



## Legislation Text

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**File #:** CPC PUZ 20-00071, **Version:** 3

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Ordinance No. 21-30 amending the zoning map of the City of Colorado Springs relating to 5.07 acres located at Silverstone Terrace and Villa Lorenzo Drive from PIP1/PUD/HS (Planned Industrial Park, Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: Residential (Single-Family Attached and Townhouse), 3.5-7.99 dwelling units per acre and Maximum Building Height 35-feet with Hillside Overlay).

(Quasi-Judicial)

Related Files: CPC MP 06-00065-A2MJ20, CPC PUD 06-00067-A5MN20

### **Presenter:**

Katelynn Wintz, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

### **Summary:**

Owner: TFV1, LLC

Developer: TFV1, LLC

Representative: Kimley-Horn and Associates

Location: Northwest of Silverstone Terrace and Mule Deer Drive

The project includes concurrent applications for a major master plan amendment, PUD zone change, and major PUD development plan amendment for 5 acres of land located at 5730 Silverstone Terrace. The major amendment to the Mountain Shadows Master Plan proposes a change to the land use designation of 2.4 acres from Research and Development (R&D) to Residential with a density of 3.5-7.99 dwelling units per acre. The zone change request proposes to change a 5-acre portion of the project site from PIP1/HS (General Industrial with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay). A concurrent major PUD development plan amendment illustrates the addition of 2.4 acres to the existing development plan for construction of a 24-unit residential project consisting of single-family (attached) and multi-family (townhouse) units and ancillary site improvements.

### **Background:**

The property was part of the original Tuscan Foothills Village Planned Unit Development (PUD) approved in 2006 (and reapproved as a minor amendment in 2013). The plans called for approximately 30,000 square feet of neighborhood commercial/office/recreation center use, in addition to 135 proposed dwelling units on approximately 49-acres. The overall development plan has been amended several times through both administrative review and public hearing. In 2018, Filing 2 was submitted with an accompanying PUD zone change request because the PUD did not take into consideration this building type (multi-family residential) and additional dwelling units (40 units), the applicant was required to seek a change of zone from the PUD-commercial use to a new

PUD for multi-family residential.

The property immediately to the south of the site (southwest corner of Centennial Boulevard and Mule Deer Drive) was part of the same Tuscan Foothills Village Development Plan; that portion of the development did meet the original building types (two-family residential) and density allowance (a maximum 135 units, a recent administrative approval of a development plan amendment allowed 50 dwelling units, and the site is currently under construction).

The development entity involved with the development of the property immediately to the south is also part of the development of the subject property. Additional future development to the west of Silverstone Drive is likely, following similar land use and density allowances currently permitted within the approved Planned Unit Development; although future amendment to the Tuscan Foothills Village development (one, two and three-unit buildings) will again be reviewed administratively.

The proposed Major Master Plan Amendment to the Mountain Shadows Master Plan requests to modify the land use classification of 2.4 acres from Research & Development (R&D) to Residential with a density of 3.5-7.99 dwelling units per acre. Master Plans are generalized guides for development and, as noted in City Code Section 7.5.403.C, at times it may become necessary to amend the plans as conditions change. The Mountain Shadows Master Plan has a history of plan amendments approved changing land use classifications from commercial or industrial uses to residential uses, with amendments approved as recently as 2006. Since its inception, the master plan has maintained a balance of residential & non-residential uses. In 2006, the land use classification for 48-acres of this Master Plan was amended in favor of residential uses specifically for this Tuscan Foothills Village development. The R&D use, currently noted as the permitted land use, is no longer representative of the land use pattern of the surrounding area and is not a recognized master plan land use designation in City Code. The Mountain Shadows Master Plan envisioned a variety of residential and commercial uses. City Planning staff believes the request to change the land use designation in favor of a residential land use is more complimentary of the established surrounding land uses. Many uses surrounding the site are residential, civic, or low-intensity commercial uses. From a land use perspective some of the existing permitted land uses, per the existing plan, are higher-intensity, like industrial uses, and generally regarded as incompatible near residential uses. The proposed mixed residential land use is more reflective of the established residential, civic, and low-intensity commercial uses surrounding the project site.

