



## Legislation Details (With Text)

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<b>File created:</b>	4/28/2021	<b>In control:</b>		<b>City Council</b>	
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<b>Title:</b>	An appeal of the City Planning Commission's decision to recommend approval to City Council the Banning Lewis Ranch Master Plan amendment for 24 acres to change the land use from Educational to Residential Medium (3.5-7.99 dwelling units per acre), located southeast of Barnes Road and Shale Drive.  (Legislative)  Presenter: Katelynn Wintz, Senior Planner, Planning & Community Development Peter Wysocki, Planning & Community Development Director				

### Sponsors:

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### Code sections:

**Attachments:** 1. RES\_BanningLewisRanchMPA, 2. Exhibit A - Master Plan Amendment, 3. Appeal Statement, 4. CPC Report\_Enclaves, 5. Fiscal Impact Analysis.Enclaves, 6. Project Statement, 7. PUD Concept Plan Amendment, 8. PlanCOS vision Map, 9. Context Map, 10. Public Comments, 11. 7.5.906 (B) Appeal of Commission-Board, 12. 7.5.408 Master Plan

Date	Ver.	Action By	Action	Result
7/13/2021	2	City Council	adopted	Pass
6/22/2021	2	City Council	postpone to a date certain	Pass
5/20/2021	1	Planning Commission	referred	Pass

An appeal of the City Planning Commission's decision to recommend approval to City Council the Banning Lewis Ranch Master Plan amendment for 24 acres to change the land use from Educational to Residential Medium (3.5-7.99 dwelling units per acre), located southeast of Barnes Road and Shale Drive.

(Legislative)

### Presenter:

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

### Summary:

Start with -

Owner: Challenger Communities

Developer: Challenger Communities

Representative: NES, INC

Location: Approximately three-quarters of a mile east of the Barnes Road and Marksheffel Road intersection.

An appeal was filed by Janet and Robert Adams regarding the City Planning Commission's decision to recommend approval to City Council of the proposed major master plan amendment and major PUD concept plan amendment applications associated with the Enclaves at Mountain Vista project. Staff reviewed the applications, presented the items to City Planning Commission at their May 20, 2021 meeting, who voted 6-0 to recommend approval of the items to City Council. The items, regardless of the appeal request, require action from the City Council.

The project includes concurrent applications for a major master plan amendment and major PUD concept plan amendment for 24 acres of land southeast of the future extension of Barnes Road and Shale Drive. The project, Enclaves at Mountain Vista, is zoned PUD/SS/AO (Planned Unit Development with Streamside and Airport Overlays). The major master plan amendment proposes a change in land use designation from ES (Educational) to RM (Residential-Medium, 3.5-7.99 dwelling units per acre). The concurrent PUD concept plan amendment illustrates the proposed residential development expansion.

The City Council is the decision-making authority on all major master plan amendments and is therefore the final decision making authority for the proposed applications. Master plan amendments (and any associated applications) that are recommended for approval by the Planning Commission are automatically heard by City Council.

The appellants, Janet and Robert Adams, cite concerns about future development impacts to Marksheffel Road. Staff followed up with the appellants after reading the appeal statement due to a possible misunderstanding of the project scope. After a discussion with the appellants, they felt pursuing the appeal of Planning Commission's recommendation was the appropriate course of action. Staff addresses the concerns raised by the appellants in this memo. Staff has further discussed the condition of Marksheffel Road, future improvements, expansion of Barnes Road and a future school site location with City Traffic, District 49 and members of the public. City Planning Commission heard the major master plan amendment and major PUD concept plan amendment on May 20, 2021 where Planning Commission voted to recommend approval of the items to City Council. Action taken by City Planning Commission on these items are an advisory recommendation for City Council to consider when making a final decision on the application package, as such, the appeal was not necessary. However, since an appeal was filed, the Council must first hear and act on the appeal, and then on the applications.

