

# CENTRAL BLUFFS ZONE CHANGE

Planning Commission May 8, 2024

Staff Report by Case Planner: Tamara Baxter



## Quick Facts

### Applicant

Kimley Horn

### Property Owner

City of Colorado Springs

### Developer

Colorado Springs Utilities

### Zoning and Overlays

Current: MX-N/SS-O; R-4/MX-N; & R-1 6

Proposed: PF/SS-O

### Site Area

8.09 acres

### Proposed Land Use

Utility, Major (Substation)

### Applicable Code

UDC (Unified Development Code)

## Project Summary

This application is for a zone change from MX-N/SS-O; R-4/MX-N; and R-1 6 (Mixed Use Neighborhood Scale with Streamside Overlay; Multi-Family Low and Mixed-Use Neighborhood Scale; and Single-Family Medium) to PF/SS-O (Public Facilities with Streamside Overlay (see Attachment 1\_Project Statement Zone Change).

File Number	Application Type	Decision Type
ZONE-23-0028	Zone Map Amendment (Zone Change)	Quasi-Judicial

### Address / Location / TSNs

- Parcel 6327206056 – 2910 Austin Bluffs Parkway
- Parcel 6327206051 – 2914 Austin Bluffs Parkway
- Parcel 6327206054 – 2918 Austin Bluffs Parkway
- Parcel 6327206052 – 2922 Austin Bluffs Parkway
- Parcel 6327206055 – 2930 Austin Bluffs Parkway
- Parcel 6327206046 – 4002 Goldenrod Drive
- Parcel 6327206045 – 4006 Goldenrod Drive

## Background

### Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
<b>Annexation</b>	Garden Ranch Addition #3	October 1, 1963
	Garden Ranch Addition #5	December 1, 1964
<b>Subdivision</b>	Austin Bluffs Office Park Filing No. 2	August 15, 2006
	Garden Ranch Subdivision Meadowland Addition No. 1, Filing No. 2	December 7, 1961
<b>Master Plan</b>	None	
<b>Prior Enforcement Action</b>	None	

### Site History

- The seven properties that are included in this zone change application have been purchased by the City of Colorado Springs, on behalf of Colorado Springs Utilities (CSU) to be redeveloped as a substation. This substation intends to consolidate and decommission three older substations to meet the electrical needs of the surrounding neighborhoods. The final design of the substation will be reviewed administratively with a development plan. A formal development plan application has not been made to the city at this time.
- Six of the seven properties are improved with commercial buildings and single-family detached residential dwellings. One of the properties encompasses a portion of the Templeton Gap Floodway.

### Applicable Code

The subject application(s) were submitted after the implementation date (06/05/2023) of the ReTool project. 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>
<b>North</b>	R-1 6 (Single-Family-Medium) & PK/SS-O (Park with Streamside Overlay)	Single-Family Detached Dwellings; Templeton Gap Floodway; City Greenbelt Landt	Garden Ranch Subdivision; Greenbelt which connects to Grant Park
<b>West</b>	R-1 6/SS-O (Single-Family-Medium with Streamside Overlay)	Single-Family Detached Dwelling; Templeton Gap Floodway	Garden Ranch Subdivision; Greenbelt which connects to Grant Park

<b>South</b>	MX-N (Mixed-Use Neighborhood) & R-1 6/SS-O (Single Family – Medium with Streamside Overlay)	Austin Bluffs Parkway	NA
<b>East</b>	R-1 6 (Single Family – Medium)	Single-Family Detached Dwelling	Garden Ranch Subdivision Meadowland Add 1

**Zoning Map**

The project application is for a zone change from MX-N/SS-O; R-4/MX-N; and R-1 6 (Mixed-Use Neighborhood Scale with Streamside Overlay; Multi-Family Low and Mixed-Use Neighborhood Scale; and Single-Family Medium) to PF/SS-O (Public Facilities with Streamside Overlay (see Attachment 2\_Zone Change Exhibit).



**Stakeholder Involvement**

**Public Notice**

<b>Public Notice Occurrences</b> <i>(Poster / Postcards)</i>	Internal Review / Neighborhood Meeting / Prior to Planning Commission Hearing; affidavit of posting provided to staff
<b>Postcard Mailing Radius</b>	1000'
<b>Number of Postcards Mailed</b>	241
<b>Number of Comments Received</b>	35 emails received

## Public Engagement

- A neighborhood meeting was held on January 30, 2024. The meeting was well attended. The project team provided a preliminary description regarding the need for a zone change request and addressed public comments related to noise, power interruption during construction, the height of the wall around the substation, damage to the existing vegetation along the creek, effects on wildlife, health effects, the height of the transmission tower, and property values.
- In addition, CSU has held three community engagement meetings (July 22, 2022, October 18, 2022, and February 16, 2023) before a formal submittal of the zone change request. The planning staff was not in attendance at these meetings.
- Public comments in opposition to the zone change were received (see Attachment 3: Public Comments). The Applicant provided a written response to the received public comments during the initial review of the project (see Attachment 4: Public Comment Response). Staff did receive some additional comments after the neighborhood meeting which were passed along to the Applicant and have been included in Attachment 3.

