



March 17, 2022

**APPLICANT-OWNER/CONSULTANT INFORMATION:**

**OWNER**

FEATHERGRASS INVESTMENTS, LLC  
4715 N. CHESTNUT ST  
COLORADO SPRINGS, CO 80907  
90 S. CASCADE AVENUE, SUITE 1500  
COLORADO SPRINGS, CO 80903

**APPLICANT**

THE GARRETT COMPANIES, INC.  
ATTN: RACHEL HARMON  
1051 GREENWOOD SPRINGS BLVD, SUITE 101  
GREENWOOD, IN 46143

**PLANNING/ TRANSPORTATION ENGINEERING**

KIMLEY-HORN & ASSOCIATES  
4582 SOUTH ULSTER STREET, SUITE 1500  
DENVER, CO 80237

**SURVEYING**

BARRON LAND SURVEYING  
2790 N. ACADEMY BLVD., SUITE 311  
COLORADO SPRINGS, CO 80917

**REQUEST**

The Garrett Companies (Applicant), on behalf Feathergrass Investments, LLC (Owner), requests the rezoning of Parcel No. 5405000035 ( $\pm 1.72$  AC) and Parcel No. 5405000051 ( $\pm 10.54$  AC) from the CS CAD-O (Commercial Service District with Commercial Airport District Overlay) to the RM-30 (Residential Multifamily) CAD-O District. The parcels are located at the southwest corner of the intersection of Constitution Avenue and Marksheffel Road. (See vicinity map for location).

The Applicant intends to develop 226 multifamily units in two (2) buildings on the 12.26 AC site with a maximum density of 18.43 DU/AC in the proposed RM-30 zone. The planned community includes: two (2) mid-rise, three (3) story multifamily unit buildings, office, club house, swimming pool, landscaping, and open spaces. Parking will be provided with a combination of tuck under (garage) parking below select second level units, detached garages, and uncovered surface parking. Final community and site plan details are currently being refined for site development plan submittal.

**REVIEW CRITERIA & JUSTIFICATION**

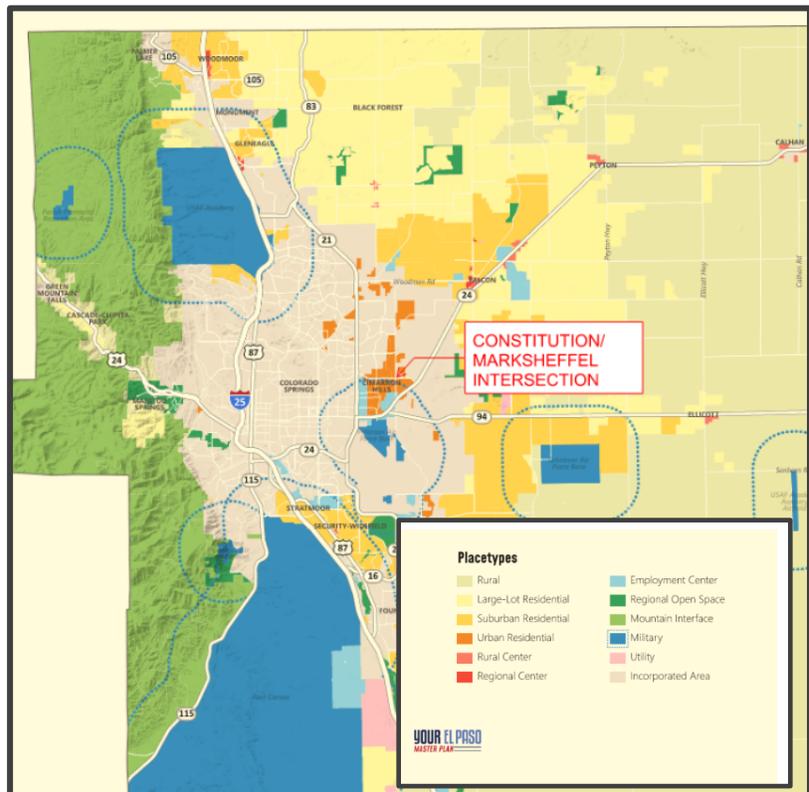
The Applicant requests approval of the rezoning based on findings of consistency and general conformance with the following map amendment (rezoning) review criteria. Master Plan conformity will be discussed in terms of general conformity with the Your El Paso Master Plan (Master Plan) and El Paso County Water Master Plan (WMP).

