



## Legislation Details (With Text)

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<b>File created:</b>	4/1/2021	<b>In control:</b>		<b>City Council</b>	
<b>On agenda:</b>	5/25/2021	<b>Final action:</b>		<b>5/25/2021</b>	
<b>Title:</b>	Ordinance No. 21-44 vacating portions of a public right-of-way known as Banning Lewis Parkway, Stetson Hills Boulevard, Dublin Boulevard and interior roadways consisting of 49.6 acres.  (Legislative)  Related Files: CPC MP 87-00381-A26MJ20; CPC PUZ 20-00124; CPC PUP 20-00125; CPC ZC 21-00038; CPC CP 21-00039  Presenter: Katelynn Wintz, Senior Planner, Planning & Community Development Peter Wysocki, Director, Planning & Community Development				
<b>Sponsors:</b>					
<b>Indexes:</b>	BLR				
<b>Code sections:</b>					
<b>Attachments:</b>	1. ORD_VacationROW_BLRVillageA, 2. Exhibit A - ROW Vacation, 3. 7.7.402.C Vacation Procedures, 4. Signed Ordinance 21-44				

Date	Ver.	Action By	Action	Result
5/25/2021	2	City Council	finally passed	Pass
5/11/2021	2	City Council	approved on first reading	Pass
4/15/2021	1	Planning Commission	referred	Pass

Ordinance No. 21-44 vacating portions of a public right-of-way known as Banning Lewis Parkway, Stetson Hills Boulevard, Dublin Boulevard and interior roadways consisting of 49.6 acres.

(Legislative)

Related Files: CPC MP 87-00381-A26MJ20; CPC PUZ 20-00124; CPC PUP 20-00125; CPC ZC 21-00038; CPC CP 21-00039

### Presenter:

Katelynn Wintz, Senior Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

### Summary:

Owner: Walton Colorado LLC

Developer: Clayton Properties Group II dba Oakwood Homes of Colorado Springs

Representative: LAI Design Group

Location: East of Banning Lewis Parkway between Dublin Boulevard and Stetson Hills Boulevard

The project includes concurrent applications for a major master plan amendment, right-of-way vacation, PUD zone change, PUD concept plan, zone change and concept plan for 297.08 acres of land east of the future Banning Lewis Parkway between the future extensions of Stetson Hills Boulevard and Dublin Boulevard. The project, Banning Lewis Ranch Village A, is zoned R5/SS/AO and R1-6000/SS/AO (Multi-Family Residential, and Single-Family residential with Streamside and Airport Overlays). The major master plan amendment proposes a change to the land use designation from RH (Residential - High) to RES-M (Medium density, 3.5-7.99 dwelling units per acre), RES-MH (medium-high density, 8-11.99 dwelling units per acre), Commercial, Educational and Parks/Open Space to establish a primarily residential neighborhood development with some commercial opportunities. The project proposes a 49.6-acre cumulative right-of-way vacation affecting previously platted portions of Banning Lewis Parkway, Stetson Hills Boulevard, Dublin Boulevard and some interior roadways based on the proposed reconfiguration of the interior street layout. The proposed right-of-way vacation area is included in the proposed zone change and concept plan requests outlined below. There are two zone change requests associated with this application: one proposes to change the project area from R5/SS/AO and R1-6000/SS/AO (Multi-Family Residential and Single-Family Residential with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development with Streamside and Airport Overlay). The second zone change request proposes establishing PBC zoning at the southeast intersection of Dublin Boulevard and future Banning Lewis Parkway. Concurrent concept plans illustrate the envisioned commercial and residential development with proposed access, roadway extensions, and connections to future developments.

### **Background:**

The proposed Major Master Plan Amendment requests to modify the residential land use classification to reduce the density requirements from Residential-High (RH) to Residential-Medium (RES-M; Medium density, 3.5-7.99 dwelling units per acre) RES-MH (medium-high density, 8-11.99 dwelling units per acre), Commercial, Educational and Parks/Open Space. Master Plans are generalized guides for development and, as noted in City Code Section 7.5.403.C, at times it may become necessary to amend the plans as conditions change. The Banning Lewis Ranch Master Plan, originally approved in 1987, illustrated a vision with high density residential development throughout the master planned area. This master plan has been amended frequently to accommodate the modern residential development pattern. Market conditions evolved over the last three decades and the proposed changes are a proactive response to ensure greenfield development is responsive to the current market conditions. The proposed land use designation change maintains a primarily residential land use classification and is compatible with existing and proposed residential land uses to the west. Staff finds that the addition of a commercial land use designation will be a complimentary land use at an envisioned major intersection to serve many neighborhood commercial needs. The residential land use designations will not substantially impact public facilities, transportation, or the environment. The Master Plan amendment accounts for the needs of the school district with a proposed 12-acre school site, envisioned to serve as an elementary school and shows two areas of dedicated parks/open space to satisfy some of the PLDO requirements associated with the overall development.

