



## **7.5.515: DEVELOPMENT PLAN**

### **Review Criteria**

A. Purpose: The Purpose of this Section is to allow for review of a plan for development to evaluate the specific impacts of the proposed land use and site design on the adjacent properties, neighborhood, schools, parks, road systems, and existing and planned infrastructure to ensure that proposed development is appropriate at a particular location. The specific purposes of the Development Plan review procedure are to:

1. Ensure the development complies with the standards of this UDC, including site development standards;
2. Minimize potential adverse effects of proposed land use by proposing specific site design solutions;
3. Ensure points of access, internal circulation, and pedestrian movement to all proposed lots, land uses, and adjacent properties;
4. Ensure, when used in conjunction with a final Subdivision Plat, that all subdivision requirements include easement and public facility dedication requirements can be met;
5. Establish the approval of specified uses, dimensional standards, site design, and other conditions; and
6. Evaluate existing and proposed road systems, utilities, schools, parks, and other public facilities to determine if they are adequate to serve the proposed project.

B. Applicability:

1. A Development Plan is required in connection with the following types of applications, and shall be approved before or simultaneously with related applications, unless specifically exempted in Subsection 2 below.
  - a. All new construction.
  - b. When no Development Plan for the property has previously been approved by the City, additions to an existing building that cumulatively, as of September 12, 1995, increases the gross floor area of the building by fifty (50) percent or greater.
  - c. When required by the Planning Commission or City Council, as a condition of record for the establishing or changing the boundaries of a zone district.
  - d. Conversion of vacant land into a new use.
  - e. Application for a Conditional Use Permit.
  - f. The conversion of an existing use to a use in another category as set forth in Part 7.3.2.
  - g. The total redevelopment (demolition and new construction) of an existing building or site.
2. Notwithstanding Subsection 1 above, a Development Plan is not required in connection with the following:
  - a. New construction of or an addition to an existing detached single-family or attached two-family residential structure, accessory dwelling unit, and accessory structures upon an existing platted lot.



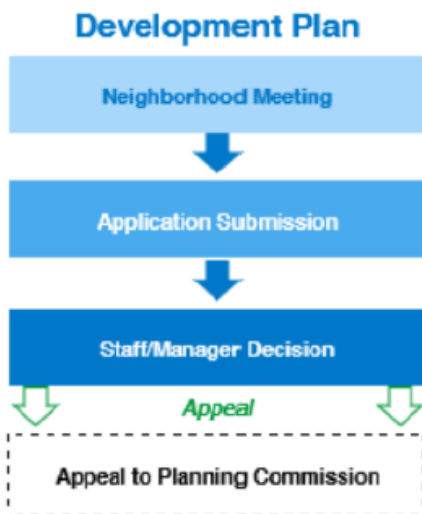
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- b. Additions to an existing building that cumulatively, after September 12, 1995, increase the gross floor area of the building by less than fifty (50) percent.
  - c. Public parks in which a Park Master Plan has been or will be reviewed by the Parks, Recreation, and Cultural Services Department.
  - d. A project of the federal government if both the property and the structure will be owned, maintained, and operated by the government.
  - e. One (1) lot single-family residentially zoned property located within the HS-O district platted prior to June 7, 1996, and not part of an existing Development Plan. However, prior to issuance of Building Permits for homes on these properties, an approved Hillside Site and Grading Plan and geologic hazard study are required.
  - f. If the Manager finds that the scope or potential impacts of the project does not warrant the review and approval of a Development Plan.
3. A Land Use Plan shall be approved prior to the approval of a Development Plan unless a Land Use Plan is not required pursuant to this UDC.
4. A Development Plan is a planning document only. Approval of a Development Plan does not grant any variances to this UDC and does not waive any of the requirements of design as contained in the City of Colorado Springs Engineering Criteria. Development Plans shall not be considered construction drawings.

#### C. Development Plan Approval Process:



#### 1. Application Submission:

a. General Requirements: A Development Plan must meet the following requirements:

- (1) Access and interior roadway systems shall be reflective of the approved Land Use Plan if applicable.



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(2) A phasing plan shall be required if the applicant proposes to phase the submittal of a Development Plan for the zone district or phase the platting and construction of the development. The phasing plan shall propose a sequence of development and the provision of required public improvements. Each phase of a plan shall reflect the established zone density of the overall Land Use Plan.

