

CITY PLANNING COMMISSION AGENDA

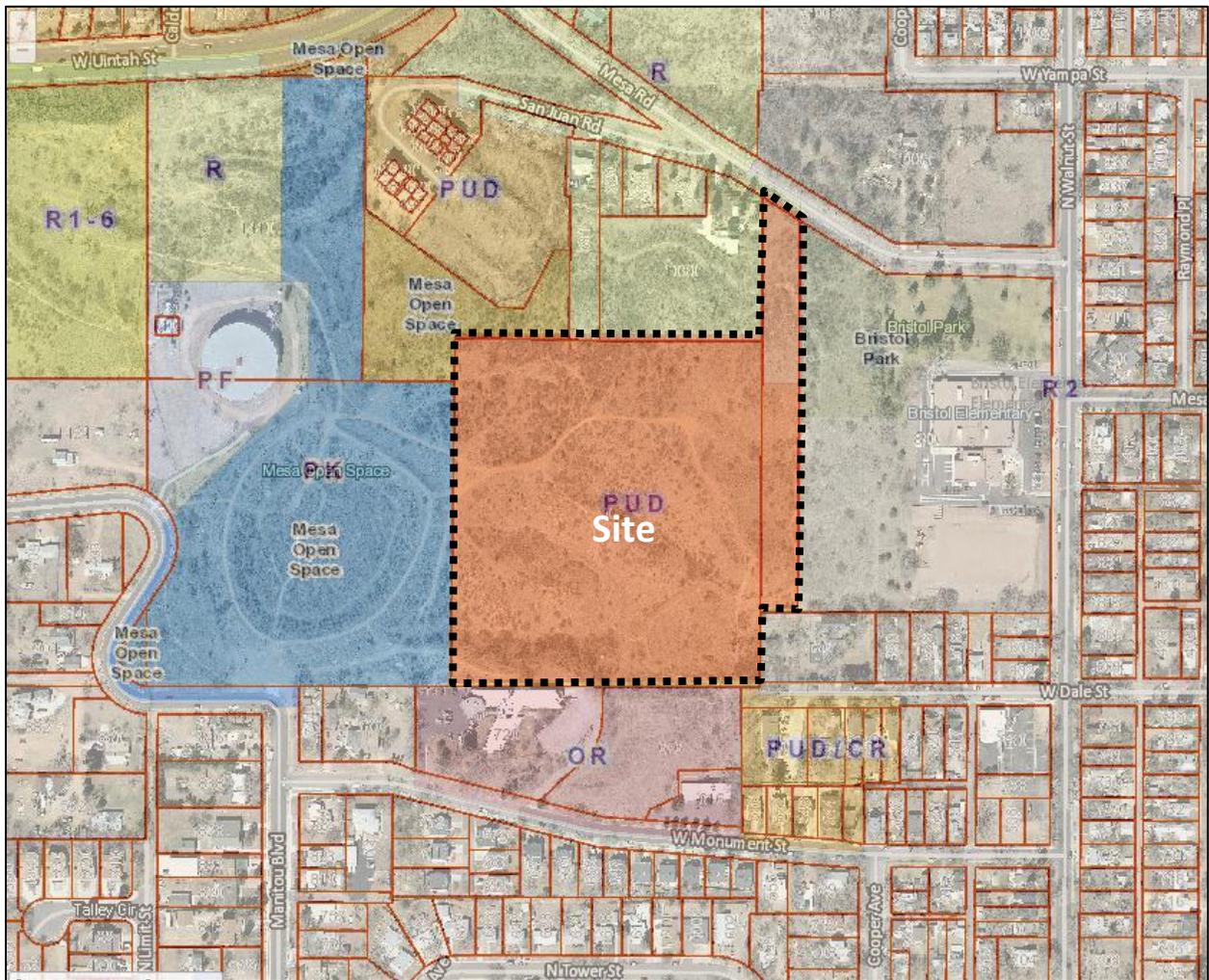
ITEM: B.1, B.2

STAFF: MICHAEL SCHULTZ

FILE NO(S):

**CPC PUZ 14-00009 – QUASI-JUDICIAL
CPC PUD 07-00355-A1MN14 – QUASI-JUDICIAL**

PROJECT: UINTAH BLUFFS
APPLICANT: NES, INC.
OWNER: UINTAH BLUFFS, LLC



PROJECT SUMMARY:

1. **Project Description:** This is request by NES, Inc. on behalf of Uintah Bluffs LLC for a rezone from PUD/HS (Planned Unit Development with Hillside Overlay) to a new PUD/HS zone (Single-family Detached, 2.39 DU's per acre, 35-foot height maximum on Lots 1 – 11 and 30-foot height maximum on Lots 12 – 31 with the Hillside Overlay) to allow 31 single-family lots. The property was rezoned in 2012 from R/HS (Residential Estate with Hillside Overlay) and R-2/HS (Two-family Residential with Hillside Overlay) to PUD/HS in order to allow 52 townhome units on 12.98 acres (Single-family Attached Dwellings, 4.01 dwelling units (DU) per acre, 30-foot height maximum with the Hillside Overlay).

Concurrent with the requested zone change is the Uintah Bluffs PUD development plan. The development plan reflects the proposed 31 single-family detached homes, an increase in maximum building height for Lots 1 – 11 (west side of Uintah Bluffs Place) from 30 feet to 35 feet, and the remaining lots (Lots 12 – 31) will remain at a maximum building height of 30 feet. The density for project will decrease from 4.01 DU's per acre to 2.39 DU's per acre.

The subject property consists of 12.98 acres and is located northeast of the intersection of Manitou Boulevard and W. Monument Street.

2. **Applicant's Project Statement:** (**FIGURE 1**)
3. **Planning & Development Team's Recommendation:** Approve the change of zone from PUD/HS (Single-family Attached Dwellings, 4.01 DU's per acre, 30-foot height maximum with the Hillside Overlay) to PUD/HS (Single-family Detached, 2.39 DU's per acre, 35-foot height maximum on Lots 1 – 11 and a 30-foot height maximum on Lots 12 – 31 with the Hillside Overlay) and the Uintah Bluffs PUD Development Plan. (**FIGURE 2**)

BACKGROUND:

1. **Site Address:** No site address.
2. **Existing Zoning/Land Use:** PUD/HS (Single-family Attached Dwellings, 4.01 DU's per acre, 30-foot height maximum with the Hillside Overlay) / vacant.
3. **Surrounding Zoning/Land Use:**
North: R/HS (Residential Estate with Hillside Overlay) / Single-family residential
South:
 - o Southwest, near entrance: R-2 / Single-family Residential;
 - o South central: OR (Office Residential) / Office and Multi-family Residential (20 unit apartment complex is currently under construction).
 - o Southeast, south of Dale: PUD (Planned Unit Development) / Townhome and Single-family Residential*East:* R-2 / Single-family Residential, Bristol Elementary School, Neighborhood Park
West: PK (Public Park) / Bristol Mesa Open Space
4. **Comprehensive Plan/Designated 2020 Land Use:** General Residential
5. **Annexation:** Town of Colorado Springs (1871)
6. **Master Plan/Designated Master Plan Land Use:** None
7. **Subdivision:** None
8. **Zoning Enforcement Action:** None
9. **Physical Characteristics:** The site contains significant slopes and grade changes throughout; the high point of the site is located in the west central portion of the site and

runs along the north property line. Grade from the property falls to the east and to the north; the low area is located in the southeast section of the site. The site is scattered with scrub oak vegetation throughout the property. A former abandoned irrigation ditch also meanders through the site from the former reservoir.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public process involved with this application included the internal review notification with postcards sent out to 105 property owners. No neighborhood meetings were held in regard to the proposed zone change. Staff did hold four (4) neighborhood meetings during the review of the prior approved development plan. The last meeting was held on December 20, 2011.

