



## Legislation Details (With Text)

**File #:** CPC PUP 20-00177 **Version:** 3 **Name:** 2424 Garden of the Gods  
**Type:** Planning Case **Status:** Passed  
**File created:** 1/5/2021 **In control:** City Council  
**On agenda:** 5/25/2021 **Final action:** 5/25/2021  
**Title:** A PUD Concept Plan for 2424 Garden of the Gods establishing a mixed use development pattern for 125.34 acres, located west of the North 30th Street and Garden of the Gods Road.  
(Quasi-Judicial)  
Related Files: CPC MP 06-00065-A1MJ20, CPC PUZ 20-00176

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

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. March Revision Concept Plan\_03.18.21, 2. Conceptual Layouts\_03.18.21, 3. PUD Concept Plan, 4. 7.5.501.E Concept Plans, 5. 7.3.605 PUD Concept Plan

Date	Ver.	Action By	Action	Result
5/25/2021	3	City Council	approved	Pass
3/18/2021	1	Planning Commission	referred	Pass
1/21/2021	1	Planning Commission	Postponed to a date certain	Pass

A PUD Concept Plan for 2424 Garden of the Gods establishing a mixed use development pattern for 125.34 acres, located west of the North 30<sup>th</sup> Street and Garden of the Gods Road.

(Quasi-Judicial)

Related Files: CPC MP 06-00065-A1MJ20, CPC PUZ 20-00176

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

### Summary:

**Owner:** 2424 GOTG, LLC  
**Developer:** 2424 GOTG, LLC  
**Representative:** NES, INC  
**Location:** 2424 Garden of the Gods Road

The project includes concurrent applications for a major master plan amendment, PUD zone change and PUD concept plan for 125.34 acres of land located west of North 30<sup>th</sup> Street and Garden of the Gods Road. The major master plan amendment proposes a change to the land use designation from Office Industrial Park (OIP) to a mix of new uses including Open Space, Office, Public Institution, Residential and Community & Neighborhood Commercial. The zone change request proposes to change the project area from PIP1/A/PUD/HS (General Industrial, Agricultural, and Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development: Commercial and Residential uses, Maximum Building Height 45-feet, 15 - 16.99 dwelling units per acre and 950,000 maximum non-residential square footage, Hillside Overlay). The concurrent PUD concept plan illustrates the envisioned mixed-use development of office, commercial, residential uses and 55 acres of open space.

### **Background:**

#### **Master Plan**

The proposed Major Master Plan Amendment requests to modify the Office Industrial Park (OIP) land use classification to a mix of land use designations including Open Space, Office, Public Institution, Residential and Community & Neighborhood Commercial land uses for the 125 acres of land associated with the 2424 Garden of the Gods project. 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 Mountain Shadows Master Plan has a history of plan amendments approved changing land use classifications from commercial or industrial uses to residential uses, with amendments approved as recently as 2020. Since its inception, the master plan has maintained a balance of residential & non-residential uses.

City Code Section 7.5.401 states in part that there is *a recognized need for flexibility and that long term planning and consistency must be balanced with the need to amend plans as conditions change. The intent is to permit changes to a master plan that conform to contemporary standards and current codes, policies, and plans. An approved master plan shall be used by the City as a guide to zoning. Subsequent steps in the development process will establish more specific plans, which shall be consistent with the adopted master plan.*

While there are a number of review criteria to consider in City Code Section 7.5.408 when reviewing a master plan or master plan amendment, surrounding land use relationships, patterns and conditions play an important role.

The Mountain Shadows Master Plan contemplates a variety of residential, office, and commercial uses; the request to change the land use designation to eliminate industrial uses is more complimentary of the established surrounding land use pattern. The proposed land uses are more reflective of the established residential and low-intensity commercial uses surrounding the project site. The proposed master plan amendment supports a mix of housing types in the area along with the potential for neighborhood supporting commercial and office uses. The proposed uses are considered compatible types of transitional land uses. Future review of development-specific plans will ensure consistency with the master plan and City Code.

