



Legislation Text

File #: CPC PUZ 18-00054, **Version:** 3

Ordinance No. 18-126 amending the zoning map of the City of Colorado Springs pertaining to 12.15 acres located northwest of the intersection of Powers Boulevard and Barnes Road at the terminus of Integrity Center Point from A/UV/AO (Agriculture with Use Variance and Avigation Overlay) to PUD/AO (Planned Unit Development with Avigation Overlay; single-family and attached two-family, 35-foot maximum building height, 5.59 dwelling units per acre).

(Quasi-judicial)

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development
Peter Wysocki, Director of Planning and Community Development

Summary:

Applicant: Century Communities
Consultant: NES, Inc.
Owner: Harry and Lynn Fries
Location: Northwest of the intersection of Powers Boulevard and Barnes Road at the terminus of Integrity Center Point.

Previous Council Action:

The City Council has not acted on any recent land use applications involving this project. The most recent action by City Council involving the High Chaparral Master Plan area was in January 2014; approving a Minor Amendment to the High Chaparral Master Plan involving a change to the proposed road network. City Council later approved a rezone of the property located to the south and east of the subject property in April 2015; changing the zoning from A (Agriculture) to R-5 (Multi-family Residential). Accompanying the zone changes was the Barnes Center Apartments Development Plan, a 272 unit apartment complex (now known as Elevation Apartments).

On November 27, 2018, City Council approved this ordinance on first reading with a vote of 8:0:1 (Councilor Bennett was absent).

Background:

The subject property is part of the High Chaparral Master Plan, originally approved in 1985 as part of the High Chaparral annexation of the same year. The proposed land uses as shown on the original Master Plan identified single-family residential, park and office/research and development. The Master Plan had originally intended for Rio Vista Drive to connect from Barnes Road to Stetson Hills Boulevard; however this connection was later eliminated in 2001 when the TOPS (Trails, Open Space and Parks) committee recommended and the City Council agreed to purchase approximately 73 acres within the master planned area.

The original High Chaparral Master Plan adopted in 1985 when the property was annexed, included the property north of the open space; that area was later incorporated into the Templeton Heights Master Plan. The Master Plan has had numerous amendments, including an amendment in 2012 involving 18 acres from commercial to high density residential for the property that is now the Elevation Apartments.

The commercial area to the south, known at Plaza at Barnes and Plaza at Barnes West, continues to build out. Staff is administratively reviewing a proposed hotel, retail center and gas station at the northwest corner of Barnes Road and Integrity Center Point. Not including the aforementioned pending development under review or the 4.8 acres under consideration for amendment, 18 acres of land would still be available for commercial development, this includes the property fronting North Powers Boulevard and the properties located off of Chaparral Road.

Regarding the condition of approval for the Chaparral Pointe Metropolitan District to come to a financial agreement with the Barnes Center Commercial Owners; as of the writing of this memo, the two parties were still negotiating those terms.

Additionally, the Barnes Center Commercial Owners have expressed an interest in the possibility of conveying Integrity Center Point from a private road to a public street. This discussion is in the early stages of discussion and the owners would need to demonstrate to the City that the road was constructed to the City's public street standards before taking over ownership of the road. The City has accepted private roads as public streets, the most recent being Lee Vance Drive, located southeast of Woodmen Road and Rangewood Drive. The property owner agreed to reconstruct the road in order to meet City design standards before the City accepted ownership of the street.

Financial Implications:

The Major Amendment to the High Chaparral Master Plan illustrates a change involving 4.8 acres located on the eastern portion of the site; the proposed land use change would be from Commercial to Residential (3.5 - 7.99 dwelling units per acre). This amendment would be the third amendment to the High Chaparral Master Plan since current master plan was adopted in 2001.

A fiscal impact analysis (FIA) was completed (see FIGURE 6 of City Planning Commission memo) by the City Budget Office. The analysis revealed that there would be a "negative cumulative cash flow" for the City during the 10-year timeframe. The analysis takes into consideration the proposal of public streets within the Chaparral Pointe development compared to the potential of a private street system and commercial revenue generated from the 4.8 acres that was proposed for commercial use.

Planning Staff recognizes that the analysis by the Budget Office assumes the land use will result in a retail or a land use type where sales taxes are collected on goods or food sales. However the analysis doesn't take into account if the commercial property were non-sales tax generating land use such as office, institutional or religious use. Most professional offices do not generally generate sales tax similar to a retail operation and obviously schools, churches or non-profit users do not general any property taxes.

Planning Staff completed a land use analysis of the High Chaparral Master Plans, evaluating the amendments and overall changes to the land use categories based on acreage; starting in 2003 (which was the first amendment to the Master Plan and after the purchase of the High Chaparral

Open Space) and compared the amendments in 2010, 2014 and the current amendment. (See FIGURE 7 of City Planning Commission memo, these numbers assume the changes proposed in this amendment).

From 2003 to 2018 there has been a modest 1.6 acres increase in single-family residential. Multi-family acreage increase an additional 6.9 acres from 2003 to 2018 (higher density residential generally carries higher property values that are comparable to the land/building value of office buildings). There is a slight decrease in office/commercial use of two (2) acres and the park and open space land use designation, originally at 5.6 acres, was essentially eliminated after the purchase of the High Chaparral Open Space.

