000 (Single-Family Residential) to C-5/cr (Intermediate Business with Conditions of Record). (See "Zone Change Exhibit" attachment) Per City Code Section 7.3.202(D) C5 - Intermediate Business, this zone district accommodates commercial uses that are of a moderate intensity and focus on individual sites, which may in some cases be located near established residential zones. As a base commercial zone district, City Code Section 7.3.203 *Permitted, Conditional and Accessory Uses* sets forth the permitted and conditionally permitted land uses allowed in the zone and dimensional controls are outlined under City Code Section 7.3.204 *Office, Commercial, Industrial, and Special Purpose Zone District Development Standards*. In response to input received from the surrounding residential neighborhood, the applicant has proposed to prohibit certain land uses within the zone, which include bars, automotive and equipment services, campgrounds, kennels, liquor sales, medical marijuana facility, and sexually oriented businesses. On balance with the purpose and intent of this commercial zone, as stated in City Code Section 7.3.202 *Purpose and Specific Requirements of Individual Zones*, the proposed commercial zone blends well with the surrounding residential neighborhood and nearby University of Colorado, Colorado Springs (UCCS) campus. (See "Context Map" attachment).

The requested Austin Bluffs Heights Development Plan (See "Development Plan" attachment) consists of an infill development proposal for a one-story 8,100 square foot multi-tenant commercial building and ancillary site improvements. In order to create a developable pad site for the proposed development, the existing site grade will be lowered approximately 6-10 feet. The site design and layout is in conformance with the dimensional controls established by City Code Section 7.3.204 *Office, Commercial, Industrial, and Special Purpose Zone District Development Standards*. Since the applicant does not have specific tenants identified and the building as proposed has three (3) or more commercial tenant spaces, City Planning staff applied the parking calculation for the "Commercial Center", which has a parking ratio of one (1) space per 250 square feet. As illustrated on the site plan, 51 parking spaces (15 spaces are compact) have been provided on-site when 32 parking spaces are required (this includes parking for potential outdoor seating areas). The proposed site plan also exceeds the landscape requirements of City Code 7.4.3 *Landscape Standards*, with a very robust planting regime along Austin Bluffs Parkway and the southern property boundary. The combination of on-site landscape treatments, the orientation of the building, site grades, and a 40"-48" opaque fence along the southern and western property boundaries will mitigate off-site impacts within the immediate neighborhood.

Additionally, the applicant will incorporate pedestrian and vehicular improvements within the project site and along the adjacent shared private access drive to afford greater connectivity between the project and the surrounding area. The pedestrian improvements will consist of a 6-foot sidewalk connecting to the existing public sidewalk along Austin Bluffs Parkway, which should improve pedestrian connectivity for UCCS students and residents in the immediate area. Pedestrians will also be able to access the site via the Mountain Metro Transit stop located to the east of the site along

Austin Bluffs Parkway. New traffic control and directional signage are proposed along the shared private access drive to improve on- and off-site vehicular circulation.

While the project site and envisioned mix of land uses did not warrant the preparation of a traffic impact study, the City's Traffic Engineering Division of Public Works (herein referenced as "Traffic") has reviewed the development plan. Traffic has determined that the site design and layout afford adequate sightlines and queuing for vehicles entering and exiting the site via the shared private drive, which has a right-in/right-out intersection off Austin Bluffs Parkway. As no roadway improvements are presently necessary, no remitting of funds trigger has been applied to the development plan. City Planning and Traffic will monitor the build-out of this project to determine if additional roadway or intersection improvements are necessary.

The City's Water Resources Engineering Division of Public Works (herein referenced as "SWENT") has reviewed the development plan and accompanying final drainage report, prepared by Oliver E. Watts, Consulting Engineer, Inc. SWENT has accepted the analysis and recommendations set forth in the report. Stormwater from the proposed project will be captured at a single inlet on the northern side of the parking lot directed into an upsized 15" storm sewer pipe, which connects to the existing storm sewer line in Austin Bluffs Parkway. No other on-site treatment or detention facilities are required at this time.