Staff received only one e-mail in regard to the proposed development voicing concern over traffic along Monument Boulevard. Traffic Engineering determined during the review of the townhome project that traffic generated from the 52-unit townhome project would not have a negative impact on the road network. It was also determined that the line of sight from the proposed access would not be an issue; however, the City would continue to monitor traffic conditions and incidents in this area.

Neighborhood Issues Raised During Original Proposal:

- Location of access in relation to existing residential along W. Monument St./limited ingress and egress;
- Increase of traffic on W. Monument St. and Manitou Boulevard as primary routes to I-25;
- Narrow streets/icy road conditions along W. Monument;
- Disturbance of pedestrian access to Bristol Mesa Open Space;
- Development encroachment over neighborhood, open space & disturbance of ridgeline;
- Stormwater, drainage and grading and impacts to adjacent properties.
- Ivars Mankovs, 744 W. Monument St., voiced concern over multiple street frontages.

Staff reviewed Mr. Mankovs' concern of having multiple street frontages; the property currently has two (2) required front yards (along Monument St. and Manitou Blvd.), a 25-foot rear setback would also be required along the north property line (to be classified as the rear yard setback) regardless of an existing public or private street. These required setbacks result in a building envelope of 20 feet by 111 feet. If the home had to be replaced today, a non-use variance(s) likely would be necessary to allow reconstruction.

The only potential impact of the proposed development and public access is the ability to construct a detached garage five (5) feet off of the rear property line; which, if necessary, a non-use variance could be requested for review and consideration. Should a non-use variance be needed by Mr. Mankovs or a future property owner, sufficient hardship likely exists in regard to the property.

The Organization of Westside Neighbors (OWN) was presented the revised plan in January 2014, and they supported the revisions and were encouraged by the lower density.

Notices for the public hearing were also sent prior to the Planning Commission meeting.

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

1. Review Criteria/Design & Development Issues/Analysis of Review Criteria:

Zoning

The 12.98-acre site is essentially landlocked between existing development to the north, south and east and the designated Bristol Mesa open space to the west. The property at one time was considered for purchase by the TOPS Program in 2003; however the TOPS Working Committee rejected the proposal to acquire the site after the appraised value and asking price were too high. No longer considered for open space purposes, what was primarily R-2 zoned property has now been considered for development. The PUD zoning designation was initiated to allow design flexibility due to the terrain of the site and limited developable area.

Site Access

The property is severely restricted for viable vehicular access from either of the two adjoining public roadways, Mesa Road to the north or Dale Street to the east. Constructing viable access from either of those two public roadways would be difficult by design and cost due to the severe grades. A 90-foot vertical differential over 300 feet (30% grade) exists from Mesa Rd. to the buildable area atop the mesa. Also, this location is limited by a property 80-foot wide "flag stem" of the property which extends to the roadway.

There is also an immediate 30-foot vertical incline off of Dale St. within the first 100 feet of the property (30%) which would make it extremely difficult to create an access without the utilization of large retaining walls, likely impacting adjacent property owners. Both locations would require a roadway design utilizing switchbacks in order to create a proper grade for access (City Fire allows a maximum 15% grade on shared driveways within designated hillside developments). Alternative access locations were considered, including the property located south and east of the site (now Gabion Apartments), but grade issues would have made it difficult; and the property directly south (Sram Office Building) was undesirable because it would have removed required parking and the property was not conducive to redesign to allow through access.

With such severe access restrictions to the site, the property owner approached the City and the Parks and Recreation Advisory Board (P&RAB) in 2006 about the possibility of securing access over and across a portion of the Bristol Mesa Open Space off of Manitou Boulevard. From Manitou Boulevard to the western edge of the property the grade is approximately 3.5% (approximately 14 feet of fall over 400 feet), making this a more viable alternative to gain vehicular access to the site.

The subject 10-acre parcel adjacent to and west of the site was conveyed to the City through a Warranty Deed in 1886 from the Colorado Springs Company for the purposes of a "City Reservoir Property" (the deed carries a reversionary clause restricting use of the property for purposes of a "city reservoir"). In 1983, the maintenance responsibility of the property was conveyed by City Resolution (Res. No. 135-83) from Colorado Spring Utilities to City Parks and Recreation. The property currently contains a Colorado Springs Utilities water tank and remnants of the former reservoir remain (located south of the tank). The reservoir now acts as an emergency overflow in the event of a tank failure.

The grantor, Colorado Springs Company, has determined that the requested access road through the deeded property would not be inconsistent with the intended use by the City as a reservoir. The Colorado Springs Company has provided the developer a limited assignment of right of reverter (**FIGURE 3**) that allows the placement of an access road over and across the property. When a subdivision plat is filed for the development, the access will be platted as a tract and labeled for the purposes of public access; which will allow the City to continue use of the access drive if necessary.

The City's only condition to allow use of the property for access to the development is at the time of plat the area is placed within a tract and designated for "public access". Should the reverter ever be triggered by the City, the Developer would automatically acquire title to the access road. In the future, this Limited Assignment of Right of Reverter for the Public Access Road may only be assigned to subsequent owner(s) of the developer's property, and/or a homeowner's association.

Hillside Overlay and Building Height Calculation

The property is located within the hillside overlay zone, which is intended to protect steep slopes, significant vegetation and potential negative impacts to surrounding property owners. Due to the site's topography and terrain, staff is allowing an exception in calculating hillside building height as part of this development. Typically building height within the hillside overlay is calculated from existing site contours; this is done in order to maintain the integrity of the site and keep a site from over-grading.

The issue in utilizing the existing grade to determine building heights is that with some significant grading having to occur, utilizing the existing grade will not provide a true base elevation in determining maximum building height. Utilizing the final grade to determine maximum building height will allow both the builder and staff to utilize a known elevation to achieve height measurements. The allowance of a 35-foot building height for Lots 1 – 11 will allow for a 2-story home; the 30-foot building height should still easily accommodate walkout homes on Lots 12-31 without creating an overwhelming façade along the downward slope of the project.

Generally a 35-foot maximum building height is allowed within the hillside overlay zone. Building heights within the overlay are measured from the building grade to the top of peak of the home and four-sided elevations are provided as part of a hillside site grading plan at or prior to issuance of building permit in order to review compliance with the hillside and/or PUD height criteria. Non-hillside properties are measured using an average grade and measured to five feet below the peak of a pitched roof.

