



## Legislation Details (With Text)

**File #:** CPC ZC 22-00008    **Version:** 4    **Name:** Allaso at Briargate  
**Type:** Ordinance    **Status:** Mayor's Office  
**File created:** 4/6/2022    **In control:** City Council  
**On agenda:** 6/28/2022    **Final action:** 6/28/2022  
**Title:** Ordinance No. 22-34 amending the zoning map of the City of Colorado Springs relating to 10.4 acres located southeast of Chapel Hills Drive and Dynamic Drive from PIP1/cr (Planned Industrial Park with conditions of record) to OC/cr (Office Complex with conditions of record)

(Quasi-Judicial)

Related Files: CPC ZC 22-00008; CPC CP 22-00009

**Presenter:**  
Katelynn Wintz, Planning Supervisor, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD\_ZC\_AllasoAtBriargate, 2. Exhibit A\_Legal, 3. Exhibit B\_Zone Change Depiction, 4. staff report\_Allaso\_KAW, 5. Zone Change Exhibit, 6. Concept Plan, 7. Project Statement, 8. Vision Map, 9. Traffic Study, 10. View Studies, 11. public comments 1, 12. public comments2, 13. public comments3, 14. D20\_response\_Capacity\_comments, 15. public comments\_afterinformalCPC, 16. 7.5.603.B Findings - ZC, 17. Signed Ordinance No. 22-34

Date	Ver.	Action By	Action	Result
6/28/2022	2	City Council	finally passed	Pass
6/14/2022	2	City Council	denied	
6/14/2022	2	City Council	approved on first reading	Pass
6/14/2022	2	City Council	approved on first reading	Pass
6/14/2022	2	City Council	approved on first reading	Pass
4/21/2022	1	Planning Commission	recommended for approval	Pass

Ordinance No. 22-34 amending the zoning map of the City of Colorado Springs relating to 10.4 acres located southeast of Chapel Hills Drive and Dynamic Drive from PIP1/cr (Planned Industrial Park with conditions of record) to OC/cr (Office Complex with conditions of record)

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### **Summary:**

Owner: Echo Briargate, LLC & 2013 Prime Center, LLLP by: GBR Properties

Developer: Titan Property Management, LLC

Representative: NES, Inc. - Andrea Barlow

Location: 2505 Dynamic Drive. Generally located southeast of Chapel Hills Drive and Dynamic Drive.

The project includes concurrent applications for a zone change and concept plan on 10.4-acres for Allaso at Briargate (the project). The proposed is a zone change from PIP1/cr (Planned Industrial Park with conditions of record) to OC/cr (Office Complex with conditions of record) where multifamily development is a permitted use. The concurrent concept plan illustrates the proposed site layout with some modifications submitted for review after the Planning Commission meeting to address additional neighborhood concerns.

### **Background:**

This project site is currently zoned PIP1/cr (General Industrial with conditions of record). The conditions of record established with the initial zoning included the following: 1. A 100-foot landscape/open space buffer area will extend along the entire east property line. This buffer area shall not allow development (i.e., parking, buildings etc.), 2. One tree per 10-feet is required within the 100-foot buffer. One third of the required trees will be evergreen. Tree sizes within the 100-foot buffer area shall be a minimum of 8-feet high for evergreens and two-and-a-half-inch caliper for deciduous trees, 3. A grading plan shall be reviewed and approved with the coordination of the city planning and city engineering. Adjacent neighbors shall be notified of grading plan review, and 4. The finished grade of the site and the finished floor elevations of the building(s) shall be reduced to the maximum extent possible at the final development plan approval to reduce impacts to the residence to the east. Staff interprets the intent of several of the conditions of record are intended to serve as a dedicated buffer to reduce overall impacts to the residential properties to the east. As such, staff requested several of these conditions be carried forward as conditions of record in the proposed OC (Office Complex) zone district.

The conditions of record for the proposed OC (Office Complex) zoning include a 38-foot maximum building height for any residential uses and carries forward conditions 1 & 2 from the current zoning. The main difference between these conditions is a 30-foot difference in the required buffer size. This difference is acknowledged because the existing PIP1/cr zoning includes 30-foot-wide parcel that is under separate ownership and not considered part of this rezoning request or project area.

The proposed zone change is supported by a concurrent concept plan (illustrating the proposed future land use of residential, a conditionally permitted use in the OC zone district. 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 OC zone district is more reflective of the established residential and low-intensity commercial uses surrounding the project site.

