



## Legislation Details (With Text)

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|----------------------|---------------|----------------------|---|-----------------------|-----------|
| <b>File #:</b>       | PUDZ-22-0008  | <b>Version:</b>      | 1 | <b>Name:</b>          | Creekwalk |
| <b>Type:</b>         | Planning Case | <b>Status:</b>       |   | <b>Mayor's Office</b> |           |
| <b>File created:</b> | 4/18/2023     | <b>In control:</b>   |   | <b>City Council</b>   |           |
| <b>On agenda:</b>    | 7/25/2023     | <b>Final action:</b> |   | <b>7/25/2023</b>      |           |

**Title:** Ordinance No. 23-32 amending the zoning map of the City of Colorado Springs relating to 4.56 acres of land located between E. St. Elmo Ave. and E. Ramona Ave. just west of S. Nevada Ave. from MX-M (Mixed Use Medium Scale) and R5 (Multi-Family Residential) zone districts, both with the SS (Streamside Overlay) zoning designation, to PDZ/SS (Planned Development Zone District with the Streamside Overlay Zone) for multi-family residential land use, with a maximum building height of 85 feet, and a maximum density of 87.72 DUs/acre.

(Quasi-Judicial)

Related Files: COPN-22-0025, PUDD-22-0038

**Presenter:**

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department  
Peter Wysocki, Planning Director, Planning and Community Development Department

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Zone Change, 4. Staff Report, 5. Project Statement, 6. Public Comments, 7. Public Comment Responses, 8. Creekwalk Residential Stakeholder Input UPDATED POST-CPC, 9. Vicinity Map, 10. PlanCOS Vision Map, 11. PlanCOS Areas of Change Map, 12. 7.3.603 Establishment & Development of a PUD Zone, 13. 7.5.603 Findings - ZC, 14. CPC Meeting Minutes\_06.14.23, 15. Staff Presentation, 16. Signed Ordinance No. 23-32.pdf

| Date      | Ver. | Action By           | Action                    | Result |
|-----------|------|---------------------|---------------------------|--------|
| 7/25/2023 | 1    | City Council        | finally passed            | Pass   |
| 7/11/2023 | 1    | City Council        | approved on first reading | Pass   |
| 6/14/2023 | 1    | Planning Commission | referred                  | Pass   |

Ordinance No. 23-32 amending the zoning map of the City of Colorado Springs relating to 4.56 acres of land located between E. St. Elmo Ave. and E. Ramona Ave. just west of S. Nevada Ave. from MX-M (Mixed Use Medium Scale) and R5 (Multi-Family Residential) zone districts, both with the SS (Streamside Overlay) zoning designation, to PDZ/SS (Planned Development Zone District with the Streamside Overlay Zone) for multi-family residential land use, with a maximum building height of 85 feet, and a maximum density of 87.72 DUs/acre.

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**Summary:**

Owner: Creekwalk North, LLC

Developer: Creekwalk North, LLC

Representative: Kimley-Horn

Location: Between E. St. Elmo Ave. and E. Ramona Ave. just west of S. Nevada Ave.

The project includes concurrent applications for a PDZ zone change (previously referred to as the PUD Zone), an amendment to the previously approved Creekwalk Redevelopment Concept Plan, and a PUDD development plan for roughly 4.5 acres of land located between E. St. Elmo Ave. and E. Ramona Ave. just west of S. Nevada Ave. The site is currently zoned MX-M (Mixed Use Medium Scale) and R5 (Multi-Family Residential) zone districts, both with the SS (Streamside Overlay) zoning designation. The proposed PDZ/SS zone would permit multi-family residential land use, with a maximum building height of 85 feet, and a maximum density of 87.72 DUs/acre. The concurrent Concept Plan amendment and PUDD development plan illustrate the proposed apartment building with up to 400 dwelling units, 548 parking stalls within the internal parking structure, site improvements (e.g. access, guest parking, creek and trail improvements), and other project amenities.

