



# LAKESIDE HEIGHTS AT WOLF RANCH PUD DEVELOPMENT PLAN APPEAL

Planning Commission January 10, 2024

Staff Report by Case Planner: Kyle Fenner, Senior Planner



## Quick Facts

### Appellant

Elizabeth Stein

### Property Owner

Norwood Development Group

### Address / Location

Intersection Drive and Briargate Parkway and Wolf Valley Drive

### TSN(s)

5231100028

### Zoning and Overlays

Zone: PDZ (Planned Development Zone)

### Land Area

65.875

### Land Use

Multifamily Residential

### Applicable Code

Unified Development Code (UDC)

## Project Summary

The application is an appeal of the administrative approval of the Lakeside Heights at Wolf Ranch PUD development plan. Staff administratively approved the PUD Development plan including a 31,000 square foot recreation facility, 351 units in 18 apartment-style buildings and 373 rental townhomes finding that the applicable review criteria were met. An appeal of the administrative approval was submitted on the basis that the application does not satisfy the PUD Development Plan review criteria.

File Number	Application Type	Decision Type
APPL-23-0009	Appeal of Administrative Decision	Quasi-Judicial



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## Background

### Prior Land-Use History and Applicable Actions

Action	Name	Date
Annexation	Briargate Addition #5	December 24, 1986
Subdivision	Lakeside Heights at Wolf Ranch Filing No. 1	August 24, 2023
Master Plan	Wolf Ranch	July 23, 2019

Current Enforcement Action    None

### Site History

The Lakeside Heights development plan area is just south of Briargate Parkway at the intersection of Briargate Parkway and Wolf Valley Drive. The original Wolf Ranch PUD, CPC PUP 04-00048, approval occurred on February 8, 2005. The master plan was revised and amended seven times over the years to reflect the addition of acreage, the relocation of parks, school land & roadways and for changing needs and market demands. As per 7.5.102 of Chapter 7, major master plan amendments go through a formal process with Major Amendments, such as the most recent in 2019, requiring public hearings and the final approval from City Council. The 2019 Major Amendment had three primary areas of change. The amendment shifted parkland and open space to be more linear and to cluster along Cottonwood Creek, relocated dedicated school sites and shifted 13 acres of commercial use property to residential uses. The required City Council meeting was properly noticed with an onsite poster evidenced by an affidavit of posting dated July 23, 2019, and a mailing of approximately 1086 postcards.

The 2019 master plan amendment reduced density in the master planned area from 7,701 density units (DUs) to 6,825 DUs. The current total acreage for the Wolf Ranch Master plan is 1,784.13 acres. The area subject to this development plan is planned as "Mixed Use," Neighborhood Commercial" and/or "High Density Residential" with two areas of density, Area "D" set at 8.00-11.99 (Dus/Ac) and Area "E" with 12 - 24.99 (Dus/Ac).

### Applicable Code

The application subject to this appeal was submitted prior to the implementation date (06/05/2023) of the UDC, and as such, the applicant is permitted to elect which Code they prefer their application be reviewed under. The subject application was reviewed under previous Chapter 7. All subsequent references within this report that are made to "the Code" and related sections are references to previous Chapter 7. The appeal of the administrative approval of PUDD-23-0014 was filed under the Unified Development Code (UDC) implemented on 06/05/2023.



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## Surrounding Zoning and Land Use

### Adjacent Property Existing Conditions

	Zoning	Existing Use	Special Conditions
North	PDZ (Planned Development Zone)	Developing Single Family – Medium Density	None
West	PDZ (Planned Development Zone)	Single Family – Medium Density	None
South	PDZ (Planned Development Zone)	Developing Single Family – Medium Density	None
East	PDZ (Planned Development Zone)	Single-Family residential	None

### Zoning Map





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## Stakeholder Involvement

### Public Notice

Public Notice Occurrences (Poster / Postcards)	2 Occurances, Neighborhood Meeting and Application Submittal
Postcard Mailing Radius	1,000 feet
Number of Postcards Mailed	740 (370 sent on 2 occasions)
Number of Comments Received	57

### Public Engagement

A neighborhood meeting was held by staff at 6:00 p.m. on February 22, 2023, at Legacy Peak Elementary School, 8705 Wolf Valley Drive prior to the development plan application submitted by the applicant. Thirty-three people signed in as attendees of the meeting. Fifty-one emails comments were received because of the neighborhood meeting. Six additional comments were received after the poster and mailing notification that occurred once the application was submitted. While many of the comments received were questions about the details of the proposal, roughly half expressed concern and opposition to the application generally citing traffic concerns and concerns that apartments and rental residences were not desirable in the community.