The proposed plan reduces the Office Industrial Park (OIP) land use from 311 acres to 186 acres throughout the master planned area. The site adds 55 acres of open space, resulting in 241 acres of natural open space. The overall Mountain Shadows master plan accounts for 1,110 acres of residential land uses. The Mountain Shadows Master Plan has a variety of residential, office and commercial uses; the request to change the land use designation to eliminate industrial uses is more

complimentary of the established surrounding land use pattern. Many uses surrounding the site are residential or low-intensity commercial uses. From a land use perspective, some of the existing permitted land uses per the existing plan are higher-intensity, like industrial uses, that are generally regarded as incompatible near residential uses. The proposed land uses are more reflective of the established residential and low-intensity commercial uses surrounding the project site.

The master plan amendment breaks down the project area into four sub-area, Areas A-D. Area A is shown as a 44 acre parcel with existing development proposed for a mix of office, commercial and public institutional land uses.

Area B proposes a mixed use style, 11 acre parcel permitting all the land uses as Area A and includes residential development at 15-16.99 dwelling units per acre.

Area C is a 15 acre parcel proposed to be strictly residential development with the 15-16.99 dwelling units per acre density range.

The remaining 55 acres of the project site is shown as Area D and is proposed as open space. This parcel is identified as Candidate Open Space on the Parks Master Plan and the has the opportunity to coordinate with the Parks Department about the City acquiring this parcel through TOPS funding.

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.

### Zoning

The request will rezone the 125.34-acre project site from PIP1/A/PUD/HS (General Industrial, Agriculture and Planned Unit Development with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay). The project site is subject to three different zone districts. The proposed rezone consolidates zoning to one comprehensive zone district. A chart is attached to compare the permitted uses under the current PIP1 (General Industrial) zoning and the proposed permitted uses as defined by the PUD Concept Plan. The existing zoning allows for a variety of high-intensity uses that may be deemed incompatible with the surround residential development.

The PUD zone change and proposed ordinance clarify several development standards required in the PUD zone. Specifically, the proposed rezone will allow 15-16.99 dwelling units per acre, a maximum unit count of 420 units, 45-foot maximum building height and a maximum non-residential square footage allowance of 950,000 square feet. The maximum non-residential square footage allowance accounts for the existing estimated 750,000 square foot office building on site. The maximum building height is noted as 45-feet, however, the PUD concept plan does further restrict the building height in certain areas of the site by implementing a buffer area with a 2-story maximum height restriction for all buildings within 150 feet of Flying W Ranch Road and North 30<sup>th</sup> Street. It should be noted that the existing PIP1 zoning has a maximum building height of 45 feet; therefore, there proposed project does not increase the building height already permitted.

The proposed PUD zone district will also maintain the existing Hillside Overlay. City Code Section 7.3.504, Hillside Area Overlay, notes that the use of a PUD zone district is preferred in areas encumbered by the overlay due to its flexibility in establishing dimensional controls that best suit the goals of the Hillside Overlay. The PUD Concept Plan, discussed below, sets specific dimensional standards and restricts the permitted land uses to a mix of office, commercial and residential uses

throughout 70 acres of the project site noted for development. 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.

Staff finds the request is consistent with the criteria for a zone change request, as set forth in City Code Section 7.5.603.B, and complies with the review criteria for establishing a PUD zone district, as set forth in City Code Section 7.3.605. The current industrial zoning is generally incompatible with the surrounding residential development and areas of open space. Specifically, the proposed permitted uses and land use mix, along with the dimensional controls set forth as part of the PUD concept plan, reinforce the flexibility of design to accommodate Hillside Overlay design criteria and promote a better mix of compatible, non-industrial uses, adjacent to an established residential neighborhood.

Per City Code Section 7.5.502.B, a development plan will be required prior to any new construction or conversion of the existing building or land use type to another land use type. New construction must meet the parameters of the approved PUD. Compliance with the PUD will be evaluated with review of the future development plans. Because a PUD is considered site specific zoning (and adopted by City Council), any change to the PUD is considered a zone change and would need to be reviewed by the Planning Commission and City Council.

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.