**A. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;**

The proposed rezone is in general conformance with the EL Paso County Master Plan as discussed in detail below. There has also been a substantial ongoing change in the character of the area’s development and land use patterns creating a mixed land use character that incorporates commercial, industrial, single & multifamily densities centered at Marksheffel/Constitution intersection and adjacent corridor segments. This development pattern is consistent with the location and primary and supporting land uses of the Urban Residential Placetype shown on the Placetypes Map in the Master Plan.

Since the properties were rezoned to the current CS (Commercial Service) zone from M (Industrial) in 2004, the surrounding area has undergone a substantial change in character from primarily industrial/commercial land uses to a mixed use of commercial retail uses supporting a growing single-family residential market base.

The proposed RM-30 zoning and planned multifamily land uses and densities are consistent with the existing adjacent commercial, industrial, public, and residential land uses which are in various stages of development and redevelopment.



Master Plan Conformity (Land Use & Housing)

**Core Principle 1: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.**

**Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.**

Land Use

The Your El Paso Master Plan locates this property within an urban residential placetype where higher density and multifamily residential uses are identified as a primary land use in this area designation.

PLACETYPES	LAND USES																			
	Agriculture	Farm/Homestead	Estate	Single-Family Detached	Single-Family Attached	Multifamily	Mixed Use	Restaurant	Commercial Retail	Commercial Service	Tourism Commercial	Entertainment and Arts	Office	Light Industrial/Business Park	Heavy Industrial	Military Operation	Parks and Open Space	Natural and Paleontological	Institutional	Utility
Rural	●	●	○													●			○	
Large-Lot	○			●					○	○						○				
Suburban				●	○	○			○	○						○			○	
Urban Residential	○	○	○	●	●	●	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Rural Center				●	○	○		●	●	●									●	
Regional Center				○	●	○		●	●	●		●	○						○	
Employment Center								○	○	○			●	●	●					
Regional Open Space																●	●			
Mountain Interface				○				○	○	○	○					●	●		○	
Military				○	○	●		○	○	○		○	○	○	○	○	○		○	
Utility																○				●

● Primary Land Use: More prominent and play a pivotal role in characterizing that placetype  
 ○ Supporting Land Use: Less prevalent and serve to support the primary land use.

The proposed multifamily uses and densities are compatible with the existing and approved residential, commercial, and industrial land use patterns and densities along the Constitution Avenue corridor in both easterly and westerly directions as well as the Marksheffel Rd Corridor in both northerly and southerly directions. Many of the Regional and Employment Center Placetype land uses are located adjacent to or in proximity to the planned development which include commercial retail, restaurant, commercial service, and light industrial in the surrounding CR

(Commercial Retail), CS (Commercial Service), M (Industrial), I-3 (Heavy Industrial), and City of Colorado Springs PBC (Planned Business Center) zone districts.

Infrastructure Capacity (Utilities and Urban Services)

Necessary urban services to meet the multifamily demands are available and currently serving adjacent and nearby residential, commercial, industrial land uses and densities. Specific services include water/wastewater, fire protection, emergency ambulatory/medical service (EMS), police protection, public schools for compulsory education, public parks and recreation opportunities, and public drainage/transportation facilities and associated infrastructure. Akers Drive will be extended southerly from Constitution Avenue to provide public access to the planned development as well as a secondary emergency access for the Urban Collection at Hannah Ridge residential development.

Public services and utilities are, or will be, provided by the following

- Water & Wastewater Services: Cherokee Metropolitan District (CMD)
- Natural Gas: Colorado Springs Utilities
- Electric Service: Mountain View Electric Association
- Fire Protection: Falcon Fire Protection District
- Public Schools: Colorado Springs District #11
- Library Services: Pikes Peak Library District:
- Roads: El Paso County Road and Bridge
- Police Protection: El Paso County Sheriff's Department
- Special District Services: Constitution Heights Metro District
- Parks, Trails, Open Spaces: El Paso County, City of Colorado Springs, CMD

Utility and fire protection commitments and use specific service demands and delivery requirements will be provided at future subdivision phases for the multifamily project. The subsequent subdivision and site development plan submittal and review will include detailed reports and analysis of system or service deficiencies. Impacted service providers will outline respective infrastructure and/or operational needs in order to meet projected demands.

