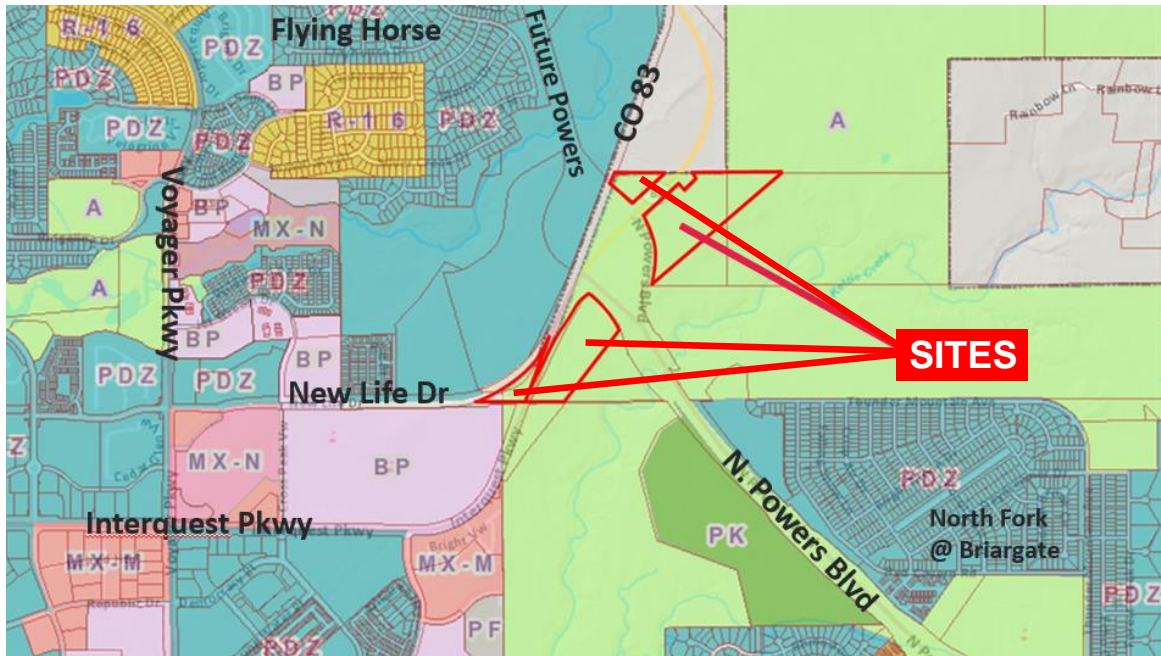




JOVENCHI PARCELS 1-4 ZONE CHANGE & KETTLE CREEK CENTER LAND USE PLAN
 Planning Commission October 9, 2024

Staff Report by Case Planner: Kyle Fenner



Quick Facts

Applicant
 Matrix Design Group, Inc.

Property Owner
 Jovenchi-I, LLC

Developer
 TBD

Address / Location
 Intersection of North Powers/Colorado State Highway 83 and Interquest Parkway/Colorado State Highway 83

TSN(s)
 6200000478, and parts of:
 6200000698, 6200000516 and 6200000089

Zoning and Overlays
 Current: A (Agricultural)
 Proposed: MX-M (Mixed-Use, Medium Scale)

Site Area
 40.20 Acres

Proposed Land Use
 Commercial

Applicable Code
 UDC

Project Summary

To establish a Land Use Plan for commercial uses and to amend the Colorado Springs Zoning Map to allow for the rezoning of four areas that are all or parts of existing, agriculturally zone parcels. A project statement is included as Attachment 1 – Project Statement

File Number	Application Type	Decision Type
ZONE-24-0009	Zoning Map Amendment	Quasi-Judicial
LUPL-24-0007	Land Use Plan	Quasi-Judicial