A fiscal impact analysis confirms that the proposed changes will result in a positive cumulative cash flow during the 10-year time frame.

City Planning staff finds the application to be consistent with the purpose of the *Master Plan*, as set forth in City Code Section 7.5.401.

The proposed right-of-way vacation requests a vacation of 49.6-acre of several platted roadways

including Banning Lewis Parkway, Stetson Hills Boulevard, Dublin Boulevard and interior roadways. The street design for Banning Lewis Parkway has changed significantly since platting, including reducing the road classification from an expressway to a principal arterial, which reduces the needs for excess right-of-way. The right-of-way vacation request is consistent with the 2018 Amended Annexation Agreement, which states that the City will act on requests to vacate excess portions of right-of-way including any previously dedicated right-of-way for Banning Lewis Parkway in excess of 142 feet. The City's Traffic Engineering Division of Public Works (herein referred to as "Traffic Engineering") approves of the vacation request as proposed and the new easterly right-of-way line. The proposed vacation requests along Stetson Hills Boulevard and Dublin Boulevard are a result of the reclassification of Banning Lewis Parkway, which resulted in a redesign of the intersection cross-sections and identified an excess of right-of-way along these roadways. All necessary right-of-way is retained through this request to accommodate public facilities and no City departments have requested maintaining easements within the proposed vacation area.

City Planning staff finds the application to be consistent with the vacation plat requirements and platting procedures, as set forth in City Code Section 7.7.401.

The request will rezone 282.08-acre of the project site from R5/SS/AO and R1-6000/SS/AO (Multi-Family Residential and Single-Family Residential with Streamside and Airport Overlays) to PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlays). The proposed rezone is for a portion of a larger 350-acre unplatted parcel. The proposed land use is single-family detached and single-family attached residential with a density range of 3.5-7.99 dwelling units per acre and 8-11.99 dwelling units per acre with a maximum building height of 35 feet. The PUD Concept plan, discussed below, identifies location of the differing density ranges to clearly define where higher-density development is permitted. The rezone is substantially similar to established PUD developments to the west. The development to the west is a PUD single-family residential community, approved in 2017, developed by the same developer with the same density range and maximum building height as requested in this rezone. Per City Code Section 7.3.601 *Planned Unit Development Districts Purpose*, this zone district encourages flexibility of design that cannot be achieved through the application of the City's standard single use zones.

City Planning staff finds the application to be consistent with the purpose for a zone change request, as set forth in City Code Section 7.3.601 and City Code Section 7.5.601.

The proposed PUD Concept Plan consists of a conceptual design for 282.08 acres of property to be developed as medium/medium high-density residential (3.5-7.99 and 8-11.99 dwelling units per acre) with approximately 848-1,729 planned units. The majority of the residential development in this concept planned area is proposed as the medium density (3.5-7.99 dwelling units per acre) development style. There is one area noted on the plans, between Banning Lewis Parkway and proposed Collector A, just south of the proposed commercial area, with a proposed density range of 8-11.99 dwelling units per acre. Provision of a higher-density product type, adjacent to proposed commercial uses, is a logical transition from the commercial use to a lower density residential development. The higher density development is also situated within close proximity to the school site. Throughout the residential concept planned area the applicant proposes detached 5-foot sidewalks are envisioned to run adjacent to all public streets throughout the development for pedestrian circulation. This will allow for safe access to the proposed school site and pedestrian access to other areas of the concept planned area. The PUD concept plan also notes that all dimensional development standards will be established with a subsequent development plan. The Public Improvement table on the cover sheet of the PUD Concept Plan also notes that future trails and open space will be provided throughout the development and will be established through platting. Per the PUD concept plan review criteria, set forth in City Code Section 7.3.605 *Review Criteria for*

*PUD Concept Plans*, the project as shown is in substantial compliance with the stated criteria. Specifically, the proposed development is consistent with the surrounding established residential development to the west and reinforces the land use patterns as established by the approved master plan as amended.

City Planning staff finds the application consistent with the purpose for a PUD concept plan request, set forth in City Code Section 7.3.601 and City Code Section 7.5.501.