The request is to rezone 5 acres of the project site from PUD/PIP1/HS (Planned Unit Development and General Industrial with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay). The proposed land use is single-family attached and multi-family residential (townhomes specifically) with a density range of 3.5-7.99 dwelling units per acre and maximum building height of 35 feet. The rezone is substantially similar to established residential developments to the west. The project site is a logical location for residential due to its proximity to existing residential development and other desirable residential amenities like schools, parks & open space, and a short drive away from many service amenities along the Garden of the Gods Road corridor. Per City Code Section 7.3.601 *Planned Unit Development Districts Purpose*, this zone district encourages flexibility of design that cannot be achieved through the application of the City's standard single use zones.

The Major PUD Development Plan Amendment updates the previously approved Tuscan Foothills Village PUD Development Plan for the project area. The original application was approved in 2007. This amendment incorporates an additional 2.4-acres of land not included in the initial scope of work and illustrates a 24-unit residential development which consists of a mix of single-family attached and

townhouse style residential units and ancillary site improvements. The proposed extension of Villa Lorenzo Drive, a public street, will connect to the existing Silverstone Terrace, platted under Tuscan Foothills Village Filing No. 3. The proposed private residential street, Tuscan Villa Point, will be owned and maintained by the Tuscan Foothills Village Metropolitan District. Sidewalks and pedestrian access are proposed throughout the site along both public and private streets, and guest parking spaces will be available in a perpendicular configuration along the private residential street. All units are proposed with two-car garages to satisfy the City's parking requirements for the residential development. Additionally, on-street parking will be available on portions of the Villa Lorenzo Drive that are not marked as a "Fire Lane".

City Traffic Engineering (Traffic) did not require a traffic study the proposed project. Overall, Traffic's assessment of the proposed rezone request is in favor of residential development that will generate less traffic than currently permitted industrial uses and have less impact to the surrounding neighborhood in terms of bulk and scale (height). This project is a mix of single-family attached and townhouse style units. A conservative estimation of trip generation for the proposed development is to use trips per day of a multi-family residential development. Trip generation for multi-family projects is generally 7 to 8 trips per day multiplied by 24 units would equate to approximately 190 trips. A combination of commercial, industrial, and office uses would likely exceed the trip generation of the proposed residential use. There is an existing vacant commercial property at Chuckwagon Road and Centennial Boulevard that could serve the neighborhood for future retail needs.

The City's Water Resources Engineering Division of Public Works (herein referenced as "SWENT") has reviewed the PUD development plan and accompanying final drainage report, prepared by Kimley-Horn. As designed, all proposed stormwater improvements were found to comply with the City's Drainage Control Manual. SWENT has accepted the analysis and recommendations set forth in the report.

The City's Engineering Development Review Division (EDRD) of Public Works and Planning & Community Development Department, with consultation from the Colorado Geological Survey (CGS), has reviewed the PUD development plan amendment and accompanying geological hazard investigation report, prepared by CTL Thompson Inc. The reviewing agencies have accepted the analysis and recommendations set forth in the report prepared by the applicant's consultant. The documented geologic hazards on-site include expansive bedrock and expansive soils. As noted in the report, the documented hazards and conditions will have some constraints on construction, but most noted conditions can be mitigated through proper engineering design and construction practices. Upon approval of the Tuscan Foothills Village Filing No. 4 project, City Planning staff is prepared to execute the provided report.

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 an Established Suburban Neighborhood (**see "PlanCOS Vision Map" attachment**). PlanCOS Chapter 2, Vibrant Neighborhoods, 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, and the allowance of a PUD zone district that allows for customizable design standards

benefits this goal by allowing for a variety of housing types and density mixes.

A “Big Idea” from Chapter 4, entitled “Embrace Sustainability”, has Goal TE-4 that 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.”*

A policy for this goal further reinforces that development should *“Prioritize development within the existing City boundaries and built environment (not in the periphery).”*

The proposed development is consistent with development surrounding the property and the zone change request to remove industrial zoning from a majority residential area is more complimentary of the established surrounding uses. City Planning Staff finds that the project balances the intent of PlanCOS, which prioritizes adaptive and responsive land use changes.

