

**CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD-OF-DECISION**

CONSENT CALENDAR

DATE: March 20, 2014

ITEM: B.1-B.3

STAFF: Larry Larsen

FILE NOS.: CPC MPA 05-00230-A1MJ13, CPC PUZ 13-00073, CPC PUD 13-00074

PROJECT: Cumbre Vista Apartments

Mr. Ross Clinger pulled Items Items B.1-B.3 from the Consent Calendar.

STAFF PRESENTATION

Mr. Larsen recommended approval.

Commissioner Markewich inquired if any neighborhood meetings were held since the July 19, 2013 meeting. Mr. Larsen stated no.

Commissioner Donley inquired of current and proposed master plan designations. Mr. Larsen stated the site is currently at a lower density of residential use at 3.5-8 dwelling units per acre with a new designation of 12-18 dwelling units per acre.

Commissioner Gonzalez inquired if the applicant adequately addressed the City requirements. Mr. Larsen stated yes. The neighbors created a smaller committee to represent themselves to coordinate review of the plans and alternatives presented by the developer. The applicant coordinated the revised plan with the neighbors.

Commissioner Shonkwiler inquired if City Engineering reviewed the proposed retaining wall and grading plan. Mr. Larsen stated yes, that has been approved.

APPLICANT PRESENTATION

Mr. Jonathan Moore, Rivers Development, stated the applicant has had a great relationship with the neighbors, and the developer addressed all of the neighbors' concerns. He stated the developer was waiting for an easement issue be decided in court, but decided to shift the site development away from those easements.

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Commissioner Shonkwiler inquired if the grade will be equal or higher than the backyards of the existing homes. Mr. Moore stated the developer will grade the land down on the south side and will be approximately equal to those existing backyard.

CITIZENS IN FAVOR

Ms. Liz Wilcox, resident of Cumbre Vista, stated the developer has met all the neighbors' requests and felt this site will be an asset for their area.

CITIZENS IN OPPOSITION

1. Mr. Ross Clinger, neighboring property owner at extreme west end of Cowpoke Road (adjacent to Cottonwood Creek), stated his 100-acre property will be responsible for much of the Tutt Boulevard development. He was unable to attend some of the neighborhood meetings. The developer may or may not have addressed his concerns, and was concerned his annexation agreement would be changed based upon doubling the traffic with the development plan and how it affects his financial obligation per rata basis for the Tutt intersection traffic signal and street infrastructure.
2. Mr. David Krall was in attendance for Item 4, but clarified a comment made by Mr. Moore. The vacation order by the Courts does not vacate that portion of the easement. The developer was no party to the easement. If the developer plans to build apartments on that easement they should speak with the owners.

APPLICANT REBUTTAL

Mr. Moore clarified that the development plan does not grade upon the existing easement (north boundary of site) and their intent is to avoid that area. Mr. Moore addressed traffic concerns raised by Mr. Clinger and stated that the traffic from the apartments will not warrant a traffic study. Next he addressed drainage and stated that the civil engineer erroneously graded the north side of the site, thus, the developer replaced the grade and submitted a revised plan to the City reflecting the change. The developer is providing financial requirements for street infrastructure as required.

Commissioner Markewich inquired of the developer's contributions toward Cottonwood Creek and/or the Tutt Boulevard bridge/infrastructure. Mr. Moore stated the annexation agreement included a provision requiring an increase in financial contributions toward the Tutt bridge should density increase. The developer is paying more as required by the annexation agreement.

Commissioner Sparks requested he address Mr. Clinger's comments of water and wastewater. Mr. Moore stated the Cottonwood Creek basin requires detention and not a water quality pond. Mr. Moore stated the wastewater was adequate to support the project.

Commissioner Walkowski inquired of water runoff. Mr. Moore stated the entire development is allowed to flow off site and into Cottonwood Creek

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STAFF REQUESTED TO SPEAK

Commissioner Markewich requested Mr. Clinger clarify his comments. Mr. Clinger stated the Woodmen Heights Metropolitan District (WHMD) is not responsible for building the Tutt Boulevard bridge, but will contribute toward the stormwater infrastructure. Mr. Clinger related his version of past conversations with Commissioner Gonzalez during his past employment.

