

## Quick Facts

### Applicant

N.E.S. Inc.

### Property Owner

Millstein-Penkhus Revocable Family Trust

### Address / Location

Northwest of the future intersection of Chelton Road and Hancock Expressway

### TSN

6435100007

### Zoning and Overlays

Current: MX-M/AP-O (Mixed-Use Medium Scale with Airport Overlay)

### Site Area

7.62 Acres

### Proposed Land Use

Single-Family Detached

### Applicable Code

UDC

### Council District

4

## Project Summary

A Conditional Use Minor Modification to remove a condition of approval from the approved conditional use allowing single-family detached residential in MX-M/AP-O (Mixed-Use Medium Scale with Airport Overlay) zone district consisting of 7.62 acres northwest of the future intersection of South Chelton and Hancock Expressway. (Quasi-judicial)

### File Number

CUDP-25-0023

### Application Type

Conditional Use Minor Modification

### Decision Type

Quasi-Judicial

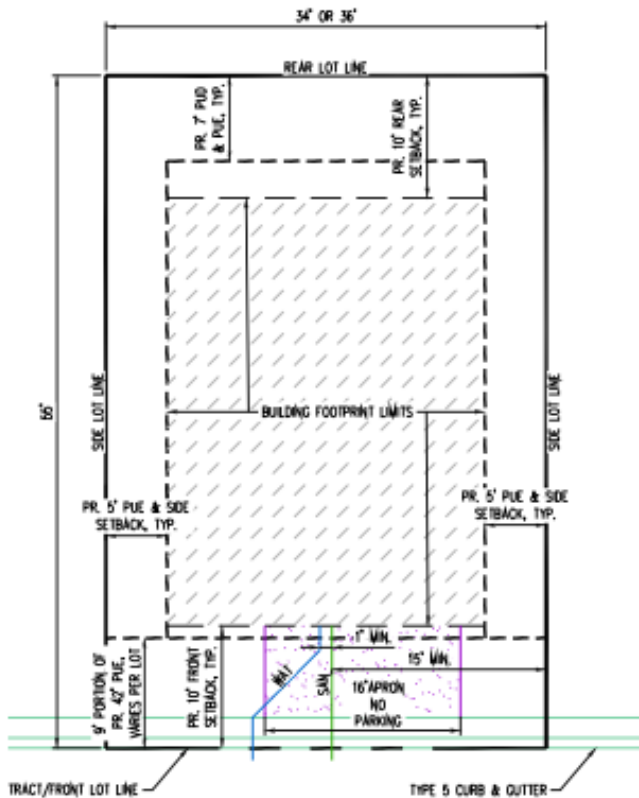
### Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Pikes Peak Park Addition #10	April 1971
Subdivision	Unplatted	
Master Plan	South Academy Master Plan	
Prior Enforcement Action	N/A	

