



## Legislation Details (With Text)

**File #:** CPC PUZ 19- 00025    **Version:** 3    **Name:**

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

**File created:** 8/29/2019    **In control:** City Council

**On agenda:** 11/12/2019    **Final action:** 11/12/2019

**Title:** Ordinance No. 19-83 amending the zoning map of the City of Colorado Springs pertaining to 66.99 acres from R/HS/SS (Estate Single-Family with Hillside and Streamside Overlay) to PUD/HS/SS (Planned Unit Development with Hillside and Streamside Overlay) located south of Fillmore Street and west of Centennial Boulevard.

(Quasi-Judicial)

Related Files: CPC MPA 07-00308-A7MJ19, CPC PUZ 19-00025, CPC PUP 19-00026

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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ZC-ORD\_FillmoreSouth, 2. ZC\_Exhibit A - Legal Description, 3. ZC\_Exhibit B - Zone Change, 4. Vicinity Map, 5. Signed Ordinance 19-83.pdf

Date	Ver.	Action By	Action	Result
11/12/2019	2	City Council	finally passed	Pass
10/22/2019	2	City Council	approved on first reading	Pass
9/19/2019	1	City Planning Commission	referred	Pass

Ordinance No. 19-83 amending the zoning map of the City of Colorado Springs pertaining to 66.99 acres from R/HS/SS (Estate Single-Family with Hillside and Streamside Overlay) to PUD/HS/SS (Planned Unit Development with Hillside and Streamside Overlay) located south of Fillmore Street and west of Centennial Boulevard.

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 Peter Wysocki, Planning & Community Development Director

**Summary:**

Owner: Pine Valley LLC III  
 Consultant: HR Green

Location: South of Fillmore and West of Centennial Boulevard

The applications under consideration are for a major master plan amendment to change the land use designation of 66.99 acres from 58.99 acres of private open space and 8 acres of residential to multi-family residential, a zone change to rezone the property from R HS SS (Estate Single-Family Residential with Hillside and Streamside Overlay) to PUD HS SS (Planned Unit Development: multi-family, 3.5-7.99 dwelling units per acres (not to exceed 500 units), maximum height in accordance with the concept plan (CPC PUP 19-00026) with Hillside and Streamside Overlay) and a concept plan for a maximum of 500 townhome and apartment units.

**Background:**

This site was historically proposed to be private open space as part of the Garden of the Gods Club Master Plan. The site has never been developed, but used over the years as homeless camps, a driving course for all-terrain and four-wheel vehicles and a dumping ground. Detailed explanation of the uses over the years can be found in the applicant's project statement. Even though it was master planned for private open space, there are no development restrictions nor a conservation easement that restricts development. The current proposal is a major master plan amendment, zone change and concept plan to allow the property to be used for townhomes and apartments while maintaining 77.5% of the site as open space. The site has challenges related to grade and includes significant existing vegetation. The applicant has provided detailed analysis through a land suitability analysis and geologic hazard report of areas that are buildable and the plan shows the location of the townhomes and apartment complex that minimize the impact on the site while maintaining a large part of the site as open space and trail system.

The Garden of the Gods Club Master Plan currently shows this area as residential and private open space. As discussed above, the private open space is currently being misused and is not well maintained. The proposed project changes the master planned use of the site to residential, but includes large preservation areas and other open space areas that will function as private open space. The trails that will be provided with the plans allow residents to truly use the open space and preserve it for the future. The change in use from private open space to residential is compatible with the surrounding uses. The properties to the south and west are proposed for multi-family and assisted living uses. The site to the east is developed as office and light industrial. There was a fiscal impact analysis prepared for this site. The results state that the fiscal impact is a positive cash flow for the City during the 10-year timeframe.

The property is currently zoned R HS SS (Estate Single-Family Residential with Hillside and Streamside Overlay) and is proposed to be rezoned to PUD HS SS (Planned Unit Development with Hillside and Streamside Overlay to allow multi-family as a mixture of townhomes and apartment units. The applicant has agreed to a condition of record to limit the number of units on the site to no more than 500 total units. In addition, the applicant has maintained the Hillside and Streamside Overlay on the property because the site exhibits significant natural features and steep slopes. The density of 3.5-7.99 dwelling units per acre is compatible with the surrounding uses to the site which include apartments to the west and southeast.