**Background:**

The subject property is located within the South Nevada Urban Renewal District which was created by City Council in 2015 in order to cure blight and create incentives for economic investment in the area. There has been significant progress over the last 7+ years with new retail, restaurant and service uses, particularly along the west side of S. Nevada Ave. Many of these projects completed significant public improvements within the area including the burying of overhead utilities, wider and safer public sidewalks, new landscaping, and significant improvements to Cheyenne Creek. The City has also been working with the Colorado Department of Transportation (CDOT) to improve the flow and safety of S. Nevada Ave. through the corridor.

The subject property falls within the Creekwalk Redevelopment Concept Plan which covers nearly 15 acres of land near the southwest corner of the Urban Renewal District. The concept plan was reviewed and approved by Staff and Council on multiple occasions and has guided the redevelopment of the area. Much of the concept plan area has been fully redeveloped with new commercial and service uses. Cheyenne Creek has been significantly improved to address erosion, remove invasive species, and create a new trail system along the creek; the western edge of the concept plan area has been transformed from a liability to a true amenity to the area. The northern portion of the concept plan area has been previously approved for multiple commercial uses and the corner of S. Nevada and E. Ramona Ave. is nearly complete for a new Sprouts grocery store.

Much of the site has already been cleared of blighted and older buildings in preparation for the proposed project. While the property did include a number of “naturally occurring affordable housing units” the developer worked closely with the City’s Community Development Staff as well as the tenants of those projects to provide ample notice and relocation assistance to minimize the impacts of the necessary displacement.

This project includes three concurrent applications submitted to allow for the development of a significant apartment project at the northwest corner of the Creekwalk Redevelopment Concept Plan area on a portion of the site which was previously planned for a mix of commercial and residential uses. The proposed apartment project will include up to 400 apartment units throughout a 7-story building. The project includes structured parking for nearly 550 parking stalls and includes a significant amenity deck for the project's residents. The project will also continue creek improvements and trail system similar to those that have been recently completed just south of E. St. Elmo Ave.

### PDZ Zone Change

The request will rezone the roughly 4.5-acre site from MX-M (Mixed Use Medium Scale) and R5 (Multi-Family Residential) zone districts to a new PDZ/SS-O (Planned Development Zone with the Streamside Overlay Zone). The proposed PDZ district will permit multi-family residential land use not to exceed 87.72 dwelling units per acre with a maximum building height of 85 feet. These limits on intensity, density and bulk/scale were established to allow for the construction of the proposed apartment building illustrated on the proposed concurrent concept and development plans.

This project, including the proposed zone change, is being reviewed under Chapter 7 of the City's Zoning Code (as opposed to under the newly adopted Unified Development Code) since the applications were submitted in late 2022. According to Section 7.3.601 of City Code, the purpose of the PUD zone (now known as the PDZ District), is: to implement the City's Comprehensive Plan; to allow for a variety of projects which encourage design flexibility and site feature preservation all which will provide public services in a more economic manner; to encourage flexibility and innovative design to improve the quality of physical development; and to provide better opportunity for phased developments.

While most of the surrounding properties in the area are zoned either R5 (multi-family residential) or MX-M (Mixed Use Medium Scale), there is precedent for PUD (aka PDZ) zoning in the area. In 2011 City Council approved a PUD zone for the Ivywild School property roughly 700 feet to the northwest of the subject property. The Ivywild School's PUD zone permitted the school site to be redeveloped for a mix of commercial, light industrial (brewery), and residential uses that all integrate into the surrounding neighborhood. Similarly, the proposed Creekwalk Apartments PDZ district will allow additional density and building height immediately adjacent to Cheyenne Creek in a transitional area between auto-oriented commercial uses to the east and multi-family and single-family residential uses to the west.