Background

Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Briargate Addition #5 (Ordinance 82-138)	9/28/1982
	Jovenchi Addition #1 (Ordinance 21-09)	1/26/2021
Zone Change	Briargate Addition #5 (Ordinance 82-140)	9/28/1982
	Jovenchi Addition #1 (Ordinance 21-10)	1/26/2021
Agreement	Powers-State Highway 83 Agreement (Ordinance 183-02)	10/22/2002
Subdivision	None	N/A
Master Plan	Briargate Master Plan	4/11/2017
	Flying Horse Master Plan (Major Amendment)	9/10/2019
Prior Enforcement Action	None	N/A

Site History

Most of the land was annexed into the City of Colorado Springs on September 28, 1982. At that time, it was rezoned by Ordinance 82-140 to A (Agricultural) as a holding zone until it was developed. It has remained in that holding zone district ever since it was annexed. The remainder of the land was annexed on January 26, 2021. This land was also rezoned by Ordinance 21-10 to A (Agricultural) as a holding zone until it was developed.

Applicable Code

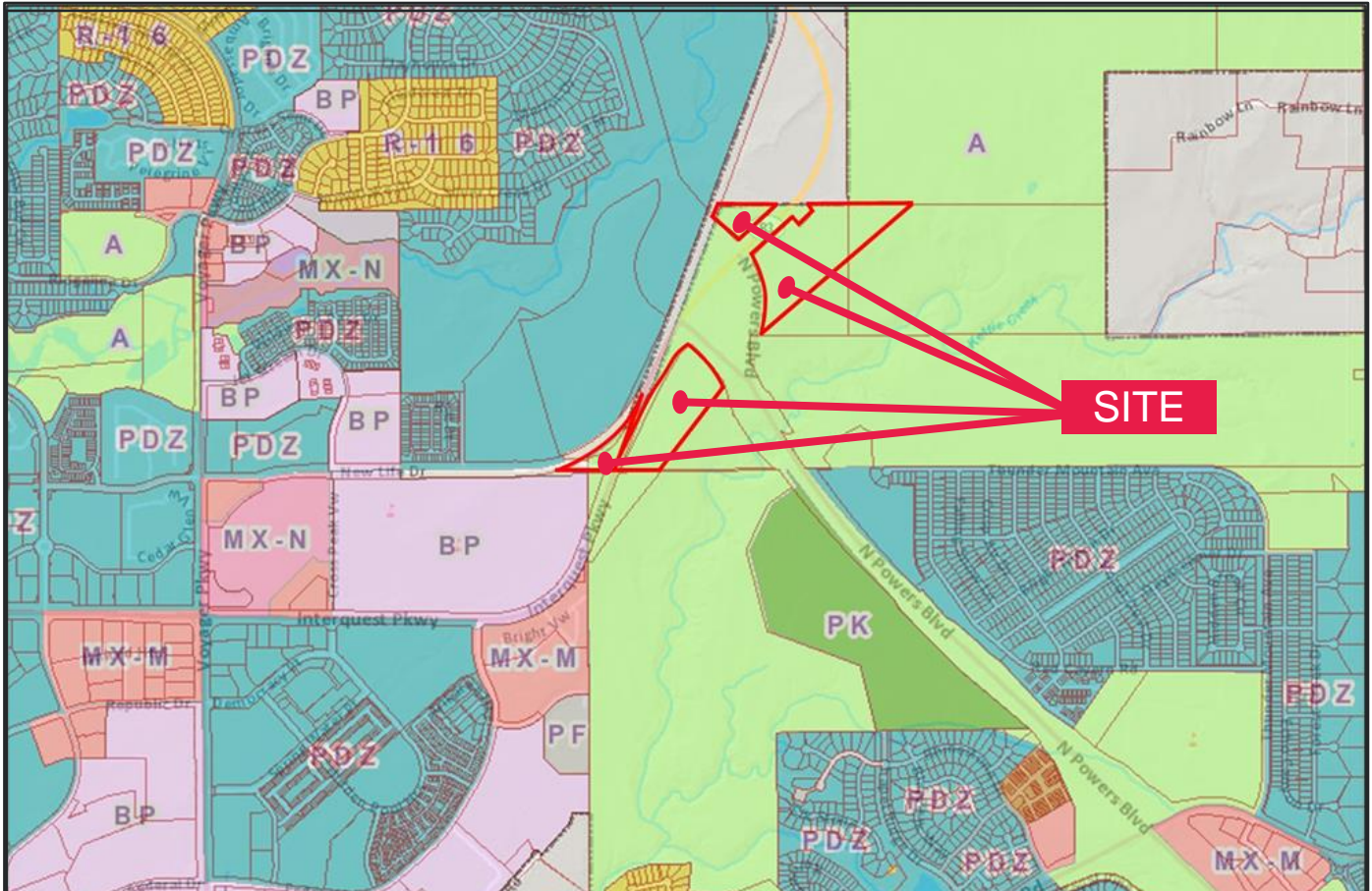
The subject applications were submitted after the implementation date (06/05/2023) of the ReTool project. The subject applications were reviewed under the Unified Development Code. All subsequent references within this report that are made to “the Code” and related sections are references to the Unified Development Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	Zoning	Existing Use	Special Conditions
North	RR-5 (Rural Residential, 5-acres, Single-Family)	State Highway ROW / CDOT Maintenance Facility	El Paso County
West	PDZ (Planned Development Zone)	Vacant	Planned as Downtown Flying Horse
South	A (Agricultural)	Kettle Creek Open Space	Open Space
East	A (Agricultural)	Vacant	None

