



## Legislation Text

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**File #:** CPC ZC 21-00029, **Version:** 3

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Ordinance No. 21-72 amending the zoning map of the City of Colorado Springs relating to 12.78 acres located at 6550 and 6650 Mark Dabling Boulevard from PIP-2/cr/SS/HS (Planned Industrial Park with conditions of record and Streamside and Hillside Overlays) to R-5/SS/HS (Multi-family Residential with Streamside and Hillside Overlays).

(Quasi-Judicial)

Related Files: CPC CP 21-00030

**Presenter:**

Daniel Sexton, Planning Supervisor, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Summary:**

Owner: 123 Cascade Associates, LLC  
Developer: BCC Management, LLC  
Representative: Bucher Design Studio  
Location: 6550 and 6650 Mark Dabling Boulevard

The project includes applications for a zone change and concept plan for 12.78 acres of land located at 6550 and 6650 Mark Dabling Boulevard. The project is herein referred to as "Mark Dabling Cottages". The zone change request would change the current zoning from PIP-2/cr/SS/HS (Planned Industrial Park with Conditions of Record and Streamside and Hillside Overlays) to R-5/SS/HS (Multi-Family Residential with Streamside and Hillside Overlays). The proposed concept plan illustrates the envisioned development parameters for a multi-family residential development.

**Background:**

The Applicant has requested a change of zone to rezone the project site from PIP-2/cr/SS/HS (Planned Industrial Park with Conditions of Record and Streamside and Hillside Overlays) to R-5/SS/HS (Multi-Family Residential with Streamside and Hillside Overlays). Per City Code Section 7.3.103 Permitted, Conditional and Accessory Uses, the envisioned multi-family residential use is a permissible use in the R-5 (Multi-Family Residential) zone. The project will also comply with all applicable development standards as set for in City Code Section 7.3.104 Agricultural, Residential, Special Use and Traditional Neighborhood Development Zone District Development Standards. City Planning staff notes that the Applicant has proposed project specific standards that are less intensive than the proposed zone district and surrounding developments.

The Applicant's proposed concept plan for the Mark Dabling Cottages project illustrates the envisioned development of a multi-family residential use on two vacant parcels. As an infill development, the Applicant's proposal is a good fit for the surrounding area. City Planning staff finds

this to be true because the proposed multi-family use functions as a transitional land use between the less dense single-family attached and detached residential units to the west and the commercial and industrial uses to the south and east. The Applicant's self-imposed development standards, which are discussed above, are more restrictive and, thus, in conformance with the established controls, set forth in City Code Section 7.3.104 Agricultural, Residential, Special Use and Traditional Neighborhood Development Zone District Standards.

From a site design and layout perspective, the Applicant has set forth a conceptual development configuration that accounts for numerous site constraints (i.e. Hillside and Streamside requirements, geological hazards, proximity to the BNSF rail line, Wildland-Urban Interface, etc.). Discussion of these site constraints is provided later in this staff report. Access to the project site is proposed off Mark Dabling Boulevard with full-movement ingress and egress drives at four (4) locations. Public improvements (i.e. sidewalks, curb and gutter) are anticipated along Mark Dabling Boulevard as well, with final alignments being determined under subsequent land use applications. The envisioned on and off-site pedestrian and vehicular improvements will afford greater connectivity for future residents to access the surrounding area. To mitigate noise from the adjacent BNSF rail line, the Applicant will be conducting a noise mitigation analysis to determine the appropriate sound mitigation measures to install along the entire western boundary of the project.

In terms of the Hillside Overlay zone requirements, as set forth in City Code Section 7.3.504 HS - Hillside Area Overlay, the Applicant analyzed the site's physical characteristics and features to assess potential hazards that may impact development. A geologic hazard report was completed for the project site, which noted expansive soils, historic subsurface mining activities and the proximity to the flood hazard zones associated with Dry Creek and Monument Creek as the most significant hazards. The Applicant intends to avoid or limit development within known hazardous areas. City Planning staff will further evaluate the development with regards to the documented hazards as part of the future development plan application submittal, which will require a hillside site plan.

The project site is adjacent to Dry Creek and Monument Creek, which are subject to the Streamside Overlay zone requirements, as set forth in City Code Section 7.3.503 SS - Streamside Overlay Zone. The intent of the Streamside zone is to "... guide the development and maintenance of the property adjacent to these stream corridors in a manner that is compatible with the environmental conditions, constraints and character of these areas". City Planning staff reviewed and accepted the Applicant's streamside site plan drawing and land suitability analysis, which affirmed the inner and outer buffers for each creek and stipulates certain project design parameters and development constraints. Moving forward, the future development plan application submittal will further refine how the project complies with the above referenced requirements to enhance and improve the creeks.

As an infill development, the Applicant's proposal is a good fit for the surrounding area. City Planning staff find this to be true because the envisioned land use is a good transitional use for the area and the development standards will mitigate any on- or off-site impacts the project may have on the surrounding neighborhood. City Planning staff finds that the proposed plan, as stipulated, is in conformance with the purpose for establishing a concept plan, as set forth in City Code Section 7.5.501.

The City's Engineering Development Review Division (EDR) of Public Works and Planning & Community Development Department, with consultation from the Colorado Geological Survey (CGS), has reviewed the proposed concept plan and accompanying geological hazard report, prepared by

the Rocky Mountain Group, for the project. The reviewing agencies have accepted the analysis and recommendations set forth in the report prepared by the Applicant's consultant. The documented geological hazards and engineering geological conditions on the project site included expansive soils, historic subsurface mining activities and the proximity to the flood hazard zones associated with Dry Creek and Monument Creek as the most significant hazards. A future development plan application will require a more detailed geological hazard analysis. Upon approval for the Mark Dabling Cottages project, City staff is prepared to execute the provided letter.