City Code Section 7.5.501.B.1 states:

*A concept plan shall accompany an application for the establishment of a zone district or a change of zone district boundaries and include the entire zone district area unless specifically exempted per subsection C of this section.*

Section 7.5.501.C.2 specifies an exemption:

*When an application for a development plan is submitted that includes the entire concept plan area.*

At the point of submittal and zone change request, the applicant does not have specific development plans for the property and, therefore, did not submit a development plan, but followed the Code requirements for the concept plan to accompany the zone change request.

The proposed PUD Concept Plan consists of a conceptual design for 125 acres of property as a mixed-use development. The plan includes a table on the cover sheet of permitted land uses for potential future development and allows for a variety of new uses for the existing commercial building on site. The PUD zone district sets the dimensional standards with this concept plan, the proposed 45-foot building height and setbacks are similar to the setbacks for the existing PIP1 zone district, including a 100-foot setback from the residential uses to the north of the site. The property is part of the Hillside Overlay; constrained by significant slopes to the west of the project site. The PUD concept plan specifically notes geologic hazard reports and compliance with the City's Hillside Overlay requirements will be required for future development plans within the concept-planned area. There is a 55-acre area noted as open space. This area is identified as City Parks Department Candidate Open Space in the Park System Master Plan. The Applicant may coordinate with the City Parks Department for acquisition of the open space area for the benefit of the City's Parks & Open Space program.

The PUD concept plan review criteria require notes on a PUD concept plan to stipulate specific

residential density ranges and the maximum square footage of non-residential land uses. While the master plan amendment and zone change state a residential density of 15-16.99 dwelling units per acre, the proposed PUD concept plan further restricts the permitted density to 16 dwelling units per acre. The site data also sets a maximum unit count of 420 units. The PUD concept plan mimics the master plan amendment and provides four sub-areas, Areas A-D. A permitted use table is provided and identifies permitted uses for each sub-area. Notes on the plans further reinforce residential development is permitted in Areas B and C only and residential development is prohibited in Area A. The proposed non-residential square footage is noted as 950,000 square feet. The PUD concept plan further clarifies the maximum allowance for each of the sub-areas, where Area A will maintain 750,000 square feet which is currently existing and allowance for up to 200,000 square feet in Area B. Notes on the PUD concept plan also acknowledge that of the allowable 420 units for the overall development, a maximum of 220 units may be constructed on Area B. A height restriction buffer is proposed as part of the PUD concept plan which limits the building height for all structures within the 150 foot buffer area located along the property lines of Area B and C adjacent to Flying W Ranch Road and North 30<sup>th</sup> Street. The proposed reduction creates a visual offset for the buildings closest to the roadways as a design tool to reduce visual impacts of development on the foothills.

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 more compatible with the surrounding established uses and reinforces the land use patterns as established by the approved master plan as amended. Per City Code Section 7.5.501.B, *Concept Plan Requirements*, a concept plan is required to accompany an application to establish a zone district. The requirements to submit a development plan are noted in City Code Section 7.5.502.B which include, but are not limited to, all new construction, total redevelopment of a site, or a change in the properties land use type. In this instance, the applicant has satisfied the code requirements with the submittal of the PUD concept plan to accompany the PUD zone change request.

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.

### Traffic

The City's Traffic Engineering Division of Public Works (herein referenced as "Traffic") has reviewed the proposed PUD concept plan and accompanying Master Traffic Impact Study (TIS), prepared by SM Rocha, LLC. Traffic has determined that there is adequate capacity to accommodate the proposed site uses and resulting trip generation. The TIS specifically models full build-out of the site including 100% occupancy of the existing office building and approximately 450 residential units, indicating that levels of service at peak hours will not substantially change at full build-out. The existing signalization & unsignalized intersections are not proposed to change because of these applications or future development plans. The TIS indicates that existing traffic counts at the southbound left turning movement at the stop-controlled intersection of Flying W Ranch Road and 30<sup>th</sup> Street operates with noticeable delays, though that is not uncommon of unsignalized movements to or from an arterial roadway during peak hours. The analysis ultimately concludes that the proposed development is expected to create no negative impact the traffic operations to the existing and surrounding roadway system. Interested residents noted that traffic impacts to the existing roadway infrastructure is among their primary concerns related to the proposed development. The TIS accounts for many of the neighborhoods concerns related to the study including: a COVID-19 traffic