(3) An application that proposes the removal of residential dwellings with rents below the fair market rate established by the U.S. Department of Housing and Urban Development shall be forwarded to the Manager for review and comment.

b. Zone Specific Requirements: Additional requirements and criteria for the Development Plan may be contained in the description 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)).

c. Preliminary Development Plan Review:

(1) A preliminary Development Plan review is required in connection with the following types of applications and shall be approved before or simultaneously with related applications.

(a) For properties located within an A, R-E, R-1 9, R-1 6, or R-2 zone districts when, prior to the issuance of a Building Permit, an approved Final Plat, intended for single-family or two-family residential use, has been recorded.

(b) For a single- and two-family residential use located within a single- and two-family residentially zoned property, upon an already platted lot, and where no Development Plan exists.

(2) The Manager may require that a preliminary plan include preliminary grading plan, preliminary utilities plan, and site plan.

D. Development Plan Review Criteria:

1. General: The decision-making body shall review the Development Plan application or amendment and approve, approve with conditions, or deny the application based on the following criteria:

a. The decision-making criteria in Section 7.5.409 (General Criteria for Approval) apply unless modified by this Subsection 4;

b. The application complies with all applicable Use-specific standards in Part 7.3.3 related to the proposed use(s);

c. The details of the site design, building location, orientation, and exterior building materials are compatible and harmonious with the surrounding neighborhood, buildings, and uses, including not-yet-developed uses identified in approved Development Plans;

d. Significant off-site impacts reasonably anticipated as a result of the project are mitigated or offset to the extent proportional and practicable;

e. The Development Plan substantially complies with any City-adopted plans that are applicable to the site, such as Land Use Plans, approved master plans for a specific development, neighborhood plans, corridor plans, facilities plans, urban renewal plans, or design manuals;

f. The project meets dimensional standards applicable to the zone district, or any applicable requirement in an FBZ or PDZ district;



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- g. The project grading, drainage, flood protection, stormwater quality, and stormwater mitigation comply with the City's Engineering Criteria, the drainage report prepared for the project on file with the Stormwater Enterprise Manager, and other federal, state, and City regulations;
- h. The project complies with all the development standards of Article 7.4 (Development Standards and Incentives), including access and connectivity requirements in Part 7.4.4 (Access and Connectivity), the landscaping and green space requirements in Part 7.4.9 (Landscaping and Green Space), and the parking and loading requirements in Part 7.4.10 (Parking and Loading);
- i. The project complies with all applicable requirements of any Overlay District in which the property is located, as listed in Part 7.2.6 (Overlay Districts);
- j. The project preserves, protects, integrates, or mitigates impacts to any identified sensitive or hazardous natural features associated with the site;
- k. The project connects to or extends adequate public utilities to the site. As required by Colorado Springs Utilities, the project will extend the utilities to connect to surrounding properties; and
- l. If necessary to address increased impacts on existing roadways and intersections, the project includes roadway and intersection improvements to provide for safe and efficient movement of multi-modal traffic, pedestrians, and emergency vehicles in accordance with the Engineering Criteria, public safety needs for ingress and egress, and a City accepted traffic impact study, if required, prepared for the project.

2. Streamside Overlay Approval Criteria: In addition to the Development Plan review criteria as set forth in Subsection 1 above, all Development Plans submitted for review for property within the SS-O district shall meet all standards as required by Section 7.2.603 (SS-O: Streamside Overlay), unless any of these requirements are waived by the Manager.

3. Hillside Overlay Approval Criteria: In addition to the Development Plan review criteria as set forth in Subsection 1 above, all Development Plans submitted for review for property within the HS-O district shall include all documentation required by, and shall meet all standards in Section 7.2.610 (HS-O: Hillside Overlay), unless any of these requirements are waived by the Manager based on the size, scale, or potential impacts of the application.