The City's Water Resources Engineering Division of Public Works (herein referenced as "SWENT") has reviewed the concept plan and accompanying preliminary drainage letter, prepared by Catamount Engineering. SWENT has accepted the analysis and recommendations set forth in the preliminary report. The Applicant will be required to submit a final drainage report with the subsequent development plan application. That future final drainage report will determine the design and placement of all stormwater improvements and ensure their compliance with the City's Drainage Control Manual.

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 PlanCOS, the project site is identified as an Established Suburban Neighborhood. In the context of these key elements, which capture the essence of the "Big Ideas" and goals set forth throughout PlanCOS, the Mark Dabling Cottages project reinforces the positive change that can occur when infill and redevelopment is encouraged.

One of the big ideas in Chapter 3, entitled "*Embrace Creative Infill, Adaptation, and Land Use Change*", has Goal UP-2 that states:

*"Embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market."*

A policy for this goal further speaks to "*Supporting infill and land use investment throughout the mature and developed areas of the city.*"

In Chapter 4, the "*Embrace Sustainability*" big idea, has Goal TE-4 stating:

*"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."*

Together, the above referenced big ideas reinforce a core value of PlanCOS, which supports adaptive and responsive land use change. On balance with this perspective, City Planning staff has determined that the project's land use, location and site design meet the overall intent of this idea. For the reasons provided in this overall staff report, City Planning staff finds that this redevelopment proposal and its associated applications to be in substantial conformance with PlanCOS and its guidance.

The project supports the City's Strategic plan goals of building community and collaborative relationships and provides a platform for the building neighborhoods and communities through the infill redevelopment of vacant parcels with a multi-family residential use. The development of new

residential units will further redevelopment and investment within the area and strengthen the Colorado Springs economy through the orderly growth of the corridor.

**Previous Council Action:**

At the City Council meeting held on August 24, 2021, the project applications were pulled from the Consent Calendar portion of the meeting agenda and discussed under Items Pull Off Consent. City Planning staff and the Applicant gave presentations and answered questions raised by City Councils. Several residents opposed to the project participated in the hearing and raised concerns regarding noise and emissions from the adjacent railroad line, traffic, proximity of the floodplains for Dry Creek and Monument Creek. Ultimately City Council voted 5-4 to approve the project applications. The second reading for the zone change application will be scheduled for September 14, 2021.

City Council previously took action on this property in the 1980s when the property was zoned.

**Financial Implications:**

N/A

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

At the City Planning Commission meeting held on July 15, 2021, the project applications were considered under the Regular Business portion of the agenda. City Planning staff and the Applicant give presentations. A member of the public raised a question regarding mitigation of noise and vibrations for the adjacent railroad line. The Planning Commission discussed how the project was a good infill proposal and would help to address the City's attainable housing crisis. The Planning Commission ultimately voted 9-0 to approve the project applications.

**Stakeholder Process:**

The public notification process consisted of providing notice to surrounding homeowners associations and adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 234 property owners on four occasions: during the internal review and prior to a neighborhood and the Planning Commission and City Council hearings. The site was also posted during the four occasions noted above. City Planning staff received comments both in-favor and opposed to the project during the internal review and at the neighborhood meeting. The comments in opposition to the project applications raised concerns regard traffic, emergency evacuation, geologic hazards, and the site's proximity to the adjacent Burlington Northern Santa Fe (BNSF) Railroad line. Elsewhere within this report, City Planning staff discuss each of these items in greater detail.

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 Burlington Northern Santa Fe Railroad, Colorado Springs Utilities, Colorado Geological Survey, City Engineering, City Traffic, City Fire, City SWENT, City Parks, Council of Neighborhood Organizations (CONO), District 20, Police, and E-911. All comments received from the review agencies have been addressed. As an infill project within an established neighborhood, City Planning staff notes that the following review agency provided project specific comments:

- Colorado Geological Survey (CGS) - CGS Survey reviewed and accepted the proposed concept plan and accompanying geological hazard report. CGS raised questions regarding historic subsurface mining activities, proximity to the flood hazard zones associated with Dry Creek and Monument Creek. This reviewer requested that standard notes be applied to the

entitlement documents to acknowledge the geological hazard analysis and documented hazards on the site. Future development plan and final subdivision plat applications will require a more detailed geological hazard analysis.

- Burlington Northern Santa Fe (BNSF) Railroad - BNSF reviewed and provided general comments on the proposed concept plan. A series of standard access and construction notes were applied to the entitlement documents in response to BNSF's comments.
- Academy District 20 (D20) - D20 reviewed the project applications and raised concerns about the development of additional residential units in the area, as D20's long range planning had not accounted for the development of residential units in this area. While D20 is generally opposed to the project for the reason stated above, the district requested fees in lieu of land dedication for the anticipated 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 ZC 21-00029

Approve an ordinance amending the zoning map of the City of Colorado Springs relating to 12.78 acres located at 6550 and 6650 Mark Dabling Boulevard from PIP-2/cr/SS/HS (Planned Industrial Park with conditions of record and Streamside and Hillside Overlays) to R-5/SS/HS (Multi-family Residential with Streamside and Hillside Overlays) based upon the findings the request for a zone change complies with the criteria for granting a zone change as set forth in City Code Section 7.5.603.B.

An ordinance amending the zoning map of the City of Colorado Springs relating to 12.78 acres located at 6550 and 6650 Mark Dabling Boulevard from PIP-2/cr/SS/HS (Planned Industrial Park with conditions of record and Streamside and Hillside Overlays) to R-5/SS/HS (Multi-family Residential with Streamside and Hillside Overlays).