Mesa Open Space/Trails

The Parks & Recreation Advisory Board (P&RAB), at their April 12, 2012 meeting (**FIGURE 4**, P&RAB minutes) supported the development plan as presented at that time, retracting an original request for both land dedication and a trailhead parking lot to be constructed by the developer. Public access through both the proposed development and City property is currently shown on the development plan; an easement will be granted to allow an east-west pedestrian trail in order to gain access to both Bristol Mesa Open Space and Bristol Elementary. The Board requested that a maintenance fund be established with Parks Department for maintenance of the single-track trail through the development; this would be in lieu of the originally requested trailhead parking lot. The applicant has agreed to set up a maintenance fund with City Parks.

Water Quality Facility

The location of the water quality facility required for this development has been placed in the southeast corner of the site, which is the low point of the property. City Engineering Guidelines require that the facility be accessible for maintenance purposes, which includes vehicle access. Due to the site grades, similar to identifying adequate site access, finding access to the facility is difficult; access from developed portion of the site and down the steep grade would not be feasible. The only feasible vehicular access is planned from Dale Street to the facility; this will likely require the developer/builder to obtain temporary construction easements from adjacent property owners in order to reduce the grade and likely replacement of an existing retaining wall.

Nonuse Variance

Although not part of this review, two non-use variances were approved with the prior development plan and will carry forward with the amended plan; those two requests are:

1) Section 7.3.504.D.2.d.(1)(C) of the City Code to allow grading within slopes exceeding 25% within the hillside overlay; the site is encumbered by varying degrees of slope, any disturbance within this designated area required approval of a non-use variance.

The revised plan closely follows that of the previously approved development plan in terms of slope disturbance. The current design disturbs approximately 2.5 acres of 25% slope compared to 2.14 acres from the original approved plan.

2) To Section 7.3.504.D.2.d.2.(F) of the City Code to allow building slopes exceeding 25% within the building envelopes; the walkout lots on the revised development, Lots 17 – 31, will have slopes around 25 to 27%.

Summary

City Planning Commission reviewed and approved the prior development plan for 52 townhome lots in 2012 (**FIGURE 5** – Record of Decision); the current proposal reduces the number of dwelling units on the property although a slight increase in additional grading is necessary.

Staff finds that the plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.605 and the development plan review criteria as set forth in Section 7.5.502.E.

2. Conformance with the City Comprehensive Plan:

The 2020 Land Use Map designates this site as General Residential. There is currently no designation of this property as candidate open space to be combined with the existing Bristol Mesa Open Space.

There are several Comprehensive Plan objectives and policies that support the proposed project, including:

Objective LU 4: Encourage Infill and Redevelopment

Encourage infill and redevelopment projects that are in character and context with existing, surrounding development. Infill and redevelopment projects in existing neighborhoods make good use of the City's infrastructure. If properly designed, these projects can serve an important role in achieving quality, mixed-use neighborhoods. In

some instances, sensitively designed, high quality infill and redevelopment projects can help stabilize and revitalize existing older neighborhoods.

Policy NE 201: Identify, Evaluate and Incorporate Significant Natural Features

Preserve the variety of spectacular natural features, so prevalent in and around the City, for the enjoyment of residents and visitors. Incorporate significant natural features on individual sites into the design of new development and redevelopment. Identify and inventory natural features through best management practices prior to incorporating features into site planning. Include significant natural features that contribute to the attractiveness of the community such as ridgelines, bluffs, rock outcroppings, view corridors, foothills, mountain backdrop, urban forest, floodplains, natural water bodies, clean air, natural drainageways and wildlife habitats.

Strategy NE 201a: Determine the Presence and Value of Site-Specific Natural Features

Utilize progressively more detailed land suitability analysis to identify and evaluate site-specific natural features for conservation on all master plans, concept plans, development plans and building permits. Require an inventory of significant natural features or a determination of "no significant features" prior to site disturbance. Base the value of natural features on such relative qualities as scarcity, size, ecological integrity, maturity, location and function.

Strategy NE 201b: Incorporate Natural Features into Design of All Development

Preserve and incorporate significant natural features into the design of new development by using innovative planning, design and best management practices. Assist such efforts by private landowners and organizations to incorporate natural features into all development and to protect, restore, or enhance privately owned natural features.

3. Conformance with the Area Master Plan

This area is identified as "Park" in the Westside Master Plan; however the City Parks Board declined the option to purchase this property as part of the Bristol Mesa Open Space.

STAFF RECOMMENDATION:

ITEM: B.1 CPC PUZ 14-00009 - CHANGE OF ZONE

Approve the change of zone from PUD/HS (Single-family Attached Dwellings, 4.01 DU's per acre, 30-foot height maximum with Hillside Overlay) to PUD/HS (Single-family Detached, 2.39 DU's per acre, 35-foot height maximum on Lots 1 – 11 and 30-foot height maximum on Lots 12 – 31 with Hillside Overlay) for the Uintah Bluffs Single-family development, based upon the finding that the zone change complies with the zone change review criteria in City Code Section 7.5.603.

ITEM: B.2 CPC PUD 07-00355-A1MN14 – PUD DEVELOPMENT PLAN

Approve the PUD development plan for the Uintah Bluffs Single-family development, consisting of 31 single-family detached dwelling units on 12.98 acres, 2.39 DU's/acre, maximum building height of 35 feet on Lots 1 – 11 and a maximum building height of 30 feet on Lots 12-31, based on the finding the plan complies with the review criteria in City Code Section 7.3.606, and is subject to the following Technical and Information items:

Technical and/or Informational Modifications to the Development Plan:

1. Change the rear yard setback information for Lots 8-11, 13 – 31 to be 20 feet; 10-foot setbacks for Lots 1 – 7 and Lot 12 can remain.
2. Coordinate with Colorado Springs Utilities to ensure access may be gained from Uintah Bluffs Place to the east portion of the site, if necessary.
3. Coordinate with Colorado Springs Utilities to ensure cross section provided on Sheet 4 does not need to be modified (50-feet of right-of-way and/or utility easement is necessary).
4. Re-review and acceptance by Colorado Geologic Survey pending.
5. Coordinate with City Fire to ensure the revised plan note regarding installation of residential fire alarm systems is acceptable.
6. Strike or modify Note #2 on the DP, it does not match the intended setbacks of the diagram.
7. Coordinate with City Engineering on acceptance of the drainage report.

Project Statement

Uintah Bluffs

January 2014

(Amended September 29, 2014)

Uintah Bluffs is located east of Manitou Blvd. and north of West Monument Street. The property is accessed from Manitou Blvd via an access through the adjacent City owned property as shown on the approved Development Plan for the site. The property is bounded by the Bristol School and a single family home to the east; by single family homes accessed from Mesa Road to the north; by the Mesa Open Space to the west; and by an office building and vacant land to the south.

Uintah Bluffs was previously approved for 52 duplex units in the PUD Zone. This application requests modification of the Development Plan to permit ~~35~~³¹ single family detached homes on the property.

The street system, including access will be essentially unchanged from the approved plan, with minor adjustments to the road alignment and cul-de-sac location. This application proposes a Public Street with a 28 foot section; five foot attached sidewalk on one side, and fire lane on the other side.

The trail connection from the Mesa Open Space to the Bristol School is unchanged from the approved Development Plan. Also unchanged is the drainage solution at the south east quadrant of the site.