## Agency Review

### Engineering Development Review

Prior to installing the public Right of Way (ROW) improvements, submit street and signage construction plans to EDRD and Traffic Engineering through ProjectDox for review and approval. Financial assurances for all public ROW improvements shall be posted to the City prior to approving the construction plans. The amount to be submitted to the City will be agreed upon at that time. The public ROW improvements will follow EDRD's probationary and final street acceptance procedures as described in Chapter 11 in the Subdivision Policy Manual.

### Traffic

Traffic impacts of the density proposed with the Lakeside Heights development plan were contemplated with the review and approval of the 2019 Master Plan amendment. Because the development plan does not alter density, no additional traffic study or analysis was required by traffic engineering.

Traffic Engineering's initial comments were: Remove all of the proposed crosswalks along Wolf Valley Drive public ROW; limit all of the proposed access points width along public roads to a maximum of 36 feet; remove all of the proposed parking stalls along public roads; show and callout, on sheets 3-9, the speed line of sight with the adequate sight distance length for all of the proposed access points; and stated that the details of the signing and striping of the future public roadway improvements



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will be addressed during the construction plans review. Following subsequent submittals and reviews all requests were addressed to the satisfaction of Traffic Engineering.

## Colorado Springs Fire

Fire lane markings are required along the entirety of the streets to include along the mouths of driveways, not just where open curbs are located. No on-street parking in front of driveways and/or garages is allowed where the streets are narrow. Please extend the fire lane markings along the entire curb for all applicable streets. CSFD further asked for

## SWENT

SWENT had no objections to the Preliminary Drainage Report. The Final Drainage Report is pending signatures that are required at time of construction drawings. SWENT also required detail on the development plan green infrastructure and where specific stormwater infrastructure elements were located. All were provided in subsequent submittals. SWENT recommended approval of PUDD-23-0014.

## Colorado Springs Utilities

The CSU reviewer requested details on infrastructure locations and commented that trees had to maintain a minimum of fifteen (15) feet of separation between trees and CSU infrastructure. CSU also asked for plan labels to identify where specific CSU infrastructure elements were located. All CSU requests were satisfactorily addressed.

## PUD Development Plan

### Summary of Application

This application is a multi-family residential development plan in a master planned community on Planned Unit Development zoned land. The application was evaluated for compliance with City Code Section 7.3.606 of the adopted code at the time which was Chapter 7. The application proposes high density housing as well as medium density each located in areas already approved for that density by the Wolf Ranch Master Plan. The application also includes a substantial community center with work out room, ball courts and a pool available to all Wolf Ranch residents.

### Compliance with Relevant Code Sections and Review Criteria

Under the Chapter 7 zoning code, PUD Development Plans are subject to the review criteria for a PUD Development Plan (7.3.606) as well as the review criteria for a development plan (7.5.502.E). Review criteria and plan compliance are described below.

#### City Code 7.3.606: Review Criteria for a PUD Development Plan:

A PUD development plan for land within a PUD Zone shall be approved if it substantially conforms to the approved PUD concept plan and the PUD development plan review criteria listed below. Staff reviewed the PUD Development Plan application per City Code Section 7.3.606, Review Criteria for a PUD Development Plan (Chapter 7). The criteria are as follows:

#### **A. Consistency with City Plans: Is the proposed development consistent with the Comprehensive Plan or any City approved master plan that applies to the site?**

Staff found the application to be consistent with the Comprehensive Plan and the Wolf Ranch Master Plan.



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## **B. Consistency with Zoning Code: Is the proposed development consistent with the intent and purposes of this Zoning Code?**

Staff found the application is consistent with the intent and purpose of the zoning code.

## **C. Compatibility of The Site Design With The Surrounding Area:**

Staff did not find the site design to be incompatible with surrounding area. Current housing sits across Cottonwood Creek from this PUD. To the north and south are developing Wolf Ranch communities and to the east is undeveloped Wolf Ranch land. The exteriors of the building will be of combined surface textures with neutral, muted color tones. While the style is different from existing single-family housing, it is visually compatible with it.