count adjustment, seasonal adjustment, area tourism leading toward Garden of the Gods, 100% office occupancy at the existing building and development build-out in the short-term and 2040 future traffic. Traffic has accepted the analysis and recommendations set forth in the report. City Planning staff and Traffic will continue to review future development plan applications to determine if additional traffic mitigation is necessary. Traffic has determined that any future development proposals will require amendments to the master TIS. The City has also committed to monitoring the intersection of North 30<sup>th</sup> Street and Flying W Ranch Road to determine if road usage warrants a future signal at this intersection. There are road improvements planned in the area along North 30<sup>th</sup> Street, including a roundabout at Garden of the Gods park entry. Traffic anticipates that the roadway improvements will improve safety and operation for vehicles and non-motorist traffic traveling along the North 30<sup>th</sup> Street corridor.

Planning Commissioners raised concerns about emergency evacuations and the City evaluation process for land use applications in vulnerable locations throughout the City. Planning staff coordinated with Pikes Peak Office of Emergency Management, Division of the Fire Marshall, and City Traffic Engineering to discuss the broader implications of development and related emergency evacuation planning. A summary of that meeting outlining the role of each agency in the Land Use Review process and participation in evacuation planning is attached

### Geological Review

The City's Engineering Development Review Division (EDRD) of Public Works and Planning & Community Development Department, with consultation from the Colorado Geological Survey (CGS), have reviewed the master plan amendment, PUD concept plan and Land Suitability Analysis (LSA) for the project. CGS stated that they have no objection to the rezone and concept plan with notes that a geologic hazards study is required with future development plans. The LSA provides some detail of certain hazards and development constraints. As noted on the PUD Concept Plan, Areas A, B and C are developed with buildings and parking lots. Portions of Area C remain undeveloped but were, at some time, disturbed and graded. The areas of existing development or previous disturbance account for roughly 14 of the 26-acre site for future development. The Master Plan Amendment and PUD Concept Plan abstractly define uses and areas of future development; without specific site design details such as roadway layouts or building locations a full geologic hazard report maps existing conditions with little detail of potential impacts. There are notes on the PUD Concept Plan requiring a site and construction specific geologic hazard report to be submitted with all future development plans within the Concept Plan area in compliance with the City's Hillside Overlay criteria. The note also includes language stating if any future development plans do not meet the criteria that portions of the site may not be developable. CGS notes there are several mapped geologic conditions associated with geologic hazards on-site; these hazards, and any other hazards affecting this site, must be mapped and addressed in the future geologic hazard reports. The geotechnical write-up provided by the applicant supports and also recommend this approach. The geologic hazards requirements per City Code has been met for these applications as the full study requirement is noted for future construction and initial disturbance review is not warranted because a majority of the areas to be developed have already been graded.

### Hillside Overlay

Questions have been raised about the applicability of the Hillside Overlay and the impact on the applications under consideration. Properties within the Hillside Overlay are required to comply with

the standards set forth in City Code section 7.3.504. While there are some noted plan requirements at both master plan and concept plan level review, many of the hillside requirements in the City Code are focused on development plan level criteria and construction.

The applicable Hillside Overlay requirements focus heavily on identifying geologic hazards, utilizing a land suitability analysis to determine basic site characteristics, and assessing of impacts of possible future development. A stated objective of the overlay is to conserve the aesthetic qualities of the hillside areas. Staff finds that the visual impact analysis provided by the applicant, consistent with the PUD concept plan revisions implementing the 150-foot buffer which limits building height to 2-story development adequately addresses the spirit of the overlay and desire to protect the aesthetic qualities of the hillside area. Notes on the PUD concept plan also acknowledge that all “future development plans will require a development specific geologic hazard report meeting all hillside criteria requirements. If the criteria are not met, portions of the site may not be developable.”

A Hillside Development Design Manual is available to the public to review best practices for development within the overlay area. This manual is not codified, so while staff encourages compliance with the stated goals, many of the noted standards are suggestions to consider at the development plan level and single-family site plan. Staff will utilize the standards and goals from this manual in the review of future hillside development plans. As noted above, plans are required to meet the hillside criteria and considerations may be made to place further restrictions at the development review to ensure it meets the required hillside design criteria.