Zoning Map



Stakeholder Involvement

Public Notice

Public Notice Occurrences (Poster / Postcards)	2 Occurrences: 1 for Internal Review / 1 Prior to Planning Commission Hearing
Postcard Mailing Radius	1000 feet
Number of Postcards Mailed	402
Number of Comments Received	5

Public Engagement

No neighborhood meeting was held. Staff received five public comments. Four of the five comments received requested more information and after the information was provided did not object. One was an objection; this objection was focused on CDOT allowing direct access to Highway 83. The citizen was upset because it was that person's belief that the North Fork development had been denied direct access to Highway 83. The applicant's response to this comment is provided as Attachment 2 - Applicant Response to Negative Citizen Comment. The North Fork development is on the south side of Kettle Creek. This application is on the north side directly adjacent to Highway 83. Combined comments and staff responses are provided here as Attachment 4 - Combined Public Comment & Staff Responses.

Timeline of Review

Initial Submittal Date	April 8, 2024
Number of Review Cycles	2
Item(s) Ready for Agenda	Readied at the Informal Planning Commission Meeting on October 3, 2024

Agency Review

Traffic Impact Study

Traffic Engineering required the applicant to update the Kettle Creek Center Master Traffic Impact Study. It was updated to the satisfaction of the Traffic Engineer, and they had no further comment.

School District

No comments received from the ASD20 as the project does not create any residential dwelling units.

Parks

Comments received and were not applicable as there is no residential development.

Engineering Development Review (EDR)

No comments

FIRE

No comments

SWENT

Stormwater made the following comment regarding any future development plans: *“This development is the most adjacent development to a channel; therefore, channel improvements may be required based on the Drainage Basin Planning Study (DBPS).”*

Colorado Springs Utilities

No comments were received from CSU, Utilities Development Services. CSU Water made a comment that long service extensions may be required for two of the four lots; the nature of their comments were “information only” comments.

CDOT

CDOT requested Traffic Impact study revisions. The revisions were made to CDOT’s satisfaction. Additionally, CDOT acknowledged they recognize the Powers-State Highway Agreement (Resolution 183-02) made between CDOT, the City and Jovenchi-I, LLC. This agreement agrees to the full-movement intersections shown on the Land Use Plan and is provided as Attachment 5 – State Highway 83 Agreement.