The adjacent owner to the west (City of Colorado Springs) has granted permission to grade on their site in exchange for fire mitigation and an additional trail connection and construction. The change to grading reduces the amount of site disturbance from that proposed by the approved Development Plan and facilitates construction of a loop trail within the open space. The proposed single family housing type will use home design to create walkout lots and take up grade within building pads, resulting in less land and vegetation disturbance compared to eth previously approved plan. The additional trail connection to the Mesa Open Space will be located in the northwest portion of the property.

Review Criteria

1. Will the project design be harmonious with the surrounding land uses and neighborhood?
Adjacent land uses are primarily single family detached homes. This request is consistent with this neighborhood character.

2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities? ***This development plan amends a previously approved plan that had more units. This plan will reduce impacts on street, parks, schools, and utility capacity.***
3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties? ***Yes. Buildings are proposed to be ranch style homes, some of which will have walkout basements, depending on the terrain of each lot. No proposed homes are close to existing homes.***
4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development? ***This site is isolated by topography and access from adjacent properties. The access road will be screened by landscaping and a fence from the adjacent property owner.***
5. Will vehicular access from the project to the streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption? ***Yes. There is a single access point and all lots are served by this cul-de-sac street.***
6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project? ? ***Yes. There is a single access point and all lots are served by this cul-de-sac street.***
7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic? ? ***Yes. There is a single access point and all lots are served by this cul-de-sac street.***
8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities? ***This review criterion does not apply to this application.***
9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design? ***Yes. Builder will custom design home for any handicapped buyer.***
10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt? ***Yes.***
11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles? ***Yes. Off street trails will provide access to the Mesa Open Space and to Bristol School.***
12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? ***Yes. Development impact is reduced from the approved plan. A significant amount of the project site is preserved in open space.***