## PlanCOS

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 an Established Suburban Neighborhood. PlanCOS is a high-level vision document with a focus on community-wide themes, larger neighborhoods, corridors, nodes, “typologies”, places and big ideas.

This project site is located at an “intersection” or overlap of several of these key elements. The Garden of the Gods Road corridor is identified as a “Mature/Redeveloping Corridor” on the Vision Map and on the Unique Places and Thriving Economy Framework Maps. The site also “intersects” with Established Suburban Neighborhoods including the Mountain Shadows Neighborhood. Finally, PlanCOS’s Majestic Landscapes theme is of particular importance for this project given its proximity with Garden of the Gods Park, the mountain backdrop and other sensitive natural areas.

With respect to Mature/Redeveloping Corridors PlanCOS embodies a vision, value and need for adaptive and appropriate land use change. The Thriving Economy chapter of PlanCOS articulates a vision for reasonable adaptation of land use with corridors. The PlanCOS Areas of Change Map (page 11 of the Plan), captures this sense and direction. The Garden of the Gods Road corridor is somewhat unique among maturing arterial corridors because it was originally developed primarily as the high technology and manufacturing center for the City, more so than a typical commercial corridor, beginning in the 1970’s. Up and down this corridor there has been an ongoing evolution of land uses both for undeveloped sites and within existing buildings. A sense for the uniqueness of this corridor is reflected by the fact that no other area of the City has a more diverse cluster of Thriving Economy typologies as depicted on the Thriving Economy Framework Map (page 72 of PlanCOS)

A “Big Idea” from Thriving Economy Chapter 4, entitled “Embrace Sustainability”, has Goal TE-4 that 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.”*

The Unique Places chapter of PlanCOS also captures this vision for appropriate and reasoned land use adaptation through its “Embrace Creative Infill, Adaptation and Land Use Change” big idea.

*“We value the preservation of our built environment, especially our historic buildings and areas. But, for our city to be even more competitive, we also need areas to infill and adapt in response to a myriad of trends including demographics, technology, and the market. As a community we should embrace the prospect of managed, thoughtful, and forward-thinking changes in land use by reinvesting in key areas”*

Juxtaposed with PlanCOS acknowledgement of the need for land use planning adaptation are its Vibrant Neighborhoods values embodied in Chapter 2

PlanCOS Chapter 2, Vibrant Neighborhoods, 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.”*

Staff recommends that, especially when compared with the currently permitted business and light industrial uses, conversion of the site to multi-family uses will not result in substantively greater impacts to this existing established neighborhood.

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.

A policy for this goal further reinforces that development should *“Prioritize development within the existing City boundaries and built environment (not in the periphery).”*

The Majestic Landscapes theme, Chapter 7 of PlanCOS, is also an important consideration. The project is in close proximity to Garden of the Gods Park, and therefore some specific considerations related to the impact of development to the surrounding landscapes is needed in relation to the goals & policies of this chapter. Although this project will result in more areas with development and less open space, staff recommends that the resulting plan supports several “Big Ideas” of the Majestic Landscapes chapter including: Providing Parks for People, Value Our Scenery and Environment, and Invest in Resilient and Adaptable Landscapes.

In particular, Goal ML-4- in Chapter 7 states the following:

**“VALUE OUR SCENERY AND ENVIRONMENT”**

*“Provide stewardship for our majestic natural landscapes through improved preservation, resource conservation, air quality, and protection of our viewsheds”*

For this particular site and its proposed development, staff recommends that a reasonable balance has been achieved between allowance for the adaptive development of this property, while also setting the stage for preservation of the key areas of the site that contribute most to the City’s



Majestic Landscapes.

Overall, City Planning Staff finds that the project balances the intent of PlanCOS, which prioritizes adaptive and responsive land use changes.

