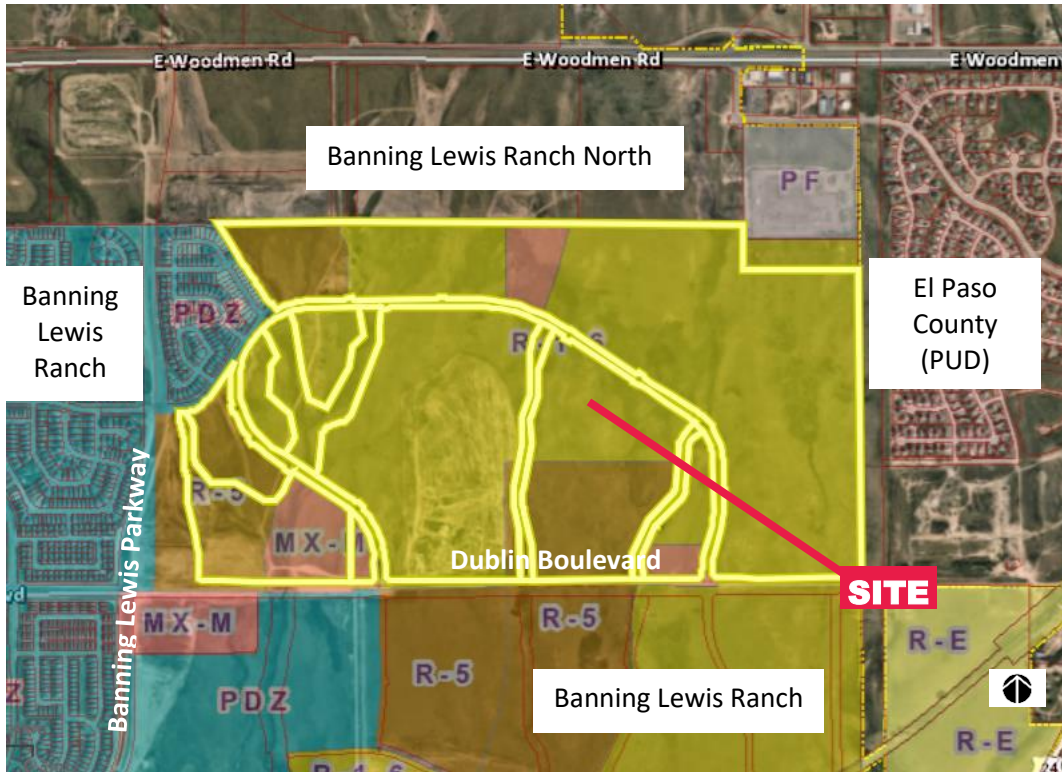


# BANNING LEWIS RANCH VILLAGE B2

Planning Commission March 23, 2024

Staff Report by Case Planner: Tamara Baxter



## Quick Facts

**Applicant**

LAI Design Group

**Property Owner**

Walton Colorado LLC

**Developer**

Clayton Properties Group II, Inc.  
DBA Oakwood Homes of Colorado Springs

**Address / Location**

North of Tamlin Road and East of Dublin Boulevard and Banning Lewis Parkway extension

**TSN(s)**

5300000716; 5310415002;  
5310415001; 5300000548;  
5300000547; 5300000541

**Site Area**

511.93 acres

**Proposed Land Use**

Commercial and Residential

**Applicable Code (Chapter 7)**

Chapter 7

## Project Summary

This project includes concurrent applications for a major master plan amendment, right-of-way vacation, PUD zone change, PUD concept plan, zone change and concept plan for 511.20 acres of land northeast of the intersection of Banning Lewis Parkway and Dublin Boulevard (see "Attachment 1 - Project Statement").

File Number	Application Type	Decision Type
MAPN-23-0001	Master Plan Major Amendment	Quasi-Judicial
SUBD-23-0052	ROW Vacation	Legislative
PUDC-23-0002	PDZ Concept Plan	Quasi-Judicial
PUDZ-23-0002	PDZ Zone Change	Quasi-Judicial
COPN-23-0010	Concept Plan	Quasi-Judicial
ZONE-23-0008	Zone Change	Quasi-Judicial

**Zoning and Overlays**

Current: PDZ/R-5-cr/R-1 6/MX-M-cr/AP-O/SS-O (Planned Development Zone District, Multi-Family High with Conditions of Record, Single Family-Medium, Mixed-Use Medium Scale with Conditions of Record, and Airport and Streamside Overlays) and PDZ/R5/AP-O/SS-O (Planned Development Zone District and Multi-Family Residential with Airport and Streamside Overlays)

Proposed: PDZ/AP-O/SS-O (Planned Development Zone District with Airport and Streamside Overlays and MX-M/AP-O/SS-O (Mixed-Use Medium Scale with Airport and Streamside Overlays)

## Background

### Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Banning Lewis Ranch #2 (Ord. 88-115)	8/9/1988
Subdivision	NA	NA
Master Plan	Banning Lewis Ranch	1988
Prior Enforcement Action	NA	NA

### Site History

Banning Lewis Ranch Village B2 Master Plan was approved in 1988 when Banning Lewis Ranch #2 was annexed into the City of Colorado Springs in 1988. The master plan consists of residential-low, medium, and high, retail, parking and open space and two school sites. The subject area is part of the overall Banning Lewis Ranch Master Plan which is privately initiated and operative.