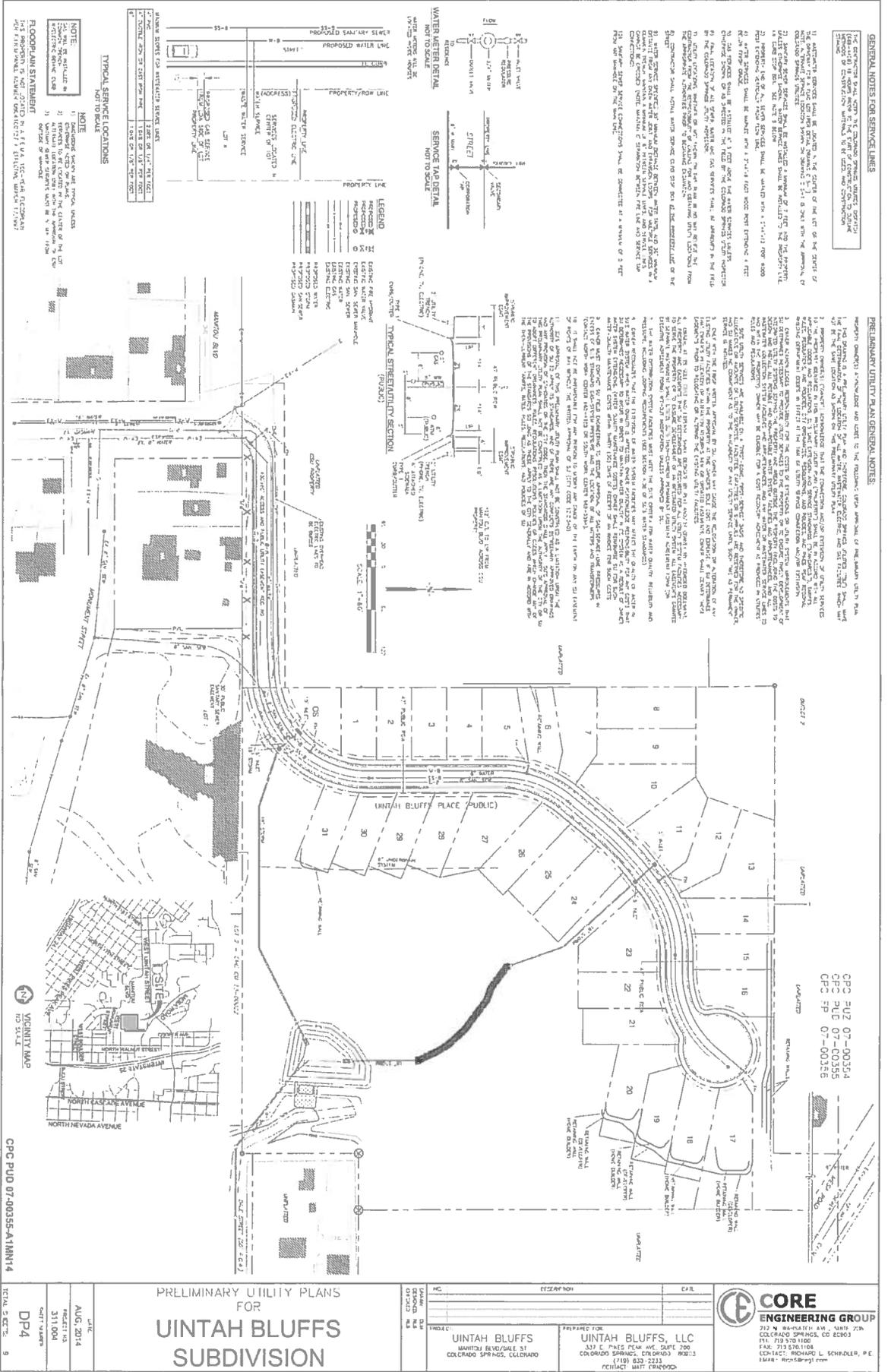


FIGURE 2

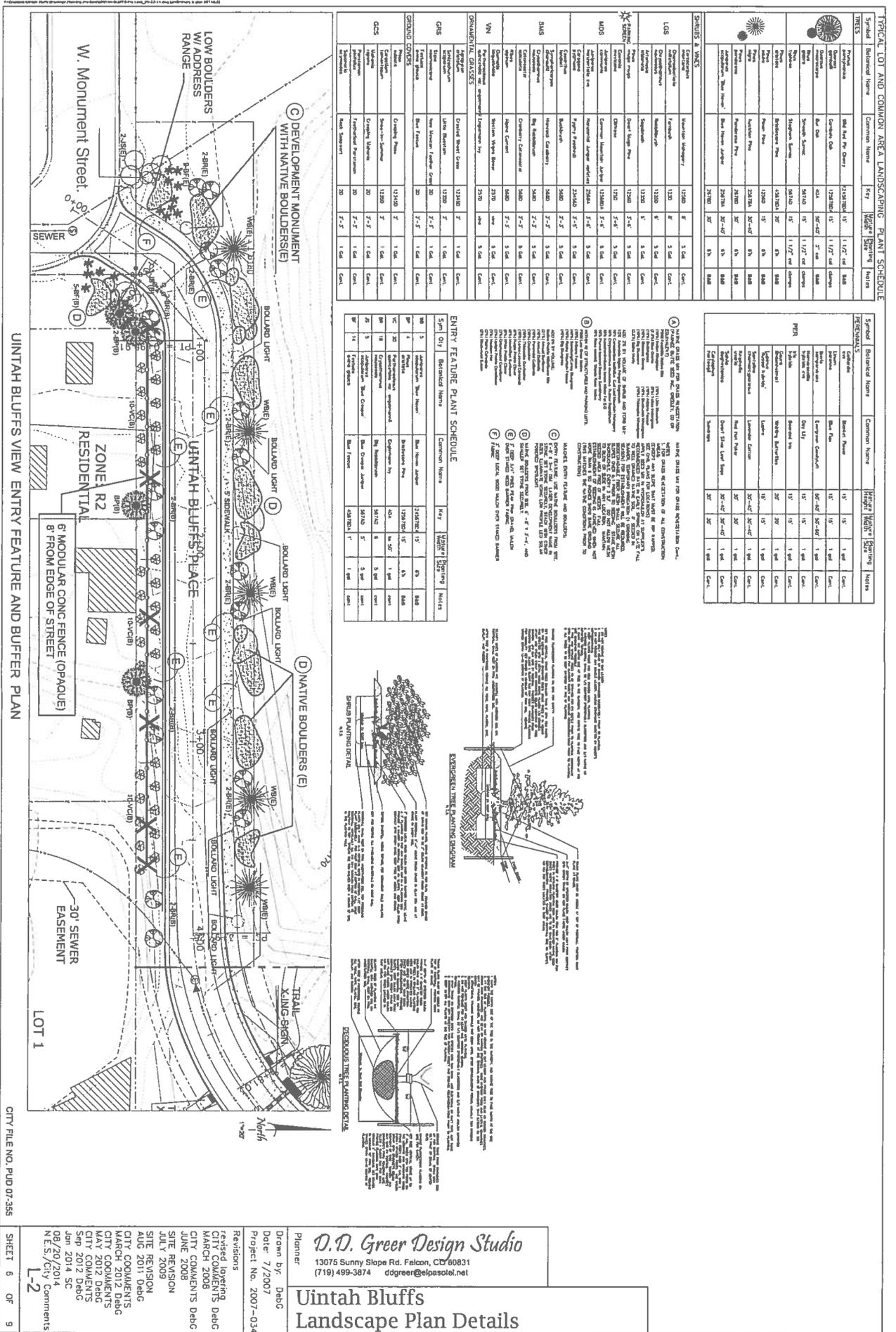
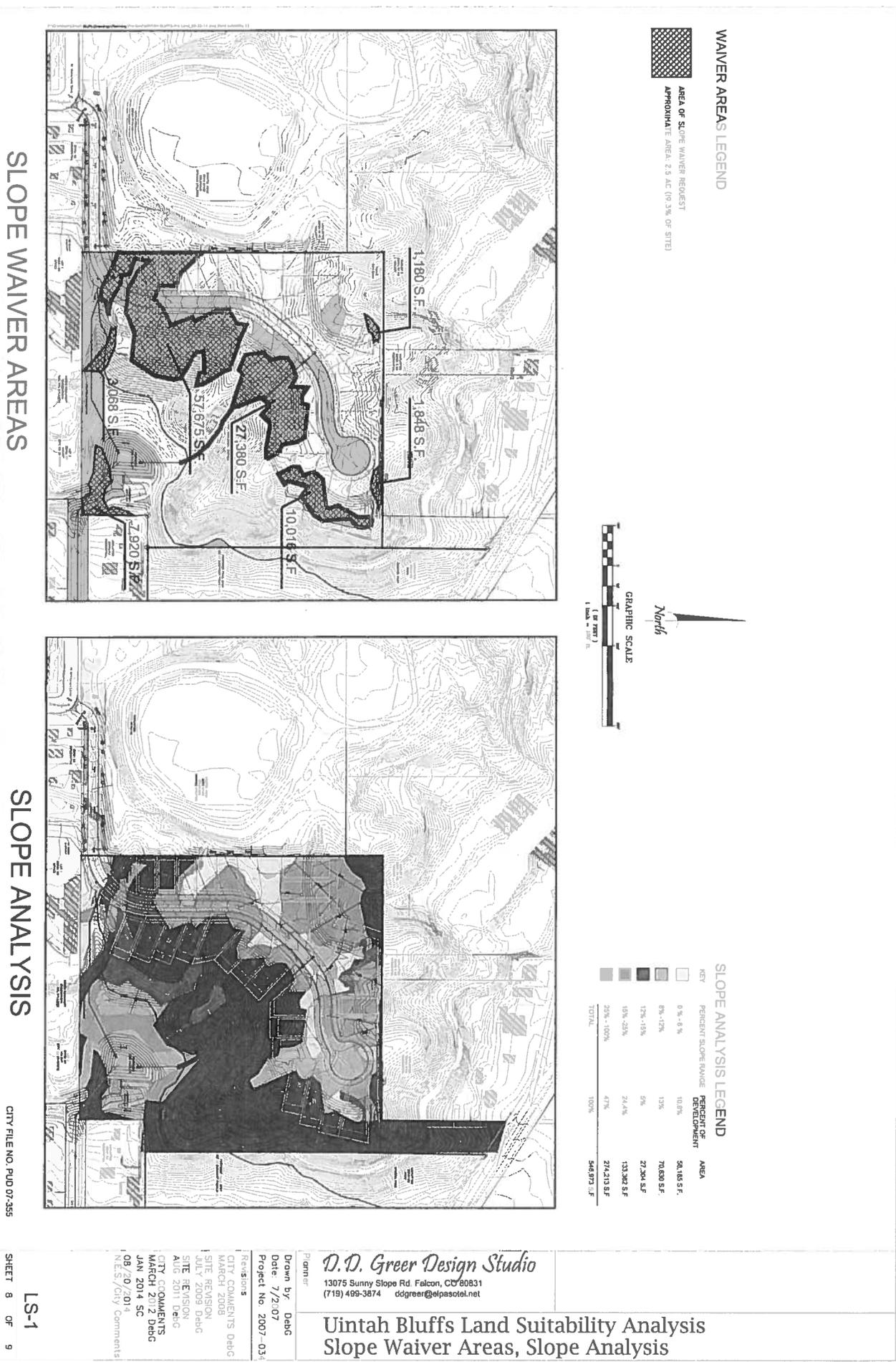


FIGURE 2

D.D. Greer Design Studio
 13075 Sunny Slope Rd. Falcon, CO 80801
 (719) 499-3874 dgreer@elpasotel.net

Uintah Bluffs
 Landscape Plan Details

Planner
 Drawn by: Debg
 Date: 7/2007
 Project No. 2007-034



D.D. Greer Design Studio
 13075 Sunny Slope Rd. Falcon, CO 80831
 (719) 499-3874 ddgreer@elpasotel.net

**Uintah Bluffs Land Suitability Analysis
 Slope Waiver Areas, Slope Analysis**

Drawn by: Dabg
 Date: 7/2/07
 Project No: 2007-034

Revisions:
 CITY COMMENTS: Dabg
 MARCH 2008
 SITE REVISION:
 JULY 2009 Dabg
 SITE REVISION:
 AUG 2011 Dabg
 CITY COMMENTS:
 MARCH 2012 Dabg
 JAN 2014 SC
 08/07/2014
 NLS/STW Comments

LS-1
 SHEET 8 OF 9

FIGURE 2

LIMITED ASSIGNMENT OF RIGHT OF REVERTER

THIS LIMITED ASSIGNMENT OF RIGHT OF REVERTER is made as of this 15th day of June 2006 by and between the Colorado Springs Company, a Colorado corporation, (referred to herein as the "Company" or the "Assignor"), and Avalon Development, LLC, a Colorado limited liability company, Craddock Development Company, Inc., a Colorado corporation and/or Uintah Bluffs, LLC, a Colorado limited liability company, (collectively referred to herein as the "Developers" or the "Assignees").

