

CITY OF COLORADO SPRINGS

INTEROFFICE MEMORANDUM

DATE: May 8, 2020
TO: Peter Wysocki, Director of Planning
FROM: Sarah Johnson, City Clerk
SUBJECT: Notice of Appeal

ITEM NO. 6.D. CPC PUZ 19-00095; ITEM NO. 6.E. CPC PUD 19-00096

An appeal has been filed by Richard White on behalf of the Deer Creek HOA regarding the Planning Commission's action of April 30, 2020.

I am scheduling the public hearing on this appeal for the City Council meeting of June 9, 2020. Please provide me a vicinity map.

CC: Hannah Van Nimwegen
Elena Lobato

Richard White
1827 Snowflake Dr.
Colorado Springs, CO 80921



THE PLANNING & DEVELOPMENT DEPARTMENT APPEAL TO CITY COUNCIL

Complete this form if you are appealing City Planning Commission's, Downtown Review Board's or the Historic Preservation Board's decision to City Council.

APPELLANT CONTACT INFORMATION:

Appellants Name: Richard White (on behalf Deer Creek HOA) Telephone: 719.360.3805
Address: 1827 Snowflake Dr. City: Colorado Springs
State: CO Zip Code: 80921 E-mail: rwhite3572@gmail.com

PROJECT INFORMATION:

Project Name: Palermo Filings 3, 4, & 5
Site Address: West Side of Propose Powers, South of Hawkstone Dr., Colorado Springs 80921
Type of Application being appealed: Rezone 60 acres to PUD, max density 3.5 homes/acre (151 homes)
Include all file numbers associated with application: CPC PUZ 19-00095 & CPC PUZ 19-00096
Project Planner's Name: Flying Horse
Hearing Date: April 30, 2020 Item Number on Agenda: 3

CITY CLERK'S OFFICE
2020 MAY -7 P 1:00

YOUR APPEAL SUBMITTAL SHOULD INCLUDE:

1. Completed Application
2. \$176 check payable to the City of Colorado Springs
3. Appeal Statement
 - See page 2 for appeal statement requirements. Your appeal statement should include the criteria listed under "Option 1" or "Option 2".

Submit all 3 items above to the City Clerk's office (30 S Nevada, Suite 101, Colorado Springs, CO 80903). Appeals are accepted for 10 days after a decision has been made. Submittals must be received no later than 5pm on the due date of the appeal. Incomplete submittals, submittals received after 5pm or outside of the 10 day window will not be accepted. If the due date for the submittal falls on a weekend or federal holiday, the deadline is extended to the following business day.

If you would like additional assistance with this application or would like to speak with the neighborhood development outreach specialist, contact Katie Sunderlin at sunderlin@springsgov.com (719) 385-5773.

APPELLANT AUTHORIZATION:

The signature(s) below certifies that I (we) is(are) the authorized appellant and that the information provided on this form is in all respects true and accurate to the best of my (our) knowledge and belief. I (we) familiarized myself(ourselves) with the rules, regulations and procedures with respect to preparing and filing this petition. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval.

4 May 20

Signature of Appellant

Date

Justification Statement. The Homeowners Association (HOA) at Deer Creek is appealing the 30 Apr 20 Planning Commission decision to approve Palermo Filings 3, 4, and 5, CPC PUZ 19-00095 and CPC PUD 19-00096 **because it violated Average Daily Traffic (ADT) standards as stipulated on page 40, Volume III, Colorado Springs Engineering Criteria Manual.**

Criteria for Review. The Palermo expansion will add 151 new homes immediately behind Deer Creek, a community of 155 homes. The most direct route from Palermo to Voyager Parkway will be via Silver Creek and Snowflake to Ridgeline. Although Ridgeline is classified a “collector” street, both Silver Creek and Snowflake are classified as “residential” streets. Volume III, Colorado Springs Engineering Criteria Manual sets the maximum ADT for residential streets at 1,500 vehicles/day. During the hearing, Ms. Hannah VanNimwegen submitted the City ADT estimate for Silver Creek at 1,450 vehicles/day, just 4% below the maximum. That estimate, however, didn’t include traffic on Snowflake. Using the City’s own estimate of 7.5 trips/house, we estimate the combined ADT along Silver Creek and Snowflake at 1,800 vehicles/day, 20% greater than the stated standard. When the City Traffic Engineer was questioned about this estimate, he said the international standard was 9.5 trips/house. This would make the ADT exceed the City standard by more than 50%. The City Traffic Engineer also stated that ADT is a “quality of life issue”. When asked if ADT is “a hard number” the City Traffic Engineer replied “no”, to which the Planning Commission responded by openly noting ADT as a “recommendation”. Page 40, Volume III, Colorado Springs Engineering Criteria Manual clearly lists ADT as a “Design Standard”. **The Planning Commission voted 8-to-0 to approve Palermo rezoning even though it will cause ADT to significantly exceed City design standards and adversely impact quality of life in Deer Creek.**

Comment on Decision. The Planning Commission blatantly ignored the City Traffic Engineer when he essentially confirmed our numbers, actually indicating they were low, and when he told them ADT is a “quality of life issue”. Moreover, we were unable to challenge the decision since we had only three minutes apiece during the public comment period of the teleconference due to the Corona Virus crisis. In contrast, the developer’s representative was not only present at the meeting, they were also allowed unrestricted rebuttal of citizen comments. The developer had the advantage over the citizens. Accordingly, we object to the commission’s refusal to acknowledge and to require proactive remediation of an identified violation of the city’s own traffic engineering standards established to preserve safety and quality of life.