### Applicable Code

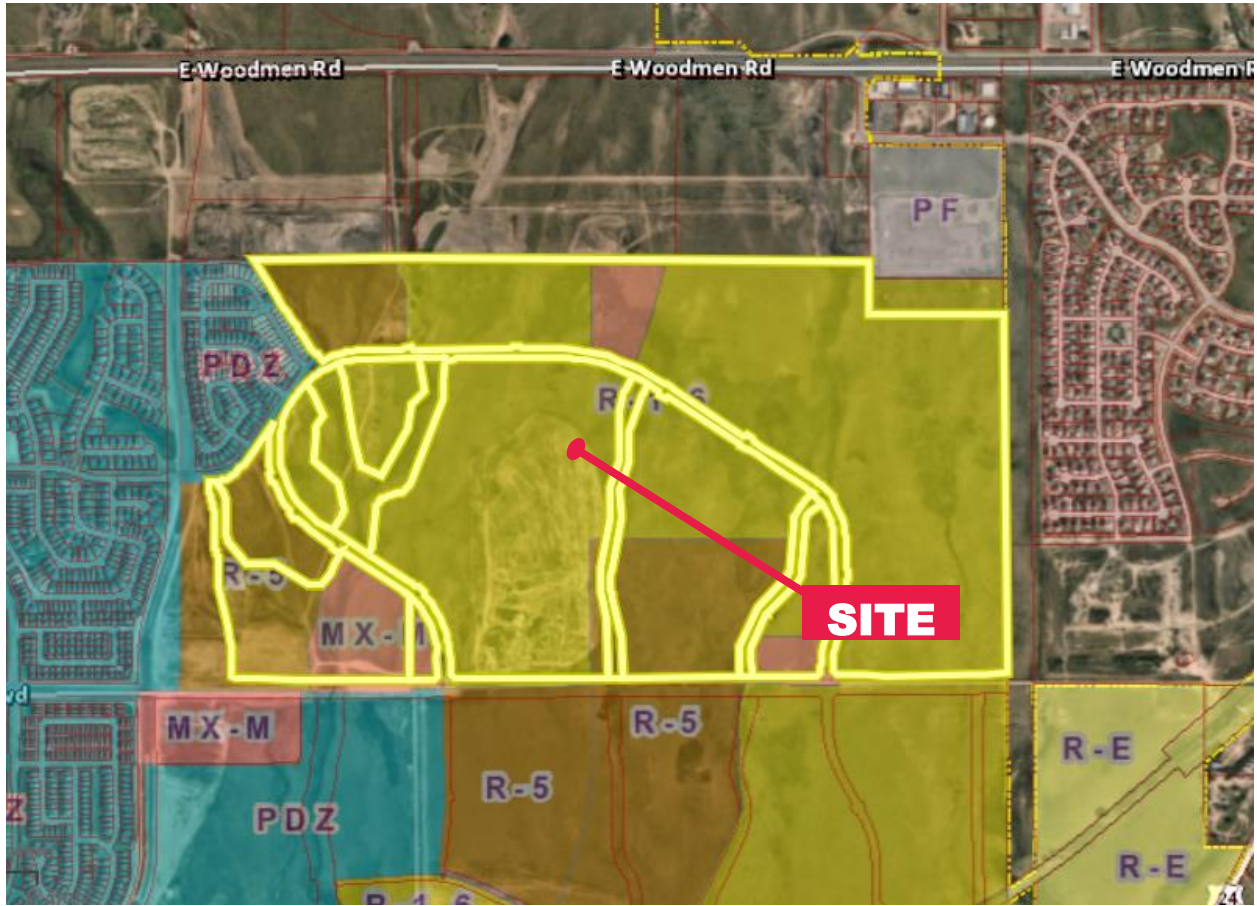
The subject applications were submitted prior to the implementation date (06/05/2023) of the ReTool project, and as such, the applicant is permitted to elect which Code they prefer their applications be reviewed under. The subject applications were chosen to be reviewed under the previous Chapter 7 per the applicant's instructions. All subsequent references within this report that are made to "the Code" and related sections are references to previous Chapter 7.

## Surrounding Zoning and Land Use

### Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	PDZ/AP-O; PF	Vacant	Banning Lewis Ranch North
West	PDZ/AP-O	Single-Family Residential	Banning Lewis Ranch Village B1; Banning Lewis Ranch Village A
South	MX-M; PDZ; R-1 6; R-5/ AP-O/SS-O	Vacant	Banning Lewis Ranch
East	PUD	Single-Family Residential/Vacant	El Paso County

## Zoning Map



## Stakeholder Involvement

### Public Notice

Public Notice Occurrences  
(Poster / Postcards)

Internal Review / Prior to Planning Commission Hearing

Postcard Mailing Radius

1000'

Number of Postcards Mailed

261 (Initial Review) / 381 (prior to Planning Commission)

Number of Comments Received

5 initial review period; 12 additional prior to Planning Commission

### Public Engagement

- Neighborhood meeting was held on December 20, 2023. A summary of the meeting has been provided (see "Attachment 2- Public Meeting Summary").
- Public comments were received by email in opposition expressing general concern of density, reduction of park and open space, congested streets, and lack of infrastructure (see "Attachment 3 - Public Comment" and "Attachment 3A –

**Additional Public Comments).** The applicant provided a written response to the public comments (see “Attachment 4 - Public Comment Response”). No follow-up correspondences from the public were received.

- Staff input is outlined in the following sections of this report. Staff sent copies of the plan sets and supporting documentation to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Stormwater Enterprise, City Fire, District 49, and City Budget.

