



## Legislation Details (With Text)

**File #:** CPC ZC 16-00082    **Version:** 3    **Name:**

**Type:** Planning Case    **Status:** Mayor's Office

**File created:** 8/1/2016    **In control:** City Council

**On agenda:**    **Final action:** 10/25/2016

**Title:** Ordinance No. 16-105 amending the zoning map of the City of Colorado Springs pertaining to 11.06 acres located northeast of Union Boulevard and Continental Heights from PBC (Planned Business Center) to OC (Office Complex).

(Quasi-Judicial)

Related File: CPC CP 16-00083

**Presenter:**  
Peter Wysocki, Director Planning and Community Development  
Katie Carleo, Principal Planner, Planning & Community Development

**Sponsors:**

**Indexes:** Katie Carleo

**Code sections:**

**Attachments:** 1. ORD\_Watermark, 2. 7.5.603.B Establishment or change of zone district boundaries, 3. Exhibit A\_Legal Description, 4. Exhibit B\_Vicinity Map, 5. CPC AUGUST 18 Meeting Minutes - Watermark, 6. Watermark at Briargate\_Staff Report - KAC, 7. FIGURE 1 - Concept Plan, 8. FIGURE 2 - Project Statment, 9. FIGURE 3 - Neighborhood Meeting Att., 10. FIGURE 4 - Letters of Opposition, 11. FIGURE 5 - Letter of Support, 12. FIGURE 6 - Response to Neighbor Comments, 13. FIGURE 7 - Zoning Exhibit, 14. FIGURE 8 - Building Height AR, 15. FIGURE 9 - District 20 Comments, 16. Signed Ordinance 16-105.pdf

Date	Ver.	Action By	Action	Result
10/25/2016	3	City Council	finally passed	Pass
10/11/2016	2	City Council	approved on first reading	Pass
8/18/2016	1	Planning Commission	referred	Pass

Ordinance No. 16-105 amending the zoning map of the City of Colorado Springs pertaining to 11.06 acres located northeast of Union Boulevard and Continental Heights from PBC (Planned Business Center) to OC (Office Complex).

(Quasi-Judicial)

Related File: CPC CP 16-00083

**Presenter:**  
Peter Wysocki, Director Planning and Community Development  
Katie Carleo, Principal Planner, Planning & Community Development

**Summary:**

Applicant: Classic Consulting Engineers and Surveyors  
Owner: Continental 140 Fund LLC  
Location: northeast of Union Boulevard and Continental Heights

This project includes concurrent applications for a zone change from PBC (Planned Business Center) to OC (Office Complex) for an 11.06 acre site and associated concept plan for an intended multi-family apartment development. The project site is part of the larger Briargate Crossing East and will introduce 243 units within three buildings. The Watermark at Briargate concept plan illustrates the layout of the three buildings with associated landscape, detention and access. Staff is administratively reviewing a request for Administrative Relief for the building height of building three only.

**Previous Council Action:**

City Council last acted on this property with zoning for the Briargate Crossing East in 2005.

**Background:**

This site was initially zoned PBC in 2005 with the establishment of the Briargate Crossing East development, however; the intended rezone is contiguous to the neighboring OC zoned property, developed as the Vue 21 Apartments, and will allow for a continuation of residential opportunity in the community.

The proposed Watermark at Briargate project will provide 243 dwelling units within this development. The applicant's proposal sets the specific dimensional requirements and illustrates the envisioned layout for the multi-family residential complex. The proposed layout includes three buildings designed with a focus to internal courtyards. Access is illustrated on the concept plan with required parking provided on site with associated internal and motor vehicle lot landscape.

This item supports the City's strategic plan to promote building community and allow for diverse housing type within the community. It further supports the City's effort to create neighborhoods that support a development pattern that offers variety of residential density with amenities, services, and retail surrounding the neighborhoods to generate opportunities and choice for the community.

Please see the Planning Commission staff report for additional detailed analysis.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

At their meeting on August 18, 2016 the Planning Commission voted unanimously to approve this item (with McDonald, Gibson and Graham absent). Please reference the minutes from the hearing for a detailed record.

**Stakeholder Process:**

Upon submittal of this application public notice was provided to property owners within a 500-foot buffer of the site identifying the submittals the City received, along with notification of a public meeting to be held. The site was also posted with this information.

A neighborhood meeting was held on July 13, 2016. There were approximately 19 citizens in

attendance. The meeting introduced the process and overall plan for development of the site. Neighborhood concern was voiced at the meeting mainly regarding concern for the appropriate use of the site and original intention of the site to be commercial. Several citizens commented on concern for the apartment use type, and preferred the previously approved commercial use. Questions were also raised for the concern of school district capacity, the view of parking surrounding the site, and overall traffic impacts. Several letters of opposition were received by staff and are attached as part of the staff report. Staff also received one letter of support. The applicant has provided information and response to the concerns of the neighbors, this response letter is also included in the staff report.

Don Smith, with Academy School District 20, was in attendance at the City Planning Commission hearing and spoke in detail about the district capacity concerns. Please see the hearing minutes for this information. The district has stated they do not have a concern with this development and that the number of students generated by an apartment project will have minimal overall impact on the district.

Traffic concerns were discussed at the City Planning Commission hearing and City Traffic Manager Kathleen Krager spoke about anticipated traffic and current roadway infrastructure. Ms. Krager stated that she does not have a concern with the development and anticipated traffic as the surrounding roads are adequately sized for the development and a variety of mixed uses. It should also be noted that according to the ITE Trip Generation Manual as well as field traffic counts, apartment complexes generate less average daily trips (ADTs) than retail/restaurant/service commercial developments. Typically, the highest trip generation by apartment complexes is during the AM and PM peak hours.

Within the Cordera Master Plan areas there are public parks, public trails and private parks. The City is not involved in the private agreement for HOA amenities and how they are managed. Public parks are developed to meet the City Parkland Dedication Ordinance (PLDO) and are open to the public per the PLDO. Lastly, in regards to concerns for taxes, an apartment development is assessed at a commercial tax base.

The proposed plans have been sent to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City Finance, Police and E-911. All agency comments have been addressed for this project. Agreements between the City of Colorado Springs and the surrounding military installations establish a two-mile buffer for land use application review. Staff has determined that this application is outside the two-mile buffer for USAFA notification.

#### **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:**

CPC ZC 16-00082 - CHANGE OF ZONE TO OC

Adopt an ordinance changing the zoning of 11.06 acres from PBC (Planned Business Center) to OC (Office Complex), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 11.06 acres located northeast of Union Boulevard and Continental Heights from PBC (Planned Business Center) to OC (Office Complex).