### **Background:**

The proposed Major Master Plan Amendment to change the land use classification from ES (Educational) to RM (Residential-Medium, 3.5-7.99 dwelling units per acre). 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 original Banning Lewis Ranch Master Plan attempted to balance and account for the needs of residential development and the school district by planning future school sites. The currently approved master plan shows a school site along the future extension of Barnes Road, which is envisioned as a major East-West roadway in the Banning Lewis Ranch master planned area. The current school site location was established in a 2016 City Council approved master plan amendment, PUD zone change, and PUD concept plan which established the Enclaves at Mountain Vista project. The original Banning Lewis Ranch Master

Plan included a school site to the east of the proposed Enclaves at Mountain Vista project and the intention was to relocate a school site shown on the original Banning Lewis Ranch Master Plan to the west to be included in the proposed residential development. At that time, the original school site to the east was left unchanged as it was outside of the Enclaves at Mountain Vista project scope. As described above, the school district supports the request to change the land use designation in this location because the District agrees that the current school site is not an optimal location for a school and the original school site is an acceptable alternative.

This master plan has been amended frequently to accommodate a 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 proposed plan revisions are consistent with the needs of the School District and supportive of the high-demand for residential development within the City.

The appellants assert that the proposed school site location is at the intersection of Zircon Drive and Marksheffel Road. This is inconsistent with the planning documents and project scope attached to this report. The exact location of the current school site is approximately three-quarters of a mile east of the Barnes Road and Marksheffel intersection. Additionally, District 49 has confirmed that the current school site location does not meet the necessary facility criteria to accommodate an elementary school and therefore supports the developer's relocation efforts.

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 PUD Concept Plan consists of an amended conceptual design for the Enclaves at Mountain Vista PUD Concept Plan. The proposed change includes a 24-acre portion of the site, previously proposed as a future school site, to be developed as a medium-density single-family detached residential (3.5-7.99 dwelling units per acre) development with approximately 91 additional units. Building and landscaping setbacks are noted on this PUD concept plan. The noted setbacks have not changed from the initial approval of this PUD concept plan from September 2016. The proposed development extends the residential land use pattern from the established residential development west of the project site and is consistent with the established zoning. As discussed above, due to the acknowledgement that this location is not conducive for a school site, the school district supports the request to change the land use designation in favor of expanding the residential uses to the project location. Both the developer and the school district have agreed there is a need for a future school site in this area but the District has not determined the exact location. The next phase of development, and development of the surrounding areas, will require land use entitlements. The School District is a standard reviewing agency for all residential developments; staff will continue to coordinate with the District and the developer to ensure school obligations are met.

Per the PUD concept plan review criteria, set forth in City Code Section 7.3.605 *Review Criteria for PUD Concept Plans*, the project 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 City's Water Resources Engineering Division of Public Works (herein referred to as "SWENT") has reviewed the major master plan amendment and major concept plan amendment and accompanying drainage letter, prepared by M&S Civil. SWENT accepted the analysis of the drainage letter to support the master plan amendment changes. The developer coordinated with SWENT to determine final design of the Sand Creek East Fork channel improvements along the eastern side of the project site. This project area is also currently under review for the CLOMR/LOMR process with FEMA. A LOMR is a letter of map revision issued by FEMA that revises the effective data on a community's Flood Insurance Rate Map (FIRM map). FEMA notes that LOMRs "*are generally based on the implementation of physical measures (like channel improvements) that affect the hydrologic or hydraulic characteristics of a flooding source thus resulting in the modification of an existing regulatory floodway.*" The developer worked with the City to create acceptable improvements to submit to FEMA for consideration with the LOMR process. A Conditional LOMR (CLOMR) was issued, indicating that the designed improvements are acceptable and enables the developer to make the requested changes to the regulatory floodway. Once all the improvements are completed and inspected, FEMA will issue the LOMR to officially revise the FIRM maps. SWENT has accepted the engineering and design of the proposed channel improvements in this area. The following note has been added to the PUD Concept Plan "*The Sand Creek East Fork channel improvements shall be fully constructed and accepted for the probationary period by the City's Public Works Department or assurances posted for 100% of the public improvement cost prior to the issuance of the first building permit within the Enclaves at Mountain Vista Ranch development project*".

