

CITY PLANNING COMMISSION

ITEM NOS: Q. & R.

STAFF: Robert Tegler

FILE NOS: CPC P 00-00066 - Quasi-Judicial

CPC S 00-00067P - Quasi-Judicial

PROJECT: Deer Creek at Northgate

APPLICANT: NES, Inc.

OWNER: Capital Pacific Homes

PROJECT DESCRIPTION:

This is a request for a zone change from PIP-1/CR (Planned Industrial Park with Conditions of Record) to R-1 6000 (Single Family Residential) and a preliminary plat for 158 residential lots on 44 acres.

STAFF'S RECOMMENDATION:

Item Q. - CPC P 00-00066 - Zone Change

Approve the zone change to R-1 6000 because it is in compliance with Comprehensive Plan Policy 5.1.3 and the Northgate master plan.

Item R. - CPC S 00-00067P - Subdivision Plat

Approve the preliminary plat for Deer Creek at Northgate because it will be in compliance with the Preliminary Plat Review Requirements of Section 15-3-204 with the following technical revisions:

1. Remove the note referring to setbacks for the former Lots 6-10.
2. Designate the area south of Lots 116-135 as an Open Space tract to be owned and maintained by the Deer Creek Homeowners Association.

SUMMARY:

The criteria are met to approve this zone change and preliminary plat. A final plat or plats will be submitted and reviewed administratively which will address some specific drainage and engineering details.

COMPREHENSIVE PLAN:

Policy 4.1.3 - Place major emphasis in the City's land use planning, development review and land use decisions on the consideration of physical elements...Similarly, the economics of a particular property or its owner should not be considered in reviewing a land use action.

Policy 5.1.3 - Grant zone changes only when it can be demonstrated that rezoning will result in a community or neighborhood benefit which will outweigh any potential adverse impact upon surrounding properties. Conformance with the policies of the Comprehensive Plan and other adopted City plans may be used as a basis for demonstrating community or neighborhood benefit.

Goal 6.1 - Encourage a diversity of housing types, densities and locations in order to provide a sufficient supply and choice of housing at varied price and rent levels to meet the needs of the entire community, including low and moderate income families.

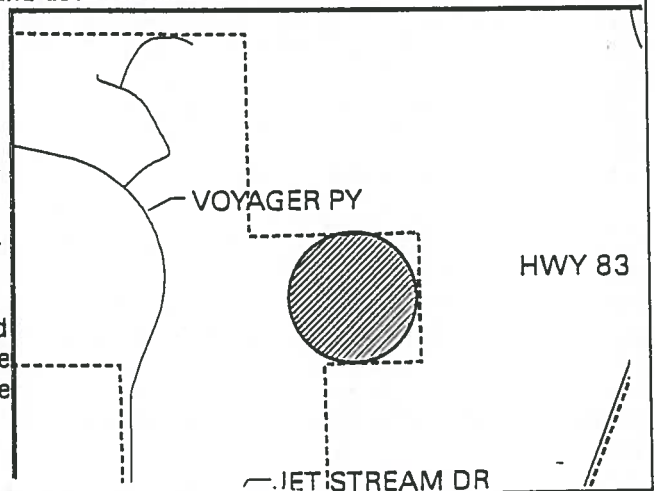


FIGURE 6

BACKGROUND:

Existing Zoning/Land Use - PIP-1/CR (Planned Industrial Park with Conditions of Record)/ vacant

Surrounding Zoning/Land Use - North - El Paso County/ vacant
South - PIP-1/CR, El Paso County/ vacant
East - El Paso County/ vacant
West - PIP-1/CR/ Ramtron, vacant

Annexation - October 1985, Northgate Addition No. 2.

Zoning - A with Annexation. Rezoned to PIP-1CR in August 1989 (CPC P 89-100). The condition of record applied a 45 ft. height restriction to antennas.

Subdivision - Unplatted.

Zoning Enforcement Action -None.

Physical Characteristics - Vacant rolling fields vegetated with native grasses, scattered stands of scrub oak and some trees. Significant trees exist to the west of this property. The land slopes down generally to the south.

Master Plan - The Northgate master plan show this area as Single Family Detached (3.5-7.99 DU/acre).

