



## Legislation Text

---

**File #:** 14-0718, **Version:** 2

---

Ordinance No. 14-103 amending the Zoning Map of the City of Colorado Springs relating to 12.98 acres located northeast of the Manitou Boulevard and West Monument Street intersection (Quasi-Judicial Matter)

**From:**

Peter Wysocki, Planning and Development Director, Planning and Development Department

**Summary:**

This is request by NES, Inc. on behalf of Uintah Bluffs LLC for a rezone from PUD/HS (Planned Unit Development with Hillside Overlay) to a new PUD/HS zone (Single-family Detached, 2.39 dwelling units (DU) per acre, 35-foot height maximum on Lots 1 - 11 and 30-foot height maximum on Lots 12 - 31 with the Hillside Overlay) to allow 31 single-family lots. The property was rezoned in 2012 from R/HS (Residential Estate with Hillside Overlay) and R-2/HS (Two-family Residential with Hillside Overlay) to PUD/HS in order to allow 52 townhome units on 12.98 acres (Single-family Attached Dwellings, 4.01 DU's per acre, 30-foot height maximum with the Hillside Overlay).

Concurrent with the requested zone change is the Uintah Bluffs PUD development plan. The development plan reflects the proposed 31 single-family detached homes, an increase in maximum building height for Lots 1 - 11 (west side of Uintah Bluffs Place) from 30 feet to 35 feet, and the remaining lots (Lots 12 - 31) will remain at a maximum building height of 30 feet. The density for project will decrease from 4.01 DU's per acre to 2.39 DU's per acre.

**Previous Council Action:**

The City Council previously approved the prior PUD zone change in 2012.

**Background:**

**Zoning:**

The 12.98-acre site is essentially landlocked between existing development to the north, south and east and the designated Bristol Mesa open space to the west. The property at one time was considered for purchase by the TOPS Program in 2003; however, the TOPS Working Committee rejected the proposal to acquire the site after the appraised value and asking price were too high. No longer considered for open space purposes, what was primarily R-2 zoned property has now been considered for development. The PUD zoning designation was initiated to allow design flexibility due to the terrain of the site and limited developable area.

**Site Access:**

The property is severely restricted for viable vehicular access from either of the two adjoining public roadways, Mesa Road to the north or Dale Street to the east. Constructing viable access from either of those two public roadways would be difficult by design and cost due to the severe grades. A 90-foot vertical differential over 300 feet (30% grade) exists from Mesa Rd. to the buildable area atop the

mesa. Also, this location is limited by a property 80-foot wide “flag stem” of the property which extends to the roadway.

There is also an immediate 30-foot vertical incline off of Dale St. within the first 100 feet of the property (30%) which would make it extremely difficult to create an access without the utilization of large retaining walls, likely impacting adjacent property owners. Both locations would require a roadway design utilizing switchbacks in order to create a proper grade for access (City Fire allows a maximum 15% grade on shared driveways within designated hillside developments). Alternative access locations were considered, including the property located south and east of the site (now Gabion Apartments), but grade issues would have made it difficult; and the property directly south (Sram Office Building) was undesirable because it would have removed required parking and the property was not conducive to redesign to allow through access.

With such severe access restrictions to the site, the property owner approached the City and the Parks and Recreation Advisory Board (P&RAB) in 2006 about the possibility of securing access over and across a portion of the Bristol Mesa Open Space off of Manitou Boulevard. From Manitou Boulevard to the western edge of the property the grade is approximately 3.5% (approximately 14 feet of fall over 400 feet), making this a more viable alternative to gain vehicular access to the site.

The subject 10-acre parcel adjacent to and west of the site was conveyed to the City through a Warranty Deed in 1886 from the Colorado Springs Company for the purposes of a “City Reservoir Property” (the deed carries a reversionary clause restricting use of the property for purposes of a “city reservoir”). In 1983, the maintenance responsibility of the property was conveyed by City Resolution (Res. No. 135-83) from Colorado Spring Utilities to City Parks and Recreation. The property currently contains a Colorado Springs Utilities water tank and remnants of the former reservoir remain (located south of the tank). The reservoir now acts as an emergency overflow in the event of a tank failure.

The grantor, Colorado Springs Company, has determined that the requested access road through the deeded property would not be inconsistent with the intended use by the City as a reservoir. The Colorado Springs Company has provided the developer a limited assignment of right of reverter that allows the placement of an access road over and across the property. When a subdivision plat is filed for the development, the access will be platted as a tract and labeled for the purposes of public access; which will allow the City continued use of the access drive if necessary.

The City’s only condition to allow use of the property for access to the development is at the time of plat the area is placed within a tract and designated for “public access”. Should the reverter ever be triggered by the City, the Developer would automatically acquire title to the access road. In the future, this Limited Assignment of Right of Reverter for the Public Access Road may only be assigned to subsequent owner(s) of the developer’s property, and/or a homeowner’s association.

#### Hillside Overlay and Building Height Calculation:

The property is located within the hillside overlay zone, which is intended to protect steep slopes, significant vegetation and potential negative impacts to surrounding property owners. Due to the site’s topography and terrain, staff is allowing an exception in calculating hillside building height as part of this development. Typically building height within the hillside overlay is calculated from existing site contours; this is done in order to maintain the integrity of the site and keep a site from over-grading.

The issue in utilizing the existing grade to determine building heights is that with some significant grading having to occur, utilizing the existing grade will not provide a true base elevation in determining maximum building height. Utilizing the final grade to determine maximum building height will allow both the builder and staff to utilize a known elevation to achieve height measurements. The allowance of a 35-foot building height for Lots 1 - 11 will allow for a 2-story home; the 30-foot building height should still easily accommodate walkout homes on Lots 12-31 without creating an overwhelming façade along the downward slope of the project.

