



## Legislation Details (With Text)

<b>File #:</b>	CPC PUZ 21-00128	<b>Version:</b>	3	<b>Name:</b>	Falcon Trucking
<b>Type:</b>	Ordinance	<b>Status:</b>		<b>Mayor's Office</b>	
<b>File created:</b>	12/6/2021	<b>In control:</b>		<b>City Council</b>	
<b>On agenda:</b>	2/8/2022	<b>Final action:</b>		<b>2/8/2022</b>	

**Title:** Ordinance No. 22-06 amending the zoning map of the City of Colorado Springs relating to 35.727 acres located southeast of the future Marksheffel Road and Barnes Road intersection, from PIP/cr/AO (Planned Industrial Park with Conditions of Record and Airport Overlay) to PUD/AO (Planned Unit Development: Single-Family Residential, 3.5-7.99du/ac, Maximum Building Height 35 feet; Multi-Family Residential, 12-24.99du/ac, Maximum Building Height 45 feet; and Commercial, 40,000 square footage, Maximum Building Height 45 feet; with Airport Overlay).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A29MJ21, CPC PUP 21-00129

**Presenter:**  
Daniel Sexton, Planning Supervisor, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Sponsors:**

**Indexes:** BLR

**Code sections:**

**Attachments:** 1. ORD\_ZC\_FalconTrucking, 2. Exhibit A - PUD Legal Description Exhibits, 3. Exhibit B - PUD Zone Change, 4. 7.3.603 Establishment & Development of a PUD Zone, 5. 7.5.603.B Findings - ZC, 6. Signed Ordinance 22 06

Date	Ver.	Action By	Action	Result
2/8/2022	2	City Council	finally passed	Pass
1/25/2022	2	City Council	approved on first reading	Pass
12/16/2021	1	Planning Commission	recommended for approval	Pass

Ordinance No. 22-06 amending the zoning map of the City of Colorado Springs relating to 35.727 acres located southeast of the future Marksheffel Road and Barnes Road intersection, from PIP/cr/AO (Planned Industrial Park with Conditions of Record and Airport Overlay) to PUD/AO (Planned Unit Development: Single-Family Residential, 3.5-7.99du/ac, Maximum Building Height 35 feet; Multi-Family Residential, 12-24.99du/ac, Maximum Building Height 45 feet; and Commercial, 40,000 square footage, Maximum Building Height 45 feet; with Airport Overlay).

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### **Summary:**

Owner/Developer: Falcon Trucking Company

Representative: NES Colorado, Inc.

Location: Southeast of the future Marksheffel Road and Barnes Road intersection

The project includes applications for a major master plan amendment, PUD zone change and PUD concept plan for 35.727 acres of land located at the southeast corner of Marksheffel Road and Barnes Road intersection. The project is herein referred to as “Falcon Trucking at Banning Lewis Ranch”. The major amendment to the Banning Lewis Master Plan changes the land use designation from Industrial (IDP) to Commercial, Residential High (12-24.99 du/ac), and Residential Medium High (3.5-7.99 du/ac). The PUD zone change request would change the current zoning of PIP2/cr/AO (Planned Industrial Park with Conditions of Record and Airport Overlay) to PUD (Planned Unit Development: Single-Family Residential, 3.5-7.99 du/ac, Maximum Building Height 35 feet; Multi-Family Residential, 12-24.99 du/ac, Maximum Building Height 45 feet; and Commercial, 40,000 square footage, Maximum Building Height 45 feet; with Airport Overlay). The proposed PUD concept plan illustrates the layout for the envisioned commercial and residential uses as well as site access points.

### **Background:**

The Applicant has requested a major amendment to the Banning Lewis Ranch Master Plan to change the land use designation from Industrial (IDP) to Commercial, Residential High (12-24.99 du/ac), and Residential Medium High (3.5-7.99 du/ac) for the 35.727 acres of land associated with the Falcon Trucking at Banning Lewis Ranch project. This change in master planned land use designations will establish a less intensive uses for the project area, which is consistent with other recent request in the immediate area. While this change alters the envisioned land use trajectory for this portion of the master planned area, which previously focused on intensive industrial uses, the incorporation of commercial and transition residential uses creates a more dynamic land use pattern along Barnes Road and Marksheffel Road. The Residential High (12-24.99 du/ac) and Residential Medium High (3.5-7.99 du/ac) uses will provide additional rooftops that will support the current and future commercial uses in the area.