The proposed PDZ zone will support the proposed apartment project. The zone's maximum residential density of 87.72 dwelling units per acre and maximum building height of 85 feet would allow up to 400 apartment units within the proposed 7-story building. This is clearly more dense and taller than most, if not all, projects in the area. However, there are other high density multi-story projects nearby. Specifically, the Luxe Tower project at 107 W. Cheyenne Rd. (just over 1,000 feet southwest of the subject property) includes 73 units on 1.7 acres within a 7-story building. Additionally, two approved (but not yet constructed) projects in the area, Ivywild Hotel project at 1617 S. Tejon St. (roughly 400 feet north of the subject property) and the Wild Ivy Apartments (roughly 750 feet northwest of the subject property), are four-story buildings topping out at approximately 52 feet tall.

Although the proposed project is taller and more dense than other projects in the area, it is well positioned to transition from the busy S. Nevada commercial corridor to the residential areas to the west. It will also provide much needed housing along a high-frequency transit route and in close proximity to significant employment opportunities. Residents of the project will be able to walk or bike to many destinations in the area including restaurants, grocery stores, retailers, and service providers. While ample parking is provided (nearly 550 private parking stalls), Staff believes that many residents of the project will choose to leave their vehicles parked for certain frequent trips that ultimately will mitigate traffic impacts in the area.

City Planning staff finds the application to be consistent with this purpose for a PUD zone establishment request, as set forth in City Code Section 7.3.601 and City Code Section 7.5.601 as well as the zone change criteria found in City Code Section 7.5.603.

#### Concept Plan Amendment

The second application associated with this project is an amendment to the Creekwalk Redevelopment Concept Plan in order to accomplish two primary tasks: 1) the plan area is enlarged, adding properties that have recently been acquired and assembled by the developer; and 2) to change the proposed use and building location for the subject property. The previous version of the concept plan illustrated a roughly 20,000 square-foot in-line commercial building front E. Ramona Ave. at the north edge of the plan area and illustrated a roughly 1-acre multifamily residential project just north of E. St. Elmo Ave.; numerous creek-adjacent properties were shown as being outside the plan area. Overall, the plan was put in place to support previous zone change requests and to establish a common plan for a mix of uses, access and circulations, and common improvements.

The proposed plan replaces the in-line commercial building and the smaller residential building with a larger single lot apartment project. The assembly of properties by the developer allows a more organized and harmonious project for the area. Access points are reduced and planned surface parking lots have been largely eliminated. The amended area of the concept plan represents the last undeveloped portion of the plan area.

City Planning staff finds the application consistent with the review criteria for concept plans as set forth in City Code Section 7.5.501.E.

#### PUDD Development Plan

The last of the three applications necessary for the project is a Development Plan illustrating the details of the proposed apartment building including: points of access on E. Ramona Ave. and E. St. Elmo Ave; grading and utility details; building footprint, bulk/scale, and architecture; site improvements such as landscaping and guest parking; and proposed improvements to Cheyenne Creek and the adjacent public trail. The plan documents conformance with a wide range of City standards including stormwater quality, utility facilities, fire access, landscaping, parking, and others.

The plan illustrates significant creek improvements along the west edge of the site including bank protection, channel stabilization, and riparian improvements. A 10-foot-wide public trail is illustrated running parallel to the stream between the channel and the proposed apartments; access from the project to the trail will be provided for residents and guests alike. The developer will also be responsible for constructing a pedestrian bridge over the creek immediately south of E. Ramona Ave. as the trail will be built on the west side of the creek north of roadway. Additionally, the developer will work with the City to convert the E. St. Elmo bridge to a pedestrian and bike only bridge as part of this project. This change has been planned since the earliest approvals of the Creekwalk projects to the south and is intended to mitigate cut through traffic to the west as well as establish valuable

placemaking along the creek corridor.

The proposed building is significant at 7-stories tall and covers the majority of the site. Open space for residents is provided both along the creek on the west edge of the site as well as on a notable amenity deck that looks out over the creek and toward the mountains to the northwest. The amenity deck sites on roof of much of the third level and will include a pool, a dog run, grilling stations, game areas, lounge areas, and significant landscape improvements.