Zoning Map Amendment

Summary of Application

The site is divided into four segments with Interquest Parkway/Highway 83 and North Powers Boulevard running through them. Two segments are located north of North Powers Boulevard., with a 19.5 -acre piece on the east side of Highway 83 and one 3.3-acre piece located on the west side of Highway 83. The remaining two pieces are located south of North Powers Boulevard, with one 14.3-acre piece in the southeast corner of Highway 83 and North Powers Boulevard The remaining 3.1-acre piece is located on the west side of Highway 83 and south of North Powers Boulevard.

The rezone of 40.20-acre from A (Agricultural) to MX-M (Mixed-Use Medium Scale) and land use plan set the framework for future commercial uses. The applicant has represented that the property will be platted into a minimum of four lots at future date. No residential uses are contemplated with this application. The site is currently zoned A (Agricultural). This application seeks to rezone 40.20-acres of the total, combined 310.69-acres in the parcels being affected to MX-M (Mixed-Use, Medium-Scale). All remaining portions of the parcels will remain A (Agriculture). The zone change exhibit for each lot, together with a combined exhibit, has been provided as Attachment 6 – Zone Change Exhibit Jovenchi Parcels 1-4

Future access nodes have been identified on the Kettle Creek Center Land Use Plan. All four portions of the site will be accessed by Interquest Parkway and/or Highway 83.

Application Review

Zoning Map Amendment (Zone Change) (UDC Section 7.5.704.D) (Attachment 6)

The zone change request is to rezone all or parts of four parcels from A (Agricultural) to MX-M (Mixed-Use Medium Scale) to set the framework for a future commercial development at an active junction of two state highways. Per UDC Section 7.2.304: MX-M: Mixed-Use Medium Scale, the MX-M zone district is provided for land that is planned for *“a mix of, for example, commercial, retail, office, multi-family residential, and civic uses.”* The MX-M zone district is *“intended to accommodate the development of new activity centers in emerging growth areas, as well as to promote the adaptive reuse or redevelopment of single-use commercial centers that are vacant or underused, or of other obsolete buildings or properties.”* (UDC Code Section 7.2.304).

Activities and uses within MX-M zone districts may be horizontally or vertically mixed based on their density and intensity but should be organized in a compact pattern that promotes pedestrian activity, provides a variety of outdoor gathering spaces, supports multimodal access and circulation, and minimizes impacts on established residential neighborhoods. The layout of permitted use types are shown in the proposed Land Use Plan pursuant to Section 7.5.514 (Land Use Plan).

Zoning Map Amendment Criteria (7.5.514.C.3)

An application for an amendment to the zoning map shall be subject to the following criteria for approval:

1. *The proposed rezoning is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, with other plans and policies adopted by the City Council; and with the purpose statement of the proposed zone district(s).*
2. *The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare.*
3. *The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).*
4. *If the application proposes to rezone a small area of land, the application demonstrates that the size, scale, height density, and multimodal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions.*
5. *If the application proposes to rezone a relatively small area of land, the application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.*
6. *If a Land Use Plan or amendment to a Land Use Plan accompanies the application, the Land Use Plan or amendment complies with the applicable criteria in Subsection 7.5.514C.3 (Land Use Plan Criteria).*
7. *The application is consistent with any approved Concept Plans in the area for which the map is being amended or includes or is accompanied by a provision that approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map.*
8. *If the application is for creation of an ADS-O district, the approval criteria applicable to the creation of the text of the ADS-O district in Section 7.2.607D.47.5.702 (Decision) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.*
9. *If rezoning to a PDZ district, the proposed PDZ district provides significant community amenities or other benefits, as determined by the Manager, that promote the achievement of Colorado Springs Comprehensive Plan goals and would not otherwise be required of the applicant under this UDC or other City or governmental regulations.*
10. *Complies with the additional standards of the base zone district where the property is located [see Article 7.2 (Zone Districts)] or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts))*

After evaluation of the Jovenchi Rezone, the application meets the review criteria.

Compliance with Relevant Guiding Plans and Overlays

The proposed commercial use is in compliance with the Briargate Master Plan.

