



## Legislation Text

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**File #:** CPC MP 87-00381-A3MJ22, **Version:** 2

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A resolution approving a major amendment to the Banning Lewis Ranch Master Plan changing land use designations from residential-medium high, neighborhood retail, school, and park to residential-medium, commercial, mixed commercial/residential-high, park and open space consisting of 184.29 acres located east of the North Marksheffel Road and Barnes Road intersection.

(Legislative)

Related Files: CPC PUZ 22-00034 and CPC PUP 16-00013-A4MJ22

**Presenter:**

William Gray, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Summary:**

Owner: AE BARNES III, LLC, BHL NO 2, LLC, AND CHALLENGER COMMUNITIES, LLC Developer: Challenger Communities, LLC  
Representative: NES, Inc  
Location: East of the North Marksheffel Road and Barnes Road intersection.

The project includes concurrent applications for a master plan amendment, PUD zone change and PUD Concept Plan for 184.29 acres located east of the North Marksheffel Road and Barnes Road intersection. The master plan amendment revises land use designations from residential-medium high, neighborhood retail, park and school to residential-medium, commercial, mixed commercial/residential-high, park and open space. The zone change request is to rezone the project area from R-1 6000/PBC/AO/R-5/PUD/PK/SS/AO (Single-Family Residential, Planned Business Center, Multi-Family Residential, Planned Unit Development, and Public Parks with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 3.5 dwelling units per acre to 24.99 dwelling units per acre, and 35 feet maximum building height; and Commercial, 138,500 square feet maximum, and 45 feet maximum building height, with Streamside and Airport Overlays). The concept plan graphically represents a proposed mixed-use development with single-family and multi-family residential, commercial, park and open space, and the realignment of Barnes Road.

**Background:**

The Applicant has requested a major amendment to the Banning Lewis Ranch Master Plan to change the land use designation from residential-medium high, neighborhood retail school and park to residential-medium, commercial, mixed commercial/residential-high, park and open space) uses for the 184.29 acres of land associated with the Enclaves at Mountain Vista East project. This change in master planned land use designations will position the site for a phased residential development that is more representative of similar residential developments found in the surrounding area and

elsewhere throughout the city. More specifically, the Enclave at Mountain Vista neighborhood immediately east of the project site. The project area contains the east fork of Sand Creek, which the Applicant looks to flank with open spaces. Along the project area edges, which are bordered by future roadway extensions of Barnes Road and Banning Lewis Parkway there is more intense residential, commercial, and mixed commercial/residential. While the requested use change is not a significant deviation from the current land use trajectory for the area, it positions the project area well with the envisioned land use pattern anticipated for adjacent undeveloped holdings to the east and south. The proposed residential density ranges, which range from 3.5-24.99 dwelling units per acre and up to 138,000 square feet of commercial. The rooftops proposed with this project and surround developing neighborhoods will support the future commercial development proposed with this project. The most notable change with the proposed amendment is the elimination of future school land. School District 49 has determined the site not to be suitable for a school because of location next to a major street. The school district is recommending fees-in-lieu for all land located within this project. City Planning staff notes that overall, changes such as this are supported by the Amended and Restated Banning Lewis Ranch Annexation Agreement (Res. #36-18), as the previous vision was no longer representative of current City policies and land development within the City.

The Applicant's PUD zone change will rezone 184.29 acres at Enclaves at Mountain Vista East project R-1 6000/PBC/AO/R-5/PUD/PK/SS/AO (Single-Family Residential, Planned Business Center, Multi-Family Residential, Planned Unit Development, and Public Parks with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential, 3.5 dwelling units per acre to 24.99 dwelling units per acre, and 35 feet maximum building height; and Commercial, 138,500 square feet, and 45 feet maximum building height, with Streamside Overlay and Airport Overlay). The requested PUD zone establishes the parameters for a mixed residential and commercial development with maximum building heights (35'-45' maximum building heights) and density ranges (3.5-24.99du/ac) and 138,000 square feet of commercial. The accompanying PUD concept plan for the Enclaves at Mountain Vista East project provides further information regarding the placement of the envisioned residential types.