The developer and their consultants have worked closely with City Staff to ensure that the proposed density and new traffic is manageable. A traffic impact study was submitted and accepted by the City's Traffic Engineers as well as reviewers at the Colorado Department of Transportation (CDOT) since S. Nevada Ave. is a State Highway. Some initial discussion involved possible changes to the E. Ramona Ave. and S. Nevada Ave. intersection, including possible turn lanes or signal timing adjustments. Ultimately, CDOT and the City agreed to maintain the current land alignments and signal timing as they are currently managed to maximize efficiency and minimize delay for north and southbound traffic on S. Nevada. The study does point out that some movements in or out of the project could be subject to congestion and delay during peak periods.

The plan was reviewed by all standard review agencies, most of which have found the plan to be fully acceptable and ready for approval. A few agencies, including SWENT, CSU, and Fire have relatively minor comments that have been included as required technical modifications at the conclusion of this report. Staff is confident that all issues can be resolved prior to final approval.

City Planning staff finds the application consistent with the criteria for development plans as set forth in City Code Section 7.5.502.E. and the criteria for PUDD development plans set forth in City Code Section 7.3.606. A handful of technical modifications are included in Staff's recommendations below.

Conformance with the City Comprehensive Plan:

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 the PlanCOS Vision Map, the project site is identified as a Mature/Redeveloping Activity Center along the S. Nevada Ave. corridor which is identified as an Intercity Corridor.

With respect to Mature/Redeveloping Corridors PlanCOS embodies a vision, value and need for adaptive and appropriate land use change. The Thriving Economy chapter of PlanCOS articulates a vision for reasonable adaptation of land use within corridors. The PlanCOS Areas of Change Map captures this sense and direction illustrating an expected high level of change for the area. This has certainly been realized along the west side of S. Nevada Ave. over the last few years as the Urban Renewal designation has resulted in the removal of many blighted buildings and the construction of numerous new commercial, service and office spaces.

Chapter 2 of PlanCOS, entitled Vibrant Neighborhoods, includes a number of goals, policies, and strategies that support this project. Specifically:

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

Strategy VN-2.A-3: Support land use decisions and projects that provide a variety of housing types and sizes, serving a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels.

Strategy VN-3.A-3: Incorporate existing natural features into project design by providing amenities

such as trail connectivity, outdoor dining areas, promenades, and plazas.

Strategy VN-3.A-6: Where and when applicable, specifically incorporate mixed-use neighborhood building as an outcome tied to the use of urban renewal area designation, public/private partnerships, and other tools and incentives to encourage redevelopment.

Strategy VN-3.F-2: Retrofit existing features to create multipurpose amenities, including drainage ways and infrastructure corridors with trail systems.

Chapter 3 of PlanCOS, entitled Unique Places, includes a number of goals, policies, and strategies that support this project. Specifically:

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

Strategy UP-1.A-2: Evaluate new and redeveloping land use related to enhancement and support of existing, transitioning, and new activity centers.

Strategy UP-1.A-5: Design urban activity centers to encourage walkability.

Strategy UP-1.B-3: Create connections between urban places and natural settings, especially through repurposing urban waterways.

Strategy UP-1.B-4: When feasible, integrate development with surrounding natural areas and maximize trail connectivity to enhance quality of life.

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.

Policy UP-2.A: Support infill and land use investment throughout the mature and developed areas of the City.

Strategy UP-2.A-1: Encourage the development or redevelopment of vacant properties in the core area of the city by using a combination of incentives, rezoning, and creative design solutions.

Strategy UP-2.A-4: Actively support ongoing and potential infill projects, employ problem-solving approaches and continue to implement process improvements in support of infill and redevelopment.

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.

Policy UP-4.A: Actively plan and encourage a development pattern consisting of unique centers located along new and redeveloped corridors and at other designated areas throughout the City.