WHEREAS, the Colorado Springs Company is Colorado corporation in good standing, (the "Company"), and

WHEREAS, the Company conveyed to the City of Colorado Springs a ten (10) acre parcel of real property located in the northwest quarter of the northwest quarter of the southeast quarter of Section 12, Township 14, Range 67 West, (referred to herein as the "City Reservoir Property"). The conveyance of the City Reservoir Property was made by way of that certain Warranty Deed dated December 22, 1886, recorded on December 23, 1886 in Book 34 at Page 412 of the records of the El Paso County Clerk and Recorder, (the "Deed"). Pursuant to the Deed, the City Reservoir Property is to be used for a city reservoir, and

WHEREAS, the Deed contains a right of reverter in favor of the Company that provides, *inter alia*, in the event that the City Reservoir Property is not used as a city reservoir, said property shall revert to the Company, and

WHEREAS, the Developers are purchasing a parcel of real property immediately adjacent to and east of the City Reservoir Property, (the "Developers' Property"), and are desirous of acquiring the right, through deed or easement, to cross over a portion of the City Reservoir Property to gain access to the Developers' parcel,

NOW THEREFORE in consideration of the sum of TEN U.S. DOLLARS (\$10.00) in hand paid, mutual promises herein contained, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereby agree as follows:

1. Without waiving or in any way limiting its rights of reverter contained in the Deed, the Company hereby finds and declares that the placement of the Access Road, as defined below, is not inconsistent with the use of the City Reservoir Property as a reservoir site, and would not trigger the right of reverter in favor of the Company.
2. The Company hereby assigns the right of reverter contained in the Deed to the Developers or their assigns for a portion of the City Reservoir Property, the legal description of which is set forth on Exhibit A, attached hereto and incorporated herein by this reference. The Developers intend to construct a road to access the Developers' Property in this area, (the "Access Road").
3. By granting this assignment, the Company hereby states that it will not exercise the right of reverter if and when the Access Road is constructed and the construction

ROBERT C. "BOB" BALINK El Paso County, CO
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EXHIBIT "A"

A TRACT OF LAND BEING THE EASTERLY 430.00 FEET OF THE SOUTHERLY 60 FEET OF THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 67 WEST OF THE 6TH P.M. IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

Handwritten signature or initials in black ink, appearing to be 'DCA'.

In response to Board member Hume's comment regarding the fence in the meadow area at Garden of the Gods Park, Kurt Schroeder, Manager of Park Operations and Planning, said that with as many uses the Park has and people continuously creating social trails, putting in the fence was the best alternative to keep people out and protect the resource. As a result, the meadow is recovering and wildlife is present.

In response to Board Member Mashburn's question, Ms. McDonald said that IT provided the i-phones and the Parks Department is paying for the service plan.

In response to Board Member Hilaire's questions, Ms. McDonald said that both i-pads and i-phones were available to staff and staff chose the i-phones. Regarding the availability of the mobile technology to the Friends groups (i.e. QR codes on signage, Facebook, etc.), Ms. McDonald said that it will be available at some point as the project expands.

NOTE: Kurt Schroeder, Manager of Park Operations and Planning, requested to have Subdivision - Item #5 be presented at this time due to a long wait by the presenter and citizens for this item.

SUBDIVISION



Uintah Bluffs Subdivision (Item #5)

Chris Lieber, Principal Planner, and Deb Greer, Urban Planner for the Uintah Bluffs Subdivision, presented proposed changes to the development plan. Matt Craddock, Developer of the Uintah Bluffs Subdivision, was present at the meeting.

The Uintah Bluffs Subdivision, also known as Bristol Mesa, is located adjacent to the Bristol Mesa Open Space, just west of Interstate 25. The Parks Board had previously approved a development plan for this property in 2006. The developer has recently submitted an amended plan that includes changes to the trail alignment and land dedication.

In 2003 the TOPS Working Committee received a TOPS open space application to purchase the privately-held land located immediately east of the Bristol Mesa Open Space. The TOPS Working Committee explored the option of purchasing the property as potential open space; however, the committee voted unanimously to reject the proposal to acquire the property and concluded the appraised value and the asking price were too high. As a result the Committee did not purchase the property. The Committee requested staff work with the development community to identify limited development options or conservation easement scenarios that would result in conservation of a least a portion of the property.

In 2006, the owner of the property submitted development plans to the City's Planning Department for the development of multi-family homes. Legal access to this property is off of Mesa Road and Dale Street. The property is bisected by an upper portion and a lower portion. Although there are development potentials on the lower portions, the most developable area of the property is the upper portion. The buildable location of the site creates challenges for the development of roads from a legal access. Due to extreme grades neither of the legal access points are viable access points. As a result the property owner explored the option of utilizing Colorado Springs Utilities' property to the west of this property with access off of Manitou Boulevard. This land was deeded to the City of Colorado Springs by the Colorado Springs Company in 1886 with a reversionary clause requiring use of the land for utility purposes. This means if the property is no longer used for utility purposes, it will revert back to the original owner. The property owner has obtained a waiver for the Right of Reverter from the grantor for

the easement area for the proposed roadway. The Parks Department's participation in approval of the access easement across Colorado Springs Utilities property is limited to its rights and responsibilities associated with the Department's 1980 management agreement with Colorado Springs Utilities.

Based upon the Board's previous approval, 2.6 acres of land adjacent to the Bristol Mesa Open Space was to be dedicated to the City to expand the open space and provide a trail connection to link Bristol Neighborhood Park to Bristol Open Space. Furthermore, the developer would be required to construct a trailhead near Manitou Boulevard. The paved trailhead would accommodate eight parking spaces and include curb, gutter and trailhead signage.

Shortly after the plan was approved by Parks Board in 2006, the proposed project was put on hold by the developer.

The developer has made significant changes to the proposed plans including repositioning of the proposed townhomes/patio homes. This change eliminates the need for two 20' tall retaining walls. Elimination of the walls addresses safety concerns expressed by neighbors and staff, given the close proximity of Bristol Neighborhood Park. As a result of this modification, the previously approved 2.6 acre park land dedication has been eliminated, necessitating a new trail alignment. Currently there is not enough room between the property line and the back of the homes to allow for the trail. With the development redesign, staff has worked with the property owner to relocate the trail easement. The new trail location will provide a better (and viable) connection between the open space and the park. With the original trail easement, it would have been difficult to construct the trail connection while maintaining reasonable grades.

The proposed alignment will take advantage of the existing former irrigation canal and provide a better connection for children accessing the nearby school site. The developer has agreed to build the trail and will provide a 10' trail easement. The dedication of the trail easement and construction of the trail will fulfill the developer's School/Park Fee dedication requirement. The developer has also agreed to close social trails along portions of the former irrigation canal that will no longer be utilized by the trail. Closure of the social trails will help to alleviate trespassing concerns by the property owner located to the north. Staff has walked the proposed trail alignment with the developer and School District 11 staff and is comfortable with the proposed location.

