



Legislation Details (With Text)

File #: CPC CP 22-00086 **Version:** 2 **Name:** CSU Allegheny & Yellowpine Fiber Optic Facility

Type: Planning Case **Status:** Passed

File created: 5/5/2022 **In control:** City Council

On agenda: 7/26/2022 **Final action:** 7/26/2022

Title: A concept plan for a Colorado Springs Utilities fiber-optic facility located at 1951 Allegheny Drive.
(Quasi-Judicial)

Related File: CPC ZC 22-00068

Presenter:
Peter Lange, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Sponsors:

Indexes:

Code sections:

Attachments: 1. Concept Plan Statement, 2. 7.5.501.E Concept Plans

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------|--------------------------|--------|
| 7/26/2022 | 2 | City Council | approved | Pass |
| 5/19/2022 | 1 | Planning Commission | recommended for approval | Pass |

A concept plan for a Colorado Springs Utilities fiber-optic facility located at 1951 Allegheny Drive.
(Quasi-Judicial)

Related File: CPC ZC 22-00068

Presenter:

Peter Lange, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Summary:

Owner/Developer: Colorado Springs Utilities
Representative: CSAI
Location: 1951 Allegheny Drive

The project proposes concurrent applications for a Zone Change and Concept Plan Statement. The zone change proposes to rezone the project site from PUD/R/HS (Planned Unit Development and Estate Single-Family Residential with Hillside Overlay) to PF (Public Facilities). The Concept Plan Statement proposes the future development of a Colorado Springs Utility equipment enclosure that will contain infrastructure associated with the City's proposed fiber-optic network.

Background:

The Applicant submitted a Zone Change request to rezone the project site from PUD/R/HS (Planned Unit Development and Estate Single-Family Residential with Hillside Overlay) to PF (Public Facilities). The applicant also proposes a concept plan statement which illustrates the future development of a Colorado Springs Utility equipment enclosure, generator, and transformer, all of which will be associated with the City's proposed fiber-optic network.

The Zone Change application is necessary, as the current zoning limits development of the property to residential uses and ultimately, supports the Applicant's future development of a city-wide fiber-optic network. According to City Code Section 7.4.302(A) PF - Public Facilities, parcels with the PF zone district are intended to be *"used or being reserved for a governmental purpose by the City of Colorado Springs, El Paso County, the State of Colorado, the Federal government or a public utility."* In addition, the change of zone to PF will complement the diverse mix of existing land uses in the surrounding area, which consist of residential uses to the north and east, and commercial uses to the west. As Colorado Springs Utilities intends to use the property for facilities associated with the proposed city-wide fiber-optic network, the use will be less impactful to the neighboring area in comparison to other land uses. In addition, the zone change to PF will complement the diverse mix of existing land uses in the surrounding area, which consist of residential uses to the north and east, and commercial uses to the west.

The Applicant is also requesting a Concept Plan Statement, which outlines the future intended use of the property. Specifically, Colorado Springs Utilities intends to develop an equipment enclosure that will contain infrastructure associated with the City's proposed fiber-optic network. Per City Code Section 7.5.501(B)(1), *"a concept plan shall accompany an application for the establishment of a zone district or a change of zone district boundaries...unless specifically exempted per subsection C of the same section."* City Code Section 7.5.501(C) Exceptions, *"an application for the establishment of a zone district or a change of zone district boundaries for the following zone districts where a concept statement shall be deemed acceptable: A, R, R-1 9000, R-1 6000, R-2, PF."* Through City Planning staff's further review of the development plan application, the final site design and layout will be evaluated for compliance with all applicable City Code review criteria.

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 the PlanCOS, the project site is identified as an Established Suburban Neighborhood. The CSU Allegheny & Yellowpine project is consistent with the intent of Policy TE-2.D of the Thriving Economy Chapter of PlanCOS which is defined as to *"Provide high-quality infrastructure and technology citywide."* The Project also complies with Strategy TE-2.D-3 of the Thriving Economy PlanCos Chapter as it encourages to *"Collaborate with providers to expand internet capacity and speed throughout the city, including targeted development-ready sites."*

For the reasons provided above, City Planning staff finds that this proposal and its associated applications to be in substantially conformance with PlanCOS and its guidance.

The project also supports the City's Strategic Plan goal of Excelling in City Services by improving internet capability and services to the residents and business owners in the neighboring area. This project is one of a number of fiber-optic facilities Colorado Springs Utilities (CSU) is developing city-wide to establish a municipal fiber-optic network. Through the creation of this new network, CSU is adapting to the needs of its customers and positioning the community to be more economically viable.

Previous Council Action:

N/A

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

At the City Planning Commission meeting held on May 19, 2022, the project applications were heard under the Consent Calendar portion of the hearing, so no discussion occurred. The Planning Commission voted 7-0 to approve the project applications.

Stakeholder Process:

The public notification process consisted of providing notice to the surrounding owners within 1,000 feet of the site, which included mailing postcards to 447 property owners on three occasions; during the initial review and prior to the Planning Commission and City Council hearings. A public noticing poster was also posted during the three occasions noted above.

City Planning staff received eight written comments, which expressed objection, support, and inquiry. Those comments received in objection for the proposal raised concerns in regard to land use compatibility, visual impacts, noise, health, and operational impacts. All public comments received during the public noticing period pertained to the Development Plan and not the Zone Change request. The applicant drafted a response to comment letter and the letter was distributed to the community members who comment on the Project. No follow-up correspondence from the public were received.

Staff sent copies of the plan set and supporting documentation to the standard internal review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City SWENT, Landscaping, and Development Review Enterprises: Hillside Review. All reviewers support the Zone Change request and all comments pertaining to the development plan will be addressed during the administrative review of the applications.

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 a concept plan for a Colorado Springs Utilities fiber-optic facility located at 1951 Allegheny Drive to the August 9, 2022 meeting.