



Quick Facts

Applicant

City of Colorado Springs
La Plata Communities

Property Owner

City of Colorado Springs

Developer

La Plata Communities

Address / Location

Northwest of Old Ranch Road
and Powers Boulevard

TSN(s)

6200000481

Zoning and Overlays

Current: Public Park
Proposed: R-Flex Low

Site Area

60.280 acres

Proposed Land Use

Residential

Applicable Code

UDC

Project Summary

The project proposes rezoning 60.28-acres of City of Colorado Springs, Parks, Recreation, and Cultural Services (Parks Department), owned property from Public Park (PK) to R-Flex low per the standards of the Unified Development Code. A concurrent Land Use Plan illustrates a proposed residential development with a maximum density of six dwelling units per acre, major circulation, and proposed green spaces.

File Number	Application Type	Decision Type
ZONE-23-0014	Zoning Map Amendment	Quasi-Judicial
MAPN-23-0005	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 No. 5	9/28/1982
Subdivision	Unplatted	N/A
Master Plan	Briargate Master Plan	Date
Prior Enforcement Action	N/A	N/A

Site History

In 2003, Parks Department purchased the property from La Plata Investments for \$2,657,160.00. The property was purchased with the intention of developing the site as a City sports complex, however after a public process in 2016 yielded an overall negative public reception of the proposed sports complex the property remains vacant, and the Parks Department has no plans to activate the site. After remaining vacant, the Parks Department was invited into a discussion with La Plata Communities and the City Fire Department to discuss several property exchanges between the City and La Plata Communities. Three agreements were executed in 2022 related to the referenced land exchanges. First, La Plata would sell a parcel of land along Interquest Parkway to the City for future Fire Station 24. The second agreement included La Plata donating 352.32 acres of open space to the City Parks Trails, Open Space, and Parks (TOPS) program. Lastly, the Parks Department would sell the 60.28 acres back to La Plata at fair market value. One stipulation of the contract to sell the Parks Department property required the Parks Department to apply for and pursue the rezoning and land use application to formally rezone the property from Public Park (PK) to R-flex low.

Applicable Code

The subject application(s) were submitted prior to the implementation date (06/05/2023) of the ReTool project, and as such, the applicant is permitted to elect which Code they prefer their application(s) be reviewed under. The subject application(s) were chosen to be reviewed under the Unified Development Code per the applicant's instructions. All subsequent references within this report that are made to "the Code" and related sections are references to the Unified Development Code.