The project applications have been evaluated for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to PlanCOS, the project site is identified as a Changing Neighborhood, but is also adjacent to a City Priority Corridor. (See "PlanCOS Vision Map" attachment) The Austin Bluffs Heights project is consistent with one of the core values of PlanCOS, which reinforces the important of encouraging the mixing of uses through infill development proposals. One of the "Big Ideas" in the Vibrant Neighborhoods Chapter 2 of PlanCOS is entitled "Reclaim Neighborhood Space", which has goal VN-3: that states:

"Through neighborhood plans, associations, and partnerships, empower neighborhoods to reinvest in order to create community, vibrancy, and to address their specific vision and needs."

A policy for this goal further reinforces that development should "Encourage and support the integration of mixed-use development in neighborhoods." Adaptive and responsive land use change is one of the core values of PlanCOS. On balance with this perspective, City Planning staff recommends that the project's land uses, location and development design meets the overall intent of this idea. Adaptive and responsive change is another core value of PlanCOS. For the reasons provided in this overall staff report, staff City Planning staff finds that this redevelopment proposal and its associated applications to be in substantially conformance with PlanCOS and its guidance..

The project supports the City's Strategic plan of building community and collaborative relationships through the infill development of a vacant parcel along the Austin Bluffs Parkway corridor with a complimentary commercial project. The development of additional commercial land uses in this area will support existing land uses in the area, specifically UCCS, and create new employment opportunities that strengthen the Colorado Springs economy.

**Previous Council Action:**

City Council previously took action on this property in the 1969 when the property was annexed into the City.

### **Financial Implications:**

The project site is not part of a master planned area. As such, no master plan applications or corresponding fiscal impact analysis was required for this project.

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

At the City Planning Commission meeting held on July 16, 2020, the project applications were considered under the Consent Calendar. Without discussion, Planning Commission voted unanimously 7-0-2 (with Commissioners Eubanks and Raughton absent) to approve the project applications.

### **Stakeholder Process:**

The public notification process consisted of providing notice to surrounding homeowners associations and adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 93 property owners on two occasions: prior to a neighborhood meeting/internal review and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. At the neighborhood meeting held on October 21, 2019, City Planning staff received verbal comments both in favor and against the project. The public concerns raised involved prohibiting certain land uses to blend the commercial site into the surrounding neighborhood and minimizing the visibility of the site's commercial operations.

Staff input is outlined in the following sections of this report. Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City SWENT, City Parks, Council of Neighborhood Organizations (CONO), Police, E-911 and UCCS. All comments received from the review agencies have been addressed. As an infill project within an established neighborhood, City Planning staff notes that the following review agency provided project specific comments:

- City Fire - Illustration of fire lanes and fire apparatus turning movements requested and provided on the plans.
- City SWENT - City SWENT staff requested clarification of and design specifications for the proposed on-site stormwater improvements and their compliance with the City's Drainage Control Manual. Based on revisions made to the plans and concurrent reviewed final drainage report, the project's stormwater improvement were found to comply with the City's Drainage Control Manual and the FDR has been approved.
- City Traffic - No comments or objections were raised by the City's Traffic Division of Public Works.
- University of Colorado, Colorado Springs - The University has no concerns or objections to the proposed commercial development of the vacant parcel. (See "UCCS Correspondence" attachment).

### **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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Adopt an ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.13-acre from Single-Family Residential (R1-6000) to Intermediate Business with Conditions of Record (C-5/cr), based upon the findings that the zone change meets the review criteria as set forth in City Code Section 7.5.603 with the following conditions of record:

Prohibited uses include:

Bars, Automotive and Equipment Services, Campgrounds, Kennels, Liquor Sales, Medical Marijuana Facility, and Sexually Oriented Businesses

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.13-acre from Single-Family Residential (R1-6000) to Intermediate Business with Conditions of Record (C-5/cr), pursuant to the Zoning Ordinance of the City of Colorado Springs.

Prohibited uses include:

Bars, Automotive and Equipment Services, Campgrounds, Kennels, Liquor Sales, Medical Marijuana Facility, and Sexually Oriented Businesses