## **D. Traffic Circulation:**

The major road network serving this PUD Development is already built, being built, or is planned for. Briargate Parkway is an arterial. This application was reviewed by the Traffic Engineering department, who, after review and revisions, had no objections or concerns.

## **E. Overburdening of Public Facilities:**

Higher density housing reduces the burden on public facilities on a per capita basis. Colorado Springs Utilities, Traffic Engineering, District 20 and Colorado Springs Fire Department were satisfied with the final draft of this development and had no remaining objections.

## **F. Privacy:**

Privacy is provided for residential units by staggering building distance from setbacks, fencing, landscaping, and building orientation.

## **G. Pedestrian Circulation:**

Sidewalks are provided around much of the project perimeter as well as extensive internal sidewalks. There are small pocket parks for dogs and games scattered across project.

## **H. Landscaping:**

The City landscape planners reviewed and approved the plans based on its compliance with City landscaping requirements.

## **I. Open Space:**

The applicant worked directly with the City Parks Department to discuss possible land dedications but parks and open space were determined and located at the time of Master Plan and they are not specifically tied to a single application in Wolf Ranch.

## **J. Mobile Home Parks:**

Not applicable.

The Development Plan complies with the Wolf Ranch Master Plan, as amended, approved by City Council in July 2019. It also complies with all applicable design manuals.

[City Code 7.5.502.E: Review Criteria for a Development Plan:](#)



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E. Development Plan Review Criteria: A development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site. Alternate and/or additional development plan criteria may be included as a part of an FBZ regulating plan.

**1. The details of the use, site design, building location, orientation and exterior building materials are compatible and harmonious with the surrounding neighborhood, buildings and uses, including notyet-developed uses identified in approved development plans.**

Staff found the plans to be compatible and harmonious with surrounding development and uses.

**2. The development plan substantially complies with any City- adopted plans that are applicable to the site, such as master plans, neighborhood plans, corridor plans, facilities plans, urban renewal plans, or design manuals.**

Staff found the application to be consistent with the Comprehensive Plan and the Wolf Ranch Master Plan.

**3. The project meets dimensional standards, such as but not limited to, building setbacks, building height and building area set forth in this chapter, or any applicable FBZ or PUD requirement.**

Staff found that the project meets building height as established by the PUD zoning ordinance for height and all requirements for setbacks and density as established by the PUD concept plan.

**4. The project grading, drainage, flood protection, stormwater quality and stormwater mitigation comply with the City's Drainage Criteria Manual and the drainage report prepared for the project on file with the City Engineering Department.**

City Stormwater agrees with the findings of the associated drainage studies and has no objections to the plans.

**5. The project provides off-street parking as required by this chapter, or a combination of off-street or on-street parking as permitted by this chapter.**

Staff found that all required off-street parking are met.

**6. All parking stalls, drive aisles, loading/unloading areas, and waste removal areas meet the location and dimension standards set forth by this chapter.**

Staff found that all dimensional standards for parking areas, drive aisles, loading/unloading areas and waste removal areas are met.

**7. The project provides landscaped areas, landscape buffers, and landscape materials as set forth in this chapter and the Landscape Design Manual.**

The City landscape planners reviewed and approved the plans based on its compliance with City landscaping requirements.

**8. The project preserves, protects, integrates or mitigates impacts to any identified sensitive or hazardous natural features associated with the site.**

There are no significant natural features on the project site, however, staff found that the plans adequately consider integration and protection of adjacent natural features.

**9. The building location and site design provide for safe, convenient and ADA-accessible pedestrian, vehicular, bicycle, and applicable transit facilities and circulation.**

Staff found this criterion is satisfied.



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10. The number, location, dimension and design of driveways to the site substantially comply with the City's Traffic Criteria Manual. To the extent practicable, the project shares driveways and connects to drive aisles of adjoining developments.

Staff found this criterion is satisfied.

11. The project connects to or extends adequate public utilities to the site. As required by Colorado Springs Utilities, the project will extend the utilities to connect to surrounding properties.

The project will connect and extend adequate public utilities to the site per CSU review and approval.

12. If necessary to address increased impacts on existing roadways and intersections, the project includes roadway and intersection improvements to provide for safe and efficient movement of multimodal traffic, pedestrians and emergency vehicles in accordance with the City's Traffic Criteria Manual, public safety needs for ingress and egress and a City accepted traffic impact study, if required, prepared for the project.