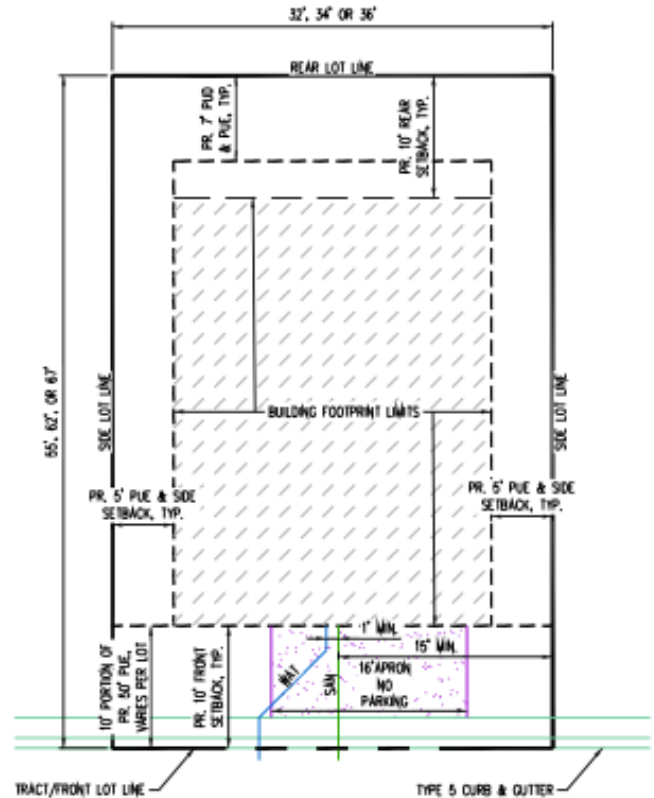
### Site History

The subject parcel involved in this proposal is an unplatted tract consisting of approximately seven (7) acres at the corner of Chelton Road and the future Hancock Expressway alignment. Staff was unable to locate any prior entitlements for this site, and the property is presently vacant. The site is zoned Mixed-Use Medium Scale with Airport Overlay (MX-M/AP-O) zone district which allows the site to pursue a variety of different use types. The applicant received a Conditional Use approval from City Planning Commission on December 12, 2024 (refer to Attachment 1 - CUDP-24-0020 Approval Letter) to develop single-family detached units. At that time, staff were concerned about the lack of guiding dimensional standards for the interior lots since the development would follow a “common development” (often referred to as a “unified development”) pattern which would snap setbacks to the periphery of the site. To help staff and Planning Commission understand what the final product might look like, a condition of approval was requested for the site’s interior single-family detached lots to follow the R-Flex Medium district’s dimensional standards as that zone has a similar density and product type to that anticipated by the applicant. Since that time, the applicant has submitted a development plan (refer to Attachment 2 - DEPN-25-0018) and subdivision plat (refer to Attachment 3 - SUBD-25-0025) that establishes the site configuration for sixty-nine units (net density of nine dwelling units per acre).

Following the approval of the Conditional Use, the review of the development plan revealed that there were unanticipated conflicts between the R-Flex Medium dimensional standards and some of the product type planned for the development. The R-Flex Medium has a front building setback of ten (10) feet, for product without a garage, which was to be utilized for twenty-eight (28) out of the sixty-nine (69) lots in the applicant’s site design. Although the front building setback gives the applicant the ability to provide a variety of small-lot products throughout the development, the applicant did not apply the required twenty (20) foot front garage setback to these twenty-eight (28) lots that contain all front-loaded garage product types. This non-conformity poses a challenge to the applicant’s design as there is no way to accommodate the needed expanded front yard setback for these lots without a major redesign.



LOTS 60-69



LOTS 42-59

### *Lot Typicals of Properties with a Ten (10) foot front yard setback*

As such, Staff has suggested that the applicant apply for a Conditional Use Minor Modification with the intent to remove the previously approved condition of approval. Since the site is configured as a common development, the site can continue applying the MX-M (Mixed-Use Medium Scale) setbacks to the site's periphery but eliminate the need for the applicant to adhere to specific setbacks, lot coverage, and other dimensional standards for the individual single-family detached lots. Without the condition of approval, the applicant would be permitted to move forward with the planned site design so long as the twenty-eight (28) lots do not permit parking on their driveways. Per UDC Section 7.4.1008.E.2, no driveways intended to be used as parking are allowed to be counted toward required parking counts and parking should be prohibited to promote visibility throughout the development. The applicant has agreed that the twenty-eight (28) lots shall not be permitted to park vehicles on the driveways as shown on the above lot typicals and the applicant intends to include enforcement mechanisms such as signage and covenants for this prohibition in the Homeowners Association to be created to serve this development (refer to Attachment 4 – Project Statement). Additionally, Neighborhood Services would be able to enforce this prohibition due to the notes provided on the associated development plan.

The applicant does not propose any further changes besides the removal of the condition of record. All relevant information approved by the prior Conditional Use, including the land use, density, and land involved in the application, will be unaltered.

### **Applicable Code**

The application is reviewed per applicable Code Sections in 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

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	R-1 6/AP-O (Single-Family Medium with Airport Overlay)	Single-family detached	
West	R-1 6/AP-O (Residential Single-Family Medium with Airport Overlay)	Single-family detached	
South	PDZ/AP-O (Planned Development Zone with Airport Overlay)	Vacant / Multi-family concept plan approved in 2022	Future Realignment of Hancock Expressway
East	PDZ/AP-O and R-1 6/AP-O (Planned Development Zone with Airport Overlay and Residential Single-Family Medium with Airport Overlay)	Single-family attached and detached	

## Zoning Map



## Stakeholder Involvement

### Public Notice

Public Notice Occurrences (Poster / Postcards)	Initial Submittal / Prior to City Planning Commission
Postcard Mailing Radius	1,000 feet
Number of Postcards Mailed	562 postcards
Number of Comments Received	0 comments

### Public Engagement

Staff did not receive any public comments with the subject conditional use minor modification.