Land Use Plan

Summary of Application

The land use plan proposes to outline a plan on the subject property for future commercial uses across all four lots. No residential uses are proposed. The property will be platted into a minimum of four lots at future date.

Application Review

Land Use Plan (UDC Section 7.5.514) (Attachment 7)

A Land Use Plan “is used to review the impact of the proposed land uses on surrounding development early in the project planning process. Land Use Plans contain an outline of a proposed zone district or project that shows land uses, development intensities and densities, access points, green space or public open space systems, and areas that should be preserved or protected.” In this case the land use plan is being used to review the impact of proposed commercial uses for a project that is in its early planning stages and to outline all or parts of four parcels to set the framework for a future commercial development at an active junction of two state highways (State Highway 83 and State Highway 21 – Powers Boulevard) (Refer to Attachment 7 – Kettle Creek Center LUP Exhibit). The Land Use Plan, UDC Section 7.5.514, is provided for land that, like in this case, is in the early stages of planning a development.

Land Use Plan Criteria (7.5.514.C.3)

If the Land Use Plan is submitted in connection with an application to establish a zone district or to change zone district boundaries shall be reviewed based on the following criteria:

- a. *Consistency with the Colorado Springs Comprehensive Plan and other plans and policies adopted by City Council;*
- b. *Consistency with development standards the zone district in which the property is located, or would be located after a requested zone district change;*
- c. *Compatibility with the land uses and development intensities surrounding the property;*
- d. *Impacts of the permitted or requested uses, appropriate to the type of development, the neighborhood, and the community;*
- e. *Adequacy of proposed ingress/egress points and traffic circulation, both on and off the site;*
- f. *Capacity of the existing streets, utilities, parks, schools, and other public facilities to serve the proposed development;*
- g. *Promotion of transitions in height, intensity, or character between proposed non-residential or mixed-use development and nearby low-density residential zone districts.*

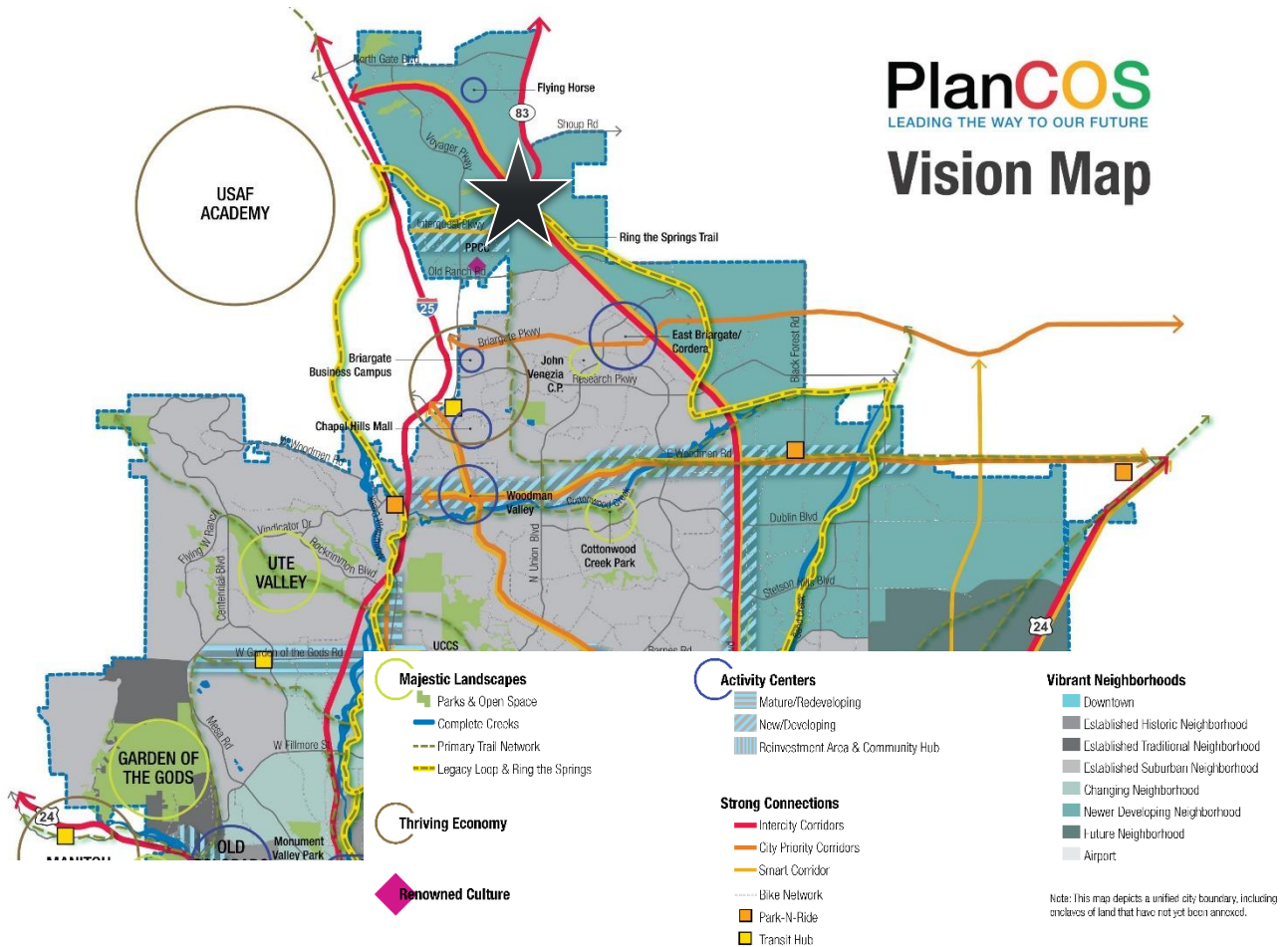
After evaluation of the Kettle Creek Commercial Land Use Plan the application meets the review criteria.