4. Airport Overlay Approval Criteria: In addition to the Development Plan review criteria as set forth in Subsection 1 above, all Development Plans submitted for review for property within the AP-O or AF-O districts shall include all documentation required by, and shall meet all standards in Sections 7.2.601 (AP-O: Airport Overlay) or 7.2.602 (AF-O: United States Air Force Academy Overlay), unless any of these requirements are waived by the Manager based on the size, scale, or potential impacts of the application, and shall comply with the following criteria:

a. Development Plans within the AP-O: Airport Overlay:

(1) All Development Plans submitted together with a Final Plat in which any portion of the property is located within the AP-O district shall include the following statement:

"An avigation easement effecting the subject property and development is established by the "Subdivision Plat Name" Subdivision Plat. This easement is subject to the terms and conditions as specified in the instrument recorded under reception no. 217069667 of the records of El Paso County, Colorado."

(2) All Development Plans submitted on an existing platted lot in which any portion of the property is located within the AP-O district and that does not have an existing avigation easement across the property, shall include the following statement:



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"Prior to issuance of a Building Permit or beginning any development, an avigation easement for the benefit of the Colorado Springs Airport will be established either by Subdivision Plat or separate recorded instrument."

#### b. Development Plans within the AF-O: United States Air Force Academy Overlay:

(1) All Development Plans submitted together with a Final Plat in which any portion of the property is located within the AF-O district shall include the following statement:

"Note: This property may be impacted by noise and other similar sensory effects of flight caused by aircraft both in the United States Air Force Academy's Airmanship program and during special events. This notice shall remain in effect until the Air Force Academy shall cease to be used for flight training purposes, or until all airports on the Air Force Academy shall cease to be actively used. This notice shall run in perpetuity with the land."

(2) All Development Plans submitted on an existing platted lot in which any portion of the property is located within the AF-O district and that does not have an existing avigation easement across the property, shall include the following statement:

"All lots and tracts within this subdivision are subject to an avigation easement to the United States Air Force Academy as recorded under reception no. \_\_\_\_\_ in the office of the Clerk and Recorder of El Paso, County, Colorado."

E. Decision-Making Body: The decision-making body shall review the Development Plan application or amendment application and shall approve, approve with conditions, or deny the application based on applicable criteria listed in Subsection D above.

1. Manager Decisions: The Manager shall determine if the Development Plan meets the criteria in Subsection D above and approve or refer to the Planning Commission if found necessary for final review authority.

#### 2. Recommendation to the Planning Commission:

a. If the Development Plan is referred to the Planning Commission, the Manager shall prepare a recommendation for the Planning Commission to approve, approve with conditions, or deny the Development Plan based on the criteria in Subsection D above.

b. Development Plans submitted in connection with an application for a Conditional Use Permit shall be reviewed and a decision made by the Planning Commission pursuant to Section 7.5.601 (Conditional Use).

#### F. Post-Decision Actions and Limitations:

##### 1. Expiration:

a. Except as stated in Subsection b, a Development Plan expires six (6) years after approval if no Building Permit has been issued or no use illustrated on the plan has commenced. Prior to the expiration of a Development Plan, the applicant may request and the Manager may authorize a maximum of two (2), two-year extensions of the Development Plan approval if a review of the plan shows that no major changes in the City's development standards or in the development pattern of the surrounding properties has occurred.

b. A Development Plan does not expire for:



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- (1) A single-family residential subdivision project when a final Subdivision Plat for all or a portion of the individual lots has been recorded.
  - (2) A project where public water, sewer, electric, and gas utilities and public or private streets, drainage, and other public improvements have been installed, constructed, inspected, and accepted by the City.
  - (3) Any part of the Development Plan area that has been constructed or a use authorized by the Development Plan has commenced.
2. Reconstruction of Damaged Buildings with a Previously Approved Development Plan: A building or buildings may be rebuilt according to the approved Development Plan within six (6) years of the date of damage or destruction.
  3. Continuing Validity of Land Use Plan: If a Development Plan is approved for part of an area within an approved Land Use Plan, the remaining area(s) of the Land Use Plan shall remain approved and valid unless the Manager determines that the Development Plan differs significantly from the Land Use Plan in way that could create adverse impacts on surrounding properties or could create difficulties or inefficiencies in the delivery of City services.
  4. Continuing Compliance Required: All properties subject to an approved Development Plan shall be developed and maintained in accord with the approved Plan. All new construction, alteration, enlargement, or modification of existing structures and changes of land uses must substantially conform to the approved Development Plan or as amended or as modified. (Ord. 23-03)