The City's Traffic Engineering Division of Public Works (herein referenced as "Traffic") has reviewed the major master plan amendment and major concept plan amendment and the accompanying trip generation technical memorandum, a supplement to the February 2016 traffic study for this development, prepared by LSC Transportation Consultants. The trip generation document submitted for review assesses the assumptions from the February 2016 traffic study and accounts for the proposed land use changes to expand the residential uses within the project area. Traffic Engineering agrees with the trip generation letter findings and recommendations.

Staff received several public comments about traffic concerns around this community, specifically the condition of Marksheffel Road and additional access points for the proposed development. Marksheffel Road is a County Road in the area of this development. City Traffic is engaged in high-level discussions with the County about the future of Marksheffel Road. Traffic Engineering is engaged in conversations with the developer and surrounding property owners to discuss the details of the alignment and triggers for construction of the extension of Barnes Road to the east of Marksheffel Road. The proposed amendment will create some change to the trip generation model; however, it is the opinion of the trip generation letter and Traffic Engineering that the change will not generate vital traffic to trigger major improvements to Marksheffel Road at this time.

The appellants cite significant concerns about the road condition and existing traffic on Marksheffel Road. This section of Marksheffel Road is owned by El Paso County. The City Traffic Engineer is actively engaged in conversations with El Paso County about future ownership and maintenance responsibilities of this roadway. The traffic study associated with the project shows that there is not a statistically significant impact to traffic with the proposed land use changes. It is even projected in the study that by removing the school site in favor of residential development that the total daily vehicle trips is reduced and the residential use creates a lower intensity traffic demand. Staff is aware that the conditions of Marksheffel Road are not ideal but the ongoing discussions with City and El Paso County Traffic is working to find an agreeable solution for all parties. Additionally, City Traffic is working closely with the developer and another land holder in the area to identify an acceptable alignment for the eastern extension of Barnes Road, which would provide additional direct

connections into the Enclaves at Mountain Vista and redirect neighborhood traffic off of the Zircon Drive and Marksheffel Road intersection. Staff believes that the future construction of Barnes Road will improve the overall traffic conditions in this area, supporting the appellants stated concerns.

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. 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. Enclaves at Mountain Vista 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 designation for 24-acres of land. This request will remove a proposed school site to allow for the expansion of a residential land use. The school district agrees that the location per the master plan is not a desirable school site and is prepared to work with the developer to find a better suited school site for future land dedication to the east of the project site. Staff finds that the proposed residential development is consistent with the surrounding land uses and the proposed amendment is 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 it was annexed into the City under the Banning Lewis Ranch # 4 Addition. Action was also taken in June of 2016 when a master plan amendment, PUD zone change and PUD concept plan application package was approved in a 6-3 vote. In 2016 three City Councilmembers expressed concerns about the proposed land use designations and zone change, citing concerns that loss of commercial and industrial lands in favor of residential development would negatively impact the City's sales and use tax.

On June 22, 2021, City Council postponed this item to allow sufficient time for posting the hearing on the site.

### **Financial Implications:**

A fiscal impact analysis was completed for the proposed master plan amendment for a period of 2021-2030. 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 Planning Commission meeting held on May 20, 2021, the project applications were considered under New Business. Planning Commission voted 6-0 (with Commissioners Eubanks, Slattery and Rickett absent) to recommend approval of the applications to City Council.

### **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 163 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 several public comments expressing concerns about traffic and the relocation of a school site.

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.

- Parks Department - The Parks Department determined that the development, as proposed, will create a 2.12 acre Parkland Obligation. Based on the recent park site being built, Parks is requesting fees in lieu of parkland dedication for this new Filing 7 for an estimated 91 units.
- District 49 - School District 49 has worked with Challenger Homes to provide a school site that works best for the development and school district. District 49 has come to an agreement that the school site depicted on the Master Plan and Concept Plan was not a suitable location for elementary students. The District and the developer have agreed that a future school site will be required and is satisfied per the original Master Plan.

### **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 MP 87-00381-A28MJ21**

Deny the appeal and uphold the City Planning Commission's decision based on the finding that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906(B) and adopt a resolution amending the Banning Lewis Ranch Master Plan, based upon the findings that the request meets the review criteria for granting a major master plan amendment, as set forth in City Code Section 7.5.408

N/A