Compliance with Relevant Guiding Plans and Overlays

The proposed commercial uses proposed in this Land Uses Plan are in compliance with the Briargate Master Plan which identifies all land associated with this application as being for commercial uses.

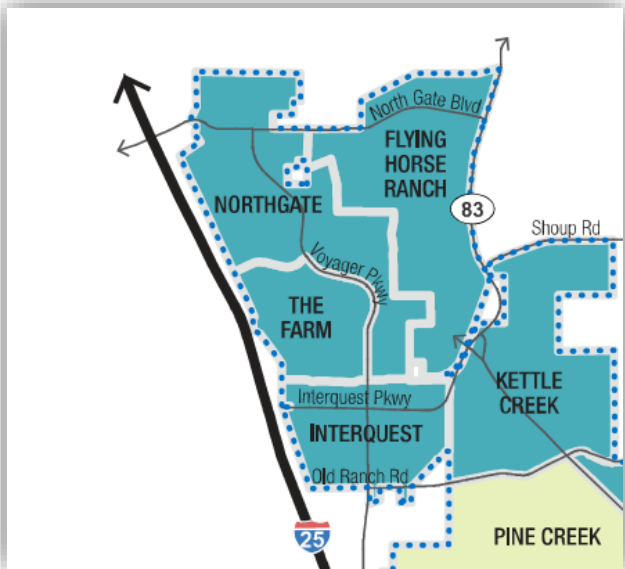
Compliance with PlanCOS

PlanCOS Vision



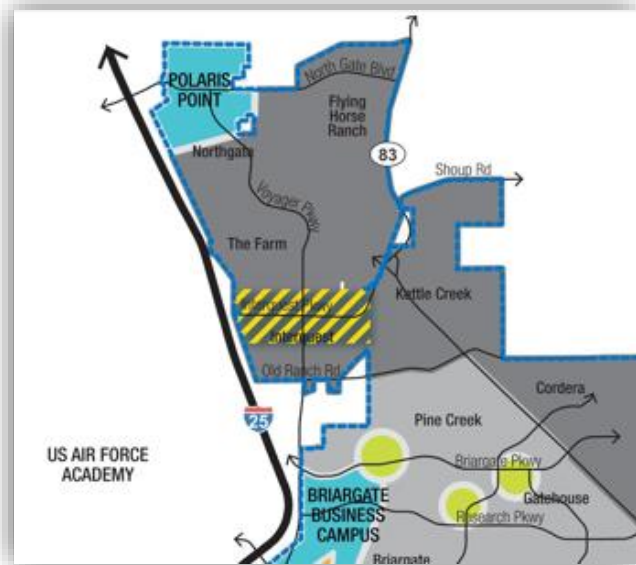
The proposed zoning map amendment (zone change) and land use plan applications have been evaluated for conformance with the City’s current comprehensive plan (herein referred to as “PlanCOS”), adopted in January 2019. According to PlanCOS, the project site is identified as being in a “Newer Developing Neighborhood” (Vibrant Neighborhoods Map) and, in part, as a “Future Neighborhood” (Vision Map). This project is located due east of a New/Developing Corridor (Strong Connections Framework Map) and sits at the intersection of two “Core Urban Streets” (Strong Connections Framework Map).

Emerging Neighborhoods are found in newer areas of the city, now farthest from Downtown. As in this case, this neighborhood-type is actively managed by a privately initiated master plan. Privately initiated master plans typically guide initial development and can be refined and updated to contemplate not-yet-developed properties. Such adaptations are a focus of this Plan, as development in these neighborhoods should consider the impact that proposed development has on existing infrastructure and neighborhoods. (PlanCOS, Typology 3: Emerging Neighborhoods)



Predominant Typology

- Downtown
- Newer Developing Neighborhood
- Changing Neighborhood
- Established Historic Neighborhood
- Established Traditional Neighborhood
- Established Suburban Neighborhood
- Airport
- Future Neighborhood



Predominant Typology

- Neighborhood Centers
- Community Activity Centers
- Entertainment and Commercial Centers
- Regional Employment and Activity Centers
- Downtown
- Mature/Redeveloping Corridors
- New/Developing Corridors
- Reinvestment Area and Community Hub

Vibrant Neighborhoods

This application is best defined in PlanCOS as Typology 3: Emerging Neighborhoods. The goal of this neighborhood typology is to ensure the further application of amenities and best practices within these neighborhoods to enhance their livability and adaptability as they mature.

