

CITY OF COLORADO SPRINGS PLANNING COMMISSION

RECORD-OF-DECISION

DATE: September 17, 2015

ITEM: 4A -4C

STAFF: Meggan Herington

FILE NO.: CPC A 14-00144
CPC PUZ 15-00024

PROJECT: MOUNTAIN VALLEY PRESERVE

STAFF PRESENTATION: Principal Planner, Meggan Herington gave a staff presentation (Exhibit A).

APPLICANT PRESENTATION:

Tim McConnell with Drexel Barrell, discussed how this project was within an enclave within the city and was basically an infill project; typical densities for single family residential are matched or are lesser than the properties west of Marksheffel Road. The anticipation with Banning Lewis wrapping around east of this development will allow it to be more urban density in the future. Fencing along the east of the property will only be provided along the rear of the lots; they were not planning on fencing the open space where there are some drainage tracts and other areas for trails as noted on the concept plan. There would be another access point to the south to link with proposed development. The property is limited in access. There are dedications to the southern delivery system for a 50 foot easement adjacent to Marksheffel Road as part of Colorado Springs Utilities improvements for the Southern Delivery System so there will be a 36 inch water main that will run along Marksheffel Road and that easement has been granted to CSU.

QUESTIONS OF APPLICANT:

Commissioner Shonkwiler asked if a metropolitan district was being formed to pay for improvement to this project. Mr. McConnell stated he did not believe so; all costs for improvement would be done by the developer.

QUESTIONS OF STAFF:

Commissioner Donley asked Kathleen Krager, City Traffic Engineering, if the proposed development conformed to the traffic manual or were exceptions made. Ms. Krager stated exceptions were made primarily due to the area being landlocked. There is future access planned to the north to Dublin at a future signalized intersection but there is no guarantee that will be completed when the proposed housing development will be built; future access is planned to the east that is going into an established county low density residential area; future access to the south is planned because they are trying to create a back lot road that is similar to a frontage road. Therefore, to provide current access with the present configuration of Marksheffel Road which is a two-lane road but it can be modified as Marksheffel is improved. Ms. Krager stated she did not want another signalized intersection on Marksheffel at this

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location and is therefore providing two access points that are separated by a fair amount of distance. This will allow traffic volume to be divided in half at each access point and will lessen their impacts and get out of the realm of there ever being enough traffic at either one of the access points to generate warrants for a traffic signal. The applicant is responsible for constructing left turn in and right turn in at both intersections at this time with a two-lane facility. When Marksheffel is improved in the future to a four-lane facility if those access points are working well then medians could be put in that allow for a channelized T. An example of a good working channelized T lies to the north of Dublin that goes into the existing Banning Lewis Ranch neighborhood. A channelized T gives you the opportunity to make a left turn out, in two stages so you only look at traffic from one direction at a time.

Commissioner Donley stated essentially there are two accesses onto Marksheffel where normally there could be one or none. Ms. Krager stated since it is a long frontage road that one could be allowed but since there is no other existing access she does not want to allow one and risk the chance of signalization. She is wary of being put in the position of signalizing it or not, and is concerned about accepting liability for it if she does not.

Commissioner Donley stated it was his understanding Marksheffel is due to be widened. Ms. Krager stated yes but not within the next several years. Commissioner Donley stated when you widen a road like that, how much of an investment is involved, a million dollars per mile per lane? Ms. Krager stated this would more than likely be more than a million dollars per mile per lane. Marksheffel was on the PPRTA 1 list as a county sponsored project. The county was given \$19 million to improve Marksheffel from US 24 to Black Forest Road. The \$19 million only got them from US 24 to North Carefree.

Commissioner Donley stated since county funding was exhausted, was this was why it was it will be several years before improvements could happen. Ms. Krager stated she has some limited funding for North Marksheffel, it's left over money from PPRTA 1, but she does not know the exact amount. The leftover money would correct a drainage problem just north of North Carefree and construct a bridge for Marksheffel over Sand Creek north of Woodmen. The rest of the widening would occur from North Carefree to Dublin; widening will be done with some collection of money based on Banning Lewis Ranch annexations. In essence Marksheffel through this area we may put \$5-10 million into widening that when the time comes. Ms. Krager stated that was correct.