Infrastructure Capacity (Transportation and Access – Summarized from TIS)

The project is expected to generate approximately 1,230 weekday daily trips, with 76 of these trips occurring during the morning peak hour and 97 of these trips occurring during the afternoon peak hour.

Regional access to the project will be provided by US Highway 24 (US-24), Powers Boulevard (SH-21), and State Highway 94 (SH-94). Primary access will be provided by Constitution Avenue and Marksheffel Road. Direct access will be provided by a full movement access from the extension of Akers Drive southerly from Constitution Avenue. Constitution Avenue extends eastbound and westbound with two through lanes in each direction with a posted speed limit of 50 miles per hour. Marksheffel Road extends in the north-south direction with two through lanes in each direction and has a posted speed limit of 50 miles per hour.

Deviations Required

The following deviations will be provided at the subdivision stage (i.e. preliminary plan/final plat) for the ECM administrators consideration:

- A deviation will be provided to request full movement access from a future south leg of Akers Drive at Constitution Avenue. The future south leg of Akers Drive along Constitution Avenue will be located approximately 1,050 feet west of Marksheffel Road (measured edge line to center), and approximately 825 feet east of Hannah Ridge Drive. According to the El Paso Engineering Criteria Manual (ECM) section 2.2.5.B, spacing of roads accessing an urban principal arterial that will result in a full movement intersection shall be planned at one-half mile. However, as stated in the ECM, one parcel access shall be granted to each existing lot, if it does not create safety or operational problems. The intersection of Constitution Avenue and Akers Drive is expected to meet operational, vehicle queue, and sight distance standards; therefore, it is believed that a south leg of Akers Drive at Constitution Avenue should be granted to allow for one full movement access to the existing lot.
- A deviation will be provided in support of allowing a right-out only access along Marksheffel Road. The proposed right-out access along Marksheffel Road will be located approximately 400 feet south of Constitution Avenue (measured edge line to center). The proposed right-out only access along Marksheffel Road is expected to meet operational, vehicle queue, and sight distance standards; therefore, it is believed that this access should be granted to only allow right-turn exiting movements.
- The access along the new south leg of Akers Drive will be approximately 300 feet south of Constitution Avenue (measured edge line to center). According to the El Paso County Engineering Criteria Manual section 2.2.5.D, spacing of intersections along urban collector roadways from an arterial roadway should be 330 feet from the right-of-way line of the arterial to the centerline of the access roadway. Therefore, the proposed access along the new south leg of Akers Drive does not meet ECM standards. The access along Akers Drive is expected to meet operational, vehicle queue, and sight distance standards. A deviation will need to be provided to request for this proposed access to remain at the proposed location.

The project access intersections are anticipated to have all movements operating with acceptable LOS C or better during the peak hours in both the buildout year 2023 and the 2045 long term horizons. It should be noted that the access along Akers Drive will not have any conflicting movements in the short-term; therefore, vehicle delays are not reported at this access intersection.

**Goal 1.3** - *Encourage a range of development types to support a variety of land uses. (Addressed together with core principle and goals below)*