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 Concept Plan consists of a conceptual design for the 10.4-acre property to be developed as multifamily residential. The proposed future development as shown on the concept plan shows the multi-family development being constructed as two buildings with private access

drives and dedicated off-street parking to satisfy any future residential development. At the time of the Planning Commission public hearing, the proposed access points for the site included the existing full movement shared access along Dynamic Drive and a three-quarter movement (no left-turn out) on Research Parkway. The applicant determined after the Planning Commission meeting to revise the proposed access points, a suggestion that was provided during the citizen comment period. The revised plans which are currently under review indicate that the proposed access along Dynamic Drive has been eliminated in favor of an existing full movement access from Chapel Hills Drive. This access point will require cross-access easements be executed with the landowners of the current private access drive to allow legal access to the project site. The applicant notes that they are in discussion with all relevant landowners to accommodate this plan revision. Notes on the concept plan reinforce the proposed zoning conditions of record.

The applicant had previously proposed developing an estimated 300 dwelling units; however, staff encouraged the applicant to take a closer look at exactly what could be feasible for this site and revised plans showed an overall reduction to the proposed number of units for future development. The applicant currently proposes a maximum residential density of 24 dwelling units per acre with a maximum unit count of 251 residential units and incorporates the dimensional controls as established with the R5 (multi-family residential) zoning as required by City Code.

The PIP1 and R5 zoning allow for a 45-foot maximum building height, however, to keep some of the spirit of the existing conditions of record on site one of the proposed conditions of record restricts residential building heights to a maximum of 38-feet in height. A views study was also submitted by the applicant for review and consideration. While the City zoning code does not have explicit criteria for viewshed protection staff finds that the maximum building height restriction proposed as a zoning condition of record supports the intent of the existing condition of record item 4 to reduce impacts to the residence to the east. Staff finds that the Views study supports the existing conditions of record and demonstrates that development of this property would not have significant negative impacts to adjacent residential properties.

City Planning staff finds the application consistent with the purpose for 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 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. Neighborhood concerns surrounding existing and future traffic volumes were clearly expressed during the City-initiated neighborhood meeting. As a result of that meeting, Traffic requested several revisions to the traffic study including additional analysis of PM peak hours to include Mountain Ridge Middle School PM traffic and provide further clarification about the traffic pattern assumptions at the proposed site access points. A revised traffic study addressing the items as stated above was provided and found that all intersections included in this study will operate at acceptable levels of service at full build out of the proposed development. Traffic Engineering deemed that all their comments had been adequately addressed with the revised traffic study and accepted the report with a March 2022 revision date (**see "Traffic Study" attachment**)

A Master Development Drainage Plan (MDDP) amendment was submitted in support of this concept plan application demonstrating how the future full spectrum detention facility would function on site. The Stormwater Review Enterprise (SWENT) indicated that based on the level of detail shown on this concept plan that the future full spectrum detention facility should be shown/labelled on the plans. Staff supports this request and finds that the following technical modification should be

considered:

*Show and label the full spectrum detention facility prior to approval of the plans*

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 (**see "PlanCOS Vision Map" attachment**). PlanCOS is a high-level vision document with a focus on community-wide themes, larger neighborhoods, corridors, nodes, "typologies", places, and big ideas.

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.

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

As previously approved on the Briargate Master Plan, this site is identified as O/I (Office-Industrial/Research & Development), which includes multi-family dwelling (Apartment, Condominium, Townhouse) as an allowable use. The Briargate Master Plan is deemed implemented, meaning at least 85% of the planned area is built out and the remaining vacant land is zoned in conformance with the master plan. Per the master plan, the land use pattern to the east of the site is largely residential with some pockets of commercial development. Staff finds that, in addition to multifamily as a permitted use in the O/I land use category, the proposed multifamily development is a compatible future land use and provides a logical transition from the established residential neighborhood to the commercial corridor along Chapel Hills Drive.

Staff finds the project to be consistent and in substantial compliance with the Briargate Master Plan.

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 single-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 on two occasions: in 1982 when the property was annexed into the City, and again in 1998 when the property was zoned to its current zoning.

