



## Legislation Text

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**File #:** ZONE-23-0023, **Version:** 4

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Ordinance 23-69 amending the zoning map of the City of Colorado Springs pertaining to 9.62 acres located at the northwest corner of Elkton Drive and Rusina Road from MX-N/HS-O/WUI-O (Mixed-Use Neighborhood Scale with Hillside and Wildland Urban Interface Overlays) to MX-M/HS-O/WUI-O (Mixed-Use Medium Scale with Hillside and Wildland Urban Interface Overlay). (Second Reading and Public Hearing)

Quasi-Judicial

### **Presenter:**

Tamara Baxter, Senior Planner, Planning + Neighborhood Services  
Peter Wysocki, Director, Planning + Neighborhood Services

### **Summary:**

Owner: MIMACO LLC c/o Mike Jansen  
Developer: MIMACO LLC  
Representative: Terra Nova Engineering, Inc.  
Location: 330, 360, and 390 Elkton Drive

This application is for a zone change from MX-N/HS-O/WUI-O (Mixed-Use Neighborhood Scale with Hillside and Wildland Urban Interface Overlays) to MX-M/HS-O/WUI-O (Mixed-Use Medium Scale with Hillside and Wildland Urban Interface Overlays) for the Point of the Pines Gardens Assisted Living development consisting of 9.62 acres located in the northwest corner of Elkton Drive and Rusina Road

### **Background:**

Please see the attached City Planning Commission Staff Report for a complete analysis of the proposed application.

### **Review Criteria:**

The review criteria for a zone map amendment (rezoning) set forth in UDC Code Section 7.5.704 are noted below.

1. The proposed rezoning is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, with other plans and policies adopted by the City Council; and with the purpose statement of the proposed zone district(s).
2. The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare.

3. The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).
4. If the application proposes to rezone a small area of land, the application demonstrates that the size, scale, height density, and multimodal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions.
5. If the application proposes to rezone a relatively small area of land, the application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.
6. If a Land Use Plan or amendment to a Land Use Plan accompanies the application, the Land Use Plan or amendment complies with the applicable criteria in Subsection 7.5.514C.3 (Land Use Plan Criteria).
7. The application is consistent with any approved Concept Plans in the area for which the map is being amended or includes or is accompanied by a provision that approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map.
8. If the application is for creation of an ADS-O district, the approval criteria applicable to the creation of the text of the ADS-O district in Section 7.2.607D.47.5.702 (Decision) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.
9. If rezoning to a PDZ district, the proposed PDZ district provides significant community amenities or other benefits, as determined by the Manager, that promote the achievement of Colorado Springs Comprehensive Plan goals and would not otherwise be required of the applicant under this UDC or other City or governmental regulations.
10. Complies with the additional standards of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts))

Staff finds that the proposed application meets the review criteria.

**Previous Council Action:**

Indian Hills Master Plan was approved by the City Council in 1972. City Council approved a zone change to the current zoning in 1987 (Ordinance 87-41).

**Financial Implications:**

NA

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

City Planning Commission voted 5:0:4 (Briggs, Foos, Hente, and Cecil were absent) to recommend approval of the zone map amendment (rezoning) at the November 17, 2023 Planning Commission meeting.

**Proposed Motions:**

Should the City Council wish to approve the zone map amendment (rezoning) application, the

following motion is suggested:

Adopt an ordinance establishing 9.62 acres as a MX-M/HS-O/WUI-O (Mixed-Use Medium Scale with Hillside and Wildland Urban Interface Overlays) zone district based upon the findings that the request complies with the criteria for establishing a zone district as set forth in City Code Section 7.5.704.

Should the City Council wish to deny the zone map amendment (rezoning) application, the following motion is suggested.

Deny amending the zoning map based upon the findings that the zone change has not met the criteria found in City Code Section 7.5.704.