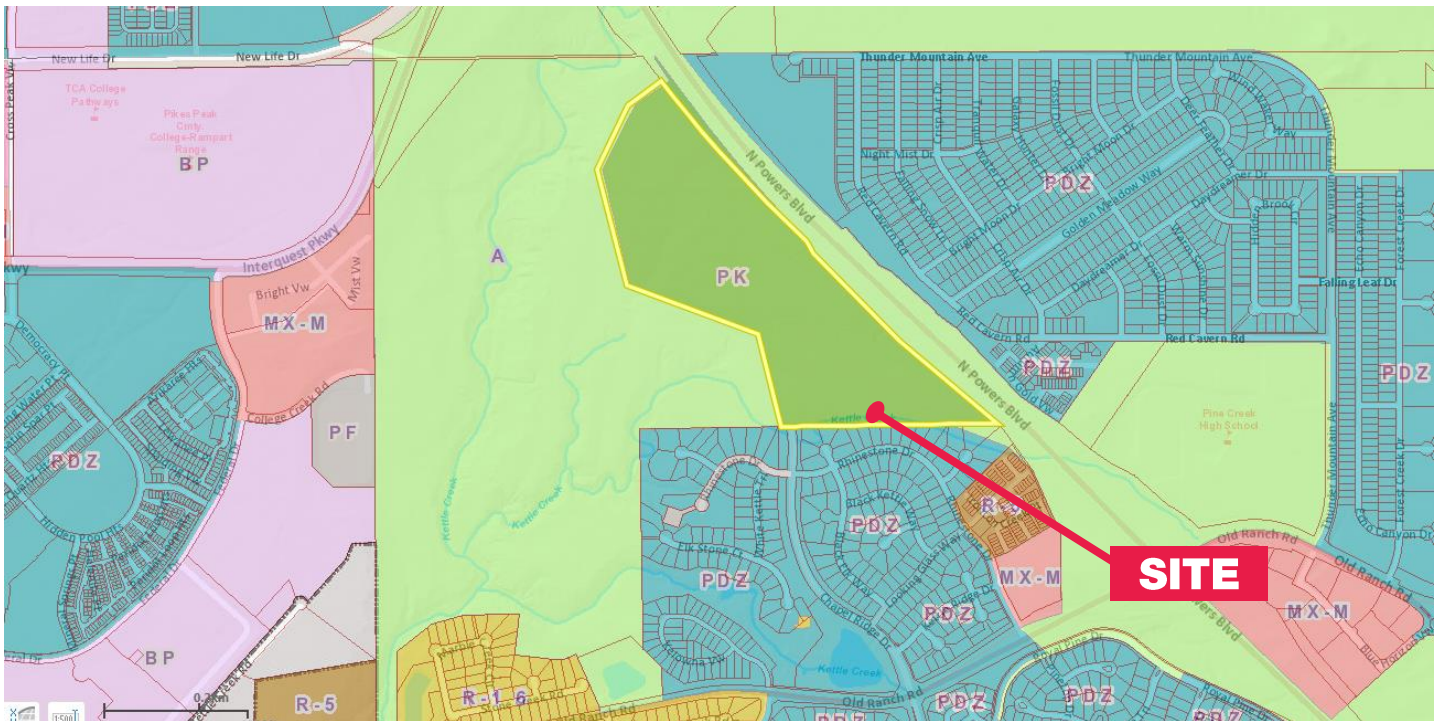
Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	Agriculture	Open Space	Kettle Creek and Preble's Meadow Jumping Mouse Habitat
West	Agriculture	Open Space	Kettle Creek and Preble's Meadow Jumping Mouse Habitat
South	Planned Development Zone Residential		N/A
East	Planned Development Zone Residential		N/A

Zoning Map

Stakeholder Involvement



Public Notice

Number of Neighborhood Meetings	One (1)
Public Notice Occurrences (Poster / Postcards)	Three (3)
Postcard Mailing Radius	1,000-feet
Number of Postcards Mailed	1,211 total over three rounds of notice (406, 403, 402)
Number of Comments Received	118 as of November 27, 2023.
Number of Email Addresses Collected	166

Public Engagement

Public notification occurred on three (3) occasions. After the initial notification, many residents expressed their opposition to the proposed application. The Public Comments, attached, mostly cite concerns of access, evacuation, change of use, intensity of residential use, school capacity concerns, and lack of parkland in the surrounding. City Planning Staff required the applicant to hold a neighborhood meeting. The meeting, held on August 30, 2023, at Library 21C, was very well attended with 114 individual sign ins on the provided sign in sheets. Concerns like those noted above were raised at the neighborhood meeting. Planning Staff compiled a list of all emails written on the sign in sheets and those who wrote comments via email to Staff to create a listserv for all interested parties in the project. As noted above that listserv consists of 166 unique emails. As of November 27, 2023, staff sent four (4) emails to this listserv providing project updates to those interested in the project. These emails typically

included notification that revised plans are publicly available for review, requests for additional comments related to the revised project documents, and directions for how to view the project files. On November 21, 2023, an email sent to the listserv notified the interested parties that this application will be heard at the December City Planning Commission meeting and that follow up communication with directions to participate in the meeting will follow when the meeting agenda is made available.

Timeline of Review

Initial Submittal Date	May 17, 2023
Number of Review Cycles	Four (4)
Number of Meetings with District 20	Three (3)
Item(s) Ready for Agenda	November 20, 2023

Agency Review

Traffic Impact Study

After three revisions of the Traffic Impact Study (TIS), Traffic Engineering agrees with the (TIS) findings and recommendations.

- 1- Analysis of future traffic conditions indicates that the addition of site-generated traffic is expected to create no negative impact to traffic operations for the existing and surrounding roadway system.
- 3- The developer will be required to restripe Chapel Ridge Drive be as a three- lane section with a two-way left turn lane.
- 4- Any onsite or offsite improvements should be incorporated into the Civil Drawings and conform to standards of the City of Colorado Springs and the Manual on Uniform Traffic Control Devices (MUTCD).

