



## Legislation Details (With Text)

<b>File #:</b>	CPC ZC 17-00068	<b>Version:</b>	3	<b>Name:</b>	Vue Des Monts
<b>Type:</b>	Ordinance	<b>Status:</b>		<b>Mayor's Office</b>	
<b>File created:</b>	10/27/2020	<b>In control:</b>		<b>City Council</b>	
<b>On agenda:</b>	1/26/2021	<b>Final action:</b>		<b>1/26/2021</b>	
<b>Title:</b>	Ordinance No. 21-01 amending the zoning map of the City of Colorado Springs pertaining to 3.43 acres located at the northwest corner of Lower Gold Camp Road and West Moreno Avenue, from R-5/M-1/R1-6/HR/DF (Multi-Family Residential/Light Industrial/Single-Family Residential/High-Rise Overlay/Design Flexibility) to R-5 (Multi-Family Residential) for development of 72 apartments.  (Quasi-Judicial)  Related Files: CPC ZC 17-00068, CPC DP 18-00048				

Presenter:  
Tasha Brackin, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning and Community Development

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ZC\_ORD\_VueDesMonts, 2. Exhibit A - Zone Change Legal Description, 3. Exhibit B - Zone Change Depiction, 4. Vicinity Map, 5. Signed Ordinance 21-01

Date	Ver.	Action By	Action	Result
1/26/2021	2	City Council	finally passed	Pass
1/12/2021	2	City Council	approved on first reading	Pass
11/19/2020	1	Planning Commission	referred	Pass

Ordinance No. 21-01 amending the zoning map of the City of Colorado Springs pertaining to 3.43 acres located at the northwest corner of Lower Gold Camp Road and West Moreno Avenue, from R-5/M-1/R1-6/HR/DF (Multi-Family Residential/Light Industrial/Single-Family Residential/High-Rise Overlay/Design Flexibility) to R-5 (Multi-Family Residential) for development of 72 apartments.

(Quasi-Judicial)

Related Files: CPC ZC 17-00068, CPC DP 18-00048

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### Summary:

Owner: Viceroy Development Inc.  
Developer: Viceroy Development Inc.

Representative: ECHO Architecture

Location: Northwest corner of Lower Gold Camp Road and West Moreno Avenue.

The project includes concurrent applications for a zone change and development plan. The zone change would amend the city zoning map for 3.43 acres of land from R-5/M-1/R1-6/HR/DF (Multi-Family Residential/Light Industrial/Single-Family Residential/High-Rise Overlay/Design Flexibility) to R-5 (Multi-Family Residential). The development plan demonstrates the proposed layout of the physical improvements associated with the 72 proposed apartments subject to the following technical modification: Receive approval of the Final Drainage Report prior to the recordation of the final subdivision plat.

### **Background:**

The proposed Vue Des Monts development was initially submitted to the City Land Use Review department in May of 2017 and a neighborhood meeting was held shortly thereafter. Based upon the input received by neighbors at the time, the development concept was changed from a townhome product to apartments. A revised development layout illustrating apartments was presented to neighbors at another community meeting in November of 2017, and a formal submittal reflecting the apartments was received by the City in March of 2018. The plan underwent multiple reviews during the subsequent 18+ months until it was ready for review by the City Planning Commission in November of 2020.

The proposed zone change will cause the property's zone designation to change from its current mixture of zone districts to the R-5 zone district (Multi-Family Residential) for development of apartments with a maximum of three stories. The R-5 (Multi-Family) zone district already exists on approximately one-third of the property. This zoning designation is a remnant of a larger parcel to the west that was rezoned to a PUD for single-family residential development in 2002. The M-1 (Light Industrial) zone district on two-thirds of the property is part of a larger district area that occurs to the east of the subject property. The existing industrial zone district supports various uses within the neighborhood, including a contractor's yard and an office building. On the opposite side of West Moreno Avenue a vehicle storage yard has recently been established on property also zoned M-1, but the majority of the M-1 property in this area remains vacant and undeveloped.

