



Legislation Details (With Text)

File #: CPC PUZ 21- 00023 **Version:** 3 **Name:** Aspen Meadows No. 4
Type: Ordinance **Status:** Mayor's Office
File created: 6/1/2021 **In control:** City Council
On agenda: 8/10/2021 **Final action:** 8/10/2021

Title: Ordinance No. 21-63 amending the zoning map of the City of Colorado Springs from A (Agricultural) to PUD/AO/SS (Planned Unit Development; single-family residential, 3.5-7.99 DU/AC, 45-foot maximum building height with Airport and Streamside overlay) consisting of 22.65 acres located southeast of Forest Meadows Avenue and Cowpoke Road.
(Quasi-judicial)

Related Files: CPC MPA 06-00206-A13MJ21, CPC PUP 21-00024

Presenter:
Katie Carleo, Planning Supervisor, Planning & Community Development
Peter Wysocki, Director of Planning & Community Development

Sponsors:

Indexes: Master Plan Amendment

Code sections:

Attachments: 1. ORD_ZC_AspenMeadowsNo.pdf, 2. EXHIBIT A_Aspen Meadows No. 4 Legal, 3. EXHIBIT B_Aspen Meadows No.4, 4. Signed Ordinance 21-63

Date	Ver.	Action By	Action	Result
8/10/2021	2	City Council	finally passed	Pass
7/27/2021	2	City Council	approved on first reading	Pass
6/17/2021	1	Planning Commission	referred	Pass

Ordinance No. 21-63 amending the zoning map of the City of Colorado Springs from A (Agricultural) to PUD/AO/SS (Planned Unit Development; single-family residential, 3.5-7.99 DU/AC, 45-foot maximum building height with Airport and Streamside overlay) consisting of 22.65 acres located southeast of Forest Meadows Avenue and Cowpoke Road.
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Summary:

Owner: RAP INVESTMENT LLC, TIM BUSCHAR
Developer: COLA LLC dba ASPEN VIEW HOMES, TIM BUSCHAR
Representative: MATRIX DESIGN GROUP, JASON ALWINE
Location: Southeast of Forest Meadows Ave. and Cowpoke Road

This project includes concurrent applications for a major amendment to the Woodmen Heights Master Plan converting previously established school dedication land for future residential development along with supporting zone change and PUD concept plan.

Background:

1. Site Address: None
2. Existing Zoning/Land Use: A (Agricultural)/ the subject property is vacant
3. Surrounding Zoning/Land Use:
North: I-3/CAD-O (Industrial with Commercial Airport District) within El Paso County with the shared boundary as part of Pioneer Sand Company undeveloped area
South: A (Agricultural) established as a City of Colorado Springs drainage facility
East: Currently A (Agricultural) but under consideration with City Council for PK (Park) for establishment of master planned park
West: PUD (Planned Unit Development) Single-family Residential within the Forest Meadows Neighborhood
4. Annexation: Woodmen Heights No. 3 Annexation in 2004
5. Master Plan/Designated Master Plan Land Use: Existing Woodmen Heights Master Plan
6. Subdivision: The associated properties are currently not subdivided.
7. Zoning Enforcement Action: None
8. Physical Characteristics: The majority of the proposed area of change includes a mix of natural vegetation, mainly wild grasses. Sand Creek runs through the south eastern portion of the proposed area of change where there are larger slopes down towards the creek with more riparian vegetation.

The area known today as Woodmen Heights was originally annexed into the City of Colorado Springs in 2004 with the Woodmen Heights No. 3 Annexation. In the establishment of the master plan an evaluation and review was conducted with School District 49 to establish the need for school sites. At its original adoption the Woodmen Height Master Plan held a 10-acre school site in the northwest corner of the plan and the subject site, a 22-acre school site, in the southeastern area of the plan. As is typical process a developer will hold the land which is dedicated per a master plan for school use until which time the school district calls upon them and a land transfer then occurs.

In this case the 10-acre school site, as dedicated on the master plan, was transferred and developed by School District 49 in 2018 as Grand Peak Academy. The 22-acre site has continued to be privately held until which time the district would call for the land to be dedicated for development. As the area has continued to develop, both in the City and El Paso County, School District 49 has recently conducted an evaluation of the area and in discussion with the land owner/developer has decided the site is no longer needed in this location and thus has agreed to release the obligation of the site dedication. With this School District 49 will collect fees in lieu of land as would be our standard adherence for conformance with PLDO (Parkland Dedication Ordinance). School District 49 has included a detailed letter that illustrates the evaluation of remaining undeveloped lands that would be subject to PLDO and the transfer of the school site. (SCHOOL DISTRICT 49 LETTER) With the support of the District the City has accepted and supports the request for the master plan major amendment to remove the school dedication for the 22-acre site and establish for future residential use.