## Timeline of Review

Initial Submittal Date	November 1, 2023
Number of Review Cycles	2 reviews
Item(s) Ready for Agenda	April 15, 2023

## Agency Review

### Traffic Impact Study

Traffic Engineering had no comment on the zone change request. Traffic analysis is normally not required with a zone change request.

### Engineering Development Review

EDRD had no comments on the proposed zone change.

### SWENT

SWENT had no comments on the proposed zone change.

### Colorado Springs Utilities

CUS had no comments on this proposed zone change.

### Licensed Surveyor under Land Use Review

Based on the few remaining labeling corrections that are necessary on the zone change exhibit, a technical modification is being requested indicating that all remaining comments are satisfied before scheduling this item to the 1<sup>st</sup> reading by City Council of the rezone.

## Land Use Plan Statement & Zoning Map Amendment (Zone Change)

### Summary of Application

A Zone Map Amendment is accompanied by either a land use plan or a development plan. A land use plan is used to review the impact of the proposed uses on surrounding development early in the project planning process. A development plan evaluates the specific impacts of the proposed land use and site design. Per UDC Section 7.5.514, a waiver to the land use plan requirement may be requested with the submittal of a Land Use Statement (see Attachment 5: Project Statement Land Use Statement) demonstrating that the application complies with the criteria for a waiver. The request to waive the requirement for a land use plan for this 8.09 acre in association with the zone map amendment meets the criteria outlined below.

### Land Use Plan Waiver/Statement [UDC Section 7.5.514]

Per UDC Section 7.5.704.A, the purpose of a zoning map amendment is to establish standards and provide a mechanism for the City to review and decide on an application to rezone property within the City's jurisdiction, where the City has determined that rezoning of those areas is appropriate. An application to establish or change the boundaries of any zone district is required to include a Land Use Plan unless waived or a development plan is submitted in conjunction with the zone map amendment request. The applicant requested a Land Use Plan waiver by submitting a Land Use Statement demonstrating the application complies with the criteria for a waiver outlined in UDC Section 7.5.514.B.3.a.(1)-(6) and below:

- (1) *The land area under review is less than ten (10) acres and is planned to be developed in a single phase;*
- (2) *The land is contained in and subject to a previously approved Master or Concept Plan;*
- (3) *The land is included in a Development Plan application;*
- (4) *The land area is part of an established surrounding development pattern;*
- (5) *The proposed zoning pattern for the land aligns with adjacent existing zoning or development; and/or*
- (6) *Major infrastructure or urban services for the land including but not limited to access points and roadway systems, have already been established and are not proposed to be changed.*

Staff finds that the request to waive the requirements for a Land Use Plan has been met in accordance with UDC Section 7.5.514.B.3.

### Zoning Map Amendment (Zone Change) [UDC Section 7.5.704.D]

The zone change request is to rezone the seven subject properties to PF/SS-O (Public Facilities with Streamside Overlay) to set the framework for a future substation. This new substation location intends to assist in the decommissioning of three aging existing substations and provide a newer and more reliable electrical infrastructure to the community.

Per UDC Section 7.2.501, the *"PF zone district is provided for land that is, for example, used or being reserved for a governmental, utility, or telecommunication purpose by the City of Colorado Springs, El Paso County, the State of Colorado, the Federal government, a public utility, a telecommunications provider, or a private provider of a traditional government function. Generally, the existing or proposed use is a unique governmental or utility service or a governmental function."*

In the PF (Public Facilities) zone district, dimensional standards such as lot size, setbacks and maximum height are determined at the time of the Development Plan review. A Development Plan is required to be approved before any building permits may be issued or before construction of any public facility or utility may begin. This will be submitted to the Planning Department in the future and reviewed administratively.