Commissioner Donley stated that in the future the hope is to create cross connections to the rest of Toy Ranches that will create a network and reduce the traffic having to get onto Marksheffel, and asked why there was no consideration given to creating additional connections to Toy Ranches to the east. Ms. Krager stated Toy Ranches in a long-standing county development and the county realizes there is likelihood it may redevelop at some time in the future. As it exists today you have county residents who do not want city development in this area. Ms. Krager felt positive about getting one connection through Toy Ranch.

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Commissioner Markewich asked what the expected time frame of the widening of Marksheffel is. Ms. Krager stated she hopes she can have funding in the next five years but there is no guarantee.

Commissioner Markewich stated principal arterials – the traffic criteria manual – wants to limit intersections, curb cuts, median cuts and generally allow for high volume of traffic. Ms. Krager agreed. Commissioner Markewich stated if the application was approved today with the two ingress/egress points and a future development of Marksheffel happened and alternative access were available would there be a possibility to close those ingress/egress points because he is not comfortable with that type of access on a principal arterial. Ms. Krager stated no to closing them but there is a note on plan explaining those access points may be turn restricted in the future to right-in/right-out if there were problems with additional movements. If you look at the current principal arterials, what they strive for is signal spacing depending on the high speed the principle arterial has. Signal spacing either ½ mile spacing or one mile apart and additional access as needed between those which are usually right-in/right-out or sometimes a ¾. Those additional accesses can keep your signalized intersections from becoming overloaded. On Marksheffel there is one mile spacing. They have the same signalized spaced that is for interchanges on Powers Blvd. There is good spacing and lengthy spacing between signals. Therefore she would expect to keep some unsignalized access points to keep the signalized intersection from becoming too large and congested. Commissioner Markewich asked how many lanes – four or six. Ms. Krager stated four. Commissioner Markewich asked when it becomes a four lane principal arterial and the access points are right-in/right-out will there be enough room for deceleration lanes. Ms. Krager stated yes they have reserved enough right-of-way.

Commissioner Walkowski stated he referred back to Ms. Krager's comment on two access points vs. the one she mentioned something about warrants for a signal, would 140 units get you there. Ms. Krager stated possibly, explaining tht morning outbound movement is 79 vehicles out for that 140 units and there is enough volume on the cross street, there is a signal warrant for a minor movement out onto heavy movement. It is branched at 75 left turning movements and therefore there is a possibility of warranting a signal there if she puts them all at one intersection. Commissioner Walkowski stated she mentioned she could also make it a right-in/right-out so there would not be an issue of a left turn out. Ms. Krager stated if she is at the point of warranting a signal and make it a right-in/right-out, and it is currently a two-lane road she has no way to make them do a right-in/right-out except for signage due to no median on Marksheffel. It's a simple two-lane county highway. She understands what is being discussed and stated when you have an unsignalized intersection and facing heavy traffic, Marksheffel can be fast moving traffic but not terribly heavy moving (about 12,000 vehicles per day) but busy by county standards. If you are waiting to make a left turn out and there are two-three cars in front of you also turning left, by the time you get to the access point you become impatient and you are willing to accept smaller gaps in traffic. If the two-three cars in front of you are spread between two access points it takes less time. Therefore in terms of a level of service analysis, you can take one intersection that operates just one left turn out and make

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two available you get more levels of service available. The two proposed access points are over 1,000 feet apart to give a chance to get out more comfortably.

Commissioner Walkowski asked what would be the trigger to make a $\frac{3}{4}$ movement or a right-in/right-out. Ms. Krager stated accidents. If it is a two-lane they would invest some money to fix it and if four-lane they would correct it at that time.

Commissioner Shonkwiler asked if you were southbound on Marksheffel and you wanted to turn left onto one of these access points and it's a two-lane road, that person waiting to turn in will block traffic. So is there any consideration for widening the street at those access points to prevent this blockage south bound on Marksheffel. Ms. Krager stated she is requiring the applicant to develop left turn lanes for these access points. Commissioner Shonkwiler asked what the City's obligation for providing access to a project is on a major arterial. Ms. Krager stated the City is required to provide legal access. Legal access as defined by the Supreme Court in the State of Colorado is limited to just one access; it can be on any type of street. If the parcel is landlocked against a major arterial that is where your choices are; if you do not provide that access the position you are in is that the landowner has a justifiable case to take the City to court under an inverse condemnation, we have condemned him without saying we have condemned the property and this is based on the current standings in the Supreme Court of Colorado. Commissioner Shonkwiler said it seems like they were betwixt and between; if they did one thing they could have one set of problems but if they went another way they would have a different set of problems. Ms. Krager stated there were other unsignalized full movement accesses along Marksheffel. There are major arterial streets that go out to Marksheffel that are currently not signalized such as North Carefree and there is more traffic going out on North Carefree than there would be on this site. There is also an industrialized area just south of this area that is also not signalized and do not have turn lanes. The access points that will be created with this project will give people turn lanes to get in and out of the area. Commissioner Shonkwiler stated the City could also not annex the property and be involved in any of the decisions. Ms. Krager stated that was true however it is a small piece of county property among a lot of City property. Some of the concerns she hears from residents in this area is the speed limit along this area is 55 mph and the residents feel it is posted too high. Ms. Krager would like to reduce the posting but she does not have control over this section of Marksheffel yet.