## Timeline of Review

Initial Submittal Date	August 9, 2022
Number of Review Cycles	Four
Item(s) Ready for Agenda	October 16, 2023
Postponements	Three postponements have been granted

## Agency Review

### Traffic Impact Study

A Traffic Impact Study Addendum dated July 15, 2022, prepared by LSC Transportation Consultants, Inc., was submitted for review and the City Traffic Engineering agreed with the findings and recommendations. Findings in this report identified the following needs:

- Banning Lewis Parkway should be constructed between Dublin Boulevard and Woodmen Road as part of the currently proposed Banning Lewis Ranch B2 development. As discussed in the Banning Lewis Ranch A-D Master TIS, Banning Lewis Parkway is planned as a four-lane roadway with auxiliary lanes at intersections.
- Dublin Boulevard should be constructed between Banning Lewis Parkway and Vista Oro (east) as part of the currently proposed Banning Lewis Ranch B2 development. As discussed in the Banning Lewis Ranch A-D Master TIS, Dublin Boulevard is planned as a six-lane roadway between Banning Lewis Parkway and the commercial access and as a four-lane roadway east of the commercial access.
- The intersection of Dublin/Banning Lewis is planned as a future traffic-signal-controlled intersection.
- Sound barrier mitigation will be required for all residential lots adjacent to Banning Lewis Parkway and Dublin Boulevard and is noted on the concept plan.

### School District

District 49 provided a letter dated September 14, 2023 (see “Attachment 5 - District 49”) which indicated acceptance of the planned school site on the master plan amendment and concept plan. District 49 continues to work with Oakwood Homes to finalize school land entitlements and final locations. District 49 is requesting land dedication for all residential uses within the development.

The school sites on the prior master plan identified two school locations which together total 14 acres of school land. The master plan amendment identifies one school parcel consisting of 12.02 acres, a decrease of 2.02 acres.

### Parks

City Parks, Recreation, & Cultural Services (“City Parks”) has reviewed the project and agrees with the neighborhood, community, and total park obligations shown on the concept plan. The following notes have been added to the Concept Plan at the request of Parks:

1. The neighborhood park land is proposed to be satisfied through two (2) 7.4-acre park sites.
2. These two neighborhood parks will be built by the developer then owned and maintained by the Metro District.

3. The community park land obligation (17.02 acres) will be satisfied with the next future village (aka Village C or D). City Parks seeks one community park site which is a minimum of 35 acres or greater, suited for and developable as athletic fields, sports courts, and park amenities and which will not cause a sound issue to adjacent neighbors once built (allows for buffering).
4. If for any reason, satisfactory park land cannot be provided to meet the B2 community park land obligation in upcoming villages, the master developer will owe fee's in lieu of land.
5. Building permits may be held up until this payment is satisfied.

## SWENT

Stormwater comments were addressed during the initial review of this project.

Resolution No 223-22 amended Resolution No. 202-22 eliminating the Sand Creek Drainage Basin Fee for the portion of the Sand Creek Drainage Basin within Banning Lewis Ranch. The City/County Drainage Board recommended partial closure of the Sand Creek Drainage Basin within Banning Lewis Ranch, eliminating the Sand Creek Drainage Basin fee within the area upon the payment of unpaid fees.

## Colorado Springs Utilities

Colorado Springs Utilities (CSU) comments were all addressed during the initial review of this project.

# Application Type Analysis

## Summary of Application

The project (herein referenced as "Banning Lewis Ranch Village B2") consists of 511.20 acres, located in the northeast corner of Banning Lewis Parkway and Dublin Boulevard. The project area is currently zoned PDZ/R5-cr/R1-6/MX-M-cr/AO/SS (Planned Development Zone District, Multi-Family Residential with Conditions of Record, Single-Family Residential, Mixed-Use Medium Scale with Conditions of Record, and Airport and Streamside Overlays) and PDZ/R5/AP-O/SS-O (Planned Development Zone District and Multi-Family Residential with Airport and Streamside Overlays).

The major master plan amendment proposes a revision of the land use designations from RL (Residential-Low) and RH (Residential-High) to RES-M (Residential-Medium density, 3.5-7.99 dwelling units per acres); R (Retail) and NR (Neighborhood Retail) to COM (Commercial); P (Park) to PRO (Park and Open Space) with no change to the ES (School) land use designation, to establish a primarily residential development with some commercial opportunities (see "**Attachment 6 - Master Plan Major Amendment**"). The project proposes a 35.856-acre cumulative right-of-way vacation affecting previously platted portions of Banning Lewis Parkway, Dublin Boulevard, and Vista Del Oro Boulevard which was platted with the Banning Lewis Ranch Filing No. 1 and No. 3 per the original Master Plan (see "**Attachment 7 - Vacation Plat**"). The proposed right-of-way vacation area is included in the proposed zone change and concept plan request outlined below.

There are two zone change requests associated with this application: one proposes to change the 502 acres from PDZ/R-5-cr/R-1-6/MX-M-cr/AP-O/SS-O (Planned Development Zone District, Multi-Family High Residential with Conditions of Record, Single Family-Medium Residential, Mixed-Use Medium Scale with Conditions of Record, and Airport and Streamside Overlays) to PDZ/AO/SS (Planned Development Zone District with Airport and Streamside Overlays: single-family and/or two-family residential; density of 3.5-7.99 du/ac; and a maximum building height of 35 feet) (see "**Attachment 8 - PDZ Rezone**"). The second rezone application proposes to change 9.2 acres from PDZ/R5/AP-O/SS-O (Planned Development Zone District and Multi-Family Residential with Airport and Streamside Overlays) to MX-M/AP-O/SS-O (Mixed-Use Medium Scale with Airport and Streamside Overlays) (see "**Attachment 9 - Rezone Commercial**"). Concurrent concept plans illustrate the envisioned commercial and residential development with proposed access, roadway extensions, and connections to future development (see "**Attachment 10 - PDZ Concept Plan and Concept Plan**").

In accordance with Chapter 7, Section 7.5.105: Threshold of Review, a project which requires the filing of more than one application for land use approval or permit may file all related applications concurrently. Processing and review is concurrent and the final decision on the project is made by the highest level of review authority, except for preliminary and final subdivision plats which shall be reviewed and approved administratively by the Department. Therefore, all applications for the Banning Lewis Ranch Village B2, including the request for vacation of right-of-way are considered concurrently. Applicable review criteria for each entitlement are analyzed below.