Existing development to the north of the property is single-family residential, and to the south are public facility uses including the Norris Penrose Stadium, event center, and equestrian center. Further southwest on the opposite side of Lower Gold Camp Road is the Bear Creek Regional Park.

Industrial uses directly adjacent to existing single-family uses are not desirable from a land-use compatibility standpoint. The existing mixture of land use types lends itself to development of the proposed apartment project as a transitional use between more intense industrial and public facility uses and the less intense single-family residential uses. Further, this area is experiencing infill development and there is a current demand for residential uses in this neighborhood, as evidenced by the Gold Hill Mesa's continuing development and sales of a variety of residential products.

For the reasons stated above, staff finds that the proposed zone change meets the review criteria as set forth in City Code Section 7.3.603 and the findings established under Section 7.5.603B.

### **Development Plan**

The proposed apartment buildings are illustrated on the development plans, which show the layout of the six buildings and the centrally-located parking and common open space. The design encourages

a compatible land use transition between the existing single-family residential neighborhood north of the property, with apartment buildings located away from existing residences as much as possible. Setbacks from exterior property lines are required by the zoning code to be 20 feet from the front property line (facing any street); 5 feet on side property lines; and 25 feet on rear property lines. In addition, 15-foot landscape buffers are required where multi-family products are located adjacent to single-family homes. This project proposes a 20-foot setback from the north property line and 15 feet adjacent to the east property line, as well as a landscape buffer that includes both deciduous and evergreen trees, in addition to the existing six-foot masonry wall.

The proposed apartments are 35-feet tall as measured under the city zoning code definition, well within the allowed 45-foot maximum of the R-5 zone. A total of 113 parking spaces are required for the development, and 114 spaces are provided within the on-site parking spaces designated for the development, including spaces designated under the ADA, and 53 designated bicycle parking spaces. No on-street parking is proposed to accommodate any of the required parking spaces for this development.

Access to the apartments is proposed via a single driveway located on Lower Gold Camp Road, opposite an existing driveway used by equestrians accessing the Norris Penrose equestrian center. Please see below for further discussion of traffic and transportation options.

The proposed apartments would further diversify the type of homes available in the neighborhood as desired by the community's plan for physical development, PlanCOS, as noted below.

For the reasons stated above, staff finds that the proposed plan meets the review criteria for development plans as set forth in City Code Section 7.5.502E.

#### Traffic

With project construction, street improvements will be required including widening the west side of Moreno Avenue, along with curbs, gutters, and sidewalks. Curb and gutter is in place along Lower Gold Camp Road, but sidewalks need to be provided, and any damaged curb and gutter will need to be replaced.

No traffic study was required for the project, because the traffic expected to be generated by the 72 apartments units is low (39 vehicles daily during the peak hour, with a total of 530 trips in and out of the property, spread over an entire day), and based on the current volume of vehicles in the vicinity, nearby roadway designs are deemed able to handle this volume.

The property is on the existing Mountain Metro Transit Route 16, with a bus stop located approximately 40 feet west of this property along Lower Gold Camp Road.

#### Drainage

Stormwater detention for the proposed project will be handled by an extended detention basin and water quality pond on site in the center of the project. After initial detention, stormwater will be conveyed via underground pipes and existing above-ground channels to existing downstream storm swales and released at flows less than existing for the site, consistent with City requirements. The eventual location of stormwater flows will be released into Bear Creek.

The stormwater detention and water quality systems as well as the Final Drainage Report (FDR) were reviewed by City Stormwater Enterprise. All but two minor items have been addressed. The remaining items involve a stormwater outfall pipe, and the design of a secondary outlet structure with its own pipe to serve as an emergency spillway. The City's stormwater engineer has indicated that the remaining items are not expected to impact the project design, and that the comments can be addressed with detailed designs provided with the FDR. Therefore, a condition of approval (technical modification) has been included requiring that the Final Drainage report must obtain final approval prior to the recordation of the subdivision plat.