Commissioner Henninger thanked Ms. Krager for her explanation of the in and out and the example up at Vista Sierra

Commissioner Henninger ask Ms. Herington since the first question of this project is annexation, isn't there a property just north of this at the corner of Dublin and Marksheffel, has not this Commission annexed that small area for a gas station/convenience store? Ms. Herington stated yes the annexation on that area was completed; however, they have not yet recorded their annexation plat. The recording of the annexation plat is what would move those

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City boundaries. The way they see the map is because the process has not been fully completed.

CITIZENS IN FAVOR:

None

CITIZENS IN OPPOSITION:

James Burnett states he is an adjoining property owner he stated his was in the middle ground on this project. He supports the annexation of the property but is concerned about the layout of the development inside the property. He states he feels Toy Ranches needs to be annexed or it will be a large piece of county property in the middle of the city. Other developments, Banning Lewis, Indigo Ranch were thought out well. He stated he wanted the area in Toy Ranches where he currently lives to be well thought out as well. He stated the traffic issues could become a big problem with accidents. He currently uses Marksheffel daily and works at Ft. Carson. Many of the 23,000 soldiers that are stationed at Ft. Carson are deployed but they want to live away from the base. He stated he used Marksheffel to get to the meeting today and barely avoided an accident at a signalized light and they want to put two unsignalized accesses onto Marksheffel. Unless the development is done to go through this area when more of this area is annexed you will have walled off little islands throughout this area. He wanted to know why there were no parks planned for this neighborhood; in order to get to a park you will have a really long walk or you will have to drive out onto Marksheffel. This is a very busy road. He thought there would be parks and schools built on the east as more of Toy Ranch is annexed and with only one access to the south he felt it wasn't enough. Nowhere else along Marksheffel are there 141 homes having only two access points. Looking to the west or Marksheffel those areas can only access Marksheffel at Dublin to the north or Stetson Hills to the south at signalized lights. He felt this would set a precedent because there is lots of undeveloped land east of Marksheffel all the way to Highway 24. The Banning Lewis was designed well. He thought one of the access points should allow you to go across Marksheffel instead driving all the way through the community to go the next neighborhood that will eventually be built to the east or south. He thought kids will play in the retention pond, this will become the park. He just wanted the development to be done in a safe and responsible manner that will benefit everyone those who live there now and those will live there in the future.

REBUTTAL:

Tim McConnell, with Drexel Barrell. The developer will put in all of the improvement. Without a metropolitan district and no HOA there would be no one to maintain parks in this area. A good portion of the property is eaten up by easements for gas lines on the east the Southern Delivery System. There is a plan to have trails throughout the entire site almost 25% open space. As far as the access points Ms. Krager described it well. They do have an access point provided to the east near the north end of the property that will connect to the future collector street that will tie into the signalized intersection at Dublin Blvd. The two access points are designed 1,000 feet apart per traffic guidelines. The southerly access is at a low point in Marksheffel so there is good visibility both to the north and south. The other access to the north is on the high point and also has good visibility. The plans show the additional lanes for

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interim traffic movements until Marksheffel is improved. It would allow for a left turn movement going southbound and through movement to go through without stopping. There will be a deceleration lane for the right turn lane going into both access points. For principal arterials right of way dedication per the traffic criteria manual is 107-142 feet. The 142 feet is typically reserved for a six lane section the City plans this to be a four lane section. However, with the additional right-of-way they are dedicating for Marksheffel there will be 160 feet of right-of-way. The channelized T will be similar to the one at Mallow Drive and Austin Bluffs Parkway. Austin Bluffs is an extremely busy arterial with a ton of traffic. That is the same type of intersection they are looking at north of Dublin would be the channelized T intersection that is proposed for these two intersections between the two signalized intersections on Marksheffel between Stetson Hills and Dublin Blvd.

