



## Legislation Text

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**File #:** CPC PUP 08-00157-A1MJ17, **Version:** 2

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An appeal of the City Planning Commission's recommendation of approval of a zone change and concept plan for Patriot Park, a multi-family, single-family and private open space development.

(Quasi-Judicial)

Related File: CPC ZC 17-00096

**Presenter:**

Lonna Thelen, Principal Planner, Planning and Community Department  
Peter Wysocki, Director of Planning and Community Development

**Summary:**

Applicant: NES Inc  
Owner: Patriot Park Investments, LLC  
Location: Northwest of Powers Boulevard and Platte Avenue

An appeal was filed on October 30, 2017 by Silver & DeBoskey, P.C. regarding the City Planning Commission's decision to recommend approval to the City Council of the proposed zone change and concept plan applications associated with the Patriot Park project (**EXHIBIT 1**).

This project includes concurrent applications for a zone change and concept plan for Patriot Park. The zone change will rezone the property from PUD/AO/SS (Planned Unit Development with Airport Overlay and Streamside Overlay) to PUD/AO/SS (Planned Unit Development with Airport Overlay and Streamside Overlay). The original PUD is a combination of the OC (Office Complex), PBC (Planned Business Center) and PIP-1 (Planned Industrial Park) zone districts, with limited uses adjacent to the Sand Creek. The proposed PUD will allow multi-family, single-family and private open space.

The appellant has requested the onetime, non-discretionary postponement of the appeal hearing as permitted in City Code Section 7.5.906.B.3 (**EXHIBIT 2**).

**Previous Council Action:**

N/A

**Background:**

The appeal of the October 19, 2017 City Planning Commission's decision to approve the aforementioned zone change and concept plan applications was filed with the City Clerk on October 30, 2017. The appeal was scheduled for City Council consideration on November 28, 2017. However, the appellant has requested postponement of the hearing until the next available City Council date, that being on December 12, 2017. The appellant justifies the request in writing, indicating that the owner will not be able to be in town on November 28, 2017 (**EXHIBIT 2**).

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

At their regular meeting on October 19, 2017, the Planning Commission voted 6-3 to recommend approval of the requested zone change and concept plan applications.

**Stakeholder Process:**

The public process involved with the review of the applications included posting the site and sending postcards to 150 property owners within 1000 feet with the internal review and prior to the City Planning Commission hearing. Public comment was received from the neighboring office park. They commented that the proposed residential and park use is incompatible with the surrounding office uses.

Staff sent plans to the standard internal and external review agencies for comment. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, Police, Enumerations, Floodplain, Real Estate Services, City Landscape, Parks, Comcast, School District 11 and E-911. This site is within the Airport Overlay and was reviewed by the Airport Advisory Committee and it is also within the review area for Peterson Airforce Base; both agencies reviewed the plans and did not object to the applications.

**Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Grant the appeal and reverse the action of the City Planning Commission - granting of the appeal will essentially deny the project as proposed; or
4. Refer the matter back to the City Planning Commission for further consideration

**Proposed Motion:**

**CPC PUP 08-00157-A1MJ17 - APPEAL**

Deny the appeal and uphold City Planning Commission's decision to recommend approval to the City Council the concept plan CPC PUP 08-00157-A1MN17 for the Patriot Park application based on the findings that the application meets City Code Section 7.5.501(E) (Review Criteria for the PUD Concept Plan).

Uphold the appeal and deny City Planning Commission's decision to recommend approval to the City Council the concept plan CPC PUP 08-00157-A1MN17 for the Patriot Park application.

**Planning Commission Recommendation**

Approve the concept plan for Patriot Park, based upon the findings that the PUD concept plan meets the review criteria for granting a PUD concept plan as set forth in City Code Section 7.3.605 and meets the review criteria for granting a concept plan as set forth in City Code Section 7.5.501(E).