A land use master plan establishes the envisioned land use designations and configuration within the

project area. As part of the overall project converting the 22-acre school site for future residential use the accompanying **WOODMEN HEIGHTS MASTER PLAN** illustrates the site for reclassification. Staff has outlined major details related to this proposed change below as part of the stakeholder process.

As part of the establishment of the new residential use the property is proposed to be zoned from A (Agricultural) which was established as a holding zone with annexation to PUD (Planned Unit Development) to allow for single-family residential with a density of 3.5-7.99 dwelling units per acre. Zoning would also establish the Airport Overlay and the Streamside Overlay. The proposed maximum building height is 45-feet. It is envisioned for the development to fall in line with the City Small Lot PUD Guidelines which will further be reviewed at the time of development plan. Additional residential development standards shall be established at the time of individual development plan submittal to ensure alignment with these standards.

As required by City Code Section 7.3.605 a PUD zone change shall be accompanied by a concept plan to show the overall conceptual intent for the development. Many of the details discussed in this report are captured in notes or depictions as part of the **ASPEN MEADOWS NO. 4 CONCEPT PLAN**. The plan illustrates two major full movement access points from the development which will then have internal residential roadways. Streamside buffers are depicted from Sand Creek as well as a park site that would be established along this area of the creek. In addition a future connection is shown to the community park site just east of this site. The concept plan is a schematic representation of intended development and final details of lot layout will come with development plan review.

PlanCOS is a high level and visionary document. Although PlanCOS purposefully does not include site-specific map-based recommendations regarding land use there are multiple areas of alignment between the Plan and the proposed changes to the Woodmen Heights Master Plan. There is a stated assumption in PlanCOS that land use change and adaptation should be recognized and reasonably supported both in existing development and with approved but not yet fully developed plans. Therefore, in the context of PlanCOS, the conversations and decisions are focused on how the proposed changes align with and advance the vision of PlanCOS.

Foundationally, PlanCOS is theme based. Three of its six themes are particularly pertinent to and aligned with the request for a major master plan amendment; Strong Connections, Vibrant Neighborhoods and Majestic Landscapes. PlanCOS places a special importance on the creation, and adaptation of Vibrant Neighborhoods which is an important consideration in plans of this scope. Woodmen Heights Master Plan seeks to provide unique placed to live with connections through parks and open space that create a sense of community along with an active programming to engage residents. This area is considered in PlanCOS as a Newer Developing Neighborhood (**PLAN COS VIBRANT NEIGHBORHOODS**) and supports the proposed changes for the residential community to be established. Although there is an elimination of a school site the City relies on a similar evaluation process with School District 49 for the planning of their needs for school locations. With the need no longer relevant at this site the neighborhood has opportunity to support residential development in line with continuing a vibrant neighborhood.

Marksheffel Road as identified in PlanCOS is a Strong Connection for the City. (**PLAN COS STRONG CONNECTIONS**) This will be a major corridor in the region and among other considerations its connection will be critical to providing for the future development of properties to the northeast of this roadway extension. As part of the analysis of the master plan the City supports

the alignment of the proposed changes and the intent of Majestic Landscapes within PlanCOS. This development, with respect to the proposed master plan, has a number of attributes that are well aligned with this theme. Principal among these is the planned location and connection to adjacent Parks which will be available to residents and the community. The proposed changes, to incorporate residential use, strengthen this alignment.

PlanCOS generally supports reasonable and logical increases in residential density. Arguably, this project is maintaining reasonable density given its location within the City and unincorporated County, and considering the market it is responding to. The proposed changes support a reasonable accommodation to include residential products and density ranges at a logical location.

Previous Council Action:

This site was last before City Council with its annexation into the City of Colorado Springs as part of the Woodmen Heights Addition No. 3 Annexation in 2004.

On July 27, 2021, this ordinance passed its first reading on the Consent Calendar.

Financial Implications:

A Fiscal Impact Analysis (FIA) is required for all major amendments of a master plan and is completed by the City Budget Office. The FIA was completed on JUNE 2, 2021. The fiscal review criteria of the City Code states city costs related to infrastructure and service levels shall be determined for a ten-year time horizon for the appropriate municipal funds. This is a standard FIA modeling by the City Budget Office.

The FIA methodology reviewed City units projected increase in marginal cost of providing services to the development for the ten-year timeframe. The FIA states most departments indicated there were no identifiable costs of providing services to this development. The result of the FIA is a positive cumulative cash flow over the course of ten years. The individual years are showing as negative, however, the sales tax collected on construction is more than enough to offset, and we have a cumulative positive outcome all the way through the 10 year horizon. The Summary of Expenditures and Revenues is attached along with the Expenditure and Revenue Notes to provide the methodology for calculating the expenditures and revenues. **(FIA ASPEN MEADOWS NO. 4)**

City Council Appointed Board/Commission/Committee Recommendation:

These items were heard before City Planning Commission on June 17, 2021 as part of the new business agenda. A presentation was given by staff and the applicant; no questions from Commissioners were received and a final vote was unanimous for approval (Commissioner Rickett and McMurray absent).

