



## Legislation Text

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**File #:** CPC ZC 21-00041, **Version:** 3

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Ordinance No. 21-70 amending the zoning map of the City of Colorado Springs relating to 9.09 acres located southeast of the Centennial Boulevard and West Van Buren intersection from PUD/SS (Planned Unit Development: Attached and Detached residential, 4-20 dwelling units per acre with a maximum of 411-units, religious institution, 35-foot maximum height with Streamside Overlay) to PBC/cr (Planned Business Center with conditions of record)

(Quasi-Judicial)

**Presenter:**

Gabe Sevigny, Planning Supervisor, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development

**Summary:**

Owner: MVS Development, LLC

Developer: MVS Development, LLC

Representative: N.E.S., Inc.

Location: Southeast and Southwest of the Centennial BLVD and West Van Buren Intersection

This project includes concurrent applications for a major amendment to the Mesa Springs Community master plan from medium-high density residential and public park to office/commercial and religious institution/commercial on the east side of Centennial; a zone change from PUD (Planned Unit Development [Residential. Attached and detached [4-20 du/ac, maximum of 411 units] religious institution, 35-foot maximum height] with Streamside Overlay) PBC/CR (Planned Business Center with conditions of record); a PUD concept plan amendment illustrating the removal of all single-family use from the east side of Centennial; and a new concept plan illustrating 4.2 acres as religious institution and commercial and 4.9 acres as commercial and office.

**Background:**

The 38.62-acre site is located southwest and southeast of the Centennial Boulevard and Van Buren Street Intersection. The proposed site is within the Mesa Springs Community master plan that was approved in 1986. A concept plan was approved in December 2010 and identified high, medium, and low residential density to the west of Centennial Boulevard and low to medium residential combined with religious institution to the east of Centennial Boulevard.

In April 2019, a Master Plan Amendment and PUD Concept Plan Major Amendment were approved to consolidate the low, medium, and high residential densities located to the west of Centennial Boulevard in an average density of medium-high residential. The private open space (former landfill) was reduced from 8 acres to 3.9 acres to reflect the area of the Voluntary Clean-up Plan (VCUP). To the east of Centennial Boulevard 4.2 acres were designated as religious institution and 4.9 acres are designated as low-medium residential. The site was designated as 4-8 du/ac for the east side of

Centennial Boulevard.

The City Planning Commission approved a Certificate of Designation June 20, 2019. This allowed for MVS Development LLC to work with the state for a VCUP for the existing landfill. The status of the VCUP process is anticipated to be completed by the end of June. The developer also anticipates having the consolidation of trash completed by early August and the cap on the consolidated landfill to be completed by the end of August. Lastly, the close out package from the engineer of record will be submitted to CDPHE (Colorado Department of Public Health and Environment) in October.

Through the VCUP process, there was a requirement from Fonda Apostolopoulos, CDPHE Director, for no single-family residential uses to be within 500 feet of the VCUP's Restrictive Notice Area, which includes the consolidated landfill and the left-in-place trash area. The medium-high density for multi-family on the west side of Centennial Boulevard can still be supported, but the current residential density of the east side of Centennial Boulevard that would support single family uses can no longer be supported as it would be in direct violation of the previous statement, thus requiring the property owner to seek alternative zoning designations. See below for the zone change proposal.

The project under review is a request for a master plan amendment to the east side of Centennial Boulevard for religious institution/office and commercial/office, a rezone to Planned Business Center with conditions of record, a PUD Major Concept Plan Amendment to remove residential uses from the east side of Centennial, and a new concept plan illustrating 4.2 acres as religious institution and commercial and 4.9 acres as commercial and office.

The major master plan amendment proposes to remove residential uses from the east side of Centennial, keep the religious institution use, while adding commercial and office. The residential unit count is proposed to be moved to the west side of Centennial Boulevard while still maintaining the maximum density of 12-16 dwelling units per acre and a maximum of 411 units for the site, this note is still maintained on the concept plan amendment, limiting the over-all development to 12-16 du/ac. The commercial uses proposed would be within the Planned Business Center with condition of record to prevent certain uses, as discussed below in the zone change proposal. The west side of Centennial Boulevard will remain as approved per City File No. CPC MPA 00-103-A2MN18, to allow medium-high density (12-16 du/ac). The commercial uses on the east side of Centennial Boulevard will be screened by opaque fencing and landscape buffers to buffer the uses from the existing residential homes to the east.