Strategy UP-4.A-3: In conjunction with committed transit improvements, create and adopt new transit-oriented development and mixed use-supportive base zoning or overlays to support the continued development and redevelopment of key corridors and centers.

Strategy UP-4.B-1: Evaluate development applications in and around unique centers with particular attention to their contribution to the integration and mixing of uses, orientation to the public realm, and their support of connections with multimodal transportation.

Chapter 4 of PlanCOS, entitled Thriving Economy, includes a number of goals, policies, and

strategies that support this project. Specifically:

Strategy TE-1.C-1: Improve access to parks, trails, nature and the outdoors from employment centers.

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-2.C-1: Prioritize redevelopment and activation in Downtown and other urban activity centers in order to establish or enhance economic development

Goal TE-4: Focus on productively developing and redeveloping areas already in, nearby, or surrounded by the city in order to preserve open spaces, maximize investments in existing infrastructure, limit future maintenance costs, and reduce the impacts of disinvestment in blighted areas.

Strategy TE-4.A-1: Encourage revitalization and infill in underutilized urban places, as detailed in Chapter 3.

Strategy TE-4.A-2: Ensure land use regulations allow for increased density in areas identified for this, including Downtown, activity centers, and urban corridors.

Chapter 5 of PlanCOS, entitled Strong Connections, includes a number of goals, policies, and strategies that support this project. Specifically:

Goal SC-1: Multimodally connect people and land uses throughout the city and region.

Strategy SC-1.D-6: Continue to coordinate bicycle and pedestrian planning, design, and implementation with other infrastructure projects and land use decisions.

Strategy SC-1.D-8: Complete the system of hard and soft surfaced trails for off-street non-motorized and non-equestrian uses, with an emphasis on addressing identified high priority gaps and connections.

Strategy SC-1.H-1: Make non-motorized connections between recreational trails and on-street non-motorized facilities across the city.

The lists of Goals, Policies, and Strategies above documenting how the proposed apartment project is significant. The project establishes high density residential apartments in a previously blighted, commercial corridor with high-frequency transit services. The project will improve currently inadequate public infrastructure and make considerable upgrades to Cheyenne Creek along the site's western edge. Extension of the creek-adjacent trail system will allow residents of the project as well as customers, employees and visitors to nearby businesses to move through the area in a comfortable and safe manner. The density of uses and destinations in the area, including three grocery stores within a 750' walk (one of which is immediately adjacent to the site), means that residents of the project will be able to leave their car in the project's parking structure when accomplishing many everyday tasks.

Overall, City Planning Staff finds that the project is in conformance and supportive of PlanCOS and its vision, while prioritizing adaptive and responsive land use changes.

### Conformance with the Area's Master Plan:

The project site falls within two guiding plans: the Ivywild Neighborhood Master Plan (1993) and the South Nevada Urban Renewal Plan (2015). The Ivywild Plan has been amended numerous times in recent years to reflect changes in the eastern edge of the plan area. The subject property falls largely within the “multi-family residential” area shown on the Plan’s Land Use Map, and within the “Transition Zone” on the Plan’s Site Analysis Map. These designations are obviously consistent with the proposed project. It should be noted, however, that the northeastern corner of the project site falls within the Community Activity Center designation per a recent amendment to the Plan which was completed during the approval process for the adjacent grocery store. Staff determined that this issue did not justify an additional plan amendment as the mapping issue was relatively minor. Additionally, the neighborhood master plan is currently being evaluated for inclusion in the Greater Westside Community Plan which is currently being drafted by the City’s Comprehensive Planning Staff, their consultants, and a range of community stakeholders.

The proposed project is also highly consistent with the South Nevada Urban Renewal Plan, adopted in 2015. The project removes a number of blighted buildings and develops multiple properties that had been vacant for decades. The project will install numerous significant public improvements that envisioned and described by the Urban Renewal Plan while also providing significant new housing options for residents and employees along the corridor. This investment will significantly increase the property tax base within the district and help create energy for future development along the corridor.