## Timeline of Review

Initial Submittal Date	July 15, 2025
Number of Review Cycles	1 cycle
Item(s) Ready for Agenda	August 18, 2025

## Agency Review

### Stormwater Enterprise (SWENT)

SWENT was included on this review and had no comments.

### Colorado Springs Utilities (CSU)

Colorado Springs Utilities was included on this review and had no comments.

### Traffic Engineering

City Traffic Engineering was included on this review and had no comments.

## Conditional Use

### Summary of Application

The proposed minor modification to the conditional use approval would remove the condition of approval placed on the development which required any single-family lot developed on the site to follow the R-Flex Medium dimensional standards. This request would not impact the anticipated density of nine (9) dwelling units per acre or any other components of the project. The surrounding developments include single-family detached units, attached dwelling units, and future multi-family which has received entitlements for the property just south of the future Hancock Expressway alignment. With the diversity of housing types and densities in the area, the proposal to remove the condition of record would remain consistent with existing development patterns by offering a diverse array of housing options.

The intent is to develop the property as a common development with the MX-M (Mixed-Use Medium Scale) setbacks applying to the periphery of the site will remain in the project design. To better understand and regulate the internal dimensional standards at the time of the initial approval, Staff requested the applicant identify the internal dimensional standards that will apply to the individual units to the individual lots. At the time, the R-Flex Medium standards seemed ideally suited for this purpose since both the proposed density and similarity in product type were aligned. The applicant agreed that these standards would work with their product type. Since then, the issue of the front yard setback for certain lots with garages was found to be a critical challenge to the overall project design. With the proposal to remove the condition to approval, the development plan has been reviewed with the intent to retain the ten (10) foot front yard setbacks, and the review agencies have found that the project design is compatible with relevant Code requirements and that all comments have been addressed through that application.

## Application Review Criteria

### Section 7.5.516.D.2: Modifications to Approved Applications

Below are the applicable review criteria for minor modifications to approve applications.

**A. *Complies with the provisions of this UDC and all applicable City regulations;***

The removal of the condition of approval does not take away from the project's ability to meet all relevant criteria and City regulations. Through the associated development plan review, the project has been able to meet all relevant criteria and has no outstanding comments aside from the non-compliance with front yard setback requirement which will be resolved with the removal of the condition.

**B. *Is consistent with any conditions in the approval or permit proposed to be modified, and;***

The condition of approval was originally applied to give Staff and Planning Commission a better idea of how the conditional use would meet the conditional use application criteria per UDC Section 7.5.601. Now that Staff has reviewed the associated development plan and have had all other comments resolved, there is no further reason to define the internal lot configuration. As such, the removal of the condition of approval would not impact the project moving forward and will still allow the project to utilize a diversity of product types which was the goal of the condition of approval by establishing lot dimensional standards that varied by product type as permitted in R-Flex Medium district per UDC Section 7.2.209.

**C. *Does not create more adverse impacts on surrounding properties than the development approval or permit proposed to be modified.***

