



## Legislation Details (With Text)

**File #:** CPC CA 17-00026-B **Version:** 3 **Name:**

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

**File created:** 12/12/2017 **In control:** City Council

**On agenda:** 2/13/2018 **Final action:** 2/13/2018

**Title:** Ordinance No. 18-3 amending Section 503 (Concept Plan and Development Plan Application Review Procedures) of Part 5 (Concept Plans and Development Plans) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Reviewing Authorities.

(Legislative)

Related File: CPC CA 17-00026-A

Presenters:  
Peter Wysocki, Planning and Community Development Director  
Meggan Herington, Assistant Planning Director

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. FINAL ORDINANCE\_DPPProcedures, 2. Signed Ordinance 18-3

Date	Ver.	Action By	Action	Result
2/13/2018	3	City Council	finally passed	Pass
1/23/2018	2	City Council	approved on first reading	Pass
1/8/2018	2	Council Work Session	referred	
12/21/2017	1	Planning Commission	referred	Pass

Ordinance No. 18-3 amending Section 503 (Concept Plan and Development Plan Application Review Procedures) of Part 5 (Concept Plans and Development Plans) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Reviewing Authorities.

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### Previous Council Action:

On March 22, 2016 City Council approved the Comprehensive Plan Infill Supplement and Infill Action Plan

which generally recommend assessment and possible changes to the development plan review criteria to make them more supportive of infill, redevelopment and adaptive reuse projects.

At the City Council Work Session on April 24, 2017 staff presented an ordinance for the update of the development plan review criteria. At that work session, several Council members expressed concerns related to the language. Particular concerns voiced included the lack of standards surrounding affordable housing and displacement, and public safety/evacuation criteria. This ordinance now to be considered includes amendments based on that Council input.

Council was briefed on the newly updated proposal at the work session on January 8, 2018. This briefing was based on the documents attached to the memo as the final ordinances.

City Council last made substantive changes to these sections of the City Code in 2001.

On January 23, 2018, this ordinance was passed on first reading on the Consent Calendar.

### **Summary:**

This is a proposal to amend City Code Section 7.5.502.E pertaining to development plan review criteria and City Code Section 7.5.503.A pertaining to review authorities for concept and development plan applications. The proposed ordinances will replace the existing twelve (12) review criteria with 13 new numbered criteria as well as an update to the overall review authority for concept and development plans specifying when a review is necessary by the City's Housing and Community Development Department.

A working document illustrating the updated language as presented to Planning Commission is attached to this Council memo as *Updated Figures 1 and 2*. In those updated figures language added since the originally presented is in red and deleted language is in strikethrough.

Highlights of the proposed changes include the following:

- a. Retains language in the criteria pertaining to compatibility with surrounding uses and site-specific conditions.
- b. Modifies the tone to be more supportive of changes in land use with less of a focus on having to make a case for any deviation from the present uses and conditions.
- c. Directly addresses potential consistency with other adopted City plans or guidelines.
- d. Directly addresses traffic impacts and public safety.
- e. An addition to Section 7.5.503.A adds a review authority number five requiring that the City Housing and Community Development Department be forwarded plans if displacement of low income residents may occur.

### **Background:**

The amendments had been discussed by the Code Scrub Committee on several occasions extending back to 2015. The genesis for this change was a recommendation of the City's Infill Steering Committee which was incorporated as part to the City Council-adopted Comprehensive Plan Infill Supplement and its associated Infill Action Plan.

Staff brought the development plan review criteria amendment before the City Planning Commission on March 16, 2017. The Planning Commission voted unanimously to recommend approval of the ordinance to City Council. The history of the original proposal and staff summary is attached as the staff report and associated figures attached to that report.

On April 24th, the development plan review criteria ordinance was presented to City Council as a work session

briefing. The changes proposed as well as the Planning Commission recommendation were discussed. During that work session discussion, several Council members expressed concerns related to the language. Particular concerns voiced included the lack of standards surrounding affordable housing and displacement, and public safety/evacuation criteria.

Based on that discussion with Council, staff referred the draft ordinance to the Code Scrub Committee to discuss language changes. Staff held several meetings with the Committee and City Council members to discuss the language and policies surrounding affordable housing, displacement of low income families and emergency evacuation and access. The two final ordinances for Council to consider are attachments to this memo.

The currently proposed language was presented to the City Planning Commission on December 21, 2017. Planning Commission voted unanimously to recommend approval to City Council of the language as presented by staff. The minutes from the meeting will be attached to the Council item moving forward to the formal hearing.

### **Stakeholder Process:**

Standard notification is not utilized for legislative code changes, as the proposed application affects all City residents and property owners. However, adequate public outreach and input was achieved principally through the City's Code Scrub Committee ("Committee"). The Committee included several representatives from Council of Neighbors and Organizations (CONO) as well as a development engineer, an architect and other development industry representatives. Staff from the City Attorney's Office and Planning & Community Development Department participated in all meetings.

### **Board and Commission Recommendation:**

At their December 21, 2017 meeting, Planning Commission considered this item and unanimously recommended approval of the ordinances as attached to the Council memo and titled as final ordinances.

### **Alternatives**

1. Approve the ordinance as recommended by the City Planning Commission.
2. Not approve the ordinance. If the ordinance is rejected by Council, the existing Development Plan Review Criteria in Chapter 7 of City Code would continue to apply.
3. Approve the ordinance with modifications.
4. Refer the draft ordinance back to the City Planning Commission.

### **Proposed Motion:**

#### **CPC CA 17-00026-B - CODE AMENDMENT**

Recommend to the City Council adoption of an ordinance amending Section 503 (Concept Plan and Development Plan Application Review Procedures) of Part 5 (Concept Plans and Development Plans) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Reviewing Authorities.

At the May 23, 2017 Council meeting, staff will be recommending adoption of the ordinance.

An ordinance amending Section 503 (Concept Plan and Development Plan Application Review Procedures) of Part 5 (Concept Plans and Development Plans) of Article 5 (Administration and Procedures) of Chapter 7

(Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Reviewing Authorities.