The submitted zone change request proposes to rezone the project site from PIP2/cr/AO (Planned Industrial Park with Conditions of Record and Airport Overlay) to PUD (Planned Unit Development: Single-Family Residential, 3.5-7.99 du/ac, Maximum Building Height 35 feet; Multi-Family Residential, 12-24.99 du/ac, Maximum Building Height 45 feet; and Commercial, 40,000 square footage, Maximum Building Height 45 feet; with Airport Overlay). The Applicant has proposed maximum building heights and density ranges comparable to other properties throughout the City that are similarly zoned. These development standards will govern the future build-out of the project area. The requested zone also establishes an envisioned mix of commercial and residential uses, which creates a good transition mix of uses.

While the proposed mix of uses alters the land use direction for this portion of Banning Lewis master planned area, it is not dissimilar to those land uses already found within the immediate area. More specifically, there are established commercial and residential uses located at the other corners of the Marksheffel Road/Barnes Road intersection. Together, the proposed development standards and land use controls outlined above mitigate the project’s impacts and meets the applicable City Code standards for a zone change request.

The Applicant's proposed PUD Concept Plan for the Falcon Trucking at Banning Lewis Ranch project illustrates the layout for the envisioned commercial and residential uses as well as development standards and site access points. The proposed layout of uses creates a complimentary and supportive land use pattern for the area, which transitions from west to east with the more intensive commercial and residential high (12-24.99 du/ac) uses adjacent to Marksheffel Road to the residential medium high (3.5-7.99 du/ac) use. In terms of the developability more specifically, the site is constrained by high-pressure inter-state gas lines and a natural ridge that bisect the property, the site's topography slopes down significantly to the west and east of the ridge. To further refine the compatibility of uses, the Applicant has proposed development standards by use:

Land Use	Density/Intensity	Max. Bldg. Height
Residential Medium High	3.5-7.99 du/ac	35 feet
Residential High	12-24.99 du/ac	45 feet
Commercial	40,000sf max.	45 feet

The proposed building height transition from 35 feet on the eastern portion of the project site to 45 feet along Marksheffel Road is a reasonable transition and consistent with development standards found in the immediate area. The manner for calculating the above referenced maximum building height will follow the methodology set forth in City Code Section 7.2.201 Definitions Enumerated - Building Height (Non-hillside Zone).

In terms of circulation, the Applicant's plan is very conceptual so only vehicular turning movements on the periphery of the project area were identified. More specifically, while no direct access onto Marksheffel Road will be allowed from the project, turning movements from the access points off Barnes Road and Graphite Drive will have full movement intersections. The traffic control measure at each of the envisioned intersections will be determined with a future traffic impact study and development plan submittals. Further discussions of proposed roadway improvements and potential traffic impacts can be found later in this report under the Traffic subsection.

As an infill development, the Applicant's proposal is a good fit for the surrounding area. City Planning staff find this to be true because the proposed mix of commercial and residential uses function as a transitional land use between the existing residential uses to the east and Marksheffel Road to the west, which will be reconstructed to a higher capacity roadway in the future. (see "Context Map" attachment).

The above discussed development parameters and envisioned supportive land uses mitigate the impacts of this development and reinforce why this project will be a compatible with the surrounding neighborhood. City Planning staff finds that the proposed plan, as stipulated, is in conformance with the purpose for establishing PUD concept plan, as set forth in City Code Section 7.3.601, and a concept plan, as set forth in City Code Section 7.5.501.

The City's Traffic Engineering Division of Public Works (herein referenced as "Traffic") has reviewed the proposed PUD concept plan. Since the project applications do not establish the final mix of commercial and residential uses and this segment of the Marksheffel Road corridor has recently been studied, Traffic did not require a traffic study or trip generation analysis. Traffic did, however, apply a note to the proposed PUD concept plan stipulating that "A full traffic impact study at the time of development plan will be required addressing all needed roadway improvements for Marksheffel Road and Barnes Road." Furthermore, Traffic set the allowable turning movements off Barnes Road

and Graphite Drive as full movement intersections, the traffic control measure at each intersection will be determined with the future traffic impact study. City Planning and Traffic will evaluate future development plan designs and layouts to determine if additional roadway or intersection improvements are necessary.