## Application Review Criteria

### **Major Master Plan Amendment [MAPN-23-0001]**

The major master plan amendment (see "**Attachment 5 - Master Plan Major Amendment**") proposes a revision of the land use designations from RL (Residential-Low) and RH (Residential-High) to RES-M (Residential-Medium density, 3.5-7.99 dwelling units per acres); R (Retail) and NR (Neighborhood Retail) to COM (Commercial); P (Park) to PRO (Park and Open Space) with no change to ES (School) land use designation. Master Plans are generalized guides for development and as noted in City Code Section 7.5.403.C, at times may become necessary to amend the plans as conditions change. The Banning Lewis Master Plan, originally approved in 1988, illustrated a vision of high-density residential development throughout the master planned area. This master plan has been amended frequently to accommodate the modern residential development pattern. Market conditions evolved over the last three decades and the proposed changes are a proactive response to ensure greenfield development is responsive to the current market conditions. The proposed land use designation change maintains a primarily residential land use classification and is compatible with existing and proposed residential land uses to the west. Staff finds that the addition of a commercial land use designation will be a complimentary land use at an envisioned major intersection to serve many neighborhood commercial needs. The commercial land use designation will not substantially impact public facilities, transportation, or the environment. The master plan accounts for the needs of the school district and shows two areas of dedicated park/open space. The neighborhood parkland obligations will be satisfied by the two 7.4-acre park sites. The community parkland obligation (17.02 acres) will be satisfied with the next future villages (aka Village C and D). Notes on parkland obligation have been included on the PUD Concept and Concept Plan.

The City Budget Office reviewed the master plan amendment and determined that the previous Fiscal Impact Analysis is still applicable and a revised analysis is not necessary (see "**Attachment 11 – Fiscal Impact Analysis**").

City Planning staff finds the application to be consistent with the purpose of the Master Plan, as set forth in City Code Section 7.5.401.

Pursuant to City Code Section 7.5.408, master plans and major and minor amendments to approved master plans shall be reviewed for substantial conformance with the criteria listed below:

- A. *Comprehensive Plan: The Comprehensive Plan is the context and benchmark for the assessment of individual land use master plans. The proposed land use master plan or the amendment conforms to the policies and strategies of the Comprehensive Plan.*
- B. *Land Use Relationships:*
  - a. *The master plan promotes a development pattern characterizing a mix of mutually supportive and integrated residential and nonresidential land uses with a network of interconnected streets and good pedestrian and bicycle connections.*
  - b. *Activity centers are designed so they are compatible with, accessible from and serve as a benefit to the surrounding neighborhood or business area. Activity centers also vary in size, intensity, scale and types of uses depending on their function, location and surroundings.*
  - c. *The land use pattern is compatible with existing and proposed adjacent land uses and protects residential neighborhoods from excessive noise and traffic infiltration.*
  - d. *Housing types are distributed so as to provide a choice of densities, types and affordability.*
  - e. *Land use types and location reflect the findings of the environmental analysis pertaining to physical characteristics which may preclude or limit development opportunities.*
  - f. *Land uses are buffered, where needed, by open space and/or transitions in land use intensity.*
  - g. *Land uses conform to the definitions contained in section 7.5.410 of this part.*
- C. *Public Facilities:*

- a. *The land use master plan conforms to the most recently adopted Colorado Springs parks, recreation and trails master plan.*
  - b. *Recreational and educational uses are sited and sized to conveniently service the proposed population of the master plan area and the larger community.*
  - c. *The proposed school sites meet the location, function and size needs of the school district.*
  - d. *The land use master plan conforms to the adopted plans and policies of Colorado Springs Utilities.*
  - e. *Proposed public facilities are consistent with the strategic network of long range plans.*
  - f. *The master development drainage plan conforms to the applicable drainage basin planning study and the drainage criteria manual.*
- D. *Transportation:*
- a. *The land use master plan is consistent with the adopted intermodal transportation plan. Conformity with the intermodal transportation plan is evidence of compliance with State and local air quality implementation and maintenance plans.*
  - b. *The land use master plan has a logical hierarchy of arterial and collector streets with an emphasis on the reduction of through traffic in residential neighborhoods and improves connectivity, mobility choices and access to jobs, shopping and recreation.*
  - c. *The design of the streets and multiuse trails minimizes the number of uncontrolled or at grade trail crossings of arterials and collectors.*
  - d. *The transportation system is compatible with transit routes and allows for the extension of these routes.*
  - e. *The land use master plan provides opportunities or alternate transportation modes and cost effective provision of transit services to residents and businesses.*
  - f. *Anticipated trip generation does not exceed the capacity of existing or proposed major roads. If capacity is expected to be exceeded, necessary improvements will be identified, as will responsibility, if any, of the master plan for the construction and timing for its share of improvements.*
- E. *Environment:*
- a. *The land use master plan preserves significant natural site features and view corridors. The Colorado Springs open space plan shall be consulted in identifying these features.*
  - b. *The land use master plan minimizes noise impacts on existing and proposed adjacent areas.*
  - c. *The land use master plan utilizes floodplains and drainageways as greenways for multiple uses including conveyance of runoff, wetlands, habitat, trails, recreational uses, utilities and access roads when feasible.*
  - d. *The land use master plan reflects the findings of a preliminary geologic hazard study and provides a range of mitigation techniques for the identified geologic, soil and other constrained natural hazard areas.*
- F. *Fiscal:*
- a. *A fiscal impact analysis and existing infrastructure capacity and service levels are used as a basis for determining impacts attributable to the master plan. City costs related to infrastructure and service levels shall be determined for a ten (10) year time horizon for only the appropriate Municipal funds.*
  - b. *The fiscal impact analysis demonstrates no adverse impact upon the general community and the phasing of the master plan is consistent with the adopted strategic network of long range plans that identify the infrastructure and service needs for public works, parks, police and fire services.*
  - c. *The cost of on site and off site master plan impacts on public facilities and services is not borne by the general community. In those situations where the master plan impacts are shown to exceed the capacity of existing public facilities and services, the applicant will demonstrate a means of increasing the capacity of the public facilities and services proportionate to the impact generated by the proposed master plan. Mitigation of on site and off site costs may include, but is not limited to, planned expansions to the facilities, amendments to the master plan, phasing of the master plan and/or special agreements related to construction and/or maintenance of infrastructure upgrades and/or service expansions. Any special agreements for mitigation of on site and off site impacts for public improvements, services and maintenance are shown to be workable and supported by financial assurances. Preexisting and/or anticipated capacity problems not attributable to the master plan shall be identified as part of the master plan review.*
  - d. *Special agreements for public improvements and maintenance are shown to be workable and are based on proportional need generated by the master plan.*
  - e. *Any proposed special districts are consistent with policies established by the City Council. (Ord. 84-221; Ord. 87-38; Ord. 91-30; Ord. 94-107; Ord. 97-109; Ord. 01-42; Ord. 02-51; Ord. 19-3)*