Centennial Boulevard extension from Fillmore Street to Fontanero Street has been planned since the early 1980's. The Pikes Peak Regional Transportation Authority (PPRTA) funded the extension. Phase I of the Centennial Boulevard extension has been constructed from Fillmore to Van Buren Street. Starting July 6, 2021, the contractor will be mobilized to finish public improvements from Fillmore to Van Buren Street. It is estimated that by September or October, the developer will plan to move south from Van Buren to finalize the completion of the extension, this will be Phase 2. It is estimated that Phase 2 will be completed by October 2022.

This property, along with the other properties along the Centennial Boulevard corridor, will be adjacent to a new principal arterial roadway. Although the master plan predicted the Centennial Boulevard expansion, the proposed amendment will introduce a development pattern characterized by a mix of mutually supportive and integrated residential and nonresidential land uses that will complement the proposed Centennial Boulevard extension. The proposed office and commercial

uses will serve the needs of this area. The Mesa Springs Community Plan identifies the southern portion of Centennial Boulevard corridor as primarily residential uses of varying densities. The introduction of the office/commercial use promotes the sustainable mix of residential and nonresidential uses in the master plan.

Staff finds the request for a master plan amendment is in conformance with City Code Section 7.5.408

Any change of zone application must be evaluated using the review criteria in Section 7.5.603.B. of City Code. Specifically, the request must not be detrimental to public interest, health, safety, convenience or general welfare; the proposal must be consistent with the City's Comprehensive Plan; and the request must be consistent to the approved master plan for the area. Staff finds that the first 2 criteria are met, and the above master plan amendment must be approved in order for the third criteria to be met. While a more detailed analysis of how the newly adopted PlanCOS applies to this project is provided below, it should be noted that the City has been supporting infill development and redevelopment opportunities.

This project includes a zone change request from PUD (Planned Unit Development [Residential. Attached and detached [4-20 du/ac, maximum of 411 units] religious institution, 35-foot maximum height] with Streamside Overlay) to PBC/CR (Planned Business Center with conditions of record). The conditions of record are listed below:

Prohibited Uses: The following uses shall not be permitted within the applicable areas of the plan:

1. Human Service Establishments: Domestic Violence Safe House
2. Agricultural Sales and Service
3. Bar
4. Campground
5. Hotel/Motel
6. Liquor Sales
7. Medical Marijuana Center
8. Retail Large Retail Establishment
9. Sexually Oriented Business
10. Educational Institutions: College and University
11. Educational Institutions: Public Schools
12. Social Service Center
13. Parking Lot/Surface Parking: Public
14. Commercial Greenhouse
15. Residential: Detoxification Center
16. Human Service Establishments: Drug or Alcohol Treatment Facility
17. Residential: Single-Family Detached Dwelling on Individual Lot
18. Residential: Manufactured Home
19. Residential: Two-Family Dwellings on an Individual Lot
20. Automotive and Equipment Services: Automotive Repair Garage
21. Automotive and Equipment Services: Automotive Sales
22. Funeral Services Crematory Services (As an Accessory Use)
23. Hookah Bar
24. Kennels Indoor
25. Medical Marijuana Infused Product Manufacturer - Nonhazardous

26. Medical Marijuana Optional Premises Cultivation Operation
27. Teen Club/Young Adult Club
28. Civic Use Cemetery
29. Mining Operations: Temporary Surface and Open Pit
30. Mining Operation: Underground (Activities Under)
31. Parking Structure Public

The PBC zone district was utilized for this site with the above conditions of record to provide uses that would be more compatible for the adjacent existing neighborhood to the east and for the future multi-family development to north, northwest, and west of the subsection site. The nearest neighborhood commercial uses to serve this area are at West Fillmore and Centennial Boulevard and West Fillmore and Chestnut. The proposed zone change will allow for neighboring residents diversity in commercial uses to serve and they will be within walking/biking distance of their homes.

Staff finds that the request for the zone change is in conformance with the City Code Section 7.5.603 (B).

The MVS Centennial PUD Concept Plan illustrates 4.2 acres and religious institution with access from Centennial Boulevard and Van Buren Street, and 4.9 acres as Low - Medium Residential (4-8 du/ac). As stated above, the requirements of the VCUP has prevented the east side of Centennial Boulevard from being single-family residential, thus prompting the request for a zone change. As a concept plan or development are required to accompany a zone change request, below is the new concept plan for the designated area. As the proposed zone is not within a PUD, this portion of the over-all development must be removed from the PUD Concept Plan. As illustrated on the PUD Concept Plan amendment, the east side of Centennial Boulevard has been removed from the PUD Concept Plan Area. The over-all density will not change for the project.