Generally a 35-foot maximum building height is allowed within the hillside overlay zone. Building heights within the overlay are measured from the building grade to the top of peak of the home and four-sided elevations are provided as part of a hillside site grading plan at or prior to issuance of building permit in order to review compliance with the hillside and/or PUD height criteria. Non-hillside properties are measured using an average grade and measured to five feet below the peak of a pitched roof.

#### Mesa Open Space/Trails:

The Parks & Recreation Advisory Board (P&RAB), at their April 12, 2012 meeting supported the development plan as presented at that time, retracting an original request for both land dedication and a trailhead parking lot to be constructed by the developer. Public access through both the proposed development and City property is currently shown on the development plan; an easement will be granted to allow an east-west pedestrian trail in order to gain access to both Bristol Mesa Open Space and Bristol Elementary. The Board requested that a maintenance fund be established with Parks Department for maintenance of the single-track trail through the development; this would be in lieu of the originally requested trailhead parking lot. The applicant has agreed to set up a maintenance fund with City Parks.

#### Water Quality Facility:

The location of the water quality facility required for this development has been placed in the southeast corner of the site, which is the low point of the property. City Engineering Guidelines require that the facility be accessible for maintenance purposes, which includes vehicle access. Due to the site grades, similar to identifying adequate site access, finding access to the facility is difficult; access from developed portion of the site and down the steep grade would not be feasible. The only feasible vehicular access is planned from Dale Street to the facility; this will likely require the developer/builder to obtain temporary construction easements from adjacent property owners in order to reduce the grade and likely replacement of an existing retaining wall.

#### Nonuse Variance:

Although not part of this review, two non-use variances were approved with the prior development plan and will carry forward with the amended plan; those two requests are:

- 1) Section 7.3.504.D.2.d.(1)(C) of the City Code to allow grading within slopes exceeding 25% within the hillside overlay; the site is encumbered by varying degrees of slope, any disturbance within this designated area required approval of a non-use variance.

The revised plan closely follows that of the previously approved development plan in terms of slope disturbance. The current design disturbs approximately 2.5 acres of 25% slope compared to 2.14 acres from the original approved plan.

2) To Section 7.3.504.D.2.d.2.(F) of the City Code to allow building slopes exceeding 25% within the building envelopes; the walkout lots on the revised development, Lots 17 - 31, will have slopes around 25 to 27%.

**Financial Implications:**

Not applicable.

**Board/Commission Recommendation:**

The City Planning Commission, at its October 16, 2014 meeting, unanimously approved this request.

**Stakeholder Process:**

The public process involved with this application included the internal review notification with postcards sent out to 105 property owners. No neighborhood meetings were held in regard to the proposed zone change. Staff did hold four (4) neighborhood meetings during the review of the prior approved development plan. The last meeting was held on December 20, 2011.

Staff received only one e-mail in regard to the proposed development voicing concern over traffic along Monument Boulevard. Traffic Engineering determined during the review of the townhome project that traffic generated from the 52-unit townhome project would not have a negative impact on the road network. It was also determined that the line of sight from the proposed access would not be an issue; however, the City would continue to monitor traffic conditions and incidents in this area.

**Neighborhood Issues Raised During Original Proposal:**

- Location of access in relation to existing residential along W. Monument St./limited ingress and egress;
- Increase of traffic on W. Monument St. and Manitou Boulevard as primary routes to I-25;
- Narrow streets/icy road conditions along W. Monument;
- Disturbance of pedestrian access to Bristol Mesa Open Space;
- Development encroachment over neighborhood, open space & disturbance of ridgeline;
- Stormwater, drainage and grading and impacts to adjacent properties.
- Ivars Mankovs, 744 W. Monument St., voiced concern over multiple street frontages.

Staff reviewed Mr. Mankovs' concern of having multiple street frontages; the property currently has two (2) required front yards (along Monument St. and Manitou Blvd.), a 25-foot rear setback would also be required along the north property line (to be classified as the rear yard setback) regardless of an existing public or private street. These required setbacks result in a building envelope of 20 feet by 111 feet. If the home had to be replaced today, a non-use variance(s) likely would be necessary to allow reconstruction.

The only potential impact of the proposed development and public access is the ability to construct a detached garage five (5) feet off of the rear property line; which, if necessary, a non-use variance could be requested for review and consideration. Should a non-use variance be needed by Mr. Mankovs or a future property owner, sufficient hardship likely exists in regard to the property.

The Organization of Westside Neighbors (OWN) was presented the revised plan in January 2014, and they supported the revisions and were encouraged by the lower density.

Notices for the public hearing were also sent prior to the Planning Commission meeting, and the site

will be posted prior to the City Council hearing.

**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 14-00009 - CHANGE OF ZONE

Approve the change of zone from PUD/HS (Single-family Attached Dwellings, 4.01 DU's per acre, 30-foot height maximum with Hillside Overlay) to PUD/HS (Single-family Detached, maximum 2.39 DU's per acre, 35-foot height maximum on Lots 1 - 11 and 30-foot height maximum on Lots 12 - 31 with Hillside Overlay) for the Uintah Bluffs Single-family development, based upon the finding that the zone change complies with the zone change review criteria in City Code Section 7.5.603.

An ordinance amending the Zoning Map of the City of Colorado Springs relating 12.98 acres from PUD/HS (Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay, 2.39 dwelling units per acre, maximum building height of 35 feet on Lots 1 - 11 and a maximum building height of 30 feet on Lots 12-31).