Staff finds that the proposed master plan amendment has met the review criteria listed above.





### Vacation of Right-Of-Way [SUBD-23-0052]

The proposed right-of-way vacation requests the vacation of 35.856 acres consisting of several platted roadways including Vista Del Oro Boulevard and portions of public right-of-way Dublin Boulevard and Banning Lewis Parkway (see "**Attachment 7 - Vacation Plat**"). The street design for Banning Lewis Parkway has changed significantly since platting, including reducing the road classification from an expressway to a principal arterial, which reduces the need for excess right-of-way. The right-of-way vacation request is consistent with the 2018 Amended Annexation Agreement, which states that the City will act on requests to vacate excess portions of right-of-way including any previously dedicated right-of-way for Banning Lewis Parking in excess of 142 feet. The City Traffic Engineering Division of Public Works (herein referred to as "Traffic Engineering") supports the vacation request as proposed. The proposed vacation requests along Dublin Boulevard provide a uniform right-of-way width along Dublin Boulevard. Along with re-routing interior roadways, several portions of the existing City of Colorado Springs public right-of-way is proposed to be vacated. Future filings within Village B2 will have dedicated right-of-way when new internal roads networks are known, and future roadway connections have been identified. These will be dedicated through future subdivision plats. All necessary right-of-way is retained through this request to accommodate public facilities and no City departments have requested maintaining easements within the proposed vacation area.

City Planning staff finds the application to be consistent with the vacation plat requirements and platting procedures, as set forth in City Code Section 7.7.402.

Pursuant to City Code Section 7.7.402, the vacation of right of way is solely at the discretion of the City Council. An application for vacation of public right of way may be approved by City Council only if the request complies with the following criteria:

1. *The right of way is no longer needed for public transportation purposes;*
2. *The vacation will not adversely impact use of the right of way for public utility and/or drainage purposes;*
3. *The vacation will not adversely impact the uniform width of the remaining portions of the public right of way along the block frontage for which vacation is sought;*
4. *Access to lots or properties surrounding the public right of way will not be adversely affected; and*
5. *The vacation is consistent with the purpose of this Subdivision Code. (Ord. 96-44; Ord. 01-42; Ord. 06-13; Ord. 09-80; Ord. 12-75)*

Staff finds that the proposed vacation of right-of-way has met the review criteria listed above.

### PDZ Zone Change [PUDZ-23-0002]

A PUD Zone District (also referred to as PDZ using current district names) may be established upon any tract of land held under a single ownership or under unified control, provided the application for the establishment of the zone district is accompanied by a PUD concept plan or PUD development plan covering the entire zone district which conforms to the provisions of this part. A PDZ Concept Plan, discussed below, has been submitted concurrently with PDZ (PUD) zone change request.

The request will rezone 502 acre of the project site from PDZ/R-5-cr/R-1 6/MX-M-cr/AP-O/SS-O (Planned Development Zone District, Multi-Family High Residential with Conditions of Record, Single Family-Medium Residential, Mixed-Use Medium Scale with Conditions of Record, and Airport and Streamside Overlays) to PDZ/AO/SS (Planned Development Zone District with Airport and Streamside Overlays: single-family and/or two-family residential; density of 3.5-7.99 du/ac; and a maximum building height of 35 feet) (see "**Attachment 8 - PDZ Rezone**"). The proposed rezone is for a portion of a larger 511.20-acre unplatted parcel. The proposed land use is single-family and/or two-family residential with a density range of 3.5-7.99 dwelling units per acre with a maximum building height of 35 feet. The rezone is substantially similar to established PUD developments to the west (see "Context Map" attachment). The development to the west is a PUD single-family residential community, approved in 2017, and developed by the same developer with the same density range and maximum building height as requested in this rezone. Per City Code Section 7.3.601 *Planned Unit Development Districts Purpose*, this zone district encourages flexibility of design that cannot be achieved through the application of the City's standard single use zones.

City Planning staff finds the application to be consistent with the purpose for a zone change request, as set forth in City Code Section 7.3.601 (PUD) and City Code Section 7.5.601 (Zone Change) as well as the criteria for a zone change as found in Section 7.5.603.B. of Chapter 7.

Pursuant to City Code Section 7.5.603.B a proposal for a change of zone district boundaries may be approved only if the following findings are made:

1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.  
Staff Response:
2. The proposal is consistent with the goals and policies of the Comprehensive Plan.
3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.
4. For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this chapter.

Staff finds that the proposed PDZ zone change has met the review criteria listed above.