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

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

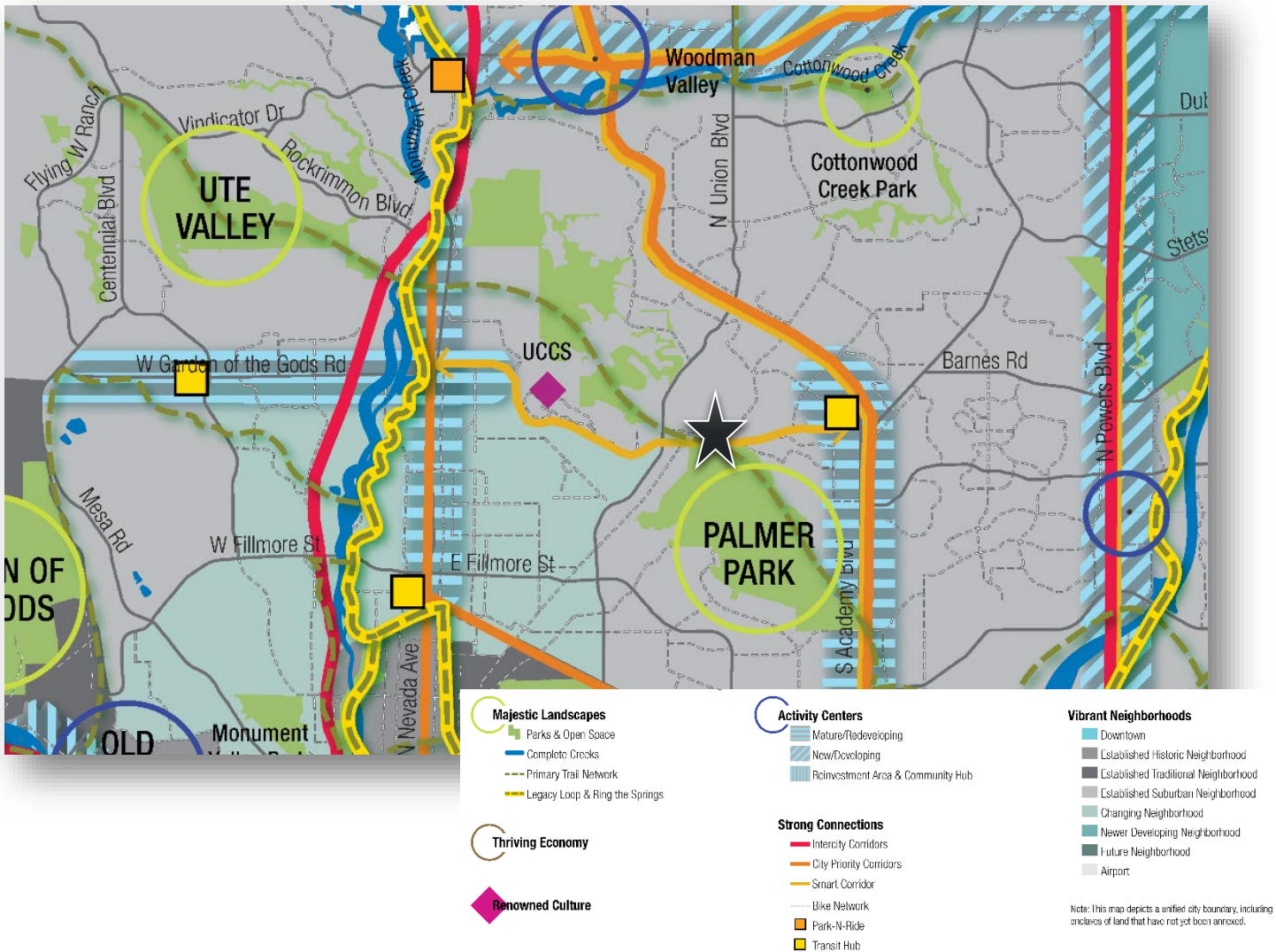
Staff finds that the proposed zone change has met the review criteria listed above.

### **Compliance with Relevant Guiding Plans and Overlays**

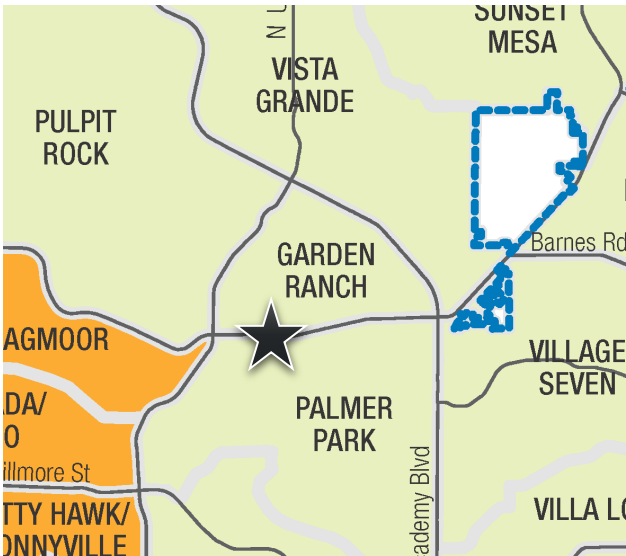
The project encompasses a portion of the Templeton Gap Floodway along the west of the project area. This area is zoned with Streamside Overlay. The future substation proposed as this location falls under the definition of "Utility, Major" which is permitted in the Streamside Overlay. A Land Suitability Analysis will be required to accompany the development plan. In addition to commercial landscape requirements, per UDC Section 7.2.603, additional streamside landscaping will be required. These requirements will need to be addressed with the formal development plan submittal.