On June 14, 2022, City Council voted to approve the zone change ordinance by a vote of 6:2:1:0 with President Strand and Councilmember Murray dissenting and Councilmember Avila absent, with the following conditions of record:

1. 38-foot maximum building height for multi-family residential uses only at its highest point from average finished grade where the height calculation for pitched roofs in 7.4.102.C shall not apply
2. A 70 foot landscape/open space buffer area will extend along the entire east property line. This buffer area shall not allow development (i.e. parking, buildings, etc.)
3. One tree per 10 feet is required within the 70 foot buffer area, one third of which will be evergreen. Tree sizes within the 70 foot buffer area shall be a minimum of 8' (eight feet) high for evergreens and 2 ½ inch caliper for deciduous trees.
4. No direct access to Dynamic Drive.

**Financial Implications:**

N/A

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

At the City Planning Commission meeting held on April 21<sup>st</sup>, 2022, the project applications were presented to the City Planning Commission. Chair Hente lead the commissioner's discussion after closing the public hearing portion of the meeting. Commissioner Eubanks shared that while they felt the rezoning request to move away from light industrial uses would be a benefit overall to the neighborhood, they were also unsure if the proposed conceptual use of multi-family is an appropriate buffer and if it truly benefits the neighborhood. Chair Hente agreed with the commissioner. They also agreed that PlanCOS juxtaposes two critical points in that the vibrant neighborhood typology reinforces the idea that there are not typically significant land use changes in this neighborhood classification and that PlanCOS also states that infill development is highly desirable and supported by the plan. The two commissioners concurred that they felt there was not enough clear evidence that the approval of the concept plan would benefit the neighborhood.

Commissioners McMurray, Almay, Rickett, Wilson, and Slattery concurred that the proposal is supported by the implemented Briargate Master Plan, which contemplated multi-family residential uses as a permitted use type in the master planned land use designation. As such, they agreed that there was adequate consideration for this use type and suggested they would support both the zone change and concept plan.

The Planning Commission voted 7-0-2 (Graham and Raughton absent) to approve the zone change

request.

The Planning Commission voted 5-2-2 (Eubanks and Hente vote No; Graham and Raughton absent) to approve the concept plan.

### **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 254 property owners on two occasions; during the initial review and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. The initial public notification included neighborhood meeting information. The Council of Neighborhoods and Organizations (CONO) was also notified and asked to relay the development information to their neighborhood mailing list. City Planning staff received dozens of comments both in support and opposition of the project. The themes of the comments that were received ranged from concerns around traffic volumes, school capacity, building height and impacts to community views.

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 20, and City Budget. All comments received from the review agencies have been addressed.

- School District 20 - The School District 20 determined that fees in lieu of land dedication is required to satisfy PLDO requirements. Staff followed up with the school district in response to neighborhood comments regarding school capacity concerns and the district responded that “they would be pleased to serve any students that are generated by the proposed development”.
- Parks and Trails - Parks has identified that fees in lieu of land dedication is required to any future residential development. The Trails division had their comments addressed through a plan revision that illustrates the location of the existing trail. Details of ownership and maintenance will be captured on future development plans.
- Engineering Development Review - Dynamic Drive is scheduled to undergo the 2C overlay road work in 2022. After the paving season, Dynamic Drive will be under moratorium through 2027. If infrastructure construction, storm sewer, or utility tie-in work impacts Dynamic Drive, developer needs to be familiar with the City’s degradation fee schedule and restoration specification. Restoration limits and degradation fees will be defined in the field based on extent of impact. Degradation fees are graduated based on area of impact and the age of the current roadway surface treatment.

### **Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration.

### **Proposed Motion:**

Approve the rezone of 10.4-acres from PIP1/cr to OC/cr, based on the findings that the change of zoning request complies with the three (3) criteria for granting a zone change as set forth in City

Code Section 7.3.603(B) with the following conditions of record:

1. 38-foot maximum building height for multi-family residential uses only at its highest point from average finished grade where the height calculation for pitched roofs in 7.4.102.C shall not apply
2. A 70 foot landscape/open space buffer area will extend along the entire east property line. This buffer area shall not allow development (i.e. parking, buildings, etc.)
3. One tree per 10 feet is required within the 70 foot buffer area, one third of which will be evergreen. Tree sizes within the 70 foot buffer area shall be a minimum of 8' (eight feet) high for evergreens and 2 ½ inch caliper for deciduous trees.
4. No direct access to Dynamic Drive.

An ordinance amending the zoning map of the City of Colorado Springs relating to 10.4 acres located southeast of Chapel Hills Drive and Dynamic Drive from PIP1/cr (Planned Industrial Park with conditions of record) to OC/cr (Office Complex with conditions of record)