The project site is part of the Mountain Shadows master planned area, which is identified for office and industrial uses. The master plan amendment application proposes to change the land use designation for the 125-acre project area from Office Industrial Park (OIP) to a mix of land use designations including Open Space, Office, Public Institution, Residential and Community & Neighborhood Commercial land uses. City Planning staff finds that the amendment request and concurrent project applications are more complimentary and supportive of the established land use pattern for the area that is in general conformance with the Mountain Shadows Master Plan.

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 provide a new vision for underutilized commercial property along the Garden of the Gods Corridor. This development is also supportive of the strategic plan City initiative for Planning and Community Development to support redevelopment of mature areas of the City as critical influences for a resilient economy.

**Previous Council Action:**

City Council previously took action on this property when the subject property was annexed into the City in 1965 and 1971, when Mountain Shadows Master Plan was adopted in 1978, and when property was zoned in 1980 and 1981.

**Financial Implications:**

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 Mountain Shadows Master Plan amendment application. The result of the FIA was a positive cumulative cash flow for the City.

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

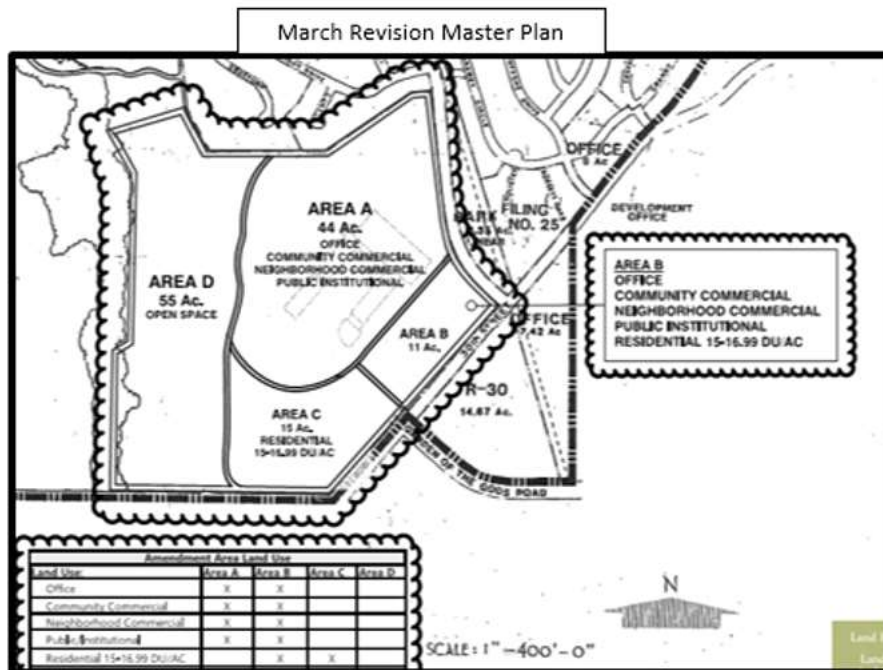
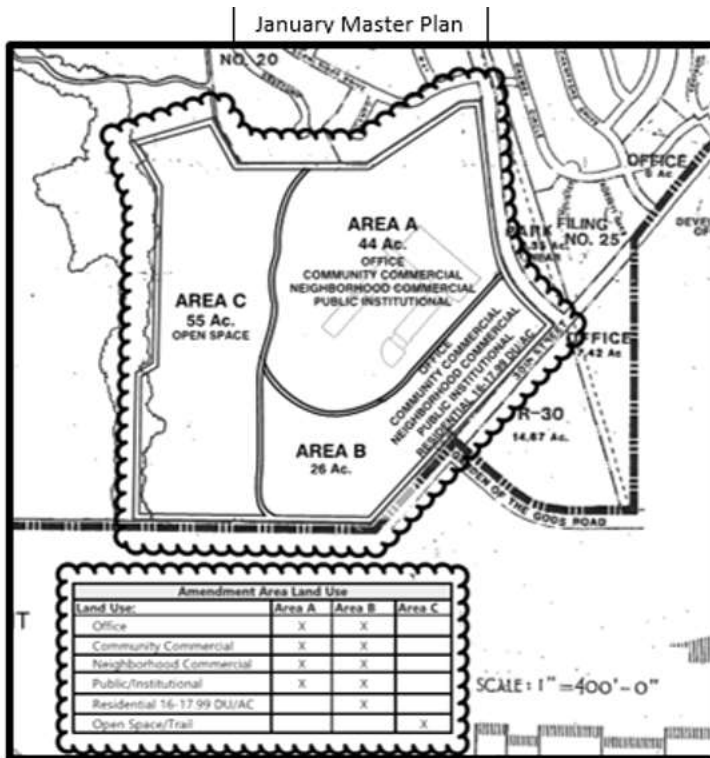
At the City Planning Commission meeting held on January 21, 2021, the project applications were considered under New Business. Planning Commission voted 7:1:0:1 (with Vice Chair Hente voting no and Chair Graham recused.) to postpone the item to a date certain to allow the consultant additional time to address questions raised by the Planning Commissioners. City Planning Commission made the following requests at the January hearing:

