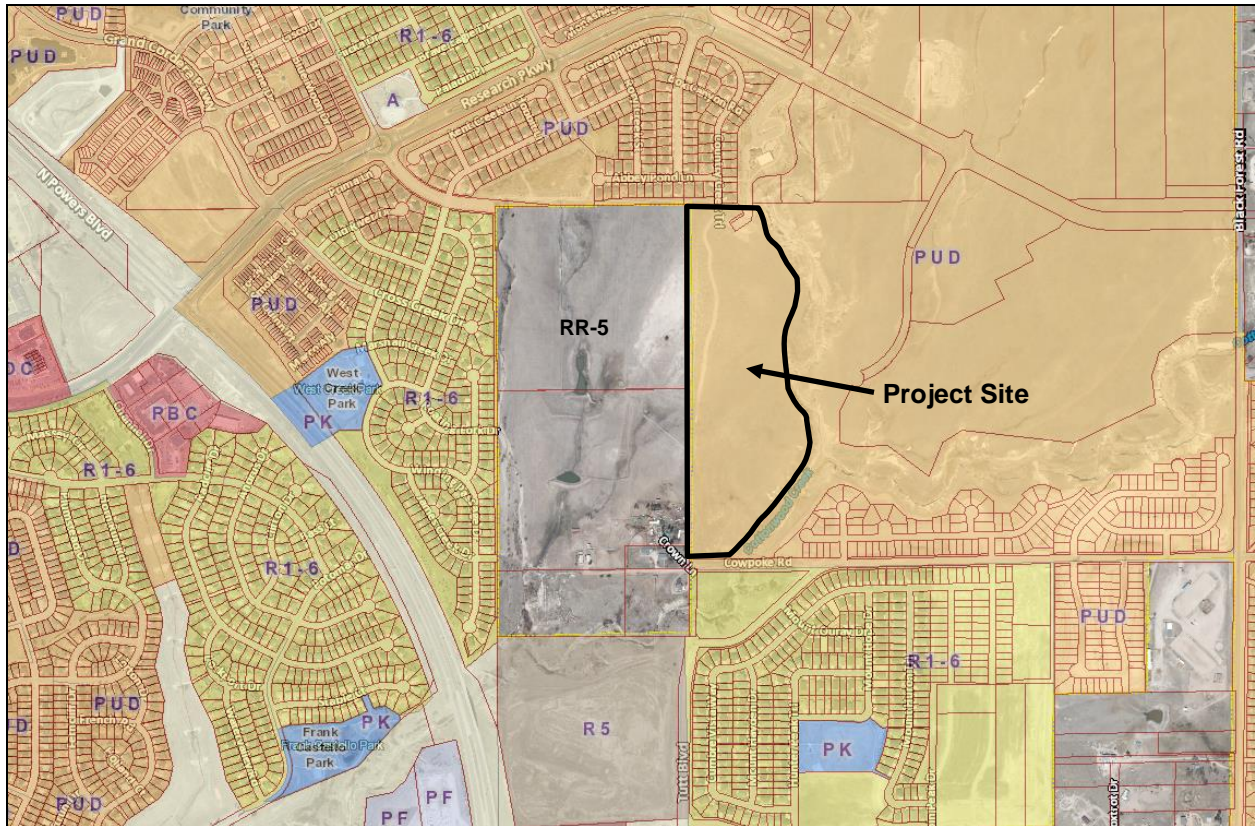


CITY PLANNING COMMISSION AGENDA

STAFF: DANIEL SEXTON

FILE NO(S):
AR PUD 06-00515-A1MN17 – QUASI-JUDICIAL
AR FP 17-00331 – QUASI-JUDICIAL

PROJECT: WESTCREEK III AT WOLF RANCH
APPLICANT: NASS DESIGN ASSOCIATES
OWNER: WESTCREEK AT WOLF RANCH, LLC



PROJECT SUMMARY:

1. **Project Description:** This appeal is of the administrative approvals for a minor PUD development plan amendment and final subdivision plat associated with the Westcreek III at Wolf Ranch project. The minor PUD development plan amendment consists of re-phasing the project; reconfiguring the layout of Lots 80-84 and 64-69 to accommodate certain public and private improvements; incorporates a new pedestrian crossing for Tributary Four of Cottonwood Creek; updates certain public and private facilities to comply with current design standards and specifications; and updated the General Notes on the plan. **(FIGURE 1)** The final subdivision plat encompasses the first phase of the development, which includes creating 52 single-family detached residential lots, five (5) tracts, public streets and utility easements from 18.4 acres of previously unplatted lands. **(FIGURE 2)** The property associated with these applications is located north of the Cowpoke Road/Tutt Boulevard intersection, within the Wolf Ranch development, and consists of 32.8 acres of land. The property is zone PUD/NP (Planned Unit Development with a Navigation Preservation Overlay). The Westcreek III at Wolf Ranch project completes a segment of Wolf Ranch Master Planned area.

These applications were approved administratively on February 22, 2018 and appealed by Ross Clinger, on behalf of Tin Can Granny's, LLC and Goetsch/Peacock, LLC, on March 5, 2018 **(FIGURE 3)**.

2. **Applicant's Project Statement:** **(FIGURE 4)**
3. **Planning and Development Team's Recommendation:** Staff recommends denial of the appeal thus upholding the administrative approval of the applications.

BACKGROUND:

1. **Site Address:** The site is not currently addressed, as it consists of unplatted and undeveloped land.
2. **Existing Zoning/Land Use:** The subject property is currently zoned PUD/NP (Planned Unit Development with a Navigation Preservation Overlay) and is vacant.
3. **Surrounding Zoning/Land Use:** North: PUD/NP (Planned Unit Development: Single-Family Residential, 2.25 dwelling units per acre, and 30-foot maximum building height with a Navigation Preservation Overlay) and PUD/NP (Planned Unit Development: Single-Family Residential, 2.9 dwelling units per acre, and 30-foot maximum building height with a Navigation Preservation Overlay), and is partially developed with a residential land use.

East: PUD/NP (Planned Unit Development: Single-Family Residential, 2.9 dwelling units per acre, and 30-foot maximum building height with a Navigation Preservation Overlay), and is vacant.

South: R1-6000/DF/AO/SS (Single-Family Residential with Design Flexibility, Streamside, and Airport Overlays), and vacant segment of Cottonwood Creek.

West: RR-5 (El Paso County Zoning, Residential Rural (5 acres), and developed with residential and stabling operation.

4. **Comprehensive Plan/Designated 2020 Land Use:** General Residential
5. **Annexation:** The subject properties were annexed into the City on November 9, 1982 per the Briargate Addition #5 Annexation Plat (Ord. 82-138).
6. **Master Plan/Designated Master Plan Land Use:** The Wolf Ranch Master Plan, as amended, identifies the 32.8 acres of the project site as Residential B at 2.00 to 3.49 dwelling units per acre.
7. **Subdivision:** The property is unplatted.

8. Zoning Enforcement Action: None.
9. Physical Characteristics: The site is currently vacant and is natural open space. The property gradually slopes east toward Tributary Four of Cottonwood Creek and south towards Cottonwood Creek.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process for these administrative applications consisted of providing notice to adjacent property owners with 1,000 feet of the site, which included the mailing of postcards to 383 property owners, on two occasions: during the internal review stage and prior to the Planning Commission hearing for this appeal. The site was also posted during the two occasions noted above. Staff received one opposition letter from the adjacent property owner to the west during the initial public notice, which focused on the proposed alignment of Tutt Boulevard. **(FIGURE 5)**