DEPARTMENTAL REPORTS:

Item Q. - CPC P 00-00066 - Zone Change

Item R. - CPC S 00-00067P - Subdivision Plat

City Engineering

- This site has drainage concerns that must be addressed before the Final Plat can be approved. The remainder of these comments must be addressed with the submittal and review of a final plat for this site.
- Grading is shown offsite on Private property in El Paso County. The Developer will be required to provide documentation from the adjoining property owners allowing the offsite grading.
- El Paso County will be required to review the proposed drainage report.
- All offsite Public Streets constructed to serve this development will need to be built to City Standards and Platted. The Drainage Report needs to be expanded to take into account offsite streets.
- A Public turnaround is required to be shown at the end of Miami Beach Drive.
- Due to the proximity of Black Squirrel Creek and its tributaries, there may be issues associated with the Prebles Jumping Mouse.
- The sidewalk along all Collectors needs to be detached and at least 5 feet wide.
- Standard Comments Tim Mitros

Water/Wastewater

1. A Master Water plan will be required, showing the location of all existing and proposed water mains, valves, fire hydrants, storm sewers, sidewalks, street curbs, and any other structures must be submitted to and approved by the Colorado Springs Fire Department(C.S.F.D.) and the Water Resources Department. All 12" and smaller water mains must be installed at the expense of the owner/developer of the property and in accordance with Water Resources Department and C.S.F.D. requirements. Water mains larger than 12" are installed in accordance with the major main policy; a copy of which can be obtained from the Water Resources Department.
2. Wastewater Comments: Plat may need to be modified to accommodate access concerns for proposed sanitary outfall. Contact Jerry Valle at 448-8252.
3. Standard comments # 5, 11, 15, 19.

USAF Academy - Due to the proximity of this development to our main airfield arrival departure corridor, the USAF Academy requests the following notice be placed on this project's final plat: "NOTICE: This property may be impacted by noise and other similar incidental sensory effects of flight caused by aircraft used in the USAF Academy's Airmanship Program. This notice shall remain in effect until the Academy shall cease to be actively used. This notice shall run with the land."

County Health - Earthmoving activities which exceed one acre must have a construction activity permit prior to commencement of project. Please contact Air Quality at 578-3137.

School District # 20 - At this time there are no plans or funds available to build a school in this area.

All Other Reporting Departments - Standard or no comment.

PETITIONER'S JUSTIFICATION: FIGURE 1

STAKEHOLDER PROCESS:

The public process involved with the review of these applications included posting of the site, and sending of letters on two separate occasions to all property owners within a 1000 ft. radius of the property. We have received very little public comment regarding this project. Ramtron, the adjacent property owner to the west, has been involved in discussions regarding a buffer between their industrial property and this proposed residential development. The plan has been revised accordingly. Staff does not expect public opposition in association with this project.

ANALYSIS OF MAJOR ISSUES:

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Deer Creek at Northgate is proposed as a 158 lot single family residential subdivision. This request is for a zone change to R-1 6000 and a preliminary plat for the lots. If these are approved, the developer would later submit a final plat that would be reviewed administratively. Comprehensive Plan Policy 5.1.3 provides guidance in the review of zoning changes. It states that conformance with adopted City plans may be used as a basis for demonstrating community or neighborhood benefit. The Single Family Detached residential land use designation was previously approved as part of the Northgate master plan. The proposed density of 3.74 DU/acre is toward the lower limit of the approved land use category. The zone change request is also in compliance with Goal 6.1 which encourages a diversity of housing types, densities and locations in order to provide a sufficient supply and choice of housing at varied price and rent levels to meet the needs of the entire community. The requested R-1 6000 zone is in compliance with the master plan and satisfies the relevant Comprehensive Plan criteria.

There is one unusual aspect to this zone change request. A 100' by 526' tract at the northwest corner of the site is to remain in the existing PIP-1 zone. This is the result of discussions between the applicant, staff and the adjacent property owner. The adjacent property owner, Ramtron, Inc., has an existing industrial building with facilities situated near its easterly boundary. Zoning Code requires PIP-zoned properties to provide a 100' setback from adjacent residential zones. In this case, it would create a nonconforming status for the existing Ramtron facility and make it difficult to conduct any future construction on the site. The solution that was negotiated led to the creation of a 100' deep No Build Tract between Ramtron and the residential neighborhood. This tract will exhibit steep slopes so the development potential for the land is already limited. The developer anticipates deeding the tract to a Deer Creek Homeowners Association which would be responsible for maintaining the property. Further details regarding the tract and the Homeowners association will be resolved at the final plat stage.

SUBDIVISION PLAT REVIEW CRITERIA

The preliminary plat (FIGURE 2) shows the 158 lots and the No Build tract. Access from the west will be via Ramtron Drive and another currently unplatted street. Both of these street connections will need to be platted and dedicated prior to, or concurrently with the final plat for this site. The preliminary plat also shows two street connections to undeveloped El Paso County property on the north and east that is expected to be developed in the future for residential uses. Per Engineering comments, temporary turnarounds will need to be shown and constructed at these points.

A temporary detention pond is proposed to be constructed at the southwest corner of the property, and will be platted as lots when the larger off-site regional detention facility is constructed. A small area of land on the southern edge of the site will be platted as an open space tract. The criteria are met to approve the preliminary plat. As mentioned previously, further details will be resolved in conjunction with review of the final plat for this property. Staff recommends approval of the preliminary plat with the following technical revisions:

1. Remove the note referring to setbacks for the former Lots 6-10.
2. Designate the area south of Lots 116-135 as an Open Space tract to be owned and maintained by the Deer Creek Homeowners Association.