**Core Principle 2: Preserve and develop neighborhoods with a mix of housing types.**

**Goal 2.1** - *Promote development of a mix of housing types in identified areas.*

**Goal 2.3** - *Locate attainable housing that provides convenient access to goods, services, and*

*employment.*

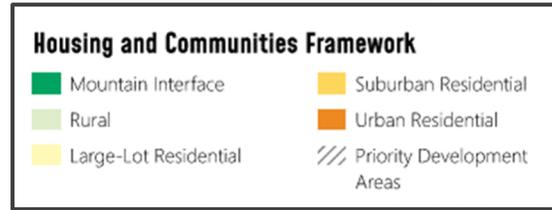
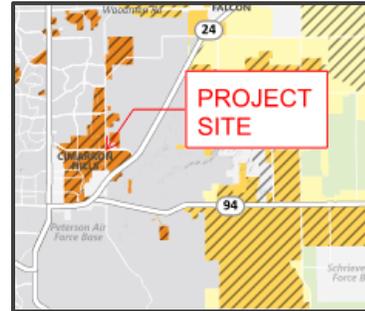
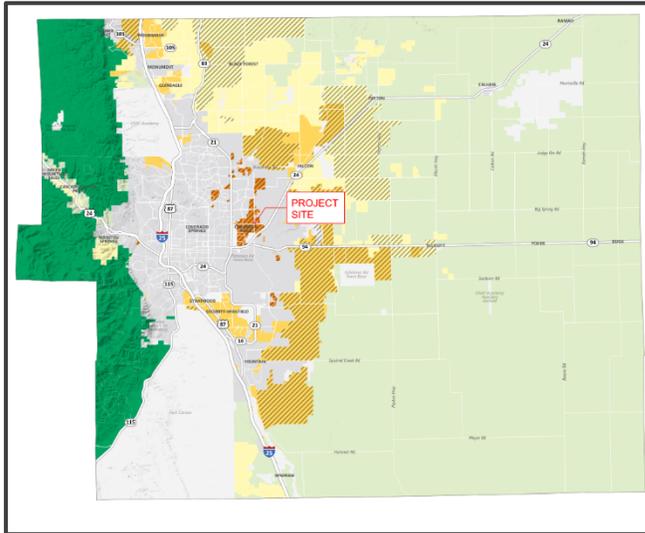
The housing type in the area is characterized by higher urban residential densities including but not limited to single family detached & attached, townhome, and apartment densities and supporting commercial retail uses surrounding the Marksheffel/Constitution intersection. (e.g., Claremont Ranch 9, The Sands, Midtown Collection at Hannah Ridge, Urban Collection at Hannah Ridge, various Hannah Ridge Filings, Upland Flats by Watermark).

The existing and approved land use mix within the adjacent area includes residential (single-family attached, single-family detached, and multifamily) land uses, together with commercial and retail uses, service oriented, light, and heavy industrial land uses along and adjacent to the Constitution Corridor from Peterson Road to the west to the easternmost terminus of Constitution Avenue to the east at State Highway 24, along the Marksheffel Corridor from North Carefree to the north southerly to the intersection of Marksheffel Road and State Highway 94 to the south (see surrounding land use map exhibit/not vicinity map).

The proposed multifamily housing development will provide an additional 226 apartment units to the available rental housing market supply. This housing will create opportunities for individuals and families to find attainable and affordable housing near conveniently located to major transportation thoroughfares (Marksheffel Rd, Constitution Ave, Powers Blvd, SH 24, & SH 94) which can connect them to employment centers, commercial/retail corridors and nodes, and recreational opportunities throughout the El Paso County region. The increased residential densities provide additional customer base in support of existing and planned commercial at the Constitution/Marksheffel intersection, Powers Blvd corridor, and at the SH 24/SH 94 commercial node (pending Crossroads North and Crossroads at Meadowbrook developments, See PCD File Nos SP-20-7 & SP-21-29, respectively).

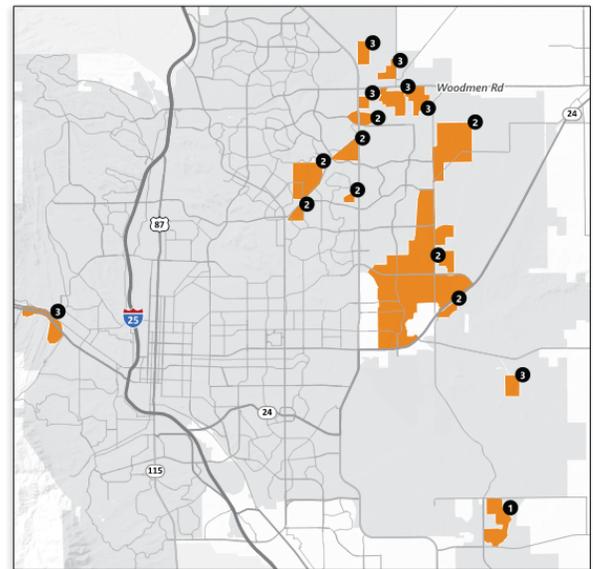
The proposed rezone and development of multi-family housing will provide additional housing choice meet the current regional demand for workforce, affordable, and attainable housing. The proposed rezone provides opportunity to create market rate affordable and attainable housing within a multifamily context. Rental/leasing prices will be market rate which are comparable to rent rates for similarly aged communities in El Paso County that provide comparable unit and community amenities. The proposed infill multifamily development provides a balancing and complementary land use mix that supports nearby commercial/retail uses and workforce housing demands.