DECISION OF THE PLANNING COMMISSION:

Commissioner Smith stated he would support the application. The plan meets the criteria.

Commissioner Henninger stated reviewing it and looking the request for the annexation, his biggest concern is that he is not a supporter of annexing county land piece by piece. The other two issues he did not have a problem with and will support the project.

Commissioner Markewich stated he would support the annexation and the PUD (Planned Unit Development) zone and hesitantly supporting the concept plan. His hesitancy was based on the ingress/egress, the right-in/right-outs and does not like the precedence they are setting on the principle arterials. He was disappointed there was not a way to use the north access to Dublin as the primary access since that corner plat has already been annexed and use that then you'd be able to leave Marksheffel alone. But he looked at the review criteria and will approve all three.

Commissioner Gibson stated she would be supporting the project. She shares the concerns of Commissioner Markewich about the access with the channelized T.

Commissioner Donley stated he was very concerned about putting access on Marksheffel the way it will be done. There will be 5-10 million dollars spent just to widen this part of Marksheffel. It is an important road because it provides access to the north and south creating connections within the community. If you think about Peterson and Shriever and the need for access in those directions are significant and putting access points onto Marksheffel is compromising it. There is a master plan that was never implemented but it could offer a guide how the development ought to be done within Toy Ranches. He understands the people who live in this area want to maintain their rural lifestyle but you have to acknowledge it is an enclave but will eventually move toward an urban setting and we should be planning for that eventuality and not an entity unto itself or incrementally approving plans. The Toy Ranch master plan gives some great ideas on how to do that. The most significant was they had a single collector street that came off Marksheffel closer to the southern access point they have in front of them. He would like to see a series of connections that come up to the individual east property lines in Toy Ranches so each can be developed incrementally and get those cross

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connections going. He was hopeful that the access that Dublin Town Center had approved will be used if it is there it should be taken advantage of. He supports the annexation. The zoning request is for PUD (Planned Unit Development) zoning and that requires a concept plan to be approved at the same time. There is the option to approve the annexation and the zoning could be set as A (Agricultural) as the standard holding zone and that would not require a concept plan. He does not see that happening but wanted to note that this could be an option to consider and it would be something he could support. His last concern is he believes there is wetlands that cut across that are shown as future development and hoped they would be properly handled. So he will be supporting the annexation but opposing the zoning and concept plan.

City Attorney, Marc Smith stated in the stock motions for the concept plan there may have been a minor error in the actual proposed motion. It says approve the Mountain Valley Preserve concept plan based on the findings that the development plan meets the criteria for PUD development plan. When we get to motions however that goes either way, if that could be switched to concept plan. The citation is correct, he just wanted to note that for the commission before any motions went out.

Motion by Commissioner Markewich, seconded by Commissioner Gibson, to approve item 4A CPC A 14-00144 the Annexation and approve The Mountain Valley Preserve Annexation based upon the findings that the Annexation complies with conditions for annexation criteria as set forth in City Code section 7.6.203 with the following conditions of approval:

1. The Final Annexation agreement signed by the owners must be submitted to staff prior to scheduling City Council hearing.

Motion passes 8-0, (Commissioner McDonald excused)

Motion by Commissioner Markewich, seconded by Commissioner Gibson, to approve item 4B CPC PUZ 15-00024 establishment of a PUD zone. Move to approve the establishment of PUD/AO (Planned Unit Development single-family residential 3.77 dwelling units per acre 30 foot maximum building height with airport overlay) zone district based upon the findings that the change of zoning request complies with the three criteria granting the zone changes as set forth in the City Code section 7.5.603.B and the criteria for the establishment and development of a PUD zone as set forth in City Code section 7.3.603. Motion passes 7-1, (Commissioner McDonald excused)

Motion by Commissioner Markewich, seconded by Commissioner Gibson, to approve item 4C CPC CP 14-00012 Mountain Valley Preserve Concept Plan. Move to approve the Mountain Valley Preserve Concept Plan based upon the findings that the concept plan meets the review criteria for PUD development plans as set for in City Code section 7.3.605 and the development

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plan review criteria as set for in section 7.5.502E. Motion passes 7-1, (Commissioner McDonald excused)

September 17, 2015

Date of Decision

Planning Commission Chair

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