

CITY PLANNING COMMISSION AGENDA

STAFF: HANNAH VAN NIMWEGEN

FILE NO(S):
AR PFP 17-00246 (AP) – QUASI-JUDICIAL

PROJECT: TOLERANCE TRAIL SUBDIVISION

APPLICANT: ERIC VAILLANCOURT

OWNER: TOLERANCE, LLC



PROJECT SUMMARY

1. **Project Description:** This project is an appeal of a preliminary and final plat. The preliminary and final plat application is for one single-family lot and 10-foot wide trail that is located at 10 Friendship Lane, contains 18,000 square feet, and is zoned R1-6000 (Single-Family Residential). The lot layout is illustrated on the preliminary plat and the final plat (**FIGURE 1**). The intent of this plat is to formalize an informal foot path through the vacant lot and in order to ensure permanent neighborhood access between Pioneer Park and Friendship Lane. The platting of the trail is supported by the Parks Department and the Planning Department.

These applications were approved administratively on August 1, 2017 and appealed by Cristin Byrne, Kristin Spiers-Maxwell, Stephen Maxwell, Chris Barton, Christopher Abrams, and Kathryn Abrams on August 10, 2017 (**FIGURE 2**).

2. **Applicant's Project Statement:** (**FIGURE 3**)
3. **Planning and Development Team's Recommendation:** Staff recommends denial of the appeal and approval of the application.

BACKGROUND

1. **Site Address:** 10 Friendship Lane
2. **Existing Zoning/Land Use:** R1-6000/Undeveloped
3. **Surrounding Zoning/Land Use:** North: R1-6000 & R1-9000/Single-family residential
South: R1-6000/Single-family residential
East: R1-6000/Single-family residential
West: PK/Public park
4. **Comprehensive Plan/Designated 2020 Land Use:** Low Residential
5. **Annexation:** The property was annexed in 1971 as part of the Mesa Addition Number 2 annexation.
6. **Master Plan/Designated Master Plan Land Use:** There is not a master plan for this site.
7. **Subdivision:** Garden of the Gods Mesa Development Addition Number 2.
8. **Zoning Enforcement Action:** None.
9. **Physical Characteristics:** The site is currently undeveloped and does not significantly change in grade. A fence separating the majority of the lot from Pioneer Park exists.

STAKEHOLDER PROCESS AND INVOLVEMENT

The public notification and involvement process began with a pre-application neighborhood meeting held on January 12, 2016 at Holmes Middle School. The applicant chose to customize a buffer for postcard notification which exceeded the typical boundary used for similar applications, and the property was posted with posters visible from Friendship Lane and from Pioneer Park. Ultimately, 642 pre-application neighborhood meeting postcards were mailed, and 61 neighbors (not including the applicant, staff, or the subject property owners) attended the meeting. A few attendees spoke in opposition to the proposed park connection stating the additional pedestrian traffic would disrupt the neighborhood and also cause additional vehicular traffic. Many of the attendees spoke in support stating their children walk to Holmes Middle School using the informal path, and they personally use the path to access the Mesa Valley Open Space behind the middle school.

Upon submittal of the preliminary and final plat, public notice was mailed to 151 property owners within a 1,000 foot radius of the subject site, and the property was posted with posters visible from Friendship Lane and from Pioneer Park with application and contact information. Staff received formal comments from 62 individuals regarding the proposal, 13 express concern and opposition to the establishment of the park connection and 49 expressed support. Prior to the City Planning Commission hearing; the site was posted in the same locations with the hearing date information and a postcard was mailed to the same 151 property owners.

The letters in opposition to the proposal expressed the following concerns: by formalizing the path, foot and vehicular traffic through the area will increase and disrupt nearby homeowners; diminished privacy for adjacent property owners; little safety of Holmes Middle School students walking on Friendship Lane

to and from school; and mixing land uses within a residential neighborhood (**FIGURE 4**). Those in support of the proposal have the following comments: the path allows Holmes Middle School students to walk to school and decreases the number of vehicles picking up and dropping off students; the informal path is the only connection between the homes west of Friendship Lane and the Palmer-Mesa Trail and Mesa Valley Open Space; the informal footpath is the only connection between the homes on Friendship and Crescent Lanes to Pioneer Park; and that the informal path has been utilized as connection since the 1950's (**FIGURE 5**).

