



Legislation Details (With Text)

File #: CPC PUZ 22- 00024 **Version:** 3 **Name:** Flying Horse Parcel 22
Type: Ordinance **Status:** Mayor's Office
File created: 6/2/2022 **In control:** City Council
On agenda: 8/9/2022 **Final action:** 8/9/2022

Title: Ordinance No. 22-47 amending the zoning map of the City of Colorado Springs relating to 5.9-acres located at the intersection of Silver Rose Lane and Silversmith Road from PUD (Planned Unit Development) to PUD (Planned Unit Development: commercial, office, and residential, 20 dwelling units per acre, maximum 90,000 square feet for nonresidential uses, maximum building height of 35 feet east of the Silversmith Road and Silver Rose Lane intersection) (Quasi-Judicial)

Related Files: CPC MP 06-00219-A11MJ22, CPC PUP 13-00033-A3MJ22

Presenter:
Katelynn Wintz, Planning Supervisor, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

Sponsors:

Indexes: Flying Horse, Master Plan Amendment

Code sections:

Attachments: 1. ORD_ZC_FlyingHorseParcel22, 2. Exhibit A - Legal Desc, 3. Exhibit B - Zone Change, 4. Signed Ordinance No. 22-47

Date	Ver.	Action By	Action	Result
8/9/2022	2	City Council	finally passed	Pass
7/26/2022	2	City Council	approved on first reading	Pass
6/16/2022	1	Planning Commission	recommended for approval	Pass

Ordinance No. 22-47 amending the zoning map of the City of Colorado Springs relating to 5.9-acres located at the intersection of Silver Rose Lane and Silversmith Road from PUD (Planned Unit Development) to PUD (Planned Unit Development: commercial, office, and residential, 20 dwelling units per acre, maximum 90,000 square feet for nonresidential uses, maximum building height of 35 feet east of the Silversmith Road and Silver Rose Lane intersection) (Quasi-Judicial)

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Summary:

Owner: Pulpit Rock Investments, LLC
Developer: Stone Creek Real Estate Partners

Representative: Classic Consulting Engineers & Surveyors - David Gibson
Location: East of the intersection of Silversmith Road and Silver Rose Lane

The project includes concurrent applications for a major master plan amendment for 23 acres, and rezoning, and major concept plan amendment for 5.9-acres of the Flying Horse Parcel 22 (the project). The proposed modifies the allowable land uses as part of the operative Flying Horse Master plan to support the rezoning request and concurrent concept plan amendment to accommodate the inclusion of residential uses in addition to all uses noted as permitted per the initial PUD zoning established in 2013 through Ordinance No 13-42 (August 13, 2013).

Background:

A PUD zone change, and concept plan application was made by the applicant in February 2022. Through the internal review process staff identified that a major master plan amendment was required to revise the proposed land use for Flying Horse Parcel 22. This application was submitted by the applicant in April 2022. There are two parcels in the overall concept plan area for Flying Horse Parcel 22 that previously had PUD zone change approvals without requiring amendments to the master plan. The zone change requests, and subsequent approved development plans, were submitted as complete applications in 2018 under the previous Comprehensive Plan. It is important to note this fact because the previous plan, prior to adoption of PlanCOS, included a land use map with similar use determinations and permitted uses for proposed developments that reduced the number of times master plan amendments were required. In this case, a major master plan amendment was not required for the two previous PUD rezonings because the previous Comprehensive Plan identified that multi-family development was permitted for lands designated as Office use in the master plan. PlanCOS removed this land use map and permitted uses requiring major master plan amendments for all operative master plans when a development proposal does not exactly match the approved land use category.

The major master plan amendment proposes amending 23-acres of the Flying Horse Master Plan for the parcel identified as Parcel 22. As discussed above, previous development applications did not require amendments to this plan at the time development applications came in for review. With this application the applicant has proposed to revise the entire parcel site to account for the changes of the previously approved entitlements. The proposed master plan establishes Office, Commercial or Residential (12-24.99 dwelling units per acre) land uses. These uses are further reinforced by the proposed zone change and concept plan amendment below.

City Budget reviewed the proposed changes for this master planned area and found that the proposed changes do not meet the minimum requirements to produce a financial impact analysis for the proposed changes.

City Planning staff finds the application to be consistent with the purpose of the *Master Plan*, as set forth in City Code Section 7.5.401.

The requested change of zone of 5.9-acres of land located southeast of the terminus of Silversmith Road and Silver Rose Lane, will rezone the project site from PUD (Planned Unit Development) to PUD (Planned Unit Development: commercial, office, and residential, 20 dwelling units per acre, maximum 90,000 square feet for nonresidential uses, maximum building height of 35 feet east of the Silversmith Road and Silver Rose Lane intersection). The subject property was rezoned to PUD in 2013 in preparation for commercial development of site. The applicant's proposed PUD zone district, which only applies to the proposed Lot 3 of Flying Horse Parcel 22, allows for additional permitted

uses, such as: multi-family residential, human service facility assisted living, retirement home and single family residential. To further regulate these uses, the applicant proposed the following density controls: maximum residential density of 20 dwelling units per acre and a maximum non-residential building limitation of 90,000 square feet. All previously established dimensional controls for the development will remain as established by the Flying Horse Parcel 22 PUD Concept Plan. This change of zone is in conformance with the Flying Horse Master Plan as amended and meets the City Code standards for establishment of a PUD zone district and a zone change request.