#### PDZ Concept Plan [PUDC-23-0002]

The Banning Lewis Ranch Village 2 PUD Concept Plan (see "**Attachment 10 - PDZ Concept Plan and Concept Plan**") consists of a conceptual design for 502 acres of property to be developed as medium-density residential (3.5-7.99 dwelling units per acre). The ultimate number of units is based on the PUD zone density with limitations for building area and future land dedication and other factors. Throughout the residential concept planned area the applicant proposes detached 5-foot sidewalks to run adjacent to all public streets throughout the development for pedestrian circulation. This will allow for safe access to the proposed school sites and pedestrian access to other areas of the concept plan area. The PUD concept plan also notes that all dimensional development standards will be established with a subsequent development plan. The Public Improvements table on the cover sheet of the PUD Concept Plan also notes that future trails and open space will be provided throughout the development and will be established through platting. Per the PDZ concept plan review criteria, set forth in City Code Section 7.3.605 *Review Criteria for PUD Concept Plans*, the plan is in substantial compliance with the required criteria. Specifically, the proposed development is consistent with the surrounding established residential development to the west and reinforces the land use patterns as established by the approved master plan as amended (see "**Attachment 12 - Context Map**").

City Planning staff finds the application to be consistent with the purpose of the PUD concept plan request, set forth in City Codes Section 7.3.601 (PUD) and City Code Section 7.5.501 (Concept Plan).

Pursuant to City Code Section 7.3.605, approval of the PUD Concept Plan shall be in substantial compliance with the following criteria:

- A. *Is the proposed development pattern consistent with the Comprehensive Plan and all applicable elements of the Comprehensive Plan (including the intermodal transportation plan and the parks, recreation and trails master plan)?*
- B. *Are the proposed uses consistent with the Comprehensive Plan, as amended?*
- C. *Is the proposed development consistent with any City approved master plan that applies to the site?*
- D. *Is the proposed development consistent with the intent and purposes of this Zoning Code?*
- E. *Does the development pattern proposed within the PUD concept plan promote the stabilization and preservation of the existing or planned land uses in adjacent areas and surrounding residential neighborhoods?*
- F. *Does the development pattern proposed within the PUD concept plan provide an appropriate transition or buffering between uses of differing intensities both on site and off site?*
- G. *Does the nonresidential development pattern proposed within the PUD concept plan promote integrated activity centers and avoid linear configurations along roadways?*
- H. *Are the permitted uses, bulk requirements and required landscaping appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community?*
- I. *Does the PUD concept plan provide adequate mitigation for any potentially detrimental use to use relationships (e.g., commercial use adjacent to single-family homes)?*
- J. *Does the PUD concept plan accommodate automobile, pedestrian, bicycle and transit modes of transportation as appropriate, taking into consideration the development's primary function, scale, size and location?*
- K. *Does the PUD concept plan include a logical hierarchy of perimeter and internal arterial, collector and local streets that will disperse development generated vehicular traffic to a variety of access points and ways, reduce through traffic in adjacent residential neighborhoods and improve resident access to jobs, transit, shopping and recreation?*

- L. *Will streets and drives within the project area be connected to streets outside the project area in a way that minimizes significant through traffic impacts on adjacent residential neighborhoods, but still improves connectivity, mobility choices and access to jobs, shopping and recreation?*
- M. *Does the PUD concept plan provide safe and convenient vehicle and pedestrian connections between uses located within the zone district, and to uses located adjacent to the zone district or development?*
- N. *Will adequately sized parking areas be located to provide safe and convenient access, to avoid excessive parking ratios and avoid excessive expanses of pavement?*
- O. *Are open spaces integrated into the PUD concept plan to serve both as amenities to residents/users and as a means for alternative transportation modes, such as walking and biking?*
- P. *Will the proposed development overburden the capacities of existing or planned streets, utilities and other public facilities?*
- Q. *Are the areas with unique or significant natural features preserved and incorporated into the design of the project? (Ord. 03-110; Ord. 03-190; Ord. 09-70; Ord. 09-80; Ord. 12-68; Ord. 19-3)*

Staff finds that the proposed PUD concept plan has met the review criteria listed above.

Zone Change [ZONE-23-0008]

A change of zone of 9.3 acres from PDZ/ R5/AO/SS (Planned Development Zone District and Multi-Family Residential with Airport and Streamside Overlays) to MX-M/AP-O/SS (Mixed-Use Medium Scale with Airport and Streamside Overlays) is being requested for future commercial uses (see **"Attachment 9 - Rezone Commercial"**). The proposed zoning provides a needed commercial area at the intersection of two major roadways in this newer developing neighborhood. A 3-acre retail use was envisioned for this location, however, the proposed 9.3-acre commercial use is uniquely situated to provide a range of complimentary commercial opportunities to the future residents of Village B2 as well as service the residents in the residential developments to the west and in the future to the south. If approved, this area will become one of the three commercially zoned properties along Dublin Boulevard east of the North Marksheffel Road corridor.

City Planning staff find the request is consistent with the established parameters of the MX-M (Mixed-Use Medium Scale) zone district, as set forth in City Code Section 7.3.202.C, which envisions a range of retail sales and service establishments. Staff finds the application to be consistent with the purpose for a zone change request as set forth in City Code Section 7.5.601.

Pursuant to City Code Section 7.5.603.B a proposal for a change of zone district boundaries may be approved only if the following findings are made:

- 5. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.  
Staff Response:
- 6. The proposal is consistent with the goals and policies of the Comprehensive Plan.
- 7. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.
- 8. For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this chapter.

Staff finds that the proposed zone change has met the review criteria listed above.