Traffic Engineering found that previously approved traffic studies adequately account for the traffic to be generated by the proposed development and the existing infrastructure can manage the future traffic without updated traffic studies.

13. Significant off-site impacts reasonably anticipated as a result of the project are mitigated or offset to the extent proportional and practicable. Impacts may include, but are not limited to light, odor and noise.

Staff found this criterion is satisfied.

## Appeal of an Administrative Decision – PUD Development Plan

### Summary of Application

City Staff informed neighborhood stakeholders that the PUD Development Plan application had been approved on November 27, 2023. The appellant filed an appeal of the application on December 5, 2023, within the ten-day appeal window permitted by code. The appeal of the project approval was processed under the UDC. The appeal occurred after the June 5, 2023, effective date of the UDC. The reason for appeal is that several of the review criteria are not met.

### Standing

The appellant qualifies as an "affected party" and thus has the right to appeal due to the appellant submitting written comment to staff during the public comment period. The appellant submitted a complete application, including an appeal form and an appeal statement, and paid the appeal fee in full.

### Compliance with Relevant Code Sections and Review Criteria

#### UDC Section 7.5.415(A)(2) Notice of Appeal

a. The notice of appeal shall state:

- (1) The specific provision(s) of this UDC that is the basis of the appeal;
- (2) Which of the following criteria for reversal or modification of the decision is applicable to the appeal:
  - (a) The decision is contrary to the express language of this UDC;
  - (b) The decision is erroneous; or
  - (c) The decision is clearly contrary to law; and





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(3) Describe how the criteria for the relevant application have or have not been met.

The appeal statement that was submitted by the Appellant is required to specifically address the following:

(2) Which of the following criteria for reversal or modification of the decision is applicable to the appeal:

(a) The decision is contrary to the express language of this UDC; (Chapter 7)

*"To allow for a variety of residential, commercial, office and industrial land use types and encourage appropriate mixed-use developments. This zone district is intended to provide the means through which land may be developed with an overall unified approach. The district encourages flexibility in design to create a better living environment, to preserve the unique features of the site and to provide public services in a more economic manner."*

The appellant has used the above section of City Code, Chapter 7 to help justify their appeal. Code explicitly utilizes the words, "To allow for..." indicating that mixed and varied development is allowed, not that it is required to happen. The section goes on to say, in part, "...intended to provide the means through which land may..." This indicates that a PUD is a mechanism through which varied and mixed-use development may happen; this does not require that it must happen.

This code section supports the administrative approval of PUDD-23-0012. The last sentence reads, "...encourages flexibility in design to create a better living environment, to preserve the unique features of the site and to provide public services in a more economic manner."

The "...flexibility in design..." supports the concept of building style variety. The application demonstrates "flexibility in design" through a mix of structures and unique yet compatible design styles. Finishes are generally natural with neutral, muted color tones.

The addition of a substantial recreation center, available to all Wolf Ranch residents, adds to a "better living environment." Staff interprets "better" as a broad term affecting aesthetics, livability, environment, and infrastructure. Wolf Ranch is a large development with thousands of residents.

This code section further reads, "...to provide public services in a more economic manner." High density residential development is a fantastic example of providing public services in a more economic manner. Having more people on less land reduces the number of road miles that must be built to serve a given population. It reduces the number of feet a water service main, a sewer service main and underground utilities must run. This reduces ground disturbance which increases storm runoff water quality further adding to a "better living environment." A unique feature being preserved with this development plan is a section of Cottonwood Creek which runs along the project's west boundary, it will remain undeveloped except for a trail. Lastly, public investment is reduced through economies of scale; density is higher making this project more fiscally efficient than lower density development.

**The second justification in the appeal is from 7.3.601.C which reads:**

*"To encourage flexibility, innovation of design and a variety of development types that will improve the quality of physical development over that normally achieved through the application of the City's standard single use zones."*

The Lakeside Heights at Wolf Ranch project creates a new development type for multifamily housing in an otherwise homogeneous, single-family development thus, creating a variety. The increased density per acre creates a reduction in impact on the land itself and a reduced impact on environmental elements such as stormwater quality.