Consistent with the previously approved plan, the developer will provide a trailhead parking area on the Bristol Mesa Open Space adjacent to Manitou Boulevard. The trailhead, complete with curb, gutter, pavement and trailhead signage per the Parks Department's standards, will accommodate eight parking spaces. The developer will work with staff on the final design of the trailhead facility.

Ms. Greer said that funding is not available for development at this time. However, the developer is proposing to connect the trail links from the open space to Bristol Park.

Mr. Lieber and Ms. Greer recommended approval of amendments to the existing Uintah Bluffs subdivision plan as presented.

Mr. Lieber said that the Department has heard from the public. The Organization of Westside Neighbors was comfortable with the proposed changes. A neighbor, Mr. Ivers Mankovs, had concerns regarding the proposed parking lot.

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Mr. Lieber said that this item is scheduled to be presented to the Planning Commission at its meeting in May.

In response to Board members' questions, Ms. Greer provided the following responses:

- The work for the trailhead, construction and connection of the trail, will be completed by the developer when this development is platted (coinciding with the actual project). Until the project becomes a reality, the dirt parking area and many social trails will remain and be utilized as they are. In the future the social trail along the canal will be closed and revegetated to create a new trail corridor.
- The property is currently a vacant lot and will remain as is until funding is available to develop the property. Ms. Greer explained the areas designated for Fire Department turn arounds and common open space.
- The proposed trail will be a public trail. The Parks Department will maintain the trail.
- In terms of addressing the neighbor's concerns regarding the location of the parking lot, Ms. Greer and staff have discussed potentially moving the parking lot ten feet to the north. The revised plan, which is being submitted to the Planning Commission, includes a six-foot modular concrete buffer fence along a property boundary with evergreen trees and vines on both sides of the fence. For Mr. Mankovs' property, two bristol cone pine trees are being proposed at the corner of his property. The goal is not to fence off his property but to provide the buffering requirement which City Zoning is requiring. Mr. Mankovs said that if anything was to be put there, it would disturb his view corridor. Mr. Mankovs will be allowed to continue to access his garage from the existing curb cut which is just south of where the proposed road is. The developer has been working with Mr. Mankovs to address his needs.

In response to Board member Hilaire's question regarding the type of signage proposed for the trailhead and historic irrigation canal, Ms. Greer offered to consider any signage if the Board had any suggestions.

Mr. Lieber said that he can look at the historical significance of the canal. Regarding the proposed amendment to the development plan, there are advantages:

- The proposed trail alignment is more sustainable and more desirable from a hiking stand point.
- The 2.6 acres will not be the City's responsibility to maintain. In the previous plan, the trail corridor itself, the construction of the trail, and the 2.6 acres of trail would have been the responsibility of the Parks Department's. In the proposed plan, the Department has a responsibility only on the trail corridor which provides a public benefit.

In response to Vice Chair Hobbs' question regarding the value of the initial land dedication, Mr. Lieber said that would be based on the current School/Park Fee, which is approximately \$76,000 per acre, based on the number of units. In the proposed plan, the City receives the value via the constructed trail, and the trailhead parking lot and signage.

In response to Board members' questions, Ms. Greer provided the following responses:

- The density per unit is five dwelling units per acre based on single family.
- Benefits to trading this property from the original plan are that the original plan was not possible to build. The huge retaining wall was outside of the Hillside ordinance. The proposed plan will close many trails which the users have created over the years, it provides an additional half mile of trail corridor, and a parking lot. (Board member Hume said that he

did not see the benefit in trading with the proposed plan. Chair Reinhardt said that legalization of crossing a private property is beneficial.)

- The parking lot is owned by Colorado Springs Utilities. The parking lot will have eight spaces.

Mr. Lieber said that to clarify the value which was discussed earlier, the fees associated with this is approximately \$1,000~\$1,100 per unit based on 52 units which is proposed. Therefore, if the fees were to be collected on this in lieu of land it would equal to approximately \$50,000.

Mr. Lieber reminded the Board that it needs to focus on the park component of this item. Any issues related to density, traffic, fire access, etc. are the responsibility of the Planning Commission.

Chair Reinhardt asked for public input.

Ivars Mankovs, a corner property owner whose home backs up to the Bristol Mesa open space, addressed his concerns as follows:

- Mr. Mankovs will be isolated because there will be roads on three sides of his house. He also learned of the wall at this meeting, which means that he will be walled-in on one side of his property.
- Mr. Mankovs has no objection to the trail connection.
- Mr. Mankovs is concerned about the parking lot. It is less than 100' from his property. Currently, the use of the parking lot is very limited; one or two cars per week by neighborhood users. Manitou Street allows parking on both sides of the street. A dedicated parking lot is unnecessary. Neighbors are unhappy about the parking lot.
- When the grading begins, the road will drop and there will be a drainage issue. They will have to undercut the reservoir to a certain point to put the road in.
- Regarding impact on the open space, there will be a retaining wall. The view from the top of the reservoir will be townhomes.
- Mr. Mankovs proposed that the developer consider purchasing the house which is currently on sale for half the price for a possible road. Having roads on three side of his home may be against City Code. Double frontage properties where there are roads in the front and back are frowned upon and Mr. Mankovs has triple frontage.
- The park has no vehicular access. There is a dirt road which goes around the bottom of the reservoir. When this (road) goes in, the park will not be able to have access through the reservoir.
- Mr. Mankovs has not seen any type of maintenance done in the park in the nine years he has lived in the neighborhood.
- Mr. Mankovs is not happy with the proposal.

In response to Vice Chair Hobbs' question regarding the need for the parking lot, Mr. Lieber said that the parking lot was included during the 2006 master plan process when they discussed improvements to the open space. Currently, there is ample space on the street to accommodate the same number of spaces. There are pros and cons to having a parking facility (i.e. vandalism, people congregating in parking lots, convenience of having a parking lot for those with children and dogs in terms of getting them in and out versus on the street, etc.).

Chair Hobbs said that she did not see the need for a parking lot and that the expenditure for the parking can be used to maintain the trail.

Board member Hilaire said that Mr. Mankovs' concerns regarding the road and access are Planning Commission issue.

Mr. Mankovs said that the Parks Department granted an easement to the developer in 2006. Besides, if the Parks Board approves an easement, the Planning Commission will not have any issue in approving the plan. City Council will not have any issues when both the Parks Board and the Planning Commission approve the easement.

In response to Board member Hilaire's question, Kurt Schroeder, Manager of Park Operations and Planning, said that the Mesa Open Space is owned by Colorado Springs Utilities; however, through an agreement, the Parks Department manages the open space.

Mr. Mankovs said that he would like to see the entire open space preserved.

Board member Castle suggested moving the parking lot to off of Dale Street. He also suggested putting a hold on this item to provide ample time for the developer to purchase the property on Monument Street.

Board member Feffer said that the developer could have considered that option, however, he may not have felt that it was feasible for his project. If that access point is used versus what is being proposed, then he could be sacrificing some developable portion of it, which then will have a cascading effect on the viability of the project.