Concept Plan [COPN-23-0010]

The proposed Concept Plan (see **"Attachment 10 - PDZ Concept Plan and Concept Plan"**) consists of a conceptual design for 9.2 acres of the property to be developed commercially. The plan shows that primary access to the commercial area will be from a proposed roadway which will intersect with Dublin Boulevard. The timing for the construction of the extension of Dublin Boulevard has not been determined at this time. The Public Improvement table on the cover sheet of the concept plan notes that future extension of Dublin Boulevard shall be designed, constructed and sequenced by the Developer.

City Planning staff finds the application to be consistent with the purpose of the concept plan request, set forth in City Code Section 7.5.501 (Concept Plan).

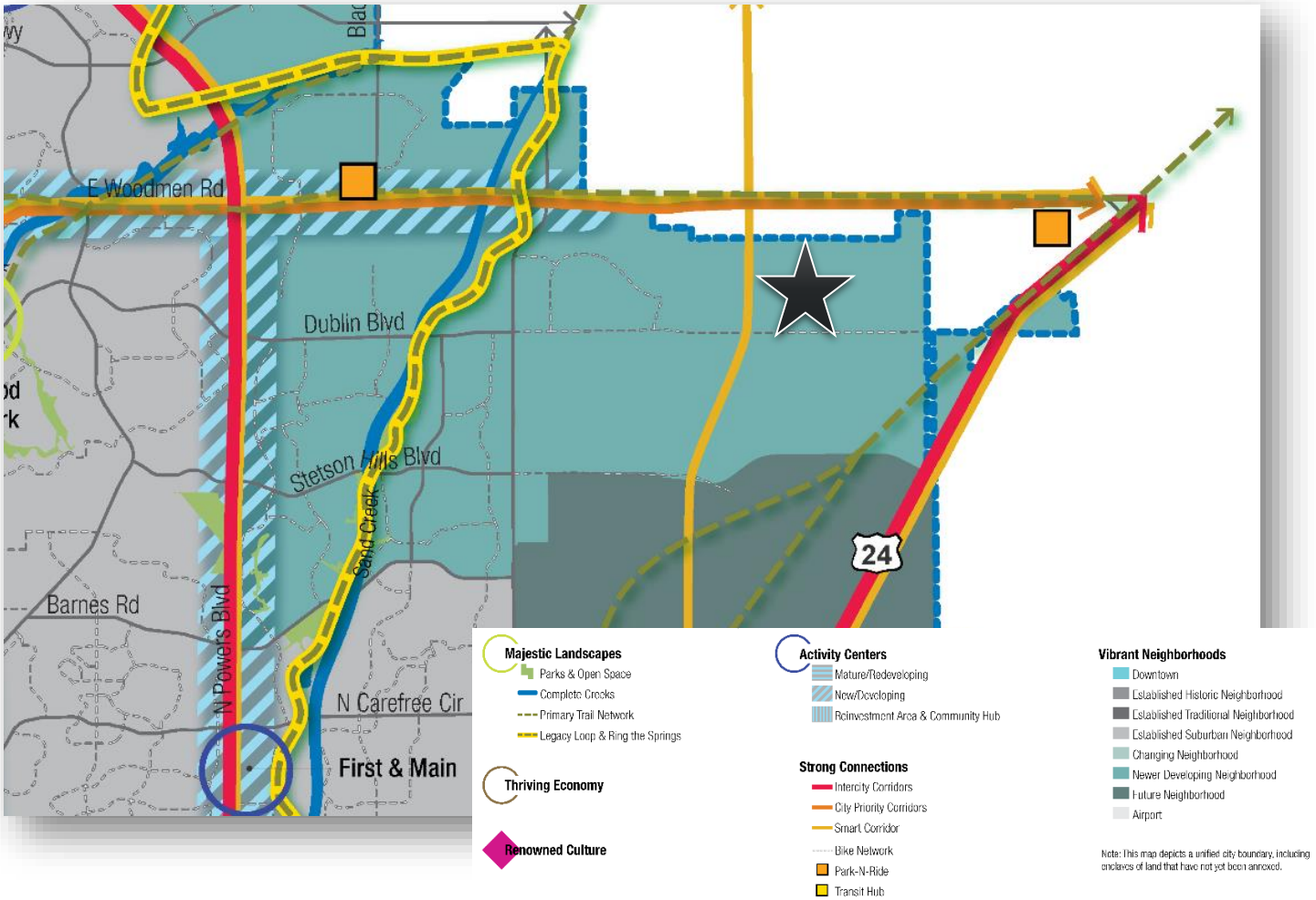
A concept plan is used to review the impact of the proposed land uses on the adjacent properties, neighborhood, road systems, and existing and planned infrastructure and to determine the need for additional dedication and design criteria. No concept plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the existing and proposed land uses surrounding the site. A concept plan shall be reviewed using the criteria listed below (City Code Section 7.5.501).

1. *Will the proposed development have a detrimental effect upon the general health, welfare and safety or convenience of persons residing or working in the neighborhood of the proposed development?*
2. *Will the proposed density, types of land uses and range of square footages permit adequate light and air both on and off the site?*
3. *Are the permitted uses, bulk requirements and required landscaping appropriate to the type of development, the neighborhood and the community?*
4. *Are the proposed ingress/egress points, traffic circulation, parking areas, loading and service areas and pedestrian areas designed to promote safety, convenience and ease of traffic flow and pedestrian movement both on and off the site?*
5. *Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?*
6. *Does the proposed development promote the stabilization and preservation of the existing properties in adjacent areas and surrounding residential neighborhoods?*
7. *Does the concept plan show how any potentially detrimental use to use relationships (e.g., commercial use adjacent to single-family homes) will be mitigated? Does the development provide a gradual transition between uses of differing intensities?*
8. *Is the proposed concept plan in conformance with all requirements of this Zoning Code, the Subdivision Code and with all applicable elements of the Comprehensive Plan?*