School District 20

The school district reviewed this application and determined fees in lieu of land dedication is required for any future residential development. Additionally, the District was contacted by several concerned residents about capacity concerns at local schools. The District leadership has stated that the District is able to serve each student who is a resident of District 20.

Fire Department

Colorado Springs Fire Departments's (CSFD) review of development plans are per the adopted fire code which includes requirements for fire apparatus emergency access into projects. The adopted fire code does not include provisions for community evacuations. Per the locally adopted 2021 International Fire Code, Section D107.1 below, an approved secondary access point into this subdivision should be provided. The code section reads as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 40 shall be provided with two (2) separate and approved fire apparatus access roads unless otherwise required by the fire code official.

Exceptions:

1. Where there are more than 40 dwelling units on or accessed from a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.
2. The number of dwelling units on or accessed from a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

3. The fire code official is authorized to modify the requirement of two (2) separate and approved fire apparatus access roads, when they are not possible due to location on property, topography, waterways, non-negotiable grades, or similar.

CSFD requested that if Exception #1 is provided for, a note shall be provided on the plans that reflects this provision.

Note 26 on the Land Use Plan indicates that “all dwellings in the Ovation community will include an approved automatic sprinkler system per the IFC”.

Parks

The Parks Department reviewers include note 20 on this Land Use Plan stating that “any residential development triggers the park land dedication ordinance which will be coordinated at time of development plan”. The Land Use Plan does illustrate the approximate location of a 3.5-acre public. Per notes on the plan, the “exact location, configuration, and amenities will be determined at development plan”.

SWENT

The development will require stormwater quality and full spectrum detention. Per note 17 of the Land Use Plan, these will be public facilities owned and maintained by the City of Colorado Springs with aesthetic maintenance by a future homeowners’ association or metropolitan district. Additionally, the development is adjacent to the Kettle Creek Channel. The channel improvements shall be coordinated with the adjacent property owner, City Fire Department. All details associated with the requirements of the channel improvements are incorporated into note 18 of the Land Use Plan.

Colorado Geological Survey

Colorado Geological Survey (CGS) reviewed the Geologic Hazards Evaluation and Preliminary Geotechnical Investigation prepared by CTL Thompson, Inc. (CTL) on May 2, 2023, and provided a formal response on October 6, 2023. The response states that CGS generally concurs with the study and finds that “provided that the recommendations of the CTL report are adhered to, CGS has no objections to the approval of the plan”. Staff is requesting a technical modification to note 19 of the Land Use Plan. The *italicized* portion of the text below notes the proposed modification to memorialize the recommendations of the report per the CGS letter. The revised note shall read as follows:

This property is subject to the finding’s summary and conclusions of a geologic hazard report prepared by CTL Thompson Inc. dated May 2, 2023, which identified the following specific geologic hazards on the property; expansive soil and bedrock and shallow groundwater. *The following recommendations shall be adhered to 1. Construction materials testing and observation services during site development and construction. 2. Individual lot soils and foundation investigations for foundation design. 3. Subgrade investigation and pavement design for on-site pavements.* A copy of said report has been placed within File# MAPN-23-0005 or within the subdivision file of the City of Colorado Springs Planning and Development Team. Contact the Planning and Development team, 30 S Nevada, Suite 701, Colorado Springs, CO, 80903, if you would like to review said report.

Zoning Map Amendment – PK to R-Flex Low

Summary of Application

The applicant requests to rezone the property from Public Park (PK) to R-Flex Low, a residential zone district. Please reference the project statement. Per the site history described above, the applicant is pursuing the rezoning of this property per the stipulation of a real estate contract between the City of Colorado Springs and La Plata Communities to sell the subject property. When the rezoning was initially submitted, the zone district request was for the R-Flex Medium zone district, which allowed for densities between 5-16 dwelling units per acre, 45-foot maximum building height, and a mix of residential uses including multi-family. A decision by the applicant team to request the lowest intensity R-Flex zoning resulted from consideration of the neighborhood comments. By modifying the request to R-Flex Low potential impacts to the surrounding developments were mitigated as multi-family is prohibited in the district, residential building heights are reduced and allowable density is limited to a maximum of 6 dwellings per acre.