Stakeholder Process:

As part of the submittal to the City additional stakeholder process and involvement with the surrounding neighborhood was undertaken. At the time the application was submitted the site was posted and postcards send to all property owners within a 1000-foot buffer of the subject property which included 186 property owners. During the initial review a virtual neighborhood meeting was held on March 24, 2021, in which eight people attended. A few areas of concern were discussed and the future developer as well as School District 49 were in attendance to further explain future development. Four letters of opposition were received throughout the review process **(PUBLIC COMMENT)** and a letter from the consultant and future developer was sent to the neighborhood **(APPLICANT RESPONSE LETTER)**.

Staff input is outlined in the supporting section of this report. Staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, Airport Advisory Commission, School District 49, Police and E-911, and El Paso County Development Services.

- School District 49: The currently approved master plan identifies a 22-acre area southeast of Forest Meadows Avenue and Cowpoke Road for 'school'. The proposed amendment would convert the school site to residential for the future establishment of single-family residential. With the establishment of this density, along with the surrounding residential under the same ownership for development by Aspen View Homes, the School District has negotiated a price that will be paid to the District to cover all PLDO requirements for any of these subject areas (COLA LLC ownership holdings). Again these details are captured in the **SCHOOL DISTRICT 49 LETTER** and furthermore supported in the **DISTRICT 49 WOODMEN HEIGHTS APPLICATION LETTER**. With analysis of the area it is the Districts determination this school site is not in a location that will serve them for the need in future school development.
- City Traffic Engineering: At the request of the City Traffic Division, a Traffic Impact Study Update - Trip Generation Comparison Letter was completed by the applicant's traffic engineer. As part of this analysis an original Traffic Impact and Access Analysis was completed by LSC Transportation Consultants in late 2018. This took into account a potential use of this site for 270 residential units. With the current proposal for density an updated analysis at 318 conceptual units was conducted and resulted in no discernible change in traffic operations or level of service as a result of the additional dwelling units. (**ASPEN MEADOWS TRAFFIC LETTER**). The City Traffic Division reviewed the updated trip generation comparison and is in support of the proposed establishment for residential as consistent with the outcome of the traffic analysis and accepting this report.
- Geological Hazards and Streamside: This property is also subject to a required Geological Hazard Study per City Code 7.5.403. The study was completed by CTL Thompson in June 2005 with original planning for this area. The report was reviewed by City Engineering and the Colorado Geological Survey (CGS) for identified specific geological hazards on the subject property. The summary letter provided slope stability areas of concern. As a result of this analysis and in conjunction with this master plan amendment the City Engineering Division has added notes to the concept plan that additional geological hazard investigations or validations will be required at time of development plan submittals. In addition the site has been reviewed for Streamside standards adding information for creek setbacks to the concept plan. Further review will take place at development plan. The property meets the requirements for streamside influence and is proposed for Streamside Overlay zoning.
- City Parks and Recreation: As part of this amendment the owner has proposed a major change to density which results in a new PLDO calculation. As part of the review process the master plan parkland allocations are reviewed by the City Parks Department. The associated master plan has been reviewed and accepted by the Parks Department. All proposed parks, common areas and open space within Aspen Meadows No. 4 will be owned and maintained by the Woodmen Heights Metropolitan District or an HOA. The PLDO obligations for this development are approximately 1.898 acres of land dedication or \$220,480 of fees in lieu. At this time, as discussed in detail above, the owner will provide fees in lieu of land to meet PLDO obligations. The site is envisioned as potential small lot residential development which shall include open green space as part of the development. Staff has asked for a conceptual

park site with trails that lead to the adjacent community park site which can be seen on the accompanying **ASPEN MEADOWS NO. 4 CONCEPT PLAN**. Any potential park sites will be coordinate with future development plan and plat applications.

- Woodmen Heights Metropolitan District: This property is located within the Woodmen Heights Metropolitan District and the Woodmen Road Metropolitan District. The associated parcels will be included in the District boundaries through an inclusion process with the District and assessed a mill levy on the property.
- City Airport Advisory Commission: The Colorado Springs Airport Advisory Commission held a hearing on March 24, 2021 in which they supported the establishment of the development with an Airport Overlay and will look for future avigation easements to be established at platting.

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 ordinance changing the zoning of 22.65 acres from A (Agricultural) to PUD/AO/SS (Planned Unit Development; single-family residential, 3.5-7.99 DU/AC, 45-foot maximum building height with Airport and Streamside overlay) based upon the findings that the change of zone request complies with the 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 from A (Agricultural) to PUD/AO/SS (Planned Unit Development; single-family residential, 3.5-7.99 DU/AC, 45-foot maximum building height with Airport and Streamside overlay) consisting of 22.65 acres located southeast of Forest Meadows Avenue and Cowpoke Road.