Planning Staff believes the High Chaparral Master Plan strikes an overall balance of varying land uses, with the office/commercial (31.85 acres) component still comprise of 42% of the overall land use with the master plan. High density residential (which brings a higher building and property value), comprises of 14 acres. The remaining balance of land uses within the Master Plan consists of moderate density (3.5 to 7.99 DU's/Acre) residential making up 31% (or 23.65 acres) and designated tracts/parcels intended for access or stormwater facilities making up 9% (or approximately 7 acres).

The total 340 dwelling units (the apartments and this proposed development) that will be in close proximity to the Barnes Commercial Center will provide necessary consumers and economic support to those businesses.

Additionally, Land Use Staff believes the subject 4.8 acre site would be difficult to market and develop for commercial purposes given the location between the existing apartments to the south and the High Chaparral Open Space to the north provides poor visibility to the site. The property will also ultimately be located on a dead end roadway, making accessibility difficult. It is Staff's opinion that the highest and best use of the property is residential considering the adjacent land uses and limited vehicular access to the site.

It is Planning Staff's determination that the land use amendment involving 4.8 acres from commercial to single-family residential (3.5 - 7.99 DU's per acre) is negligible when factoring all other land uses associated with the Master Plan.

Board/Commission Recommendation:

The City Planning Commission recommended approval of all three (3) applications.

CPC MP 10-00089-A3MJ18: Motion by Hente, Second by Smith recommending approval of the major amendment to the High Chaparral Master Plan; the motion passed 6 - 2. Voting against were Commissioners Raughton and McMurray who both expressed that there were still several unresolved items that should be addressed before forwarding to City Council; including the applicant's discussions with the property owner to the south, Mr. and Mrs. Cline, along with the financial contributions to the Barnes Center Commercial Owners regarding long term maintenance of Integrity Center Point.

CPC PUZ 18-00054: Motion by Graham, second by Smith recommending approval of the change of zone from A/UV/AO (Agriculture with Use Variance and Avigation Overlay) to PUD/AO (Planned Unit Development, single-family and attached two-family, 35-foot maximum building height, 5.59 dwelling units per acre with Avigation Overlay). The motion passed 7 - 1 with Councilman Raughton voting

against. (Note that the City Planning Commission cover page for the zone change correctly noted the avigation overlay; the Staff memo inadvertently referenced the overlay as Hillside Overlay (HS); the Avigation Overlay is already in place over the property).

CPC PUD 18-00055: Motion by Graham, second by Smith recommending approval of the Chaparral Pointe Planned Unit Development Plan; the motion passed 6 - 2. Voting against were Commissioners Raughton and McMurray.

One property owner, Mr. Cline, 4625 Chaparral Road, locate south of the proposed development spoke before City Planning Commission. Mr. Cline indicated that he was not necessarily opposed the project, he voiced concern of overland drainage from the adjacent stormwater pond. (It should be noted that release of stormwater at historical rates is accepted by the City's Stormwater Design Manual. See below for follow-up between Mr. Cline and the applicant's engineers).

Please reference the minutes from the hearing for a detailed record.

Stakeholder Process:

The public process included posting the site and sending postcards to 314 property owners within a 1000-foot buffer of the subject property including the Old Farm Awareness Association. Staff had initially received six (6) comments (see FIGURE 5 of City Planning Commission memo) from surrounding property owners, including a property owner and representative of the Plaza at Barnes commercial center, located immediately north of Barnes Road.

Residents' initial concerns included the proposed density of the project, access/use of Chaparral Road, traffic generation, signal/access at Barnes Road/Integrity Center Point, pedestrian access to High Chaparral Open Space, noise mitigation, over-burdening parks/open space.

The commercial property owner, John Olive, voiced opposition to the proposed project over the proposed use of Integrity Center Point for residential traffic, when the private roadway was intended to be used for commercial uses as identified in the High Chaparral Master Plan. Staff provides additional information in the Analysis section provided below.

Staff held two neighborhood meetings; the first was held prior to the submittal of a formal application on July 11, 2017 at Fire Station #19. A second neighborhood meeting was held on August 9, 2018 at Fire Station #19; approximately 18 residents attended the neighborhood meeting.

Staff input is outlined in the following section of this report. Staff sent plans to the standard internal and external review agencies for comments. Besides Land Use Review comments, the review agencies had no comments on the proposed applications. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, Colorado Springs Airport, City Police and City Fire.

Based on an email Staff received on October 25, 2018, the applicant's engineering consultants have a tentative agreement in place with Mr. Cline that would involve the installation of a buried storm sewer pipe in lieu of overland drainage. The developer has agreed to the storm sewer pipe as requested by Mr. Cline; this will be noted on the Development Plan prior to final Staff approval and incorporated into the final construction documents.

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:

Adopt an ordinance amending the zoning map of the City of Colorado Springs pertaining to 12.153 acres from A/UV/AO (Agriculture with Use Variance and Avigation Overlay) to PUD/AO (Planned Unit Development: single-family and attached two-family, 35-foot maximum building height, 5.59 dwelling units per acre with Avigation Overlay), based upon the finding that the zone change request complies with the three (3) review criteria for granting a zone change in City Code Section 7.5.603(B) and the review criteria in City Code Section 7.3.603 for establishment of a PUD zone.

An ordinance amending the zoning map of the City of Colorado Springs relating to 12.153 acres from A/UV/AO (Agriculture with Use Variance and Avigation Overlay) to PUD/AO (Planned Unit Development: single-family and attached two-family, 35-foot maximum building height, 5.59 dwelling units per acre with Avigation Overlay).