The request will rezone 15 acres of the project site from R5/SS/AO and R1-6000/SS/AO (Multi-Family Residential and Single-Family Residential with Streamside and Airport Overlays) to PBC/AO/cr (Planned Business Center, Airport Overlay with conditions of record). While the existing zoning references the streamside overlay, the inner or outer buffers of the overlay do not encumber the project site; therefore, the proposed rezoning will not include that overlay. The zone change request includes a proposed condition of record to prohibit two uses permitted in the proposed PBC zone district, sexually oriented businesses and miniwarehouse. The proposed zoning provides a needed commercial area at the intersection of two major roadways in this newer developing neighborhood. Commercial uses were not previously envisioned at this location; however, it is uniquely situated to provide a range of complimentary commercial opportunities to the future residents for Village A as well as service the residents in the residential developments to the west. If approved, this area will become one of two commercially zoned properties along Dublin Boulevard east of the North Marksheffel road corridor.

City Planning staff finds the request is consistent with the established parameters of the PBC zone district, as set forth in City Code Section 7.3.202(C), which envisions a range of retail sales and service establishments. Staff finds the application to be consistent with the purpose for a zone change request, as set forth in City Code Section 7.5.601.

The proposed Concept Plan consists of a conceptual design for 15 acres of the property to be developed commercially. The plan shows that primary access to the commercial area will be from the proposed Collector A roadway, which intersects with Dublin Boulevard. Timing for the construction of the extension of Dublin Boulevard has not been determined at this time. City Traffic Engineering has reviewed a Traffic Impact Analysis, as discussed below, and determined the proposed development does not meet the triggers for construction and extension of Dublin Boulevard. A note has been added to the concept plan stating that construction and extension of the roadways will be required as future traffic studies deem necessary.

City Planning, Fire, and Traffic Engineering staff engaged in conversations with the applicants throughout the review process to determine, in accordance with the Amended Annexation Agreement, appropriate triggers for construction of Banning Lewis Parkway. A Traffic Impact Study was submitted for review and City Traffic Engineering agreed with the findings of the report from LSC Transportation Consultants dated January 21, 2021. Findings in this report identify the need to construct Banning Lewis Parkway from the intersection at Dublin Boulevard south to the identified Collector B as shown on the Concept Plan when 80 dwelling units are constructed within Village A. Banning Lewis Parkway construction south of the Collector B intersection to Stetson Hills and the extensions of Stetson Hills Boulevard and Dublin Boulevard will be required at such time as traffic studies for future development deem it necessary. Notes on the concept plan also indicate that residential lots in the proposed development will not have direct access to Banning Lewis Parkway, Stetson Hills Boulevard and Dublin Boulevard. Sound barrier mitigation will be required for all residential lots adjacent to Banning Lewis Parkway, Stetson Hills Boulevard and Dublin Boulevard and is noted on the concept plan.

The City's Engineering Development Review Division (EDRD) of Public Works and Planning &

Community Development Department have reviewed the master plan amendment and accompanying geological hazard investigation report, prepared by ENTECH Engineering, Inc. dated May 1, 2020. The reviewing agencies have accepted the analysis and recommendations set forth in the report prepared by the applicant's consultant. The documented geologic hazards on site include areas of hydrocompaction, loose soils, potentially expansive soils, erosion, seasonal and potentially seasonal shallow groundwater areas, ponded water, floodplains and artificial fill. As noted in the report, the documented hazards and conditions will have some constraints on construction, but most noted conditions can be mitigated through avoidance or proper engineering design and construction practices. Upon approval of the Banning Lewis Ranch Village A Master Plan Amendment project, City Planning staff is prepared to execute the provided report.

City Planning staff finds that the proposed project addresses all the applicable review criteria set forth in City Code.

Staff has evaluated the proposed project for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to the PlanCOS Vision Map, the project site is identified as a Newer Developing Neighborhood. The project fits within the emerging neighborhood typology as defined in Chapter 2, Vibrant Neighborhoods, and this typology encourages a variety of housing types from low to medium density and ensure that careful attention is paid to the amenities the development may offer to enhance the neighborhood's livability. Banning Lewis Ranch Village A will be served by a Metropolitan District, which are known to finance public improvements and provide higher levels of ongoing services and amenities. Chapter 2 also identifies in Goal VN-2 to:

*"Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships and appropriate zoning and density that is adaptable to market demands and housing needs."*

Provision of newly constructed residential units is a direct response to the market needs for housing in the City, and the allowance of a PUD zone district that allows for customizable design standards benefits this goal by allowing for a variety of housing types and density mixes.