Policy VN-3.C: Promote neighborhood-level shopping and service options to include a variety of healthy food markets, coffee houses, restaurants, and other supportive businesses that increase local access and walkability.

Strategy VN-3.C-1: Assign land use designations and implement zoning to support and facilitate neighborhood activity centers within walking or biking distance of residential areas.

This application will be walkable from Interquest Ridge Apartments as well as all the residential development at Victory Ridge. When the Skyline Trail is developed it will be walkable from Creekside Estates as well as all of the residential development north of Interquest Parkway and on both sides of Voyager Parkway. It will also be walkable from Pikes Peak

Unique Places

The Unique Places Framework Map provides a graphic framework for our vision of Unique Places. This map depicts only a selection of major or representative activity centers for highlighting or focus. It is intended to be used as one means of furthering the City's focus on designing places to be compatible with, accessible from, and serve as a benefit to the surrounding neighborhoods or business areas. This map is expected to be a living and evolving graphic. It is not intended to strictly define place boundaries.

This project is in close proximity to Flying Horse, North Fork at Briargate and the future Ovation developments. This commercial development is planned to be a benefit to the surrounding neighborhoods and business areas.



Predominant Typology

- Cornerstone Institutions
- Spinoffs and Startups
- The Experience Economy
- Life and Style
- Industry Icons
- Critical Support
- City Boundary
- Interstate 25
- Major Roads

Thriving Economy

This application is best defined in PlanCOS as being in Typology 4: Life and Style

One of the Key Strategies for the Thriving Economy in PlanCOS is to create amenities to attract new businesses and residents. While not a huge development, this application further adds to the thriving economy within the New Developing corridor that runs between this development and Interstate 25 along the Interquest Parkway corridor. Inside this corridor are a variety of housing types, personal service business, dining opportunities and entertainment.