#### Geologic Hazard Report:

This geological hazard report was originally submitted in April of 2018. The primary geologic hazard issues identified in the report include: expansive soils, artificial fill, potential high groundwater, and high radon levels. These conditions are expected to create minor constraints on construction, especially from the expansive soils. However, expansive soils can be satisfactorily mitigated through proper engineering design and construction practices such as overexcavation or drilled pier foundations. Site-specific subsurface investigations are recommended for each building site. City Engineering and Colorado Geologic Survey (CGS) reviewed the report; CGS recommended approval and the geologic hazard report was accepted by the City in March of 2020.

#### Master Plan Conformance:

This area is part of the Westside Master Plan, and this plan is considered operative. However, the Westside Master Plan does not include a land use designation for this property. A note on the plan from 1983 recommends submittal of individual master plans upon proposed development. Because the project applicants wish to proceed directly to a Development Plan in support of the zone change, and given the mixed zoning designations on the site, and the logical extension of residential uses to this site (less intense than the potential Industrial uses) an individual Master Plan was not required to be submitted. The stated objectives of the Westside Master Plan include the following:

- A. Encourage rezoning where significant differences in use and zoning currently exist such that zoning would reflect more closely the uses proposed in the Plan.
- B. Encourage new development and redevelopment which maintains or improves compatibility between neighboring land uses.
- C. Protect the character, scale and integrity of the existing residential neighborhoods in the area.
- G. Encourage the development of a variety of housing types including single-family and higher density multi-family that is compatible with existing development. Provide a range of housing prices to meet the various income levels in the area.

For the reasons stated above, staff recommends that the project is in conformity with the existing master plan.

#### Comprehensive Plan Conformance:

The proposal is complementary to the envisioned comprehensive land use pattern for the surrounding neighborhood, based on several themes in PlanCOS.

The Vibrant Neighborhoods chapter of PlanCOS identifies the area proposed for development as an Established Suburban Neighborhood identified as "Lower Skyway". The Plan identifies goals to enhance the existing character of such neighborhoods, while supporting their ongoing investment and improved adaptation. PlanCOS notes that most Established Neighborhoods should expect some

degree of infill. This statement underscores the fact that infill development is one of the key indicators of PlanCOS, and extends across many of the plan's themes. The proposed development will further the PlanCOS policies regarding infill and investment in mature and developed areas by providing an additional housing choice in proximity to open space, major thoroughfares, and activity centers. Another primary goal of the Vibrant Neighborhoods chapter of PlanCOS is the provision of "Housing for All" (Goal VN-2). Strategy VN-2.A-3 suggests support for land use decisions and projects that provide a variety of housing types and sizes that serve a range of demographic sectors and meet the needs of residents through various life stages and income levels.

The project site is nearly adjacent to the El Paso County Bear Creek Regional Park, identified in PlanCOS as a location with trail connections and complete greenways that are planned to extend into nearby neighborhoods. Locating additional residential uses within proximity to this gem will further Policy ML-1.B of the Majestic Landscapes chapter, which aims to "Optimize sustainable on and off-street access to Pike National Forest and other Natural Resources and Regional Recreation areas (Typology 3) for all residents and visitors. <<https://coloradosprings.gov/plancos/book/majestic-landscapes-goals-and-policies?mlid=43176>>"

The Unique Places chapter of PlanCOS contains policies supporting the enrichment of the city and its livability with vibrant and walkable places. Strategy UP-1.B-3 recommends the creation of connections between urban places and natural settings. The proposed development is located in proximity to a regional park, with multiple trails as well as connections to bicycle corridors on Lower Gold Camp Road and Moreno.

The Thriving Economy Chapter of PlanCOS includes a goal to "Embrace Sustainability", along with Policy TE-4.A which reads: "Prioritize development within the existing City boundaries and built environment (not in the periphery)." The proposed project is an example of infill development, hence advancing this objective.