R-Flex Low Dimensional Standards

Below are the key district-specific dimensional standards for the R-Flex Low district. All future development shall adhere to the dimensional standards referenced in Table 7.2.2-H and the complete dimensional standards included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

Dimensional Standard	Required
Residential Density	Up to Six (6) dwelling units per acre
Minimum Lot Size	2,000 square feet per dwelling unit
Minimum Lot Width	10 feet per dwelling unit
Maximum Building Height (Residential)	35 feet

Application Review Criteria

UDC Section 7.5.704.D

The approval criteria for a zoning map amendment (rezoning) are noted below.

D. Approval Criteria: An application for an amendment to the zoning map shall be subject 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)). (Ord. 23-03)

Staff finds that approval criteria 4, 5, 7, 8, and 9 are not applicable criteria given that the scope of the project does not include the elements referenced in those criteria. The purpose of the R-Flex Low zone district per Section 7.2.208.A states:

The R-Flex Low zone district accommodates a mix of, for example, detached and attached housing types up to a maximum residential density of up to six (6) dwelling units per acre. The layout of permitted housing types and densities shall be as shown in a Land Use Plan approved pursuant to Section 7.5.514 (Land Use Plan). Land uses are as indicated in Table 7.3.2-A (Base and NNA-O District Use Table).

The Land Use Plan, discussed in the following section, proposes a mix of detached and attached housing types with a proposed maximum residential density of six (6) dwelling units per acre. The proposed development is surrounded by single-family residential development of similar density and height allowances. Per comments of our agency reviewers noted in the “Agency Review” section above, all comments have been addressed per the standards of their codes and manuals. After evaluation of the Ovation rezoning request meets the review criteria.

Land Use Plan

Summary of Application

The applicant submitted a Land Use Plan concurrent with the rezoning request per UDC Section 7.5.514.B(1)(b). The Land Use Plan (the plan) illustrates a residential development proposed in two phases with a maximum density of six dwelling units per acre, major circulation, and proposed green spaces. The plan's major circulation pattern shows the extension of Chapel Ridge Drive and alignment of another future roadway that wraps like a semi-circle around Chapel Ridge Drive in both Phase 1 and Phase 2. The resulting major circulation pattern looks like a figure 8. An approximate location of an emergency access to CDOT right-of-way is shown on the plan, however Planning Staff has not received confirmation from CDOT that this access is acceptable or permissible. Alternative motions are provided to consider if conditions of approval should be included to 1. Remove the access unless CDOT approval accepting the access is submitted to Planning; or 2. Require CDOT approval of the proposed emergency access. The property is encumbered by several public utility easements including an existing 80-foot overhead electrical easement along the southerly portion of the property. As noted on the plans, this utility easement shall be relocated by the developer.

Several pockets of green space are proposed throughout the site, though exact locations and size will be determined at time of development plan. The plan does show a minimum 25-foot green space area along the southerly property boundary where the proposed development abuts the existing residential development on Rhinestone Drive. Note 21 on the plan memorializes the green space call out on Sheet 2 requiring a green space area along this property boundary with a minimum width of 25-feet to serve as a buffer area between residential developments. An approximate location of an estimated 3.5-acre public park is shown on the plans as part of Phase 2 of the proposed development. Exact location, size, configuration, and park amenities will be determined at time of development plan.

Application Review Criteria

UDC Section 7.5.514.C(3)

The review criteria for a Land Use Plan submitted in connection with a rezoning are noted below.