The concept plan illustrates 135 townhome units and 279 apartment units for a total of 414 multi-family units along with a very detailed analysis of the site through detailed grading and a land suitability analysis (LSA). The layout provided is conceptual and will be refined with the submittal of a development plan and final plat prior to building permits. The majority of the townhome units are proposed on the west side of the creek and the apartment units are proposed on the east side of the

creek. The site is proposed to function as a whole with a clubhouse located on the east side of the creek with the apartment units. The site can be accessed from Grand Vista Circle on the northwest corner or Van Buren Street on the east side of the site which connects to Centennial Boulevard. A significant trail system is proposed through the site to use the amenities of the preservation area and the stream. This trail is proposed to connect to the Mesa Valley City trail on the south side of the site.

The discussion at City Planning Commission raised questions about the history of the private open space designation on the Garden of the Gods Club Master Plan. The property was originally annexed into the City as part of the Mesa Addition #2 in 1971, this area was originally zoned A-1 (Garden Homes) with the annexation. The property was rezoned to R in 1981. With the R zoning, the maximum number of units on the site is 145 single-family residential units with a 20,000 sf lot size. The original master plan for this area was called the Hill Properties Master Plan. This plan was approved in 1982 for an area of 1,470 acres. This original master plan included the area generally east of Mesa Road/30<sup>th</sup> Street, south of Garden of the Gods Road, north of Broadview Open Space and west of Centennial Boulevard. The discussions at City Planning Commission and City Council related to open space and parks centered on the requirement for a public multi-use trail along Mesa Road and the idea of cluster development to preserve and protect areas with hillside characteristics. 287 acres, not including the golf course, was designated as private open space. No discussion on ownership and maintenance was provided in the master plan. Due to changes in ownership, the overall Hill Properties Master Plan was split into two master plans in 2007. The two master plans were the Hill Properties Master Plan and the Garden of the Gods Club Master Plan. The area under review was included in the Garden of the Gods Master Plan. No additional discussion on the private open space ownership or maintenance was provided in the transition to the new master plan.

Per City Code Section 7.7.1207 Park Land Dedication Ordinance (PLDO) fees or land dedication apply to this property. The land was originally designated as private open space on the master plans was not counted toward the (PLDO). Each development that has recently developed around this property has provided either land or fees to satisfy the PLDO requirements. The applicants met with the Parks, Recreation and Cultural Services Department (PR&CS) to discuss donating portions of this land to the Parks Department. The PR&CS Department provided review comments stating that they are not aware of any agreements that private open space was given PLDO credit. In addition, they stated that they walked the property and considered it for the Parks Department Park and Trail Master Plan and would not ask for parkland, but instead will ask for parkland fees in lieu of land dedication for the site. Staff has also confirmed that no conservation easements have been placed on this property.

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:**

City Council has previously acted on the Hill Properties Master Plan and the Garden of the Gods Club Master plan for this area.

On October 22, 2019, this ordinance was approved on first reading by a vote of 8:0:1:0 with Councilman Williams absent.

#### **Financial Implications:**

N/A

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

This item was heard by the City Planning Commission on September 17, 2019 at which time the Commission voted to recommend approval of the master plan, zone change and concept plan to City Council (7 to 2 vote; Commissioners Raughton and Wilson voting against the project).

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

**Stakeholder Process:**

The public notification process consisted of providing notice to the neighbors by placing a poster for the project on site and sending postcards to 100 property owners within 1000 feet. Public comment was received after the initial submittal. Staff determined that a public meeting would be helpful to discuss concerns raised by the neighborhood comments. That public meeting was held on March 18, 2019 and approximately 17 people attended. The concerns raised by the neighborhood were related to additional traffic and how the traffic would enter and exit the site, the height of the structures and if the new structures would block the views of existing homes, and how the parking would be accommodated on the site. These items will be addressed in the review section of this report. The site will be posted 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 Fire Department and Police/E-911, as well as School District 11, 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 19-00025 - PUD Zone Change**

Approve an Ordinance amending the zoning map of the City of Colorado Springs pertaining to 66.99 acres from R HS SS (Estate Single-Family Residential with hillside and streamside) to PUD HS SS ((Planned Unit Development: multi-family, 3.5-7.99 dwelling units per acres (not to exceed 500 units), maximum height in accordance with the concept plan (CPC PUP 19-00026) with Hillside and Streamside Overlay), 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 66.99 acres located at the south of Fillmore Street and west of Centennial Boulevard from R HS SS (Estate Single-Family Residential with hillside and streamside) to PUD HS SS (Planned Unit Development: multi-family, 3.5-7.99 dwelling units per acres (not to exceed 500 units), maximum building heights as shown on any approved concept plan not to exceed 69-feet using Hillside height calculations).