The west side of Centennial Boulevard will still have one access point from Centennial Boulevard and one access point from Van Buren Street. If this development is built prior to final construction of Centennial Boulevard from Fillmore Street to Fontanero Street, Mesa Valley Road and Van Buren Street to the east will be blocked so the traffic is required to go back to Fillmore Street and not filter through the Mesa Springs neighborhood.

Staff finds that the request for a PUD Concept Plan amendment is in conformance with the City Code Sections 7.3.605 and 7.5.501(E).

The MVS Centennial East Concept Plan illustrates 4.2 acres at the north side on the east side of Centennial Boulevard as Religious Institution and Commercial and 4.9 acres on the south end as Commercial and Office.

The neighbors raised concerns primarily related to traffic from the extension of Centennial Boulevard south and the addition of commercial uses adjacent to the existing neighborhood. One primary issue was access to Van Buren Street at the north end of the subject site. This street is currently blocked and is to remain blocked until the connection to West Fontanero Street is completed. Concerns raised were to not allow any access directly to Van Buren. The current proposal is for a full-movement access to Van Buren and a right in right out from Centennial Boulevard. Staff justifies the additional entrance as citizens within this area would still be able to turn right onto Centennial Boulevard and then right onto Van Buren Street, creating unnecessary traffic to Centennial Boulevard

for patrons that live in the adjacent neighborhood. A note has continued to the proposed Concept Plan that Van Buren Street shall be remained blocked until Centennial Boulevard extension is completed.

Staff finds that the request for a Concept Plan is in conformance with the City Code Section 7.5.501 (E).

Staff has evaluated the proposed applications for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"). According to PlanCOS, the project site is identified on the plan's Vision map as Changing Neighborhood.

According to the Areas of Change map the project site is identified in a moderate area of change and according to the Vibrant Neighborhoods Framework map the project site is identified within a Changing Neighborhood. Goals for the Vibrant Neighborhood is listed below as VN.

Changing Neighborhoods recommends for an increase in connectivity between commercial and neighborhoods and creating community centers. Specific policies of PlanCOS that are supported are listed below:

Policy VN-3.E: Encourage and support the integration of mixed-use development in neighborhoods

Policy UP-2.A: Support infill and land use investment throughout the mature and developed areas of the City.

Strategy UP-2.A-1: Encourage the development or redevelopment of vacant properties in the core area of the city by using a combination of incentives, rezoning, and creative design solutions.

Policy UP-4.A: Actively plan and encourage a development pattern consisting of unique centers located along new and redeveloped corridors and at other designated areas throughout the city.

Strategy UP-4.A-3: In conjunction with committed transit improvements, create and adopt new transit-oriented development and mixed use-supportive base zoning or overlays to support the continued development and redevelopment of key corridors and centers.

Policy TE-4.A: Prioritize development within the existing City boundaries and built environment (not in the periphery).

Strategy TE-4.A-4: Support greenfield development that includes mixed-use, higher-density clusters, and quality design

Goal UP-4: Strengthen our overall community identity and better serve the needs of residents and businesses within our large metropolitan area by developing active, unique, and connected centers and corridors.

Goal UP-5: Develop and support unique places and centers as models of resilience and sustainability.

Strategy TE-1. C-2: Support and leverage projects and initiatives with mixed uses, transit supported

and walkable attributes to attract and retain a skilled workforce and business investment.

The proposal is an infill development along a future corridor. The over-all development will be mixed-use attracting new businesses to support the existing neighborhood as well as the future multi-family development. The proposal encourages additional development for the future expansion of Centennial Boulevard. The proposal supports redevelopment, connectivity, attainable housing, and economic development by providing workforce housing in proximity to and connecting to multiple employment opportunities and neighborhood services. City planning staff finds the MVS Centennial project to be in substantial conformance with PlanCOS and its guidance.

**Previous Council Action:**

In 2019, City Council took action on these properties during its review of a Master Plan Amendment and PUD Concept Plan Major Amendment to consolidate the low, medium, and high residential densities located to the west of Centennial Boulevard in an average medium-high residential.

On August 24, 2021, City Council approved this ordinance on first reading on the Consent Calendar with a vote of 9:0:0.

**Financial Implications:**

The City Budget Office has determined the project is below the threshold for a full fiscal impact. A project must meet the following criteria in order for a full fiscal impact analysis:

- a. Any change/size from nonresidential to residential development
- b. Minimum of 20 acres for all other changes
- c. Maximum of 400 acres before marginal fiscal analysis recommended

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

The City Planning Commission voted 7-0-2 (Commissioners Graham, Slattery, McMurray, Hente, Raughton, Eubanks, and Wilson in favor, and Commissioners Almy and Rickett were absent), as part of the New Business calendar, to approve the major master plan amendment, zone change, major concept plan amendment, and concept plan for MVS Centennial East.