Staff input is outlined in the following section of this report. Staff sent plans to the standard internal and external review agencies for comments including; Colorado Springs Utilities, City Engineering, City Traffic Engineering, Water Resources Engineering, City Fire, and Parks and Recreation. All comments received from the review agencies are addressed.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:

a. Background

Historically, Pioneer Park was used as a cemetery for the early pioneers and cowboys in the 1870's and 1880's, but was mostly abandoned by the 1930's with the opening of Evergreen and Fairview Cemeteries. Single-family residential development began in the area of the then called Pioneer Cemetery in the 1950's and 1960's. The builders of these homes decided to site a park over the cemetery to avoid further disruption of the area's "historical" nature.

The homes surrounding Pioneer Park to the north, west, and south were largely platted in the mid-1950's and the majority constructed between 1960 and 1975, and Holmes Middle School was constructed in 1968. However, the neighborhood between the park and Holmes Middle School, along Friendship Lane, was platted prior to the cemetery being designated as park space and prior to the school's construction; therefore, a connection was never formalized between the neighborhood, park, and the school. Because 10 Friendship Lane has remained vacant, residents of the neighborhood to the west, north, south, and users of the park have utilized the informal crossing since the area's development to access Holmes Middle School, the Mesa Valley Open Space, and the Palmer-Mesa Trail.

b. Preliminary and Final Plat (FIGURE 1**)**

The application under review by the City Planning Commission is an appeal of staff's decision to approve the Tolerance Trail preliminary and final plat. The execution of the preliminary and final plat would result in the establishment of a ten foot wide tract (Tract A) along the northern boundary of 10 Friendship Lane. In total, the tract would be 1,703 square feet in size. The lot, currently 18,000 square feet in size and 120 feet wide, would be reduced to 16,297 square feet and 110 feet wide along the eastern property line and 85 feet wide along the western property line. This plat also establishes the typical five foot wide side and seven foot wide rear property line easements for drainage and public utilities. Lot sizes in this area range between 25,000 square feet and 10,000 square feet.

Zoning and Subdivision Design: The Zoning Ordinance of the City of Colorado Springs regulates property usage and subdivision and lot design standards. Lot design standards generally include minimum lot sizes and minimum lot widths for each zone district. The subject property is zoned R1-6000; requiring a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet. The lot established by the preliminary and final plat maintains these minimum lot standards for the zone district. The future structure on this lot will be required to meet all building setbacks, lot coverage, and must conform to the land uses permitted in the R1-6000 zone district.

Subdivision design standards include guidelines for lotting patterns under certain circumstances and general easement widths. There are not design standards for subdivision "tracts." Article 7 of the Zoning Ordinance defines tracts as, "a parcel of land which is created for purposes of common ownership and use by two (2) or more property owners, an association, or government

entity.” Tract A is to be dedicated to the City of Colorado Springs for public use with the recording of the subdivision plat. The intended use of Tract A is to provide a connection between Pioneer Park and Friendship Lane, and will be maintained as an extension of the public park. The use of this tract, falling into the “public parks and recreation services” land use category, is permitted by right in the R1-6000 zone district.

Parks & Recreation: Discussions with the Parks and Recreation Department occurred prior to submittal of the preliminary and final plat and an agreement for the City to take over maintenance of the tract once dedicated was finalized. The Parks and Recreation Department worked with the applicant to choose preferable path materials, landscaping, and adjacent fence design. These materials have been noted on the preliminary plat. While a project of this nature does not require approval from the Parks Advisory Board, the project was presented to the Board on February 9, 2017.

Traffic: A Traffic Impact Analysis was not required by City Traffic Engineering. Transportation Planning indicated the 10 foot wide connection will not have a negative impact with school traffic because of the path between the park and Friendship Lane is already in use. Transportation Planning also stated it was preferable to have students walk to school rather than add traffic to the existing conditions at Holmes Middle School.

ADA Compliance: Staff consulted the City’s ADA Coordinator, who reviews all City facilities for compliance with the ADA, to ask whether this access would need to be compliant. He advised that the City of Colorado Springs’ programs, services and activities as a whole have to be accessible under the ADA, but not every route in every park has to be compliant. He concluded this park access trail would not be required to be ADA compliant given the park’s alternative access points which are compliant.

Geologic Hazard Report or Waiver: The requirement to submit a geologic hazard report or waiver request has been deferred to the application and review of a building permit for 10 Friendship Lane.