The project aligns with PlanCOS Chapter 4 Goal TE-4, which states:

*"Focus on productively developing and redeveloping areas already in, nearby, or surrounded by the city in order to preserve open spaces, maximize investments in existing infrastructure, limit future maintenance costs, and reduce the impacts of disinvestment in blighted areas."*

Policy TE-4.A encourages prioritization of development within the existing City boundaries and built environment (not in the periphery) and is further supported by Strategy TE.4-A-3 which supports greenfield development that includes mixed-use, higher density clusters, and quality design. Banning Lewis Ranch Village A is a proposed medium-density single family residential greenfield development within the existing City boundaries. While the proposed development is on the periphery of the built environment, staff finds the project to still substantially conform to the intent of the Policy as stated because the project site is within the existing City boundaries and is located adjacent to existing development which further reinforces the ability to maximize investments in existing infrastructure.

The proposed commercial zoning and future commercial development is supportive of the Thriving Economy Typology 4: Life and Style. This typology aims to meet the daily needs of residents with varied and easily accessible options. The key importance of this typology is ensuring that it is dispersed throughout the City and encourage "connected and accessible retail". The proposed commercial area is situated along two roadways that are envisioned as future corridors for the

Banning Lewis Ranch development. It is accessible not only for the residents to the west and future residents of this project area, but will be easily accessible to all future residents adjacent to the Banning Lewis Parkway corridor and future residents east of the proposed project site. The Thriving Economy Framework reinforces the vision that commercial development in Banning Lewis Ranch will follow the Life and Style typology.

As discussed above, this proposal will amend the Banning Lewis Ranch Master Plan by changing the envisioned land use designations for 297.08-acres of land. This request will transition the land use designation from RH (Residential-High) to a mix of residential, commercial and civic uses. Staff finds that the mix of the proposed residential density will allow for diversity of residential product desired with the initial classifications while reducing total allowable density. The proposed amendment also establishes a desirable commercial land use at the intersection of two significant roadways. Staff finds the proposal to be consistent with, and in substantial compliance with, the Banning Lewis Ranch Master Plan as amended.

This item supports the City's strategic plan goal to build community and collaborative relationships through the proposed infill development of a vacant parcel within the current limits of the City. This project will increase housing opportunities and prioritizing walkability and bike-friendliness in the new community, through a connected system of sidewalks, trails and parks. This development will support existing and emerging communities in the surrounding area, and strengthen the Colorado Springs economy through the orderly growth of Banning Lewis Ranch and surrounding areas.

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

City Council previously took action on this property in 1988 when the property was zoned.

#### **Financial Implications:**

A fiscal impact analysis was completed for the proposed master plan amendment for a period of 2021-2030. City Fire and City Police identified that the proposed density reduction would decrease their costs of service for this development. The fiscal impact analysis finds the proposed changes will result in a positive cumulative cash flow for the City.

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

At the City Council Planning Commission meeting held on April 15, 2021, the project applications were considered under New Business. Planning Commission voted 6-1-2 (with Commissioner McMurray voting against the applications and Commissioners Raughton and Graham absent) to recommend approval of the applications to City Council. Commissioner McMurray stated he felt the project was not in harmony with PlanCOS, adding he did not believe building additional single-family housing subdivisions promoted housing diversity nor does it maximize infrastructure investments. Essentially, Commissioner McMurray would like to see higher-density residential product types.

#### **Stakeholder Process:**

The public notification process consisted of providing notice to the surrounding property owners within 1,000 feet of the site, which included mailing postcards to 34 property owners on three occasions; during the initial review and prior to the Planning Commission and City Council hearings. The site was also posted during the three occasions noted above. City Planning staff received no comments in favor or in opposition to the project.

Staff input is outlined in the following sections of this report. Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City

SWENT, City Fire, City Police, District 49 and City Budget. All comments received from the review agencies have been addressed.

- City Budget - The Budget Office of the Finance Department 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 result of the FIA was a positive cumulative cash flow for the City.
- Parks Department - The Parks Department determined that the development as proposed will trigger the PLDO ordinance. A new PLDO ordinance was recently adopted and will go into effect July 1, 2021. Any development plans submitted after that date will be calculated with the new ordinance.
- District 49 - Land Dedication will be required. District 49 and the developer are working together to continue to establish appropriate locations for future school sites within Village A. While no definitive locations have been established, District 49 has indicated that they are comfortable with the project moving forward.

**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 V 20-00123

Adopt an ordinance vacating portions of public right-of-way known as Banning Lewis Parkway, Stetson Hills Boulevard, Dublin Boulevard and interior roadways, based on the findings that the request meets the review criteria granting a street vacation as set forth in City Code Section 7.7.402 (C).

An Ordinance vacating portions of a public right-of-way known as Banning Lewis Parkway, Stetson Hills Boulevard, Dublin Boulevard and interior roadways consisting of 49.6 acres.