The amended PUD concept plan for the Flying Horse Parcel 22 project reconfigures the lot layout to consolidate two lots into one proposed Lot 3, allows for additional uses on Lot 3, and proposes a new cul-de-sac design for the terminus of Silversmith Road. To ensure the development is compatible with the immediate area, the applicant has retained the previously established dimensional controls, which limited building heights to 45 feet west of Silver Rose Lane and 35 feet east of Silver Rose Lane. To accommodate the proposed potential mix of land uses, the applicant established new density controls, which as discussed above, limit residential development to 20 dwelling units per acre and 90,000 square feet for nonresidential uses. According to the applicant, the land use expected to be developed on Lot 3 is an extension of the developed retirement care community directly west of the site. As proposed, this project is a good transitional land use between the developed residential to the north and east and the expected future extension of Powers Boulevard to the south.

The City's Traffic Engineering Division of Public Works did not require the applicant to prepare a traffic impact study at this time, as the end use was not determined, and all the proposed allowable uses have a potential traffic impact that is less than the previously approved uses.

All future development of the project site will require the review and approval of a PUD development plan and final subdivision plat applications. Staff finds that the proposed plan meets the review criteria from granting a PUD concept plan.

Staff has evaluated the proposed project 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 Newer Developing Neighborhood (**see "PlanCOS Vision Map" attachment**). The project fits within the emerging neighborhood typology as defined in Chapter 2, Vibrant Neighborhoods, and this typology encourages a variety of housing and density types and ensure that careful attention is paid to the amenities the development may offer to enhance the neighborhood's livability. Chapter 2 also identifies in Goal VN-2 to:

"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."

Provision of newly constructed residential units is a direct response to the market needs for housing in the City. The project aligns with PlanCOS Chapter 4 Goal TE-4, which states:

"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."

Policy TE-4.A encourages prioritization of development within the existing City boundaries and built environment (not in the periphery) and is further supported by Strategy TE.4-A-3 which supports greenfield development that includes mixed-use, higher density clusters, and quality design. Staff

finds the project conforms to the intent of the Policy as stated because the project site is within the existing City boundaries and is located adjacent to existing development which further reinforces the ability to maximize investments in existing infrastructure.

The project site is part of the Flying Horse Master Planned area, which is identified as parcel 22 and designated for office uses. The proposed amendment to this master plan changes their land use designation to Office/Commercial/Residential. The master plan, as amended, envisions a variety of residential land uses throughout the planned area with pockets of commercial developments and higher density residential developments in strategic locations adjacent to higher classification roadways. The project site lies just north of the future Powers Boulevard extension and is situated between the privately developed Flying Horse Golf Courses. The project area introduces a high density of residential development than previously realized in the master planned area but follows similar patterns of situating higher intensity uses within proximity to roadways with increased capacity. While the developed use will not be known until a PUD development plan application is submitted and approved for the site, the applicant is working with a developer that builds and operates assisted living facilities. Staff finds the Flying Horse Parcel 22 project to be consistent and in substantial compliance with the Master Plan, as amended.

The project supports the City's Strategic plan of building community and collaborative relationships and provides a platform for the building of neighborhoods and communities, as it will complete a very visible segment of the Flying Horse Master Planned area. This project represents an opportunity for developing commercial or residential use that are compatible with the surrounding land use pattern. The envisioned future uses would also function as good transitional uses between the surrounding residential developments and the expected future extension of Powers Boulevard to the south. Whether a commercial or residential use is developed, the project will support the future creation of employment opportunities and maintain prospects for strengthening the Colorado Springs economy through the orderly growth of the corridor.

Previous Council Action:

The most recent Council Action on the subject property was a rezoning and concurrent concept plan approval in 2013. (Ordinance 13-42)

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

Enter Board, Commission, or Committee recommendation. Enter N/A if not applicable.

Include a summary of the discussion of major points heard from those speaking. Note CPC members in favor, in opposition or absent.

Stakeholder Process:

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 297 property owners on four occasions: during the internal review stage on two occasions, and prior to the Planning Commission and City Council hearings. The site was also posted during the three occasions noted above. Staff received a handful of inquiries about the scope of work for the project. Comments received on the applications remained mostly neutral and inquisitive and did not include any comments of support or opposition to the request.

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, Council of Neighbors and Organizations (CONO), School District 20, Police and E-911, and the United States Air Force Academy (USAFA). All comments received from the review agencies have been addressed.

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 5.9-acres from PUD (Planned Unit Development) to PUD (Planned Unit Development: commercial, office, and residential, 20 dwelling units per acre, maximum 90,000 square feet for nonresidential uses, maximum building height of 35 feet east of the Silversmith Road and Silver Rose Lane intersection), based upon the findings that the request meets the review criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and the review criteria for a zone change, as set forth in City Code Section 7.5.603.

An ordinance amending the zoning map of the City of Colorado Springs relating to 5.9-acres located at the intersection of Silver Rose Lane and Silversmith Road from PUD (Planned Unit Development) to PUD (Planned Unit Development: commercial, office, and residential, 20 dwelling units per acre, maximum 90,000 square feet for nonresidential uses, maximum building height of 35 feet east of the Silversmith Road and Silver Rose Lane intersection)