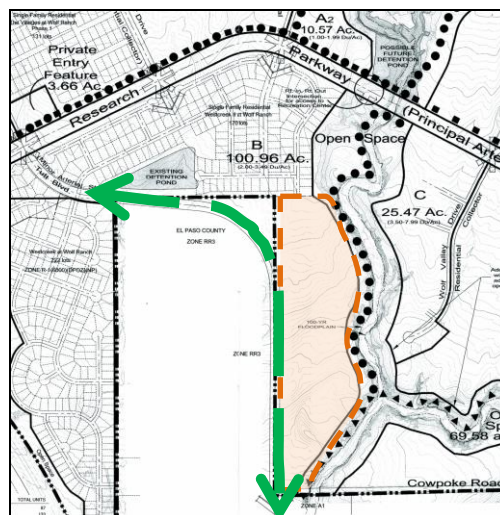
Staff input is outlined in the following sections of this report. Staff sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, CONO, School District #20, Police and E-911, Real Estate Services, and the Colorado Springs Airport. At this time, all agency comments received have been satisfied and the final drainage report for the project was approved and signed by the appropriate City agency.

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

1. Review Criteria / Design & Development Issues:

a. Background

The subject site was annexed into the City of Colorado Springs in 1982 as part of the Briargate Addition #5 annexation (Ord. 82-183). At that time, it was zoned A/NP (Agricultural with a Navigation Preservation Overlay) as a holding zone for future development plans to be determined. The initial Wolf Ranch Master Planned area (CPC MP 01-00083) was approved by City Council on 2001, but did not include the subject property. A new Wolf Ranch Master Plan (CPC MP 05-00080), which expanded the master planned area and reconfigured the envisioned land uses and roadway alignments, was approved by City Council in 2006. **(FIGURE 6)** The newest master plan, which has been subsequently amended, identifies the subject site for development with single-family residential land uses and illustrates the envisioned alignment for Tutt Boulevard extending north from Cowpoke Road and then curving west towards Research Parkway. The initial segment of this roadway extension straddles the subject property and properties in an un-annexed enclave to the west (see image below).



In 2006, the initial PUD development plan application for the Westcreek III at Wolf Ranch project was administratively reviewed and approved by City Planning. **(FIGURE 7)** This application approved the original configuration of a 95-lot single-family residential subdivision. Based on information available in the project file, the appellant met with City staff and the applicant to discuss the alignment of the roadway. While minutes from that meeting were not incorporated into the file, correspondences from City staff following the meeting acknowledge that the alignment as shown was agreeable to all parties. Subsequently, City staff has granted extensions of the approved PUD development plan, the most recent of which extended the expiration date of the development plan until June 13, 2018. No construction work for this development has occurred to date.

b. Application Summaries

i. Minor PUD Development Plan Amendment and Final Subdivision Plat

The first application under review by the City Planning Commission is an appeal of staff's decision to approve the minor PUD development plan amendment **(FIGURE 1)** for the Westcreek III at Wolf Ranch project. The amended development plan illustrates the site design and layout changes for the residential development, which consist of the following:

- Re-phasing the project;
- Reconfiguring the layout of Lots 80-84 and 64-69 to accommodate the development of a new water quality pond, the realignment of a sanitary sewer line and trail segment;
- Incorporates a new pedestrian crossing over Tributary Four of Cottonwood Creek;
- Updates certain public and private facilities (e.g. roadways, trails, etc.) to comply with current design standards and specifications; and
- Updates the general notes to bring them up to current City standards and to remove notes that are no longer applicable.

The second application under review by the City Planning Commission is an appeal of staff's decision to approve the final subdivision plat application for the Westcreek at Wolf Ranch Subdivision Filing No. 13. **(FIGURE 2)** The final subdivision plat creates 52 single-family detached residential lots, five (5) tracts, public streets and utility easements from 18.4 acres of previously unplatted lands.

