



Legislation Details (With Text)

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On agenda: 9/27/2022 **Final action:** 9/27/2022

Title: Ordinance No. 22-60 amending the zoning map of the City of Colorado Springs relating to 20.26 acres located west of South Chelton Road along the north and south side of Hancock Expressway from PUD/PUD/OC/CR/PBC/AO (Planned Unit Development: Townhomes, 30-foot maximum building height with 15 dwelling units per acre; Planned Unit Development: Townhomes, 35-foot maximum building height, 11.668 dwelling units per acre with Navigation Preservation Overlay; Office Complex with Airport Overlay; and Planned Business Center with Airport Overlay) to PUD/AO (Planned Unit Development: Community Commercial, 20,000 square foot maximum, and 45-foot maximum building height; Residential Very High, 25 dwelling units per acre maximum, and 45-foot maximum building height; Residential Medium, 8 dwelling units per acre maximum, and 35-foot maximum building height; with Airport Overlay)

(Quasi-judicial)

Related File: CPC PUP 22-00037

Presenter:
Gabe Sevigny, Planning Supervisor, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Sponsors:

Indexes: URA

Code sections:

Attachments: 1. ORD_ZC_HancockCommons, 2. Exhibit A - Legal Desc, 3. Exhibit B - Zone Change, 4. App - Hancock Commons_NES, 5. Staff - Hancock Commons_RGS, 6. Staff Report_Hancock Commons, 7. Project Statement, 8. Public Comments, 9. Current Zoning Depiction, 10. Zone Change, 11. Concept Plan, 12. Hancock Commons - Traffic Agreement, 13. Conditions Survey, 14. TIF Draft Financial Model, 15. Hancock Commons URA Plan, 16. URA Comments, 17. El Paso County Draft Impact Report-Hancock Commons 7-15-2022, 18. Vision Map, 19. Areas of Change, 20. Vibrant Neighborhoods Framework, 21. Unique Places Framework, 22. Thriving Economy Framework, 23. Aerial, 24. CPC_Minutes_HancockCommons, 25. 7.3.603 Establishment & Development of a PUD Zone, 26. 7.5.603.B Findings - ZC, 27. Signed Ordinance No. 22-60

Date	Ver.	Action By	Action	Result
9/27/2022	2	City Council	finally passed	Pass
9/13/2022	2	City Council	approved on first reading	Pass
8/10/2022	1	Planning Commission	recommended for approval	Pass

Ordinance No. 22-60 amending the zoning map of the City of Colorado Springs relating to 20.26 acres located west of South Chelton Road along the north and south side of Hancock Expressway from PUD/PUD/OC/CR/PBC/AO (Planned Unit Development: Townhomes, 30-foot maximum building height with 15 dwelling units per acre; Planned Unit Development: Townhomes, 35-foot maximum building height, 11.668 dwelling units per acre with Navigation Preservation Overlay; Office Complex

with Airport Overlay; and Planned Business Center with Airport Overlay) to PUD/AO (Planned Unit Development: Community Commercial, 20,000 square foot maximum, and 45-foot maximum building height; Residential Very High, 25 dwelling units per acre maximum, and 45-foot maximum building height; Residential Medium, 8 dwelling units per acre maximum, and 35-foot maximum building height; with Airport Overlay)

(Quasi-judicial)

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Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Summary:

Owner: HC20, LLC / Phi Real Estate Investments, LLC
Representative: NES / Blaine Perkins / Andrea Barlow
Location: West of South Chelton along the north and south sides of Hancock Expressway

This project includes concurrent applications for a zone change from PUD/PUD/OC/CR/PBC/AO (Planned Unit Development; Townhomes, 30 ft. max. bldg. ht, 15 du/ac; Planned Unit Development; Townhomes, 35 ft. max bldg. ht, 11.668 du/ac with Navigation Preservation Overlay; Office Complex with Airport Overlay; Planned Business Center with Airport Overlay) to PUD/AO (Planned Unit Development; Residential and Commercial, with density and maximum building height established with CPC PUP 22-00037 with Airport Overlay), and a new concept plan illustrating 20.26-acres as multi-family residential and commercial.