3. Land Use Plan Criteria: 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:

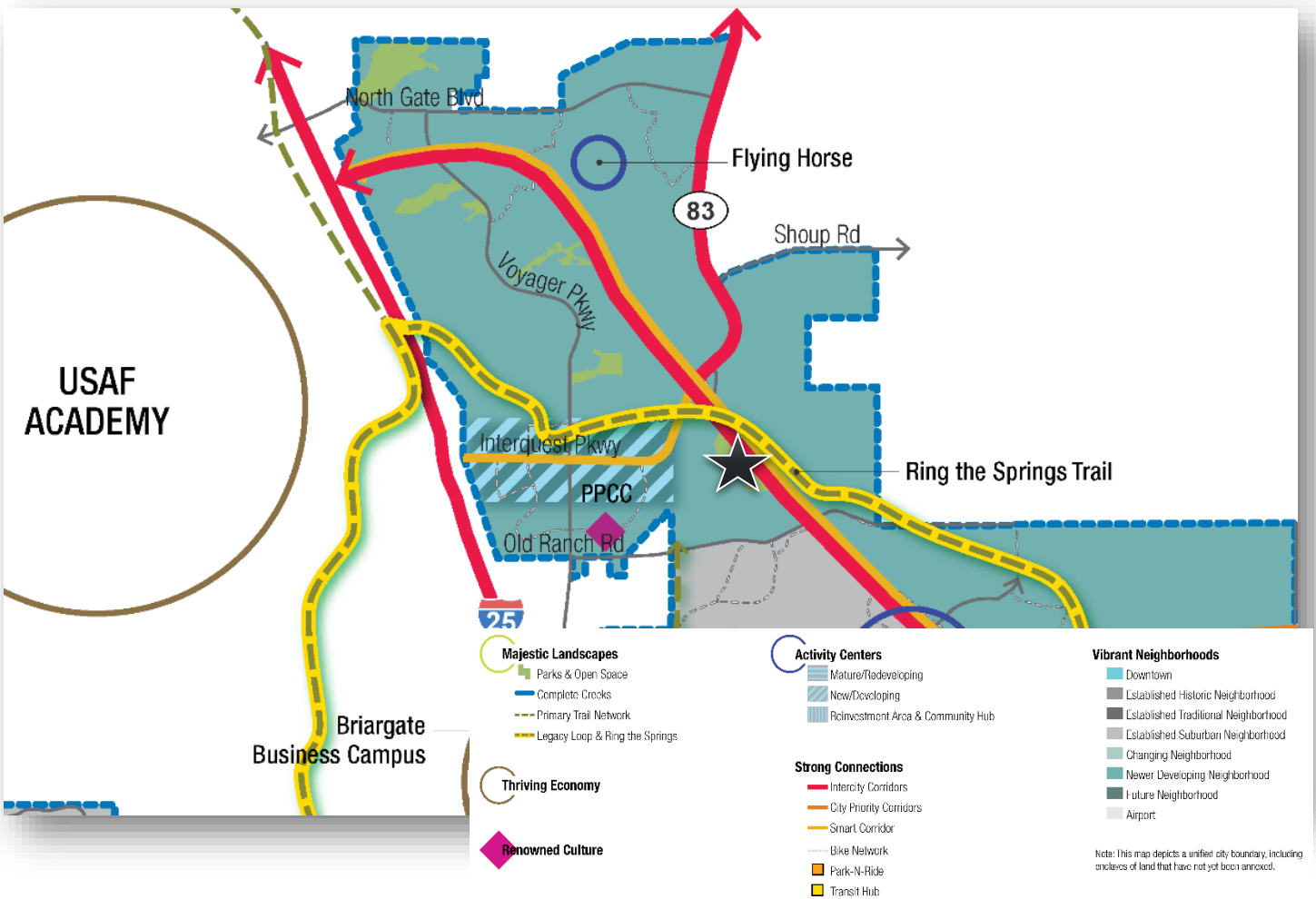
- a. Consistency with the Colorado Springs Comprehensive Plan and other plans and policies adopted by City Council;
- b. Consistency with development standards the zone district in which the property is located, or would be located after a requested zone district change;
- c. Compatibility with the land 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.

Elements noted below will demonstrate general compliance with the City Comprehensive plan. The Land Use Plan notes dimensional standards consistent with the R-Flex Low zone district, specifically maximum residential density of up to six (6) dwelling units per acre. The property is surrounded by residential development of a similar density and height, additional residential development at the proposed development is consistent with the surrounding development patterns. The Traffic Impact Study (TIS) finds that there is adequate capacity of the existing roadways to serve the proposed development, Traffic Engineering agrees with the findings of that study. The School District notes that District 20 is able to serve all students who reside in the district. After evaluation of the Ovation Land Use Plan, the application meets the review criteria.