The appellant is opposed to the approval of the two applications identified above, based on opinion that the proposed applications associated with the Westcreek III at Wolf Ranch project:

- places a disproportionate and financial burden on the Peacock Ranch family and properties;
- the siting and design of the Tutt Boulevard extension would make the future completion of the roadway on Peacock ranch impractical and more financially burdensome;
- development of the Peacock Ranch is not likely in the foreseeable future; and
- the developed stormwater flows off of the Wolf Ranch development are in violation of the City's MS4 permit; Peacock Ranch should not be obligated to contribute financially to the future Tutt Boulevard crossing over Cottonwood Creek because the Wolf Ranch development is the major contributor to the deterioration of the current Cowpoke Road bridge.

The appellant's appeal request is attached for reference and contains some illustrative documents (**FIGURE 3**).

Per the Wolf Ranch Master Plan, the envisioned alignment of Tutt Boulevard has always crossed the appellant's property. Consideration of an eastern alignment for the roadway was eliminated during initial consultation with City Staff under the review of the Wolf Ranch Master, as it would have required development of a crossing over Tributary Four of Cottonwood Creek, which was not preferred. Since the establishment of the roadway alignment, the ultimate design of the roadway has evolved slightly over the years, as the development of surrounding parcels has changed the City's desired standard for the roadway. As presently designed, the City's Traffic Engineering Division has accepted an interim design for the roadway, which only consists of a 30-foot wide roadway mat. The City's Traffic Engineering Division is uncertain whether, or if, the full development of the roadway will be needed in the future. The future development of the appellant's properties and others in the immediate area will certainly inform the ultimate design for the roadway. Staff notes that the appellant's assertion of a 180-foot right-of-way for the extension of Tutt Boulevard is not correct. The City's Traffic Engineering Division has reviewed and accepted an 84-foot (42-feet on the developer's property and 42-feet on the appellant's property) right-of-way dedication for the remaining segment of Tutt Boulevard. This expectation of right-of-way dedication has been in place since the initial approval of the PUD development plan for the project. As such, staff does not believe the future dedication and financial obligations associated with this right-of-way extension are disproportionate or more financially burdensome than the expectations being applied to any other developer in the City.

In terms of the appellant's concerns involving the applicant's compliance with the City of Colorado Springs' Municipal Separate Storm Sewer System ("MS4") permit, a final drainage report has been reviewed and approved by the City's Water Resources Engineering Division ("WRED") of Public Works. As illustrated on the amended development plan, the Westcreek III at Wolf Ranch proposal includes one water quality pond that will treat the runoff prior to being released into the proposed Regional Detention Facility PR-2. With the acceptance of this report, WRED has determined that the analysis and recommendations put forth by the applicant's consultants for the proposed public and private stormwater improvements within this project comply with the City's MS4 permit and Drainage Criteria Manual requirements and regulations. Furthermore, the applicant has coordinated with WRED to design, install and schedule future channel improvement within the adjacent segments of Tributary Four of Cottonwood Creek and Cottonwood Creek.

Concerning the appellant's obligations to financially contribute towards the Tutt Boulevard crossing project, these obligations will be determined at time of annexation, as the appellant's properties are un-annexed enclaves. All current financial obligations of the surrounding developments were established by each property's respective annexation agreement and/or the applicability of requirements imposed by encumbering special districts or cost-recovery requests. Outside of a formal annexation proceeding, staff is unable at this time to determine what, if any, applicable financial obligations that will be imposed on the appellant if his properties are annexed.

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.

- i. *Appeal*: Based on staff's review of the minor PUD development plan amendment and final subdivision plat applications for the Westcreek III at Wolf Ranch project, the project does not violate the language or intent of the City's Zoning Code, is not unreasonable or erroneous, and is not contrary to law. The amended development plan approved a 95-lot residential development and the final subdivision plat approved the creation of 52-lot residential subdivision in an established PUD zone district which has been master planned for single-family residential since 2006 when City Council approved the Wolf Ranch Master Plan. The review of the proposal has followed established procedures and is in compliance with all applicable City codes and regulations.
- ii. *Minor PUD Development Plan Amendment and Final Subdivision Plat*: It is staff's assertion that the minor PUD development plan amendment and final subdivision plat applications are in conformance with the applicable review criteria for both application types. The Westcreek III at Wolf Ranch PUD development plan, as amended, proposes a site design and layout for the development that is harmonious and sympathetic to the surrounding development patterns and natural environment. The land use is compatible with the neighboring land uses and will complete the remaining southerly segment of the Wolf Ranch Master Planned area, as well as the further extension of Tutt Boulevard. The proposed 95 residential lots will not overburden the existing streets, utilities, parks, schools, or other public facilities. The approved development plan utilizes a revised site design and lot layout to accommodate both public and private facilities to comply with current design standards and specifications. As configured, the Westcreek at Wolf Ranch Subdivision Filing Number 13 plat illustrates lots, tract, streets, and utility alignments of a logical configuration.

