



## Legislation Text

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**File #:** MAPN-23-0004, **Version:** 3

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The establishment of the Mesa Highlands Land Use Plan for a proposed religious institution, office/medical office, multi-family residential and private open space consisting of 28.9 acres located at the southeast corner of West Fillmore Street and Centennial Boulevard.

(Legislative)

### **Presenter:**

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### **Summary:**

Owner: Mesa Land 1031 LLC & Colorado Springs VA LLC

Developer: Mesa Land 1031 LLC

Representative: N.E.S. Inc.

Location: Southeast corner of West Fillmore Street and Centennial Boulevard

The project includes concurrent applications for a zone change and a land use plan. The rezone will be from PUD (Planned Unit Development ) to MX-L/WUI-O (Mixed-Use Large Scale with Wildland Urban Interface Overlay). The Land Use Plan would allow for the following use types: religious institution, office/medical office, multi-family residential, and private open space.

### **Background:**

The PUD Zone Plan was approved by the city on June 16, 2015. This PUD Zone Plan encompasses 83.07 acres. On this plan, the subject area was identified for office building zones, medical office building zone, and open space with a maximum height of 45 feet. In accordance with the UDC, the proposed Land Use Plan with supersede the Hill Properties Amended Master Plan and Mesa Springs Community Plan. Nonetheless, the proposed uses are consistent with both the master and community plans which did identify the area for High-Rise Office.

The subject application(s) were submitted prior to the implementation date (06/05/2023) of the ReTool project, and as such, the applicant is permitted to elect which Code they prefer their application(s) to be reviewed under. The subject application(s) were chosen to be reviewed under the Unified Development Code per the applicant's instructions. All subsequent references within this report that are made to "the Code" and related sections are references to the Unified Development Code.

The site is located east of the Veterans Administration medical building and south of West Fillmore Street. The request will rezone 28.9 acres from PUD (Planned Unit Development) to MX-/WUI-O (Mixed-Use Large Scale with Wildland Urban Interface Overlay) (see "Zone Change Exhibit" attachment). The MX-L (Mixed-Use Large Scale) zone district is one of the new zone districts in the newly adopted Unified Development Code (UDC). The purpose of this zoned district is to:

*"accommodate a high-intensity mix of, for example, commercial, retail, office, hotels, restaurants,*

*entertainment, and multifamily residential uses...Some MX-L zone districts may also include uses that have a regional draw. Uses in MX-L zone districts may be mixed horizontally or vertically mixed depending on their density and intensity. MX-L zone districts should be organized to promote synergy among uses, combine destinations, support more effective transit service, and provide viable pedestrian and bicycle access and circulation. MX-L zone districts should have direct access to existing or planned major transportation facilities and be designed to promote compatibility with adjacent land uses.”*

The request to rezone the property to MX-L/WUI-O (Mixed-Use Large Scale with Wildland Urban Interface Overlay) will allow for the development of a future religious institution along West Fillmore Street and offices/medical offices, multi-family residential uses and a private open space on the remainder of the property. The rezoning of the property is compatible with the surrounding mix of uses which consist of commercial, office, medical office, single-family and multi-family. The request to change the zone district for the subject property from PUD (Planned Unit Development) to a hard zone such as MX-L (Mixed-Use Large Scale) is preferred and provides flexibility.

With the newly adopted Unified Development Code (UDC), master plans and concept plans are now referred to as Land Use Plans (LUP). Per the UDC, a Master Plan or Concept Plan approved prior to the effective date of the UDC shall not expire unless the Master or Concept Plan includes an expiration date. Because a rezone of the subject property is requested, the accompanying Land Use Plan application will supersede the approved PUD Zone Plan approved in 2015. A Land Use Plan shows the proposed layouts of land uses, development intensities and densities, primary access points, and so forth at a conceptual level. The LUP shows the north 7.7 acres to be developed as a religious institution. Along the east property boundary is proposed 8-acre private open space. The remaining 13.2 acres will accommodate mixed-use with office/medical office and multi-family residential which will be further refined with future development plans. The Land Use Plan identifies the future access point location from Centennial Boulevard and West Fillmore Street.

Future development will adhere to the applicable dimensional and use standards in the MX-L (Mixed-Use Large Scale) zone district. In accordance with the prior PUD Zone Plan approval, the maximum building height was established at 45 feet. With the proposed rezone to MX-L (Mixed-Use Large Scale) zone district, the maximum building height will increase to 65 feet (general) and 85 feet for lots with arterial frontage along West Fillmore Street and Centennial Boulevard. The city does not have regulations for protection view corridors throughout the city. PlanCOS addresses ‘view corridors’ under “significant natural resources” which are often related to major natural areas or regional landmarks.