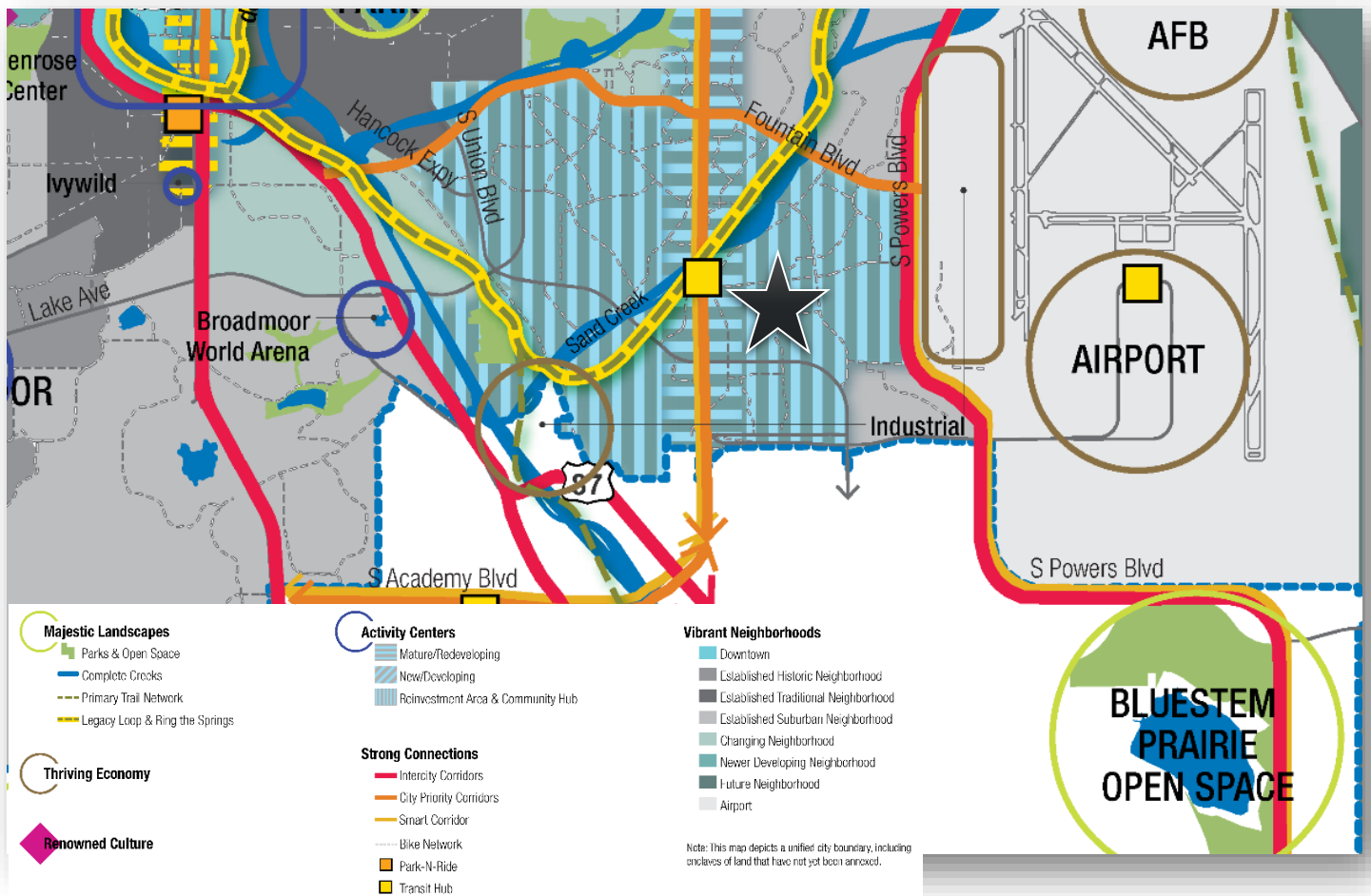
The removal of the condition of approval will not have an adverse impact on the surrounding area or the development proposal. With the removal of the condition, the development plan will be able to be approved with the configuration reviewed by Staff and will have no impact on the density. This configuration was found to meet all applicable Code requirements and was compatible with the surrounding land development patterns.

After evaluation of the Dakota Crossing Conditional Use Minor Modification, Staff find that the application meets the review criteria.

## Compliance with Relevant Guiding Plans and Overlays

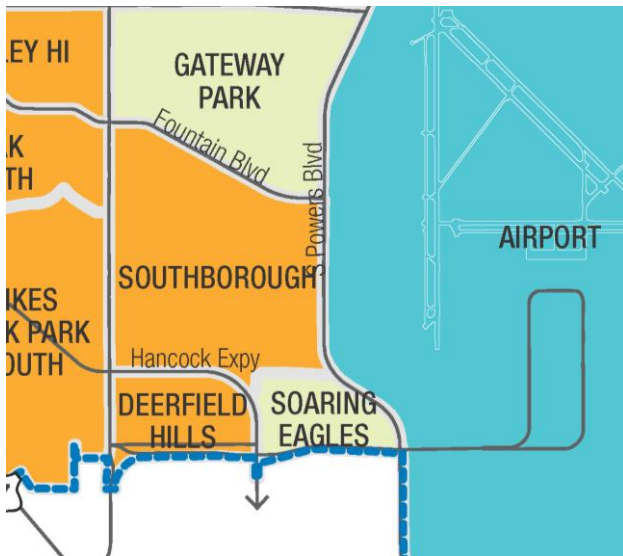
Per the Academy Boulevard Corridor Great Streets Plan, *"the intent of this Great Streets Plan is to establish a vision for this segment of Academy Boulevard that integrates land use and transportation at the Corridor level. Its overall purpose is to support the needs of existing residents and businesses in the area while encouraging reinvestment, revitalization, and long-term sustainability. In short, facilitating the re-purposing of Academy Boulevard to be a "Great Street."* The proposed minor modification continues its support of this plan by encouraging diverse housing types within proximity to commercial services and employment centers with ease of access due to the redevelopment of South Academy and the future Hancock Expressway.