**Previous Council Action:**

City Council has acted on a range of applications and issues along the S. Nevada corridor in recent years. Council created the Urban Renewal District in 2015. Council also approved numerous zone changes, right-of-way vacations, concept plans and development plans along the west side of S. Nevada Ave. Most recently, in April of 2022 City Council approved the applications for the Sprouts grocery store immediately east of the subject property.

**Financial Implications:**

N/A

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

The City’s Planning Commission approved all three applications with a 4-2 vote at their June 15, 2023 meeting (Commissioners Raughton, Almy, and Briggs were excused, while Commissioners McMurray and Rickett voted against the project). The primary concerns that were conveyed by those commissioners who voted against the project included the proposed building’s bulk, scale, and height, as well as the lack of street level activity.

**Stakeholder Process:**

The public notification process consisted of providing notice to the surrounding property owners within 1,000 feet of the site, which included mailing postcards to approximately 200 property owners on two occasions: combined notice for the initial review and a neighborhood meeting, and prior to the City Planning Commission hearing. The site was also posted during the two occasions noted above. The neighborhood meeting coordinated by City Planning staff was held on January 18, 2023, and was attended by roughly 20 interested stakeholders.

City Planning staff received roughly a dozen written comments in support and opposition to the project. Concerns raised by interested residents included: bulk/scale, density, traffic, property values, and other issues. The Applicant provided a response to public comments, which was made available to interested community members. Staff received a few additional public comments after the



Planning Commission hearing; all comments have been provided in City Council's packet.

Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. Commenting City agencies included Colorado Springs Utilities, City Engineering, City Traffic, City SWENT, City Fire, the City's Landscape Architect, City Surveyor, the City's Streamside Overlay reviewer, and others. All comments received from the review agencies have been addressed or will be resolved through the implementation of the proposed technical modifications. Some of the more noteworthy input from external review agencies is included below:

- School District 11: No direct comment, but fees are due in lieu of land dedication for the 400 multi-family residential dwellings.
- CDOT: The project and its associated traffic study was found acceptable with the understand that delay is expected on E. Ramona due to increased traffic volume and the inability to add a dedicated right-turn lane on east-bound Ramona at S. Nevada Ave.
- Floodplain and Enumerations: Concept and development plans updated to reflect accurate floodplain and enumeration information
- County Health Department:
- CONO: CONO stated that they supplemented the City notification process by notifying nearby neighborhood organizations.

**Alternatives:**

1. City Council can choose to approve the application as presented;
2. Approve with additional conditions;
3. Deny the application; or
4. Refer back to City Planning Commission.

**Proposed Motions:**

Adopt an ordinance amending the zoning map of the City of Colorado Springs for 4.56 acres of land from C5 - Intermediate Business (recently changed to MX-M, Mixed Use Medium Scale) and R5 (Multi-Family Residential) zone districts, both with the SS (Streamside Overlay) zoning designation, to the Planned Development Zone District with the Streamside Overlay Zone (PDZ/SS) for multi-family residential land use, with a maximum building height of 85 feet, and a maximum density of 87.72 DUs/acre. This recommendation is based upon the findings that the request meets the review criteria for establishing a PDZ zone, as set forth in City Code Section

An ordinance amending the zoning map of the City of Colorado Springs relating to 4.56 acres located between E. St. Elmo Ave. and E. Ramona Ave. just west of S. Nevada Ave. from C5 - Intermediate Business (recently changed to MX-M, Mixed Use Medium Scale) and R5 (Multi-Family Residential) zone districts, both with the SS (Streamside Overlay) zoning designation, to the Planned Development Zone District with the Streamside Overlay Zone (PDZ/SS) for multi-family residential land use, with a maximum building height of 85 feet, and a maximum density of 87.72 DUs/acre