Recommended Alternative. There is a simple solution to this problem. Divert Palermo traffic onto Hwy. 83. We first proposed this alternative to the City when Palermo was announced last August. We were told “CDOT won’t talk to us”. We contacted CDOT and learned they were unopposed to the idea. With our three minutes during public comment, we recommended this alternative to the Planning Commission. It was ignored. We are shouldering the cost of this appeal in the hope that our elected officials will right the wrong made by appointed bureaucrats who’s interests obviously side more with the developer than the citizen.

Rick White
HOA Treasurer
1827 Snowflake Dr.
rwhite3572@gmail.com
719.360.3805

Traffic Engineering Design Standards
(Collector, Residential [Local], Public Alley, and Industrial)

| Design Element | Collector | Residential (Local) | Minor Residential (Local) | Public Alley | Industrial |
|---------------------------------------|-----------------------------------|-----------------------------------------------|-----------------------------------------------|-----------------------------------|-----------------------------|
| Speeds (1) | 30 | 25 | 25 | 15 | 30 |
| Design ADT | 1,500-5,000 | 300-1,500 | 50-300 | 50-300 | <10,000 |
| Trip Length | 1 mile | Local | Local | Local | Truck Local |
| Maximum Uninterrupted Facility Length | ¼ mile | 600' | 300' | Adjacent Street Length | 1 mile |
| Corridor ROW Width | 57' (no parking) 67' (parking) | 50' w/ (2) 5' easements | 47' w/ (2) 5' easements | 20' Residential 25' Commercial | 70' w/ (2) 5' easements |
| Roadway Width (pavement mat) | 28' (no parking) 38' (parking) | 30' | 24' (<21 Lots) 28' (>20 Lots) | 16' Residential 22' Commercial | 51' |
| # of Lanes | 2 | 2 | 2 | 2 | 3 |
| Lane Widths | 14' w/ shared bike | 9' | N/A | N/A | 14' w/shared bike w/12' ctl |
| Shoulder Width | N/A | N/A | N/A | N/A | N/A |
| Median | N/A | N/A | N/A | N/A | N/A |
| Sidewalk Requirement (placement) | Detached 5' | Attached 6' vert. curb/ Detached 5' others | Attached 6' vert. curb/ Detached 5' others | N/A | Detached 5' |
| Bicycle Accommodation | On street w/ shared lane | On street w/ shared lane | On street w/ shared lane | | On street w/ shared lane |
| Tree lawn Width | 7' | 7'-6" | 7' | N/A | 7' |
| Parking | Allowed | Two Sides | One-side parking only | No | Two sides |
| Access | Partial Control | Partial Control | Partial Control | N/A | Partial Control |
| Design Vehicle | WB 40 | SU 30 | SU 30 | N/A | WB 67 |
| Signalized Intersection Frequency | N/A | N/A | N/A | N/A | ½ mile |
| Un-signalized Intersection Frequency | 600' | 300' max | 300' max | ½ adjacent street length | 600' |



PLANNING & COMMUNITY DEVELOPMENT
 LAND USE REVIEW DIVISION
 30 S. Nevada, Suite 701
 PO BOX 1575 MC 715
 Colorado Springs, CO 80901-1575



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Todd
 Fisher

WHITE RICHARD WHITE NANCY
 1827 SNOWFLAKE DR
 COLORADO SPRINGS, CO 80921-4001

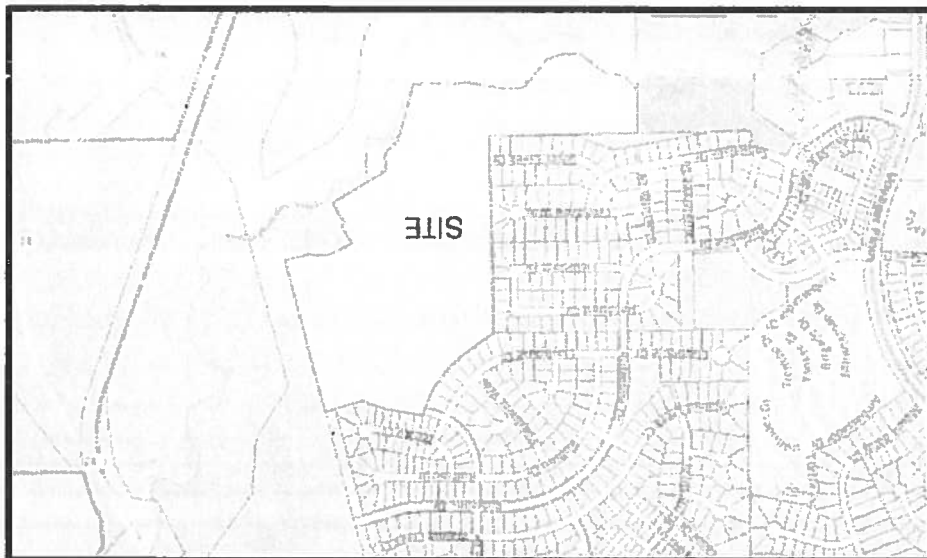
Mr. McNabb

NOTIFICATION OF A PUBLIC HEARING IN RELATION TO A POTENTIAL DEVELOPMENT PROJECT NEAR YOUR PROPERTY

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In accord with the Americans with Disabilities Act of 1990 ("ADA"), the City of Colorado Springs will not discriminate against qualified individuals with disabilities. Anyone requiring an auxiliary aid or service to participate in this process should make the request as soon as possible but no later than 48 hours before the hearing by contacting the planner listed in this notice. Citizens who are deaf or hard of hearing may dial 711 or 1-800-659-3656 Relay Colorado (voice) or 1 800 659 2656 (TTY).



PROJECT MAP FOR: Palermo Filings 3, 4, and 5
CITY PLANNER: Hannah Van Nimwegen