**Stakeholder Process:**

The public process involved with the review of this applications included posting the site and sending postcards on two separate occasions to 318 property owners within 1,000 feet. A neighborhood meeting was held as part of the internal review on September 10, 2020. A few minor concerns were raised related to building aesthetics, proximity to residential, noise, height of new structures, views, traffic, and access points from the religious institution/commercial area to Van Buren. Staff has addressed the comments below under the concept plan section.

Staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, Police, Enumerations, Floodplain, Comcast, School District 11 and E-911. This site is not within the Airport Overlay and was not seen by the Airport Advisory Committee and is outside of the buffer for review by USAFA.

- CGS: A geologic hazard report was not reviewed with these applications. There is a note on

the concept plan that requires a geologic hazard study to be reviewed at the time of a development plan.

- City Traffic Engineer: A Traffic Impact Analysis (TIA) was prepared on June 11, 2021 by LSC Transportation Consultants (LSC). City Traffic Engineering was sent a referral and agrees with the TIA findings and recommendations. Within the report, LSC states that the intersection at Centennial Boulevard and Van Buren Street will operate at LOS (Level of Service) C or better through a 20-year horizon during both peak hours. LSC determined that all approaches and individual turning movements at the proposed north access on Centennial Boulevard are projected to operate at LOS C or better through 2040 during both peak hours.

The proposed south access is a full-movement access as based on projected total traffic volumes, the westbound shared-left/through turning movement would operate at LOS E or F during both short- and long-term peak hours with stop-sign control on the minor streets. With the proposed 411 future residential units on the west side of Centennial Boulevard, the eastbound left-turning movement would operate at LOS F during both long-term peak hours. The report assumes a T-intersection in the short term, but can change to a four-leg intersection following completion of the proposed development for the west side of Centennial Boulevard. All approaches and individual turning movements at the proposed full-movement access on Van Buren are projected at LOS B or better through 2040 during both peak hours.

The site is projected to generate about 4,779 new driveway vehicle trips on the average weekday, with a weekday morning peak hour of 116 vehicle entering and 71 exiting, and during weekday evening peak hour, 203 entering and 220 exiting the site. Auxiliary lanes will be required for this site, as well as an escrow payment of \$150,000 for a future traffic signal at the intersection of Centennial Boulevard and the proposed south site full-movement access prior to construct plan approval for any development within the 4.9 acre commercial/office area. A note has been added to the Concept Plan.

- Stormwater Engineer (SWENT): Under the current Drainage Report a full spectrum pond is proposed on the west side of Centennial Boulevard, while a sediment pond is proposed for the east side of Centennial Boulevard. The sediment pond is proposed to be converted to a detention pond at time of development and the applicant will be required to submit a Final Drainage Report to Stormwater Review Enterprise (SWENT) at the time the development plan is submitted to staff. SWENT was sent a referral for this project and have no outstanding issues.
- Colorado Springs Fire - Have no issues with the current proposals
- Floodplain and Enumerations: No outstanding comments
- CONO: CONO stated that they supplemented the City notification process by notifying Broadview Ranch Homeowners Association, Indian Hills Association, Mesa Neighborhood Association, Mesa Springs Community Association, Mesa Valley Road Condominium Owners Association, Plumtree Condominiums of Colorado Springs, Preserve at Mesa Creek Apartments, Preserve at Mesa Townhomes, Van Buren Plaza Apartments, Van Buren Square Townhome Owners Association, and Wild Sage Townhome Owners Association.

### **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 ZC 21-00041

Adopt an ordinance amending the zoning map relating to 9.09 acres from PUD/SS to PBC/cr based upon the findings the change of zone request complies with the three (3) criteria for granting a zone change set forth in City Code Section 7.5.603(B) with conditions of record.

**Prohibited Uses:**

1. Human Service Establishments: Domestic Violence Safe House
2. Agricultural Sales and Service
3. Bar
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5. Hotel/Motel
6. Liquor Sales
7. Medical Marijuana Center
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28. Civic Use Cemetery
29. Mining Operations: Temporary Surface and Open Pit
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31. Parking Structure Public

An ordinance amending the zoning map of the City of Colorado Springs relating to 9.09 acres located southeast of the Centennial Boulevard and West Van Buren intersection from PUD/SS (Planned Unit Development: Attached and Detached residential, 4-20 dwelling units per acre with a maximum of 411-units, religious institution, 35-foot maximum height with Streamside Overlay) to PBC/cr (Planned Business Center with conditions of record).