## PlanCOS Vision



The subject site is located within PlanCOS Visions Map's typology of "*Mature and Redeveloping*". This typology is used to describe areas where thoughtful redevelopment and infill is encouraged. The proposed conditional use minor modification supports PlanCOS through the following policy alignment:





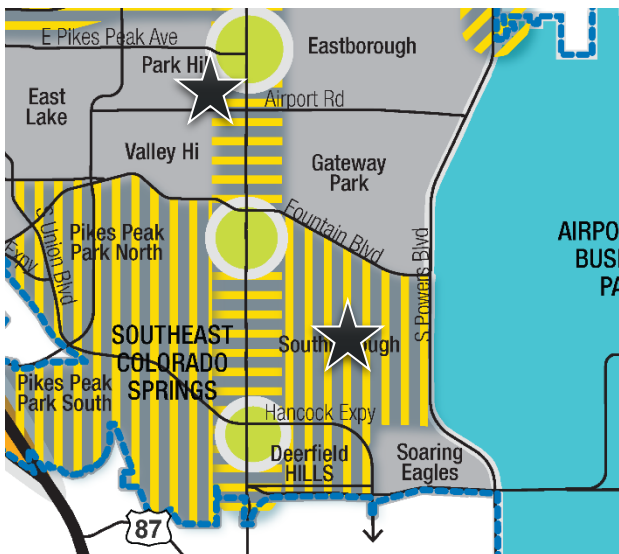
## Vibrant Neighborhoods

The subject parcel is within the Southborough neighborhood of Colorado Springs, which is identified in the Vibrant Neighborhoods section of PlanCOS as a Changing Neighborhood. This project supports the following Vibrant Neighborhood Strategies:

**Strategy VM-2-A-3:** “Support land use decisions and projects that provide a variety of housing types and sizes serving a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels”.

### Predominant Typology

<span style="color: red;">■</span> Downtown	<span style="color: olive;">■</span> Established Traditional Neighborhood
<span style="color: teal;">■</span> Newer Developing Neighborhood	<span style="color: lightgreen;">■</span> Established Suburban Neighborhood
<span style="color: orange;">■</span> Changing Neighborhood	<span style="color: blue;">■</span> Airport
<span style="color: lightblue;">■</span> Established Historic Neighborhood	<span style="color: brown;">■</span> Future Neighborhood



### Predominant Typology

<span style="color: grey;">■</span> Neighborhood Centers	<span style="color: yellow;">■</span> Mature/Redeveloping Corridors
<span style="color: green;">■</span> Community Activity Centers	<span style="color: lightgreen;">■</span> New/Developing Corridors
<span style="color: orange;">■</span> Entertainment and Commercial Centers	<span style="color: blue;">■</span> Reinvestment Area and Community Hub
<span style="color: blue;">■</span> Regional Employment and Activity Centers	
<span style="color: pink;">■</span> Downtown	

## Unique Places

The subject parcel is within the Reinvestment Area and Community Hub as identified in the Unique Places section of PlanCOS. This project is supportive of **Policy UP-2.A**, “Support infill and land use investment throughout the mature and developed areas of the City.”

The Project supports **Strategy UP-2.A-1 and UP-2.A-4** which both encourage infill within developed areas and encourage creative development strategies to accomplish unique solutions.



## Statement of Compliance

### CUDP-25-0023

After evaluation of the Dakota Crossing Conditional Use Minor Modification, the application meets the review criteria.