Overall, staff finds that the approved minor PUD development plan amendment and final subdivision plat applications for the Westcreek III at Wolf Ranch project meet all the applicable review criteria and regulations set forth in City Code. The Westcreek III at Wolf Ranch project helps to promote the health, safety, convenience, and general welfare of the City of Colorado Springs and all of its citizens by providing a needed resource in the community.

2. Conformance with the City Comprehensive Plan

Based on the City's Comprehensive Plan as amended, the proposed applications appear to be consistent with the envisioned development patterns for the subject parcel, which is identified as General Residential per the Plan's 2020 Land Use map.

a. Objective LU 2: Develop a Land Use Pattern that Preserves the City's Natural Environment, Livability, and Sense of Community.

The applicant's proposal furthers the City's efforts to encourage the orderly development of undeveloped parcels throughout the City. This project provides a platform for the building of neighborhood and community, as it will complete a very visible segment of the Wolf Ranch Master Planned area and includes adequate provisions for public streets, open space, and pedestrian connections internal and external to the project site.

i. Policy LU 202: Make Natural and Scenic Areas and Greenways an Integral Part of the Land Use Pattern.

The proposed PUD development plan acknowledges Tributary Four of Cottonwood Creek and Cottonwood Creek as a significant feature of the neighborhood and for the site. The applicant's approach to site planning further integrates open space throughout the project through the establishment of contiguous green-ways and landscaped areas. This project also represents a good example of a focused land use pattern that better protects and complements the overall land use pattern of the surrounding area.

b. Objective LU 5: Develop Cohesive Residential Areas

The applicant's proposal is supportive of the City's efforts to encourage the creation of functional and attractive neighborhoods. The development proposal integrates a land use pattern that complements the City-wide pattern of development and the suburban context of the surrounding area. The PUD development plan utilizes a site design and layout that ensures this development will develop as a well-functioning neighborhood with links to the immediate area.

As indicated above, staff finds the Westcreek III at Wolf Ranch project and associated applications to substantially conform to the Comprehensive Plan's goals, objectives, and 2020 Land Use map.

3. Conformance with the Area's Master Plan

The project site is part of the Wolf Ranch Master Planned area, which identified the parcel for development with a Residential land use at 2.00 to 3.49 dwelling units per acre. The applicant has established a residential development that maximizes the land use potential of the site, while still being respectful of the two adjacent drainage ways and topographical. Staff finds the Westcreek III at Wolf Ranch project to be consistent and in substantial compliance with the Wolf Ranch Master Plan, as amended.

STAFF RECOMMENDATION:

AR PUD 06-00515-A1MN17 - MINOR PUD DEVELOPMENT PLAN AMENDMENT

Deny the appeal and uphold Planning Staff's administrative approval, based on the findings that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906(A)(4), and that the minor PUD development plan amendment application meets the review criteria in City Code Section 7.3.606 and City Code Section 7.5.502.E.

AR FP 17-00331 – FINAL SUBDIVISION PLAT

Deny the appeal and uphold Planning Staff's administrative approval, based on the findings that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906(A)(4), and that the final subdivision plat for Westcreek at Wolf Ranch Subdivision Filing No. 13 meets that review criteria in City Code Section 7.7.102 and City Code Section 7.7.303.