Background:

The site has remained undeveloped since annexation in 1969. The subject property is currently under four (4) separate zoning designations. The northeast portion is currently zoned PBC/AO (Planned Business Center with Airport Overlay) by Ordinance No. 84-196; the northwest portion is currently zoned OC/AO (Office Complex with Airport Overlay) by Ordinance No. 84-195; the southeast portion is currently zoned PUD (Planned Unit Development; Townhomes, 35 ft. max bldg. ht., 11.668 du/ac with Navigation Preservation Overlay) by Ordinance No. 03-36; lastly the southwest portion is currently zoned PUD/CR (Planned Unit Development with Conditions of Record) by Ordinance No. 84-194.

Three (3) of the above zonings were approved in 1984, with the last one to be approved in 2003. The rezoning under Ordinance No. 03-36 overlaps the zone boundary of Ordinance No. 84-194 as indicated on that attached Current Zoning Depiction. When the applicant first approached city staff for development requirements, this was observed and staff required a zone change to fix the issue of the overlapping zonings.

To allow the proposed development, the applicant has provided a PUD zone change application. The proposed zoning is PUD/AO (Planned Unit Development: Community Commercial, 20,000 square foot maximum, and 45-foot maximum building height; Residential Very High, 25 dwelling units per acre maximum, and 45-foot maximum building height; Residential Medium, 8 dwelling units per acre maximum, and 35-foot maximum building height; with Airport Overlay).

Additional development standards are provided in the associated PUD concept plan. The proposed zoning is consistent with the existing zoning and the comprehensive plan, and the application is not detrimental to the public interest, health, safety, convenience, or general welfare. For the reasons stated above, staff finds that the proposed PUD zone change meets the review criteria for granting 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.

The requested Hancock Commons Concept illustrates the envisioned development for the subject area with multi-family and commercial uses, roadway improvements, to include a vacation of Hancock Expressway and relocating to the north of the property, and other improvements that will be determined as part of a future PUD development plan applications. The applicant has proposed to limit the allowable land uses with the project subareas as follows:

Residential Use Types: Expected to be developed in the Residential Medium (RM), Residential Very High (RVH) areas of the project. The residential densities vary by area but range from 8-25 dwelling units per acre.

Commercial Use Types: Limited to the Planned Business Center (PBC) portions of the project and may include both permitted and conditional uses commonly found in the PBC zoned district. The principal permitted and conditional use for the PBC zone district are outlined in City Code Section 7.3.203 *Permitted, Conditional and Accessory Uses*. The maximum allowable square footage will be limited to 20,000 square feet. This is consistent with how the area is currently zoned.

The applicant has proposed maximum buildings heights for the project that vary by area but range from 35-45 feet. The 35-foot maximum building height for the RM subarea is consistent with building heights for multi-family as the Zoning Code for multi-family has maximum building heights of 40 and 45 feet. The 45-foot maximum building height for the RVH subarea is consistent with building heights for multi-family for the same reason listed above and the current zoning of the area has a maximum building height of 45 feet. Lastly, the 45-foot maximum building height for the Commercial subarea is consistent with the maximum building height for the PBC zone district which is also 45 feet.

In addition, the applicant proposes an extension of Post Oak Drive to the north and to intersect with a full movement intersection with the future relocation of Hancock Expressway. Along this extension, the applicant proposes three (3) full movement intersection, and an additional two (2) right-in/ right-out access points for the commercial subarea. The applicant has also proposed two (2) detention pond areas and two (2) rain garden areas on the subject site.

The above discussed development parameters and envisioned supportive land uses mitigate the impacts of this redevelopment proposal and reinforce strategies to approach good infill. City Planning staff finds that the proposed plan, as stipulated, is in conformance with the purpose for establishing PUD concept plan, as set forth in City Code Section 7.3.601, and a concept plan, as set forth in City Code Section 7.5.501.