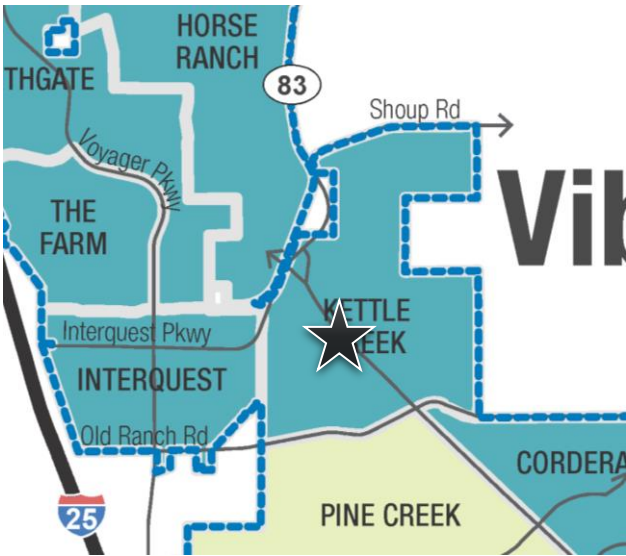
Compliance with PlanCOS

PlanCOS Vision



Staff evaluated the proposed application 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 park, and is surrounded by “Newer Developing Neighborhood”, adjacent to an Intercity corridor, the “Ring the Springs Trail” and a “New Developing” Activity Center.

Staff finds the proposed residential development to be substantially in compliance with the goals, policies, and strategies within PlanCOS.

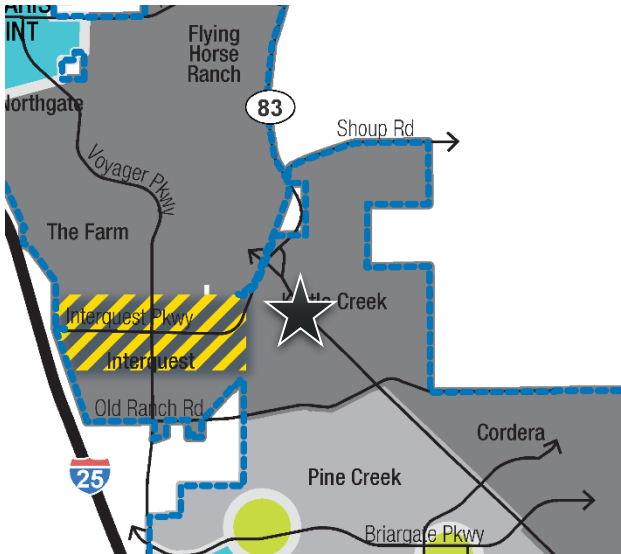


Predominant Typology

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

Vibrant Neighborhoods

Vibrant Neighborhoods chapter neighborhood typology 4: Future Neighborhoods, recommends integrating a diversity of housing types, provide neighborhood parks & green spaces, and connect to trails & open space. Consideration of this typology requires the development to integrate diverse and connected neighborhoods with consideration to existing infrastructure and existing neighborhoods. The proposed development follows the same general density and development patterns of primarily traditional single-family development and studies like a Traffic Impact Study find that development of the proposed neighborhood will not unduly burden the existing infrastructure. The project is strongly supported by Big Ideas “Everyone in a Neighborhood” and “Housing for All” and majority of their subsequent goals and policies.