According to the Priority Development Areas Map in the Master Plan, the site is located within an Urban Residential Priority Development Area where “new residential development should be prioritized first for new residential development to accommodate growth” in the County.



**Urban Residential Priority Development (Areas Larger Enclaves)** According to the Your El Paso Master Plan, “Larger enclaves, including Cimarron Hills, currently exhibit the Urban Residential place-types characteristics. They have denser housing clustered together with a wide variety of commercial and employment businesses to create a complete community. However, some have only one or two uses due to their size. All of them have been designated as transition areas within the Areas of Change because all or part of them could be redeveloped to better support the establishment of complete communities.”

“Overall, the County should prioritize higher-quality redevelopment of any primary or supporting land use for the Urban Residential placetype as opportunities arise.”



Urban Residential Priority Development Areas

The proposed multifamily densities are an appropriate transition at the Constitution Ave/Marksheffel Rd intersection which has an existing/approved land use mix of retail and service oriented commercial, light to heavy industrial, light manufacturing, single-family detached, medium to high density multifamily uses.

The functionality of the site with respect to access, design, and building orientation will be consistent with and compatible with existing conditions such as location and massing of buildings relative to adjacent rights of way and view corridors, location of community/resident amenities and recreation areas, site design which respects the location as a County/City gateway, as well as enhancing the overall visual character attractiveness of the area through contemporary building facades and private architectural design standards.

#### **WATER MASTER PLAN CONFORMANCE & CONSIDERATIONS**

- **Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.**
- **Goal 6.0 – Require adequate water availability for proposed development.**
- **Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.**
- **Policy 6.0.11– Continue to limit urban level development to those areas served by centralized utilities.**

The development area is located in REGION 5 as identified on the El Paso County Water Master Plan Planning Regions Map and is within the Cherokee Metropolitan District (CMD) Service Area. Region 5 consists of areas served by CMD and is not expected to experience significant growth by 2060. However, the District may expand water and sewer service to growth areas outside of Region 5. CMD has sufficient supply and existing infrastructure in the area to serve this infill development. Water quality is good and Cherokee is in compliance with all regulatory limits.

Water and wastewater services for properties within the rezone area will be provided by Cherokee Metropolitan District Service. Existing distribution and service lines are located adjacent to the site and are adequately sized to deliver water and wastewater to the proposed development

Findings of water sufficiency will be made during the final plat submittal, review, and approval process. Early discussions with the District indicate that adequate water supplies are available to meet the demands of the project. A complete final analysis of projected water demand and to-date District supplies are pending completion of the Development Review process between the District and developer.

A Water Resources Report with supplemental District information will be provided with upcoming final plat application and will provide detailed information regarding multifamily demand and supplies, commitments, facilities, acquisitions, and capital improvements. Coordination is ongoing with the District to establish final water demands to serve the development in terms of number of units, fixture counts, and irrigation and fire suppression needs.

**B. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116;**

The application has met all County submittal and procedural requirements for a rezone as either outlined or authorized by the referenced statutes.

**C. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and**

The proposed zone district is compatible with existing and permitted land uses and zoning districts in all directions.

Surrounding land uses and zoning include the following:

**NORTH (LOCATED ON NORTH SIDE OF CONSTITUTION AVE):**

- HANNAH RIDGE AT FEATHERGRASS FILING NOS 1-7 (RESIDENTIAL PUD )
- MIDTOWN COLLECTION AT HANNAH RIDGE (RESIDENTIAL PUD)
- UPLAND FLATS BY WATERMARK (300 UNIT MULTI-FAMILY) (RM-30)
- TR CC HANNAH RIDGE AT FEATHERGRASS FIL NO 1 (VACANT/CS ZONE)

**WEST:**

- URBAN COLLECTION AT HANNAH RIDGE (RESIDENTIAL PUD)