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 Reinvestment Area and Community Hub. According to the Areas of Change map the project site is identified in a high area of change and according to the Vibrant Neighborhoods Framework map the project site is identified within a Changing Neighborhood. Goals for the Vibrant Neighborhood are listed below as VN. Lastly, according to the Unique Places

Framework map the project site is identified to be within the Reinvestment Area and Community Hub, goals for the Unique Places are listed below as UP, and according to the Thriving Economy Framework the project site is located within proximity to several Cornerstone Institutions and Industry Icons and with the future realignment of Hancock Expressway will create a better connection to other spinoffs and startups and critical support areas. Strategies for Thriving Economy are listed below as TE. Specific policies of PlanCOS that are supported are listed below:

Goal VN-1: Increase neighborhood identity, inclusion, and participation throughout the city for residents, employees, and visitors.

Goal VN-2: Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships, and appropriate zoning and density that is adaptable to market demands and housing needs.

Goal VN-3: Through neighborhood plans, associations, and partnerships, empower neighborhoods to reinvest in order to create community, vibrancy, and to address their specific vision and needs.

Goal UP-1: Enrich the texture and livability of the city as a tapestry of unique, vibrant, and walkable places.

Goal UP-2: Embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market.

Goal UP-4: Strengthen our overall community identity and better serve the needs of residents and businesses within our large metropolitan area by developing active, unique, and connected centers and corridors.

Goal UP-5: Develop and support unique places and centers as models of resilience and sustainability.

Strategy TE-1. C-2: Support and leverage projects and initiatives with mixed uses, transit supported and walkable attributes to attract and retain a skilled workforce and business investment.

Strategy TE-1. C-3: Ensure an adequate supply of attainable housing for the workforce across all industries, and that it is conveniently located near hubs of employment and/or public transportation.

Strategy TE-4. A-1: Encourage revitalization and infill in underutilized urban places.

The proposal supports redevelopment, connectivity, attainable housing, and economic development by providing workforce housing in proximity to and connecting to multiple employment opportunities and neighborhood services. City planning staff finds the Hancock Commons project and its concept plan to be in substantial conformance with PlanCOS and its guidance.

Previous Council Action:

The subject property was approved for annexation in 2003, with the initial zoning establishment of A/AO (Agricultural with Airport Overlay), with the latest approval of a Master Plan amendment, which was approved January 13, 2010.

Financial Implications:

A Fiscal Impact Analysis was not required for this submittal.

City Council Appointed Board/Commission/Committee Recommendation:

City Planning Commission unanimously recommended approval of the application at their meeting on August 10, 2022.

Stakeholder Process:

The applications were sent to the standard internal and external agencies for review and comment. Review comments received have been addressed. Internal review agencies for this project included City Traffic, City Engineering, City Parks, City Fire Department and Police/E-911, Colorado Springs Utilities.

- **SWENT:** The development is adjacent to Peterson Field Drainageway and Simmelink Drainageway. A Master Drainage Development Plan (MDDP) is required to be approved by Stormwater Enterprise, this has been added as a condition of approval. Channel improvements will be required and future drainage reports will be required with development plans. The area is located within the Floodplain; the Floodplain Administrator has provided comments that Floodplain encumbrances on this site will need to be resolved via an approved and effective Letter of Map Revision (LOMR) prior to recording of a final plat and a Conditional Letter of Map Revision to be approved prior to any grading.
- **Traffic:** A Traffic Impact Analysis (TIA) was prepared March 9, 2022 by LSC Transportation Consultants. The report was sent to City Traffic Engineering for referral. City Traffic Engineering agrees with the TIA findings and recommendations. Traffic control methods will be further reviewed with the construction plans. As Hancock Expressway is proposed to be relocated to the north side of the subject property, there was an agreement drafted from City Traffic Engineering and the applicant's engineer dated August 5, 2021. This agreement is to illustrate what obligations the developer has and what obligations the city will have for the completion of Hancock Expressway relocation.
- **School District Academy School District 2:** The subject site is located within Harrison School District #2 and is served by existing schools. The applicant will be responsible for remitting any required school fees.
- **AAC (Airport):** Heard the item at their April 27, 2022 meeting and recommended approval
- **URA (Urban Renewal Authority):** The proposed site is located within an Urban Renewal Area. Urban renewal authorities, urban renewal plans and the use of tax increment financing (TIF) are regulated by Colorado Revised Statute (CRS) Title 31, Article 25. The intent of urban renewal plans is to encourage and facilitate redevelopment and to eliminate blight within the designated area, ideally consistent with a city's comprehensive plan. For the purpose of urban renewal, "blighted area" is defined in CRS. In order for an area to be classified as blighted, it