- The applicant should address plan consistency between proposed master plan amendment and concept planned areas
- The applicant should refine the development vision and provide additional details about future development
- The applicant should consider the visual impacts of the proposal and provide a visual impact analysis from different points on the project site
- The applicant should provide conceptual designs for building placement
- The applicant should review building height & setback criteria

- Staff should coordinate a meeting between the applicant and the community association to discuss project scope and revisions
- Staff should coordinate with the Office of Emergency Management, Division of the Fire Marshall, and City Traffic to address emergency evacuation concerns related to the land use entitlement process
- Address questions about pedestrian connectivity

The item was rescheduled under Unfinished Business on March 18, 2021 to hear the proposed revisions from the January meeting and evaluate if the applicant and staff had addressed the Planning Commissioners concerns.

The January proposal for this site included residential uses as part of a 26-acre portion of the site, Area B, on the Master Plan Amendment exhibit, with a proposed density range of 16-17.99 dwelling units per acre. The overall scope of change is limited in comparison with the January proposal. Notable changes on this plan include a modification to how the parcels are identified on the plans. The areas noted on the plans are now consistent with the proposed PUD Concept Plan. An overall density range reduction from 16-17.99 dwelling units per acre to 15-16.99 dwelling units per acre is also proposed, along with a refinement to the permitted land uses to be established in each of the proposed sub-areas. Per the revised plans, a 15-acre area noted as Area C that previously permitted all office, commercial and residential uses, is now restricted to residential uses only. The graphics shown below visually represent the proposed changes from the plans reviewed at the January Planning Commission meeting.



The proposed PUD Zone Change request changed between the January and March Planning Commission meetings. The proposed PUD zone change revisions include a reduction to the permitted residential density, reduction in maximum non-residential square footage, and the addition of a maximum dwelling unit count to be included in the ordinance language. The table below provides a comparison of the proposed changes. The revised motion provided in this report reflects the changes.

	January PUD Zone Change	March Revised PUD Zone Change
Residential Density	16-17.99 du/a	15-16.99 du/a
Maximum Unit Count	set by permitted density	420 units
Building Height	45-feet	45 feet*
Max. Non-residential square footage	1,130,000 square feet	950,000 square feet
* - The proposed building height remains 45-feet, additional restrictions to building height are set per the PUD concept plan		

At the March 18<sup>th</sup>, 2021 meeting, the applicant had made revisions based on neighborhood comments and comments from the January City Planning Commission hearing. Consistent with the changes outlined in the above report sections the PUD concept plan has been modified.

- The overall permitted residential density was reduced to 15-16.99 dwelling units per acre with a maximum unit count of 420 residential dwelling units.
- The maximum non-residential building square footage was reduced to 950,000 square feet, this figure includes the existing 750,000 square foot commercial building on Area A.
- The PUD Permitted use table was revised to include each proposed subarea (Areas A-D) and specifically identifies permitted uses per subarea. This revision refined the future development vision for Area C, limiting the use to the permitted residential use types, and open space, and eliminating all non-residential development. Note 10 on the PUD concept plan clarifies the allowable development pattern for Area B stating that either 220 residential units or 200,000 square feet of non-residential space are permitted, not both, or some proportional combination within these limits.

Building height and views are of particular concern to both the interested residents in opposition to the proposed applications and the City Planning Commissioners. The applicant has revised the plans to place additional stipulations on the PUD concept plan to address these concerns.