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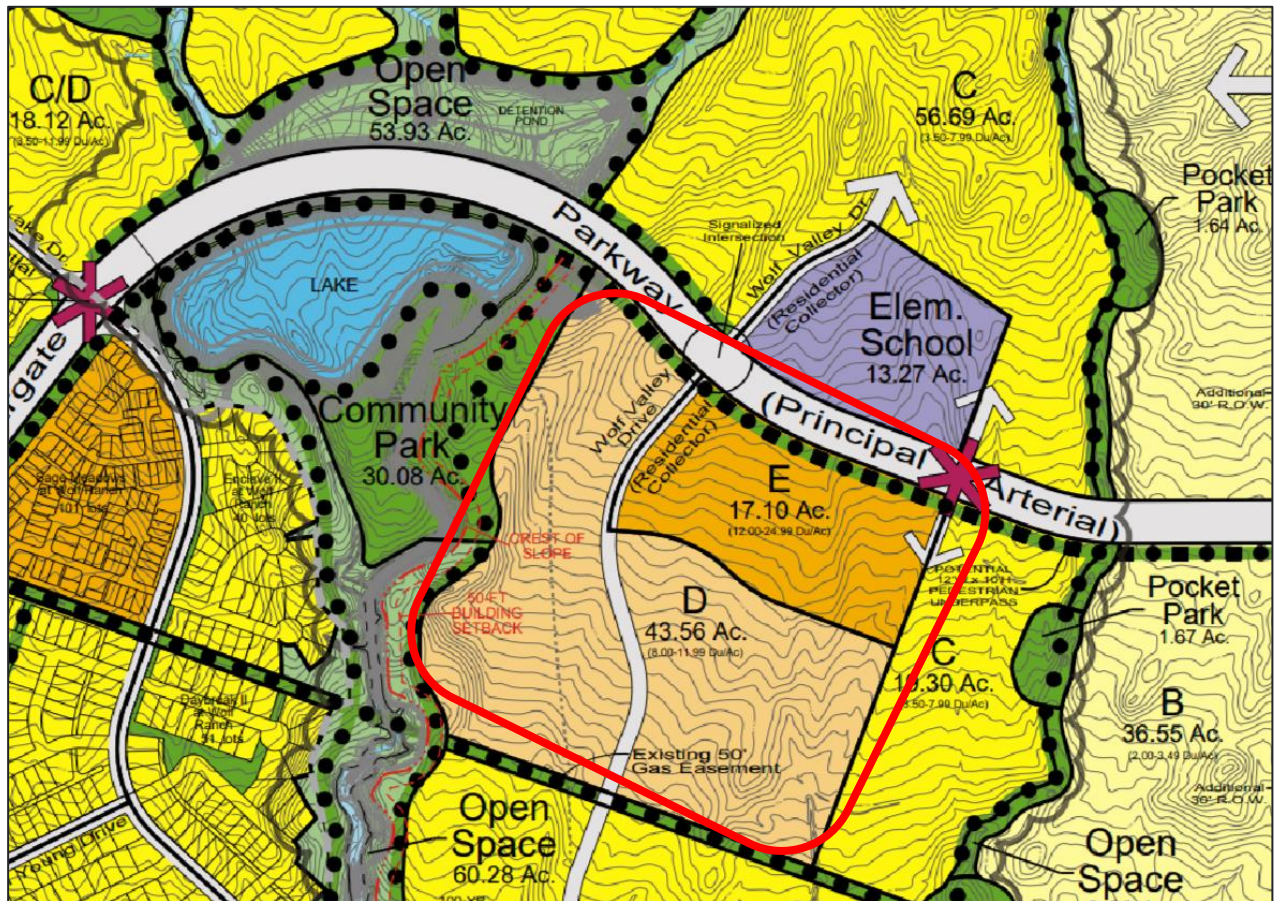
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The appeal's third justification is from 7.3.606.2 reads:

*"Do the design elements reduce the impact of the project's density/intensity?"*

It is important to understand that 7.3.606.2 doesn't prohibit higher density and higher intensity, it simply asks, "was the project designed to reduce their impact?"

Below is a snippet of the Wolf Ranch Master Plan area with the portion that is the subject of this application in red box.