must exhibit 4 of 12 characteristics also stipulated in CRS. A blight conditions survey was completed and concludes that as a stand-alone area, this site qualifies as a “blighted area”. The conditions survey for Hancock Commons is attached.

In accordance with CRS 31-25-107(2), prior to City Council approval of an urban renewal plan or a substantial amendment to an existing plan, the plan or amendment must first be reviewed and a recommendation offered by the City Planning Commission regarding its conformity to the City Comprehensive Plan. If no recommendation is offered by the City Planning Commission within 30 days of submittal, the City Council may proceed to act upon the submitted plan or amendment.

Pursuant to CRS, urban renewal plans sunset 25 years after their adoption. The most common method of funding improvements is through the issuance of bonds by an urban renewal authority in order to initiate the money for specified improvements. The bonds are then repaid by the urban renewal authority using the revenue generated from the incremental increase in sales and property taxes collected within the urban renewal area. This is commonly referred to as tax increment financing or “TIF”. It should be noted that creation of an urban renewal area does not change the tax rate base - the tax increment yields are generated by the increases in property values and sales of taxable goods above the taxes collected prior to the adoption of the plan. (Typically, the year prior to or the year a plan was adopted serves as the “base year” from which the increment is determined. The “base year” rates are later adjusted every two years to establish a new base.) It should be noted that Colorado Springs Urban Renewal Authority (CSURA) normally receives 100% of the property tax increment; however, the portion of the City’s 2% of the general sales tax increment is negotiated through a separate agreement with the City.

The adoption of the Hancock Commons Urban Renewal allows CSURA, among other powers, to enact property tax and sales tax increment financing to assist with the financing of infrastructure and site remediation requirements necessary to eliminate and prevent the spread of blighted conditions in the area for a full 25-year period.

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 amending the zoning map of the City of Colorado Springs relating to 20.26 acres located west of South Chelton Road along the north and south side of Hancock Expressway from PUD/PUD/OC/CR/PBC/AO (Planned Unit Development: Townhomes, 30-foot maximum building height with 15 dwelling units per acre; Planned Unit Development: Townhomes, 35-foot maximum building height, 11.668 dwelling units per acre with Navigation Preservation Overlay; Office Complex with Airport Overlay; and Planned Business Center with Airport Overlay) to PUD/AO (Planned Unit Development: Community Commercial, 20,000 square foot maximum, and 45-foot maximum building height; Residential Very High, 25 dwelling units per acre maximum, and 45-foot maximum building height; Residential Medium, 8 dwelling units per acre maximum, and 35-foot maximum building height; with Airport Overlay) based upon the findings that the change of zoning request complies with the criteria for granting a zone change as set forth in City Code Section 7.5.603(B).

An ordinance amending the zoning map of the City of Colorado Springs relating to 20.26 acres located west of South Chelton Road along the north and south side of Hancock Expressway from PUD/PUD/OC/CR/PBC/AO (Planned Unit Development: Townhomes, 30-foot maximum building height with 15 dwelling units per acre; Planned Unit Development: Townhomes, 35-foot maximum building height, 11.668 dwelling units per acre with Navigation Preservation Overlay; Office Complex with Airport Overlay; and Planned Business Center with Airport Overlay) to PUD/AO (Planned Unit Development: Community Commercial, 20,000 square foot maximum, and 45-foot maximum building height; Residential Very High, 25 dwelling units per acre maximum, and 45-foot maximum building height; Residential Medium, 8 dwelling units per acre maximum, and 35-foot maximum building height; with Airport Overlay)