Another way the proposed development exemplifies the objectives of PlanCOS is by furthering Policy SC-1.D of the Strong Connections chapter, which recommends multimodal connections between neighborhoods, local destinations, employment and activity centers, and Downtown. The provision of medium-density housing in this location will provide opportunities for convenient multimodal connections between this neighborhood and various employment centers including the downtown area via the location of planned bicycle corridors on both Lower Gold Camp Road and Moreno. For the reasons noted above, Staff finds the proposed development in substantial compliance with PlanCOS.

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

On January 12, 2021, City Council passed this ordinance on the consent calendar by a vote of 9:0:0:0.

#### **Financial Implications:**

N/A.

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

This project was heard at the November 19, 2020 City Planning Commission meeting and recommended for approval by all seven members who were present (Planning Commissioners Hente and Eubanks were absent.)

### **Stakeholder Process:**

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site on six occasions:

1. Upon initial submittal in May of 2017;
2. Prior to the first neighborhood meeting in June of 2017;
3. Prior to the second neighborhood meeting in November of 2017 (due to change in product type from townhomes to apartments);
4. At the time of the revised submittal proposing apartments, in March of 2018;
5. Again in March of 2020, as part of the resubmittal review (due to the length of time between the prior notifications and the resubmittal); and
6. Prior to the Planning Commission hearing (November, 2020).

A city-generated poster was placed on the site, and postcards were mailed to property owners on each occasion. The most recent neighborhood meeting was held in November 2017, and was attended by about 40 residents. There has been no substantial change to the proposed development product since that time. Throughout the project review period, the City received a total of seven emails with comments from three residents in opposition to the project; additional emails were received in advance of the Planning Commission meeting and are attached. Included in comments received were concerns regarding traffic; aesthetics; poor lighting along roadways; poor condition of roadways; preference for single-family residential; disruption due to construction; noise, odors and flies generated by the equestrian center events impacting future residents; and lack of experience managing an apartment complex. Similar issues were raised at the City Planning Commission public hearing by a number of neighbors, and are summarized in the attached minutes.

In terms of internal and external agency reviews, staff sent the applications to the standard agencies and service providers. Various comments specific to the project design, notably regarding utilities and stormwater infrastructure, were provided to the applicant. The Parks Department requested that fees be paid for school and park impacts in accordance with the City's Park Land Dedication Ordinance. These fees will be due for each unit at the issuance of the building permit. Additional comments included the following:

- School District 11: Commented that fees are due in lieu of land dedication per City Code Section 7.7.12.
- CGS: Recommended approval of the geologic hazards report
- USPS: Provided design guidelines for postal delivery stations within the complex
- Floodplain and Enumerations: Have no concerns with the proposal
- Cable/Fiber: Comcast Fiber Optic cable exists on the north side of Lower Gold Camp Road
- CONO: Provided supplemental notification to the neighborhood in addition to the City process.

The project design was eventually brought to a point where comments had been substantially addressed and approval could be recommended with the condition that the Final Drainage report must obtain final approval prior to the recordation of the subdivision plat.

### **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 the ordinance amending the zoning map of the City of Colorado Springs pertaining to 3.43 acres located at the northwest corner of Lower Gold Camp Road and West Moreno Avenue, from R-5/M-1/R1-6/HR/DF (Multi-Family Residential/Light Industrial/Single-Family Residential/High-Rise Overlay/Design Flexibility) to R-5 (Multi-Family Residential) for development of 72 apartments.

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 3.43 acres located at the northwest corner of Lower Gold Camp Road and West Moreno Avenue, from R-5/M-1/R1-6/HR/DF (Multi-Family Residential/Light Industrial/Single-Family Residential/High-Rise Overlay/Design Flexibility) to R-5 (Multi-Family Residential) for development of 72 apartments.