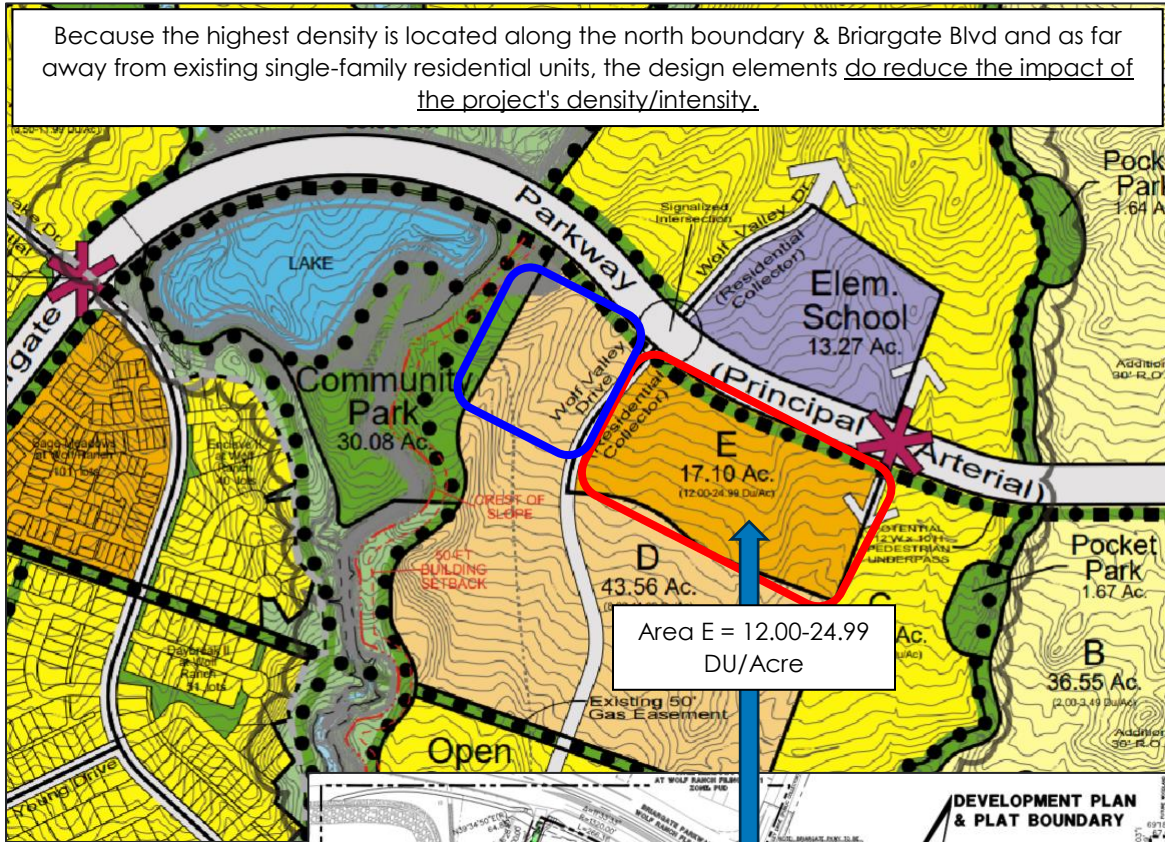


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Because the highest density is located along the north boundary & Briargate Blvd and as far away from existing single-family residential units, the design elements do reduce the impact of the project's density/intensity.