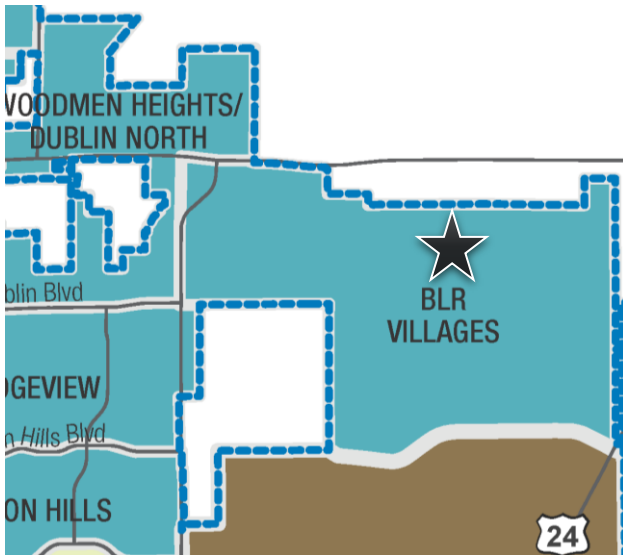
Staff finds that the proposed concept plan has met the review criteria listed above.

# Compliance with PlanCOS

## PlanCOS Vision



Staff has evaluated the proposed project for conformance with the City’s current comprehensive plan (herein referred to as “PlanCOS”), adopted in January 2019. According to the PlanCOS Vision Map, the project site is identified as a ‘Newer Developing Neighborhood’. The project fits within the emerging neighborhood typology as defined in Chapter 2, Vibrant Neighborhoods, and this typology encourages a variety of housing types from low to medium density and ensures that careful attention is paid to the amenities the development may offer to enhance the neighborhood’s livability.



**Predominant Typology**

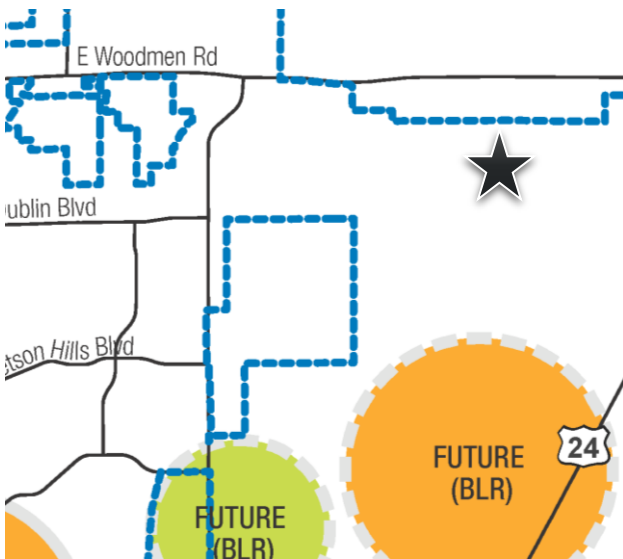
- Downtown
- Newer Developing Neighborhood
- Changing Neighborhood
- Established Historic Neighborhood
- Established Traditional Neighborhood
- Established Suburban Neighborhood
- Airport
- Future Neighborhood

**Vibrant Neighborhoods**

Banning Lewis Ranch Village B2 will be served by a Metropolitan District, which are known to finance public improvements and provide higher levels of ongoing services and amenities. Chapter 2 also identifies in Goal VN-2 to:

*"Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships and appropriate zoning and density that is adaptable to market demands and housing needs."*

Provision of newly constructed residential units is a direct response to the market needs for housing in the City, and the allowance of a PUD zone district that allows for customizable design standards benefits this goal by allowing for a variety of housing types and density mixes.



**Predominant Typology**

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

**Thriving Economy**

The project aligns with PlanCOS Chapter 4 Goal TE-4, which states:

*"Focus on productively developing and redeveloping areas already in, nearby, or surrounded by the city in order to preserve open spaces, maximize investments in existing infrastructure, limit future maintenance costs, and reduce the impacts of disinvestment in blighted areas."*

Policy TE-4.A encourages prioritization of development within the existing City boundaries and built environment (not in the periphery) and is further supported by Strategy TE.4-A-3 which supports greenfield development that includes mixed-use, higher density clusters, and quality design. Banning Lewis Ranch Village B2 is a proposed medium-density single-family residential greenfield development within the existing City boundaries. While the proposed development is on the periphery of the built environment, staff finds the project to still substantially conform to the intent of the Policy as stated because the project site is within the existing City boundaries and is located adjacent to existing development which further reinforces the ability to maximize investments in existing infrastructure.

## Statement of Compliance

### **MAPN-23-0001 – Banning Lewis Ranch Village B2 Master Plan Major Amendment**

After evaluation of the Banning Lewis Ranch Village B2 Master Plan Major Amendment, the application meets the review criteria.

### **SUBD-23-0052 – Banning Lewis Ranch Village B2 Vacation of Right-of-Way**

After evaluation of the Banning Lewis Ranch Village B2 Vacation of Right-of-Way, the application meets the review criteria.

### **PUDZ-23-0002 – Banning Lewis Ranch Village B2 PDZ Zone Change**

After evaluation of the Banning Lewis Ranch Village B2 PDZ Zone Change, the application meets the review criteria.

### **PUDC-23-0002 – Banning Lewis Ranch Village B2 PDZ Concept Plan**

After evaluation of the Banning Lewis Ranch Village B2 PDZ Concept Plan, the application meets the review criteria.

### **ZONE-23-0008 – Banning Lewis Ranch Village B2 Zone Change**

After evaluation of the Banning Lewis Ranch Village B2 Zone Change, the application meets the review criteria.

### **COPN-23-0010 – Banning Lewis Ranch Village B2 Concept Plan**

After evaluation of the Banning Lewis Ranch Village B2 Concept Plan, the application meets the review criteria.