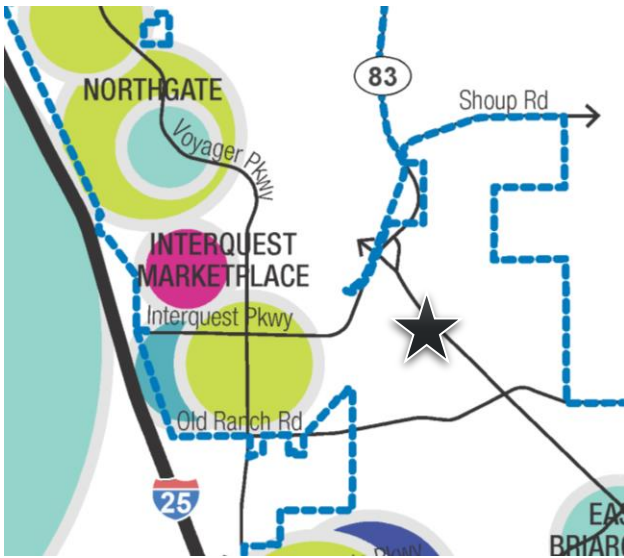


Predominant Typology

- 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

Unique Places

A Big Idea of the Unique Places chapter specifically calls to “Embrace Creative Infill, Adaptation and Land Use Change”. Infill is defined as “development of vacant land within previously built areas”. The goal of this theme is to embrace thoughtful, targeted, forward thinking changes in land use by using strategies like redevelopment opportunities in underutilized areas and support of potential infill projects. Developable land surrounding the project area is built out, the potential residential development meets the definition of infill per this plan which encourages the support of land use change when appropriate.

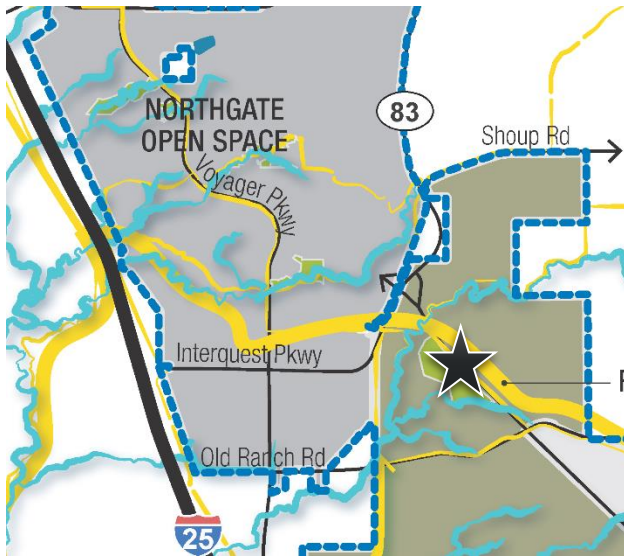


Predominant Typology

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

Thriving Economy

The project is adjacent to several critical typologies for the Thriving Economy vision theme. Although the project site is not included within the noted typologies, a noted common desired element includes integration with surrounding areas and nearby housing options for employees working in the area. With adjacent cornerstone institutions like the Air Force Academy, and other typologies including Spinoffs and Startups and the Experience Economy, leveraging the city’s livability by ensuring conveniently located housing for the workforce and providing convenient access to goods and services is a critical priority. Housing remains a critical need citywide, development of housing within the project area will support many of the businesses, as well as provide nearby housing options for employees.



Predominant Typology

- Neighborhood Greenspace
- Sports and Active Recreation
- Natural Resources and Regional Recreation
- Community Education Landscapes
- Trails and Connections
- Major Trail Corridors
- Complete Urban Creeks
- Complete Greenways

Majestic Landscapes

Conversion of a property zoned as Public Park for the purpose of a sports complex to residential uses results in a loss of parkland in the northern area of the City. While in it appears that this vision theme of the plan is negatively impacted by the project, there are several balancing considerations in this chapter of PlanCOS that promote the overall goals and strategies of this chapter. The project supports the neighborhood greenspaces typology which integrates into the surrounding neighborhoods, active and passive recreation opportunities, addressing ADA accessibility and incorporating internal walking paths into the future development. This typology focuses on providing smaller, localized park and recreation facilities within neighborhoods. The project area is adjacent to Kettle Creek which is identified as a “Complete Greenway”. While this project results in the loss of a City-owned Sports Complex, when juxtaposed with the addition of neighborhood greenspaces as an element of new residential development in consideration of the critical need for a diversity of housing options throughout the city and the ways this project supports other Big Ideas of the visions themes that the project overall is still supportive of the Majestic Landscapes vision theme.

Statement of Compliance

ZONE-23-0014

After evaluation of the Ovation zoning map amendment, the application meets the review criteria.

MAPN-23-0005

After evaluation of the Ovation Land Use Plan, the application meets the review criteria.