Staff has evaluated the proposed application 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 a ‘Changing Neighborhood’. The goal of the ‘Changing Neighborhoods’ is to “retrofit, reinvent, and introduce new features to enhance the identity, quality, affordability, and attractiveness of these neighborhoods.” These neighborhoods will expect to see more infill and redevelopment than other areas of the city. Changing neighborhoods focuses on connectivity between commercial and neighborhood and creates community center redevelopment along arterial corridors. Staff finds that the proposed zone change and land use plan to be substantially in compliance with the goals, policies, and strategies within PlanCOS.

In the Vibrant Neighborhood chapter, PlanCOS recognizes that integration of mixed-use development in neighborhoods support the creation of vibrant neighborhoods. Changing neighborhoods see more opportunities for redevelopment.

- Policy VN-3.E: Encourage and support the integration of mixed-use development in neighborhoods.

The property is within the 'Neighborhood Centers' typology which provides a focal point of community life and services at a neighborhood scale.

- 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.
- 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

**Previous Council Action:**

Previous City Council action for this property and area included the following:

- The property is part of the Mesa Addition #2 Annexation which was approved for annexation on July 1, 1971.
- The Hill Properties Master Plan was originally approved by City Council on June 22, 2004.
- The Centennial PUD Zone Plan, for the area south of West Fillmore Street along Centennial Boulevard, was originally approved by City Council on June 22, 2004.
- The Mesa Springs Community Plan was originally approved in 1986.
- Ordinance 04-101, an ordinance amending the zoning map for the City of Colorado Springs relating to 83.068 acres was approved on July 13, 2004.

**Financial Implications:**

N/A

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

At the City Planning Commission meeting held on August 9, 2023, the project applications were pulled from the Consent Calendar for further discussion specifically related to the allowable height allowed in the MX-L (Mixed-Use Large Scale) zone district. Commissioner Rickett expressed concern that the MX-L (Mixed-Use Large Scale) zone district allows a maximum building height of 85 feet for lots with arterial frontage along West Fillmore Street and Centennial Boulevard, whereas the PUD Zone Plan limited the height to a maximum of 45 feet.

The City Planning Commission recommended approval of the Land Use Plan application to the City Council by a vote of 6:1:2:0 (Commissioner Rickett was opposed; Vice Chair Murray and Commissioner Raughton were excused).

The City Planning Commission recommended approval of the Zoning Map Amendment application to City Council with technical modifications by a vote of 6:1:2:0 (Commissioner Rickett was opposed; Vice Chair Murray and Commissioner Raughton were excused).

The technical modifications required to the Zoning Exhibit were addressed and accepted by the City between City Planning Commission meeting and City Council meeting. The updated Zoning Exhibit B has been provided (**see "Exhibit B updated" attachment**). Exhibit A which includes the legal description was not affected by the technical modifications.

**Stakeholder Process:**

Public notice postcards went to 250 properties within the 1,000-foot notification buffer on three occasions, once at initial review, prior to the Planning Commission hearing, and prior to the City Council hearing. The site was posted for the required 10-day posting period during all occasions noted above. Three letters in opposition were received. Public comments received in opposition expressing general concerns of height with the proposed MX-L (Mixed-Use Large Scale), traffic, surface and subsurface water, and noise from construction. The applicant provided a written response to the received public comments. No follow-up correspondences from the public were received. No neighborhood meeting was held for this entitlement request.

The applications were sent to the standard internal and external agencies for review and comment. Review comments received have been addressed. Internal review agencies for this project included City Traffic, City Engineering, City Parks, Colorado Springs Utilities, Stormwater Enterprise and Colorado Geologic Survey.

- Traffic Impact Study: City Traffic Engineering agreed with the Traffic Impact Study (TIS) prepared by SM Rocha LLC dated April 2023 findings and recommendations.
- School District: No comments were received from the school district.
- Parks: No comments were received.
- SWENT: Stormwater comments were addressed during the internal review of this project.
- Colorado Springs Utilities: Colorado Springs Utilities (CSU) comments were all addressed during the internal review of this project.
- Colorado Geologic Survey (CGS): CGS had no objection to conditionally approving the project provided design-level geotechnical investigation was performed as recommended by CTL.

**Alternatives:**

City Council can choose to approve, approve with conditions, deny, or refer to City Planning Commission

**Proposed Motion:**

Approve the Mesa Highlands Land Use Plan related to 28.9 acres based upon the findings that the request complies with the review criteria for Land Use Plans as set forth in City Code Section 7.5.514.