While the establishment of new PUD zone districts can promote development characteristic with an overall unified approach and encourage certain flexibilities, PUD zone districts are only required to set the land use types and mix, the land use intensity. The Applicant's envisioned land uses, which consist largely of various residential use types, are like those uses found within the surrounding area and other newer residential developments throughout the city. As illustrated on the accompanying PUD concept plan, consideration of future commercial, parks and open space has been contemplated. The custom dimensional controls and development standards are comparable with the established and developing land use pattern for the surrounding area. City Planning staff finds this to be acceptable as the proposed PUD zone district will afford greater flexibility for land planning when development moves forward and avoids future zone change applications to rescript the development parameters. Together, the land use and dimensional and development standards proposed mitigate the project's impacts and meets the applicable City Code standards for a zone change request.

City Planning staff finds the application to be consistent with the purpose for a PUD zone change request, as set forth in City Code Section 7.3.6031 and purpose for a zone change request, as set forth in City Code Section 7.5.6031.

The requested Enclaves at Mountain Vista East project illustrates a phased residential development mixed with commercial land uses and public and private improvements. To guide development of the project area, the Applicant has proposed specific parcel areas that are envisioned to accommodate

different residential use types. As structured, City Planning staff finds that the PUD concept plan development parameters encourage flexibility, innovation of design and a variety of development types that will improve the quality of physical development over that normally achieved through the application of the City's standard single use zones.

The plan incorporates layout configurations for pedestrian and vehicular improvements throughout the project to afford greater connectivity between the identified project parcels to established and developing portions of the surrounding area, and future land dedication for parks and open space. The pedestrian improvements are comprised of public trails along certain drainage ways and roadways. The proposed roadway improvements will consist of new public roads connecting to existing roadways in the area. Intersection improvements and turning movements will be determined with future development plan applications. The final site design and layout for the project area will be determined as part of future PUD development plan applications.

The above discussed development parameters and supportive land use mix encourage flexibility in design to create a better living environment and development proposal and reinforce why this project will be a good fit for the surrounding neighborhood. City Planning staff finds that the proposed plan, as stipulated, is in conformance with the purpose for establishing PUD concept plan, as set forth in City Code Section 7.3.605, and a concept plan, as set forth in City Code Section 7.5.501.

The City's Traffic Engineering Division of Public Works (herein referenced as "Traffic") has reviewed the PUD concept plan and accompanying Traffic Impact Study; prepared by Kimley-Horn & Associates. Traffic has accepted the analysis and recommendations set forth in the study. As noted on the proposed PUD concept plan, that Applicant has agreed to dedicate acreage to the city for future roadways such as Barnes Road. Traffic is requiring that the roadway extensions along the edges of the development will be constructed as 4-lane roads, with opportunities to expand these roadways in the future to a 6-lane capacity. The Applicant has accepted these terms.

Triggers for establishing timing and scope for certain street improvements has been deferred until future PUD development plan applications are reviewed. The Applicant and Traffic have also agreed to the timely construction of all future roadway and intersection improvement with the corresponding portion of the project. City Planning and Traffic will monitor the build-out of this project to determine if additional roadway or intersection improvements are necessary.

PlanCOS, the project site is identified as a Future Neighborhood. Through the Applicant's envisioned development of a new future neighborhood, this project looks to support the integration of a diversity of housing types, connectivity between developed and developing areas, integrate traffic measures and connections to improve the City's roadway network, and develop connected parks and gathering places. The Applicant has proposed design and dimensional controls that accommodate a variety of lot configurations and building orientations, which will enhance the surrounding land use pattern.

One of the "Big Ideas" in the Unique Places Chapter 3 of PlanCOS is entitled "Be a City of Places" which has Goal UP-1 that states:

*"Enrich the texture and livability of the city as a tapestry of unique, vibrant, and walkable places.."*

Adaptive and responsive land use change is one of the core values of PlanCOS, including in largely undeveloped areas. On balance, staff recommends that the diversity, location, and proposed project

design meets the overall intent of this idea.

The Majestic Landscapes theme (in Chapter 7 of PlanCOS) is also an important consideration. Although this overall plan will result in more areas with vertical development and less perceptual open space, staff recommends that the resulting plan supports several of the Majestic Landscapes Big Ideas including “Providing Parks for the People”, “Engaging with Our Landscapes”, and “Complete our Creeks”. More detail can be found at: <https://coloradosprings.gov/plancos/book/introduction-vision-and-big-ideas?mlid=42926> Accessible and connected parks and trails facilities are being provided.