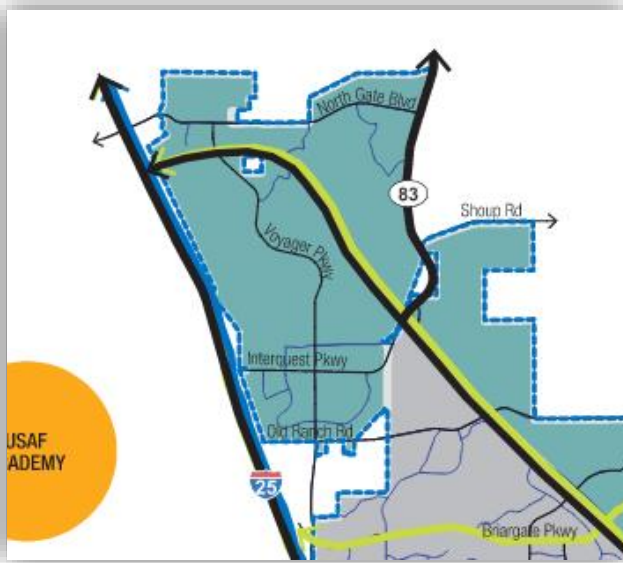
Some examples of development that fall into this topology are:

Large retail and service destinations such as First and Main Town Center and Citadel Mall, community shopping centers, small neighborhood centers, and stand-alone retail, restaurant, and service establishments.

Life and Style Recommendations:

- Integrate Retail and Services
- Encourage Activated and Vibrant Spaces
- Encourage High-Quality and Mixed-Use Environment
- Focus on Pedestrian Friendly Design
- Locate Supporting Housing Nearby

The Life and Style typology encompasses much of the large retail and services sector that serves the daily needs of residents and businesses.



Predominant Typology

- Urban Core Streets
- Established Suburban Streets
- Developing Suburban Streets
- Future Streets
- ➔ Smart Corridors
- ➔ Multimodal Corridors
- Bike Master Plan Network
- Major Destination Areas
- Transportation Hubs
- Park-N-Rides

Strong Connections

This project sits at the intersection of two streets that fall with the Urban Core Typology. The goal of this transportation typology is to recognize the existing character of the streets, while incorporating redevelopment, and the addition of new facilities to encourage multimodal use and optimized capacity. New uses and redevelopment along these streets should incorporate elements including landscaped medians, tree lawns, and bike and bus facilities. The project is also located on a Smart Corridor.



Predominant Typology

- | | |
|--|--|
| <ul style="list-style-type: none"> Neighborhood Greenspace Sports and Active Recreation Natural Resources and Regional Recreation Community Education Landscapes | <ul style="list-style-type: none"> Trails and Connections Major Trail Corridors Complete Urban Creeks Complete Greenways |
|--|--|

Majestic Landscapes

The Sports and Active Recreation typology includes community parks, sports complexes, golf courses, and other active recreation facilities. These areas serve as focal points for community-wide recreation activities. The larger areas that these facilities cover offer diverse opportunities for programmed sports and other community activities such as gardens and picnic areas. Sports and Active Recreation areas should preferably have good access from major streets and direct access to the regional trail system.

The goal of this landscape typology is to provide opportunities and flexible facilities that accommodate a range of active and passive recreation activities. This project sits due north of the 185-acre Kettle Creek Open Space. It is also located along a bike route as identified on City Maps, in the Transportation layer. The Skyline Trail hugs and slightly crosses the south edge of the 14.3 planning area.

Statement of Compliance

ZONE-24-0009

After evaluation of the Jovenchi Parcels 1-4 Zone Change the application meets the review criteria.

LUPL-24-0007

After evaluation of the Kettle Creek Center Land Use Plan the application meets the review criteria.