**SOUTH:**

- WASTE CONNECTIONS GSC (GARBAGE SERVICE COMPANY) – NO TRANSFER ACTIVITIES ON SITE
- EL PASO COUNTY OWNED PROPERTY (STORMWATER IMPROVEMENTS/ M ZONE)
- WILSHIRE RESIDENTIAL PUD
- LIGHT TO HEAVY INDUSTRIAL USES ON THE WEST SIDE OF MARKSHEFFEL SOUTHERLY ALONG MARKSHEFFEL CORRIDOR

**EAST:**

- CLAREMONT RANCH FILING 9 –COMMERCIAL RETAIL CENTER (CR ZONE)
- CLAREMONT RANCH (MULTIPLE RESIDENTIAL FILINGS)

**NORTHEAST:**

- SAND HILL COMMERCIAL (CITY OF COLORADO SPRINGS ZONING PBC AO ZONE)
- SANDS SINGLE-FAMILY RESIDENTIAL (NORTH OF SAND HILL COMMERCIAL ON EAST SIDE OF MARKSHEFFEL) (CITY ZONING R1-6 DF AO)

Roadways, utilities, drainage, etc. will be constructed in the most optimal and efficient manner as necessary to facilitate development construction and sequencing. Utilities for the multifamily community will be coordinated with the associated districts and providers as required. A minimum 15-foot landscape buffer and setback will be provided against the Waste Management GSC and

storage yard on the southern boundary. Planned uses against the development edge will be surface and garage parking which will provide additional buffer and screening against visual impacts. The apartments will be oriented to maximize views to the west, north, and east; minimizing unit views to the south into the storage yard.

**D. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.**

The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the County Code. Planned multifamily uses, which represent a downzoning from the permitted uses under the current CS (CAD-O) retail, wholesale or service commercial oriented zoning.

The site is located adjacent to existing utility infrastructure and service lines. No major utility improvements or upgrades are anticipated in order to adequately serve the site.

The functionality of the site with respect to access, design, and building orientation will be consistent with and compatible with existing conditions such as location and massing of buildings relative to adjacent rights of way and view corridors, location of community/resident amenities and recreation areas, site design which respects the location as a County/City gateway, as well as enhancing the overall visual character attractiveness of the area through contemporary building facades and private architectural design standards.

Suitability of the site for development in terms of geology, service availability, environmental impacts, major land use impacts, aviation overlay impacts, and military adjacency considerations and mitigation of associated impacts will be documented with subsequent subdivision plat and site development plan applications.

The subdivision analysis of the site suitability will also include availability of public services such as: access & transportation, stormwater, fire protection, utilities, water/sewer services, schools, parks and open spaces (via dedications as well as on site amenities where applicable). These and other issues will be addressed in additional detail in response to subdivision, site development and performance criteria, any conditions of approval imposed by the BOCC.

Development will conform to with the zoning requirements of the RM-30 zone, including landscape buffering/screening requirements of the Code summarized below:

- Maximum density: 30 DU/AC
- Structural Setbacks (from property boundary):
  - Front 25-feet
  - Side/Rear: 15-feet
  - The minimum distance between buildings shall be 10 feet.

- Max Lot Coverage: 60%
- Max Height: 40-feet
- Roadway Landscape Buffers:
  - Principal Arterial: 25-foot buffer/landscape setback (1 tree/25 feet of Constitution Ave/Marksheffel Rd frontages)
  - Non-Arterial: 10 feet (1 tree/30 feet of Akers Drive frontage)
- Buffer Between Non-Residential, Multifamily Residential and Single-Family/Duplex Uses:
  - 15-feet along frontages adjacent to single-family residential uses
  - 15-feet along residential boundary where compatibility is a concern (southern property boundary)
  - 1 tree/25-feet of common property line
  - A minimum 1/3 trees shall be evergreen
- Internal Landscaping Requirements:
  - A minimum of 15% of the lot or parcel shall be landscaped.
  - A minimum of one tree shall be provided for every 500 square feet of required internal landscape area.

All future rezoning, subdivision, and/or development applications will be subject to the restrictions and limitations of the Commercial Airport District Overlay. The subsequent final plat will clarify zone district boundaries with respect to ROW dedications and improvements, stormwater and water quality facilities, utilities, pedestrian amenities and landscape buffers and setbacks.