- Maximum building height is noted on the PUD concept plan under site data to be "45' or 3 stories, whichever is less unless otherwise limited to 2-story".
- A 150-foot cross-hatched buffer measured from the property line in Areas B and C along Flying W Ranch Road and North 30<sup>th</sup> Street is noted on the plans as an area of building height restriction where all buildings within the 150-foot buffer are limited to 2-story development. A reduction of the building height within 150 feet of the property line creates a visual offset.
- The applicant submitted a visual impact analysis to model the impacts of the proposed changes.

After hearing the changes proposed with the March revised planning documents, Planning Commission discussed the changes and concerns raised by citizens in opposition to the project. Most notably, conversation focused on traffic impacts, the visual analysis and emergency evacuation planning. Several commissioners expressed their concerns with the proposal and stated while the

applicant had made changes to the plans in an effort to provide more detail for the Planning Commissioners to evaluate the potential future impacts, they could not confidently affirm that the action would not be detrimental to the public interest. Other Commissioners like Commissioner McMurray and Commissioner Slattery voiced their support of the proposed revisions at the March meeting, stating the substance of the application supported many high-level City policies and goals and that infill development in this location is a great opportunity to provide different types of housing to the West side. Planning Commission voted 4:3:0:1 (with Vice Chair Hente, Commissioners Rickett & Almy voting no and Chair Graham recused) to recommend approval to City Council. Vice Chair Hente, Commissioners Rickett & Almy all indicated that they felt there were significant outstanding questions related to emergency evacuations and the concerns of the community and that ultimately with those questions left unanswered they were unable to support the project as they felt it did not satisfy the criteria for approval of the applications.

### **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 255 property owners on four occasions: during the initial review, in advance of two virtual neighborhood meetings, and prior to the Planning Commission hearing. The site was also posted during the four occasions noted above. The two virtual neighborhood meetings, coordinated by City Planning staff held on October 7, 2020 and December 10, 2020, were well attended with 380 and 187 interested residents respectively. City Planning staff received over 1,000 comments in opposition to the project; interested residents cited many concerns including traffic, safety, school capacity, emergency evacuations, and establishing residential uses at the project site among other concerns. At the January 21, 2021 Planning Commission meeting this item was postponed and Planning Commissioners requested that both the Consultant and Community Association leadership meet to discuss the requested plan revisions. Staff held two meetings with the consultant and a working group from the Mountain Shadows Community Association. The working group from the community association included MSCA President, Bill Wysong, community members Eddie Hurt, Tina Brooks, and their counsel, Harmon Zuckerman. The applicant was represented by their consultant, Andrea Barlow. The first on February 1<sup>st</sup> to discuss changes the community association would like to see, and a second on February 26<sup>th</sup> to review the plan revisions the applicant submitted for review.

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 11, Colorado Geologic Survey, Colorado Parks & Wildlife and City Finance. All comments received from the review agencies have been addressed.

- Colorado Parks & Wildlife - The Colorado Parks & Wildlife Department of Natural Resources (CPW) reviewed the project to evaluate any potential impacts to the Bighorn Sheep population known to frequent the open space surrounding the project site. CPW determined that the project will have little to no impact on the Rampart Range Bighorn Sheep herd and provided several site design recommendations including wildlife-friendly fencing and bear-resistant trash cans.
- Colorado Geologic Survey - The Colorado Geologic Survey (CGS) reviewed the proposed PUD Concept Plan and Land Suitability Analysis and has no objection to the rezone request and concept plan with notes added that a full geologic hazards study is required with each future development plan.

- Parks Department - The new residential units trigger the Park and School Land Dedication Ordinance (PLDO). Fees in lieu of land dedication will be required for the future residential development.
- School District 11 - No comments were received from the School District 11. As such, City Planning staff will require the payment of fees in lieu of land dedication for the new residential units.

**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 PUP 20-00117

Approve the PUD Concept Plan for the 2424 Garden of the Gods project, based upon the findings that the request meets the review criteria for establishing a PUD concept plan, as set forth in City Code Section 7.3.605, and the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E).

N/A