The City's Water Resources Engineering Division of Public Works (herein referenced as "SWENT") has reviewed the PUD concept plan and accompanying master development drainage report, prepared by M&S Civil Consultants, Inc. SWENT has accepted the analysis and recommendations set forth in the report. Stormwater from future development within the project area will require full spectrum water quality and detention facilities. This design approach was found to comply with the City's Drainage Control Manual. The Applicant will be required to submit a final master development drainage report with future development plan and final subdivision plat applications.

The project applications have been evaluated for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to PlanCOS, the project site is identified as a Future Neighborhood. (see "**PlanCOS Vision Map**" attachment) The Falcon Trucking at Banning Lewis Ranch project is consistent with one of the core values of PlanCOS, which reinforces the importance of encouraging the infill development proposals. One of the "Big Ideas" in the Vibrant Neighborhood Chapter 2 of PlanCOS is entitled "Reclaim Neighborhood Space", which has goal VN-3 that states:

*"Through neighborhood plans, associations, and partnerships, empower neighborhoods to reinvest in order to create community, vibrancy, and to address their specific vision and needs."*

To do this, PlanCOS suggests, *"New development should focus on safe connections into and within these neighborhoods"*.

A "Big Idea" from 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."*

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

Adaptive and responsive land use change is one of the core values of PlanCOS. On balance with this perspective, City Planning staff has determined that the project's land uses, location and site development standards meet the overall intent of this idea.

For the reasons provided in this overall staff report, City Planning staff finds that this project and its associated applications to be in substantial conformance with PlanCOS and its guidance.

The project supports the City's Strategic plan goals of building community and collaborative relationships and provides a platform for the building neighborhoods and communities through the infill development of vacant parcels with a mix of commercial, single-family detached and multi-family residential use. The development of new residential units will further development and investment within the area and strengthen the Colorado Springs economy through the orderly growth of the corridor.

**Previous Council Action:**

City Council previously took action on this property when the property was annexed and zoned.

**Financial Implications:**

N/A

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

At the City Planning Commission meeting held on December 16, 2021, the project applications were heard as a New Business item. Presentations by staff and the applicant were made to describe the project more completely to Planning Commissioners. Beyond the written comments received in advance of the meeting, no further public comments were received. The Planning Commission voted 7-0-2 (Commissioners Graham and Eubanks absent) to approve the project applications.

**Stakeholder Process:**

The public notification process consisted of providing notice to surrounding homeowners associations and adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 285 property owners on three occasions: during the internal 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 numerous correspondences from interested residents inquiring about the development and others objecting to the proposal.

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 Fire, City SWENT, City Parks, Council of Neighborhood Organizations (CONO), District 49, El Paso County, Police, and E-911. All comments received from the review agencies have been addressed. City Planning staff notes that the following review agency provided project specific comments:

- City Finance - 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 cashflow for the City, which can be attributed to the proposed mix of commercial and residentially developable parcels. In turn, the envisioned land uses creates and adequate revenue base to defray the cost of increased level of service to this development.
- City Traffic - The City's Traffic Engineering Division reviewed and accepted the proposed site design and layout for the project. The applicant is required to submit a Traffic Impact Analysis (TIA) to analyze access locations and future roadway improvements with the submittal of a development 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 PUZ 21-00128**

Approve an ordinance amending the zoning map of the City of Colorado Springs relating to 35.727 acres located southeast of the future Marksheffel Road and Barnes Road intersection from Planned Industrial Park with Conditions of Record and Airport Overlay (PIP2/cr/AO) to Planned Unit Development: Single-Family Residential, 3.5-7.99du/ac, Maximum Building Height 35 feet; Multi-Family Residential, 12-24.99du/ac, Maximum Building Height 45 feet; and Commercial, 40,000 square footage, Maximum Building Height 45 feet; with Airport Overlay (PUD/AO), based upon the findings that the PUD zone change meets the criteria for establishing a PUD zone set forth in City Code Section 7.3.603, and the review criteria for a change of zone set forth in City Code Section 7.5.603.

An ordinance amending the zoning map of the City of Colorado Springs relating to 35.727 acres located southeast of the future Marksheffel Road and Barnes Road intersection, from PIP/cr/AO (Planned Industrial Park with Conditions of Record and Airport Overlay) to PUD/AO (Planned Unit Development: Single-Family Residential, 3.5-7.99du/ac, Maximum Building Height 35 feet; Multi-Family Residential, 12-24.99du/ac, Maximum Building Height 45 feet; and Commercial, 40,000 square footage, Maximum Building Height 45 feet; with Airport Overlay).