This item supports the City’s strategic plan goal to build community and collaborative relationships through the proposed infill development of a vacant parcel within the current limits of the City. This project will increase housing opportunities and prioritizing walkability and bike-friendliness in the new community, through a connected system of sidewalks, trails and parks. This development will support existing and emerging communities in the surrounding area, and strengthen the Colorado Springs economy through orderly infill development of the Mountain Shadows community and surrounding areas.

#### **Previous Council Action:**

City Council previously took action on this property in 1984 when portions of the property were zoned PIP1. City Council also took action on this item in 2006 when the PUD residential zoning and PUD development plan was established for the Tuscan Foothills Village phased project.

On February 23, 2021, these items were pulled from consent by Councilman Knight to address the following: concerns about emergency evacuations, the traffic study, and why has there been so many revisions to the development plan since its initial approval in 2007.

City Traffic confirmed a traffic study was not required for the items and noted that traffic studies analyze daily vehicle trips and roadway use; these reports do not study extreme events like emergency evacuations. While the Division of the Fire Marshall does review land use applications, their scope of review does not include analysis of emergency events and rather focuses on compliance with the fire code. The Fire Marshall and Office of Emergency Management acknowledged the concerns surrounding emergency evacuations and stated the best and safest evacuations are ones that happen early. Both agencies discussed the training and neighborhood education services they offer including mock evacuation drills to educate residents and further reinforce their safety initiatives during emergency events. The property owner briefly discussed the development review history on site to address Councilmember Knight’s concerns about the revision history. The items passed by a vote of 7:2:0:0 with dissenting votes from Councilmembers Knight and Murray.

#### **Financial Implications:**

A fiscal impact analysis was completed for the proposed master plan amendment for the period of

2021-2030. The result of the fiscal impact analysis is a positive cumulative cash flow for the City during the 10-year timeframe. The reason for this outcome is the new medium high residential provides enough residential sales & use tax foundation to defray the loss of the research and development zoning and associated property taxes.

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

At the City Planning Commission meeting held on January 21, 2021, the project applications were considered under the Consent Calendar. Planning Commission voted unanimously 8-0-1 (with Commissioner Wilson absent) to approve the project applications.

**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 212 property owners on three occasions: during the initial review and prior to the Planning Commission and City Council hearings. The site was also posted during the three occasions noted above. City Planning staff received no comments in favor or in opposition to the project.

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 SWENT, City Fire, City Police, City Parks, CONO, District 11 and City Budget. All comments received for the review agencies have been addressed.

- City Finance - The Budget Office of the Finance Department conducted a Fiscal Impact Analysis (FIA) with a ten-year time horizon to understand the estimated expenditures and revenues attributed to the Mountain Shadows Master Plan amendment application. As of the preparation of this report, the FIA is not finalized. Staff will provide the FIA when it is received and present the results at the City Planning Commission Hearing.
- Parks Department - The new residential units trigger the Park and School Land Dedication Ordinance (PLDO). The land dedication requirement is .56-acres and the applicant is requesting to convey 1.01-acres, identified as Tract F on the PUD Development Plan, to satisfy this requirement. The proposed 1.01-acre land dedication is adjacent to, and will expand, the existing Mountain Shadows Open Space. Previous filings of this development (Tuscan Foothills Village Filings 1-3) have met their PLDO obligations through land dedication and Tract F will satisfy PLDO for this application. The developer has over-dedicated land on each filing and any tracked credit as a result of over-dedication of land may only be used within the overall Tuscan Foothills Village Development Plan area.
- School District 11 - No comments were received from the School District 11. As such, City Planning staff will require the payment of fees in lieu of land dedication for the new residential units.

**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 20-00071

Adopt an ordinance amending the zoning map of the City of Colorado Springs relating to 5.07 acres from Planned Industrial Park and Planned Unit Development with Hillside Overlay (PIP1/PUD/HS) to Planned Unit Development: Residential (Single-Family Attached and Townhouse), 3.5-7.99 dwelling units per acre and a Maximum Building Height of 35 feet, with Hillside Overlay (PUD/HS), 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 5.07 acres located at Silverstone Terrace and Villa Lorenzo Drive from PIP1/PUD/HS (Planned Industrial Park, Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: Residential (Single-Family Attached and Townhouse), 3.5-7.99 dwelling units per acre and Maximum Building Height 35-feet with Hillside Overlay).