Finally, PlanCOS sets the high-level planning and vision and framework, and establishes a relationship and importance of related plans in providing additional direction. In this case the most significant related plan is the City of Colorado Springs Parks System Master Plan (2014). Consistency with that document is addressed elsewhere in this staff report and has been supported by Parks.

For the reasons provided above and in this overall staff report, staff City Planning staff recommends that this development proposal and its associated applications to be in substantially conformance with PlanCOS and its guidance.

The project site is part of the Banning Lewis Ranch Master Planned area and is currently envisioned to be developed with a mix of residential types, commercial, parks, and public facility uses, and roadway connections. While the Applicant is proposing changes to the master plan land use designations within the project area, the proposed land use mix is not a significant deviation from the previously envisioned land uses. In fact, it positions the project area well with the land use pattern anticipated for adjacent undeveloped properties. City Planning staff notes that the Banning Lewis Ranch Master Planned area is currently deemed as an “Operative” plan. According to City Code Section 7.5.402(B)(1), *“A master plan that is less than eighty five percent (85%) built out with some or all the property zoned with a temporary zoning district. There is continuous rezoning, development plan and platting activity in conformance with an approved phasing plan. Build out is when a structure or structures have been constructed on platted lots.”* City Planning staff finds that the Enclaves at Mountain East project to be complimentary and supportive of the long-range vision for the Banning Lewis Ranch Master Plan, which consisted of a mix of residential, commercial, and civic uses.

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

City Council previously acted on this property in 2016 and 2007 when it was zoned Planned Unit Development (PUD) and in 1987 when it was annexed and zoned.

#### **Financial Implications:**

The Budget Office of the Finance Department has conducted a Fiscal Impact Analysis (FIA) with a ten-year time horizon to understand the estimated expenditures and revenues attributed to the Banning Lewis Ranch Master Plan amendment application. The results of this analysis indicate a positive cumulative cashflow for the city. The reason for this outcome is largely due to the revenue collected because of construction, which is greater than the expenditures for the city.

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

At the City Planning Commission meeting held on August 10, 2022, the project applications were considered under the Consent Agenda. Without discussion, Planning Commission voted unanimously

7-0 to approve the project applications (Planning Commissioner James McMurray was absent).

**Stakeholder Process:**

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 239 property owners on three (3) occasions; during the internal review stage and prior to the Planning Commission and City Council hearings. The site was also posted during the three (3) occasions noted above. City Planning staff received no written comments for the project.

Staff input is outlined in the following sections of this report. Staff sent the applications to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Airport, City Engineering, City Traffic, City Fire, City Water Resource Engineering, Council of Neighborhood Organizations (CONO), School District #49, Colorado Geological Survey, Police and E-911. City Planning staff notes that the following review agencies provided project specific comments:

- City Traffic - The City's Traffic Engineering Division reviewed and accepted the proposed site design and layout, and the accompanying Traffic Impact study for the project. The submitted study assessed current and projected traffic volumes based on the proposed land uses along current and envisioned roadways near the project area and concluded there will be adequate roadway capacity. The Applicant will be required to install all new roadway extensions (i.e., Barnes Road,). Conditions have been applied to the project plans to ensure compliance with the City's Traffic Control Manual.
- SWENT - Stormwater Enterprise (SWENT) had no major review comments for this project. An amended Master Development Drainage Plan will need to be approved with a future PUD Development Plan. In addition, Final Drainage Reports will also be required with the submittal of all future PUD Development Plans and Final Plats associated with this project.
- CSU - Colorado Springs Utilities (CSU) required that a Hydraulic Analysis Report ("HAR") with the project. In their review of the HAR, larger diameter pipelines were required at locations around the perimeter of the development to be consistent with long range planning for utilities. The HAR and concept plan have been revised for consistency with long range utility planning.

**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:**

Approve a resolution of the City Council of the City of Colorado Springs, Colorado approving a major amendment to the Banning Lewis Ranch Master Plan changing land use designations from residential-medium high, neighborhood retail, school, and park to residential-medium, commercial, mixed commercial/residential-high, park and open space consisting of 184.29 acres located east of the North Marksheffel Road and Barnes Road intersection, based upon the findings that the request meets the review criteria for granting a master plan major amendment as set forth in City Code

Section 7.5.408

N/A