One building type with an elevation for area in red



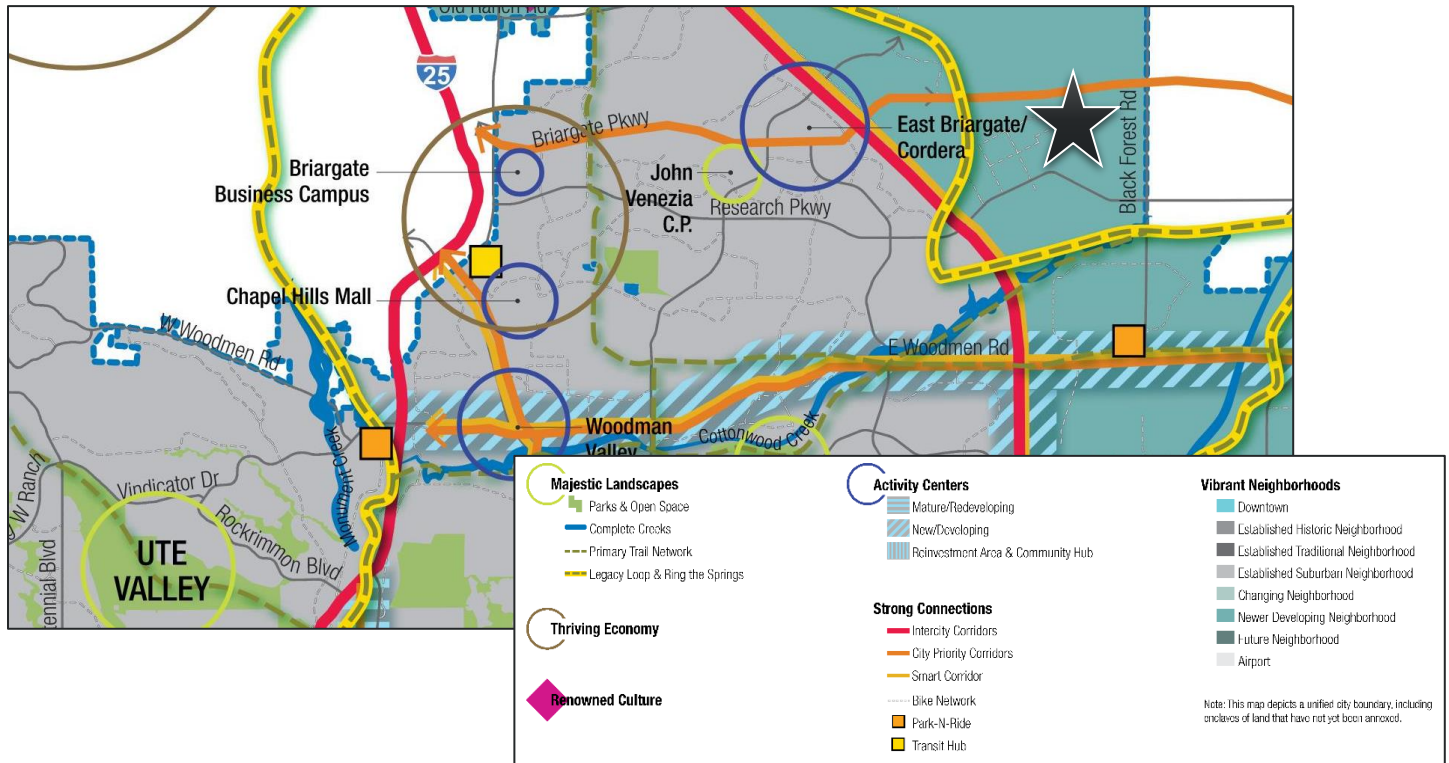
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The remainder of the appellant’s justification is focused on 7.1.103 which are the purposes of the City’s comprehensive plan. The appellant attempts to tie those Comprehensive Plan purposes to taxing and financial decisions made by a special district. The application being appealed is a land use application which has no nexus or bearing on the configuration, use, or budget of any special district.

## Compliance with PlanCOS

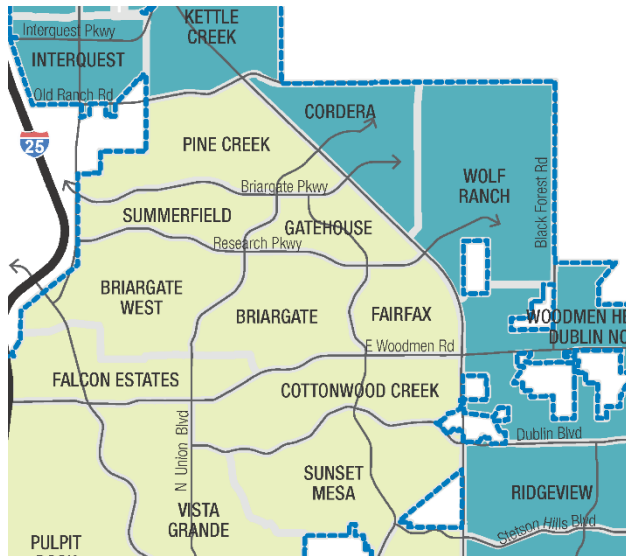




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## Vibrant Neighborhoods

The proposal is compatible with the Vibrant Neighborhoods section of PlanCOS. Vibrant Neighborhoods prioritizes a diversity of housing types while also promoting safe, aesthetically pleasing infrastructure that improves neighborhood character overall. The proposal is consistent with this goal using open space and landscaping to serve as a transition that will buffer the site from uses.

## Statement of Compliance

After staff's evaluation of the Wolf Ranch Homeowners Appeal staff believes that the appeal criteria are not met.