# Compliance with PlanCOS

## PlanCOS Vision



The proposed zone map amendment application has been evaluated for conformance with the City’s current comprehensive plan (herein referred to as “PlanCOS”), adopted in January 2019. According to PlanCOS, the project site is identified as an “Established Suburban Neighborhood” along a “Smart Corridor”. The goal of Established Suburban Neighborhood typology is to “recognize, support, and enhance the existing character of these neighborhoods, while supporting their ongoing investment and improved adaptation. New development and/or redevelopment should incorporate elements of the existing neighborhoods”. CSU provided an FAQ on the Central Bluffs location for a future substation (see Attachment 6: Central Bluffs Substation FAQs).



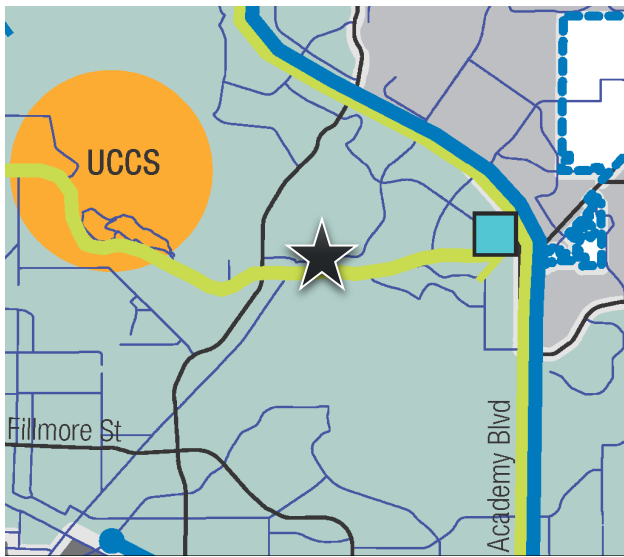
**Predominant Typology**



**Vibrant Neighborhoods**

In the Vibrant Neighborhood chapter, PlanCOS recognizes that integration of mixed-use development in neighborhoods support the creation of vibrant neighborhoods.

- Strategy VN-1.A-3: Support the location of City and County services and amenities within or near neighborhoods that need them the most.



**Predominant Typology**



**Strong Connections**

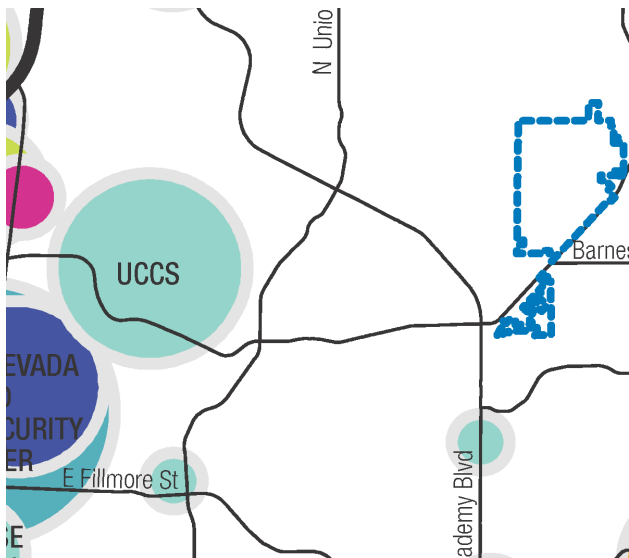
Over the next 30 years, CSU will see a significant transformation of the electric utility industry as technology drives more cost-effective renewable energy resources, distributed generation, demand-side management, energy storage, and Smart Grid opportunities.

- Goal SC-4: Achieve a more environmentally sustainable utilities system for the city
- Policy SC-4.A: Efficiently use the existing utility system capacity.

Utilities knit the entire city together through a vast network of infrastructure, much of which goes unseen or unnoticed by the general public.

- Utility Typology - Modern Upgrades: “The goal of this typology is to adaptively and systematically retrofit and modernize older buildings, facilities, and local utility systems to promote responsive and efficient resource use, production, and distribution, and to reduce negative impacts of utility systems and use at a local scale.”





**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**

Continued land use investments provide public revenues needed to support the facilities and services necessary to create and maintain our great places. Great places attract high-quality work forces and investment in the community.

- Strategy TE-3.A-2: Coordinate land use decisions of major economic impact with Colorado Springs Utilities and applicable economic organizations
- Goal TE-4: 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.

**Statement of Compliance**

**ZONE-23-0028**

After evaluation of the zone map amendment for the Central Bluffs Zone Change application, the application meets the review criteria set forth in City Code Section 7.5.704, with the following technical modification:

1. That all outstanding comments made by the Licensed Surveyor be addressed and satisfied prior to 1<sup>st</sup> Reading at City Council.