Commissioner Gonzalez clarified his past conversations with Mr. Clinger by pointing out that Mr. Clinger misrepresented to the commission facts discussed in those conversations and that Mr. Clinger had not presented any facts that City staff had acted inappropriately in approving this item or in placing it on the Consent agenda. Property owners surrounding the proposed bridge are required to pay fees into that bridge fund. Mr. Larsen confirmed Commissioner Gonzalez's comments, and annexors have a shared obligation in this area together with the City's 50% funding for this area.

DECISION OF THE PLANNING COMMISSION

Commissioner Donley questioned the master plan amendment overall density adjacent to single-family residential, and would've preferred a higher density at this site. He supported the applications.

Commissioner Walkowski appreciated Mr. Clinger's comments and the annexor contributions. He addressed Commissioner Donley's comments regarding density and felt the net effect is not that great. This is a project he could support.

Commissioner Sparks had no concerns with increased density with infrastructure. The reports must prove there is no burden on infrastructure. She supported the applications.

Commissioner Markewich appreciated the developer coordinating so well with the neighbors. He suggested the developer cooperate with the property owner near the awkward corner (Sorpresa Lane and Tutt Boulevard). He supported the applications.

Commissioner Henninger supported the developer reducing the number of apartments and supported the applications.

Commissioner Gonzalez had some involvement at some level of the Cumbre Vista area during his past employment. This is the first time he's seen the apartment site development plans. He stated the densities were addressed in the annexation and master plan, whereby the infrastructure needs were addressed. He supported all three applications. He also appreciated the developer adjusting the plan to address neighbors' concerns. He stated all three applications conform with the City Comprehensive Plan objectives.

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Moved by Commissioner Phillips, seconded by Commissioner Shonkwiler, to approve **Item B.1-File No. CPC MPA 05-00230-A1MJ13**, the Amendment to the Powerwood 3-6 Master Plan, based upon the finding that the plan complies with the review criteria of City Code Section 7.5.408, subject to the following conditions:

Conditions of Approval:

1. Prior to scheduling the public hearing before the City Council for the master plan amendment, the zone change, and development plan applications, the annexation plat and agreement must be recorded.
 2. Provide Engineering Development Review's approval of the Master Development Drainage Plan.
- The motion carried 8-0 (Commissioner Ham absent).

Moved by Commissioner Phillips, seconded by Commissioner Shonkwiler, to approve **Item B.2-File No. CPC PUZ 13-00073**, the change of zone district of zone district from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay for multi-family residential use, 12 to 18 dwelling units per acre and maximum building height of 45 feet), based upon the finding that it complies with the findings of City Code Section 7.5.603.B and the PUD establishment criteria found in City Code Section 7.3.603. The motion carried 8-0 (Commissioner Ham absent).

Moved by Commissioner Phillips, seconded by Commissioner Shonkwiler, to approve **Item B.3-File No. CPC PUD 13-00074**, the Cumbre Vista Apartment PUD Development Plan, based upon the finding that the plan complies with the PUD development plan review criteria in City Code Section 7.3.606, subject to compliance with the following technical and informational plan modifications:

Technical Modifications:

1. Provide Engineering Development Review's approval of the Final Drainage Report.
 2. On the Cover Sheet, Site Data, add the final PUD zone change ordinance number & provisions under proposed zoning.
 3. On the Cover Sheet, modify plan note #9 to read: "It shall be the responsibility of the developer to install all landscaping within the Tutt Boulevard median and the Woodmen Heights Metro District has agreed to maintain said landscaping".
 4. On the Cover Sheet, remove plan note #10.
 5. On the Cover Sheet, in plan note #14, add "sidewalks" to the first sentence and remove the last sentence.
 6. On Sheet 1, clearly show the extension of the sidewalks within the Tutt and Sorpresa right-of-ways.
 7. On Sheet 1, clearly show the 30-foot private access easement.
 8. On Sheet 11, relocate the stormwater outlet out of the 30-foot private access easement.
- The motion carried 8-0 (Commissioner Ham absent).

March 20, 2014
Date of Decision


Edward Gonzalez, Planning Commission Chair