An alternative to platting the path is the granting and execution of an access and park easement through 10 Friendship Lane in the same general location of Tract A. The establishment of an easement would continue to provide access to the public if the decision to approve the plat is overturned. At this time, the applicant is prepared to execute this easement with the Parks Department. However, staff supports the proposed fee-simple ownership accomplished with the dedication of Tract A through the final plat because it grants the City ownership of the property, while an easement “sits on top” the land and would transfer underlying ownerships when 10 Friendship Lane was bought and sold. Staff views the dedication as a “cleaner” alternative to forming an easement due to the intention to allow public access and have the Parks Department maintain the tract.

c. Review Criteria:

All decisions made by the Planning staff are based on the appropriate application’s review criteria. In the case of appeals, two sets of review criteria are considered—the appeal review criteria and the application’s criteria.

Appeal: It is staff’s assertion the proposal to establish formal access between Pioneer Park and Friendship Lane is not against the express language or intent of the Zoning Ordinance and does not create a “mixed-use” lot as discussed in the appeal narrative. The preliminary and final plat forms a new single lot and a new tract of separate ownership. The proposed lot boundaries will have no bearing on the ownership, maintenance, or operation of the tract as it is completely separate from the lot. The lot established will maintain the single-family zone district permitting a single-family residential home, and the tract will also maintain the single-family zone district which by right allows the park land use. To say an adjacent tract creates a “mixed-use” lot would be to also say having the park in the middle of a neighborhood makes all surrounding lots “mixed-use.”

However, because the establishment of the tract does not influence the use of the lot, staff's decision was not unreasonable or erroneous for these reasons: neighborhoods today are platted with midblock crossings into beneficial amenities such as parks and trail systems; crossings are essential to neighborhood connectivity and to ensuring equitable use of those amenities; the established lot exceeds the minimum size standards for the zone district and is a size found elsewhere in the neighborhood and is not substantially smaller than the immediately surrounding lots; the use of the informal path has been occurring for roughly 50 years; and the neighborhood is substantially in support of formalizing the path.

Preliminary and Final Plat: It is staff's assertion the preliminary and final plat are in conformance with the review criteria for both preliminary and final plat applications. For instance, the application does illustrate appropriate subdivision design that encourages a healthy living environment for residents and that provides lots of adequate size in a logical configuration. The plat also provides safe and convenient pedestrian access through the community, and it is the opinion of the Traffic Engineering division that Friendship Lane is of an adequate size to accommodate the existing residential traffic and the incurred traffic.

2. Conformance with the City Comprehensive Plan

The proposed application is consistent with the envisioned development patterns for the subject area, which is identified as Low Residential (averaging less than three dwelling units per acre) per the Comprehensive Plan 2020 Land Use Map. This is supported by the intention of the Comprehensive Plan to accommodate parks and recreation services and schools as secondary uses.

a. Objective LU 2: Develop Cohesive Residential Areas

The 2020 Comprehensive Plan states, "neighborhoods are the fundamental building block for developing residential areas of the city. ... Residential areas of the city should be developed, as cohesive sets of neighborhoods, sharing an interconnected network of streets, schools, parks, trails, open spaces, activity centers, and public facilities and services." The homes along Friendship Lane were platted without access to Pioneer Park because the park did not exist yet. The vacancy of 10 Friendship Lane offers a unique opportunity to connect neighborhoods to other services and amenities that is not often available to other older neighborhoods. The platting of the access tract exemplifies this objective's intent.

b. Objective N 1: Focus On neighborhoods

The 2020 Comprehensive Plan states, "While neighborhoods change over time, there are certain fundamental characteristics of most neighborhoods, such as natural features and landscaping, building and street patterns, historic and cultural features, parks, open space and schools, which need to be preserved in order to maintain their character." Pioneer Park and the surrounding residential area is an excellent example of a mature neighborhood which preserves its historical character and its park. This neighborhood is also a great case study in many residents' desire to have access to parks and be able to travel to other services (schools, open spaces, commercial shopping) through connected trails, parks, and open spaces.

It is the finding of the Planning and Community Development Department that Tolerance Trail Subdivision substantially conforms to the City Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives.

3. Conformance with the Area's Master Plan

No master plan exists for this site.

STAFF RECOMMENDATION

AR PFP 17-00246 – PRELIMINARY AND FINAL PLAT

Deny the appeal and uphold the approval of the preliminary and final plat for 10 Friendship Lane, based upon the finding that the preliminary and final plat complies with the review criteria in City Code Section 7.5.906.A.4.