Board member Feffer said that Mr. Mankovs' issues are clear in terms of the impact. He said that this is a small, private, open space area which is suggesting a trailhead/parking lot, based on the previous plan. However, Board member Feffer did not see the need for a trailhead. He said that if Bristol Park is ultimately going to be connected to the open space, then people can be directed to park at Bristol Park and the trailhead can be used to go to the open space versus having people congregate from the bottom then coming up.

In response to Board member Mashburn's question regarding the previous inclusion of a trailhead/parking lot, Mr. Lieber said that the TOPS Committee had initially discussed the acquisition of this property but they decided against it. However, the Committee did request that staff and the developer look at ways to provide a trailhead. Through that discussion came the 2.6 acres, trailhead/parking lot and trail connection.

In response to Chair Reinhardt's question regarding where Mr. Mankov's property is surrounded, Mr. Mankov said by Monument Street and Manitou Boulevard.

Bill Koerner with the Trails and Open Space Coalition said that the view from the top of the open space is great. Mr. Koerner said that he was on the TOPS Committee when this item was discussed. At that time, the vision of the Committee was that if funding was available for the Parks Department then the Department should take on the responsibility of the maintenance on the entire CSU property. Also a part of that vision was a parking lot in a location where it would allow more than just the neighbors to access the open space.

In response to Mr. Koerner's question regarding how the trail was going to be documented, Chair Reinhardt said that it will be through an easement.

Mr. Lieber pointed out the larger portion of the open space and said that this area will allow for a public trail access as well as drainage, utilities, and common private open space. A similar

situation exists where the City of Colorado Springs currently has a hundred year agreement with School District #11 regarding a piece of property owned by the School District but maintained by the Department. This agreement is being reviewed to include additional properties. Therefore, this is more of a blanket easement. A similar approach will be taken with the property under discussion.

Mr. Koerner asked how the north and the west boundaries are going to be monumented to demark the property line and denote where people should and should not go. He suggested that the developer be required to provide some split rail fencing or demarcation. This is to protect the open space.

In response to Ms. Greer's closing comment regarding Mr. Mankovs' concern about the roads surrounding his home, Chair Reinhardt said that those issues can be addressed at Planning Commission.

Mr. Lieber said that Matt Craddock, the developer, is okay with either the parking lot being built or not. That is the Board's decision.

Chair Reinhardt said that the parking issue was discussed during the concept for the Mesa open space. This can be addressed in the future as a separate master plan process to be conducted by the City for the open space. Chair Reinhardt felt that the parking lot is not needed at this time. Currently, there is ample parking along Manitou Boulevard.

In response to Chair Reinhart's question regarding where the trail will cross over as it comes up across the proposed road passing the four-plexes area, Mr. Lieber said that it would be an at-grade crossing. The pedestrian crosswalk will be strip and signed.

In response to Chair Reinhardt's question regarding the type of trail connection on Maniitou Boulevard, Mr. Lieber said that at this time, all trails within the open space are informal social trails.

Chair Reinhart said that in lieu of a parking lot, the Department needs to address the issue with Colorado Springs Utilities to provide a trail across there. Mr. Lieber said that as a part of the development, a sidewalk will be built on the north side. This will provide pedestrian access. There are also social trails.

Chair Reinhart said that a ten-foot width right-of-way is too narrow and asked what the Department's standard was.

Mr. Lieber said that the trail will be constructed at three to four foot width, back country, soft surface standard. The legal conveyance will be an easement, which essentially is to allow public access.

In response to Chair Reinhardt's question, Ms. Greer said that the proposed development will be platted townhome lots and the fee mentioned earlier was based on a single family dwelling.

Board member Finn said that the parking lot is important in the long term (i.e. a need for parking spaces as development of the area increases, etc.). With that, **Andy Finn made a motion to approve the Uintah Bluffs Subdivision plan as presented to allow for the relocation of the trail corridor, with the understanding that the developer will construct the trailhead**

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parking lot, dedicate a 10' trail easement, and construct the natural surface trail to Park and Recreation standards. Motion failed due to lack of second.

Board member Hilaire said that parking is available along the streets and that the trail is needed more than parking.

Jackie Hilaire made a motion to approve the Uintah Bluffs Subdivision plan as presented to allow for the relocation of the trail corridor, dedicate a 10' trail easement, and construct the natural surface trail to Park and Recreation standards. Motion seconded by Gary Feffer.

Kurt Schroeder, Manager of Park Operations and Planning, said that "10' easement" should be stricken from the motion because Mr. Lieber had mentioned that there will be a blanket easement over the non-developed open space portion of the property and that a placement (location) of the trail will be determined at a later time.

After a brief discussion, Chair Reinhart said that a 10' "wide" trail easement on the blanket easement, which can be place anywhere, needs to be included in the motion.

Mr. Lieber said that a 10' width easement is acceptable as long as there is some flexibility on the location of that easement.

Board member Hilaire said that her motion needs to be amended to include what is defined by the staff regarding the trail easement.

Vice Chair Hobbs said that the motion should also include the dollars which the developer would have used for the parking lot to be used for the maintenance of the said trail until the dollars are exhausted.

Jackie Hilaire amended her motion to approve the Uintah Bluffs subdivision plan as presented to allow for the relocation of the trail corridor, requiring the developer to dedicate a 10' wide trail easement and construct a natural surface trail to Parks and Recreation Department standards in a location defined by park staff, and the dollars that would have been used for the parking lot be redirected by the developer for maintenance of said trail until dollars are exhausted. Motion seconded by Nancy Hobbs.

Board member Feffer asked that if the Board approves the access is that subject to them ultimately performing the work that the Department is going to get in exchange or do they get that access with the anticipation of that work? What if the current owner sells the property and the new developer is not able to perform the work? How can the Department be assured that the work can be performed? What the Board is granting is theirs now but what the Department is getting in return is in the future.

Chair Reinhardt asked if Mr. Feffer was proposing an amendment to the motion requiring a time limit.

Board member Feffer said no. He was questioning if the Board can agree to grant this once it coincides with viability of the project.

Chair Reinhardt said that the Board is approving the trail request. The current owner can sell the property at any time. If there is a new developer who proposes a new plan then the Board

would have to review it again. The access has been approved by the Colorado Springs Utilities and the Board is approving the trail request.

The Board voted on the above motion and it carried unanimously.

Chair Reinhardt said what the Parks Board approved should be a win-win situation for all parties and that the next step for this item is at Planning Commission. If there are any further concerns for this time then those should be addressed to Planning Commission.

PRESENTATION (Cont'd)

Aquatics Update - YMCA Agreement #3

Kim King, Manager of Administration, Recreation and Cultural Services, provided an update regarding a potential partnership with the YMCA in support of the City of Colorado Springs' aquatics program. This information was presented to City Council in March.

The Parks, Recreation and Cultural Services Department has seven aquatics facilities. The City currently operates the Cottonwood Creek Recreation Center, an indoor facility known for having the only wave pool in southern Colorado. Three facilities had been turned over to an outside contractor in early 2010. These included the Aquatics and Fitness Center, an indoor pool and recreation center located in Memorial Park, as well as two outdoor pools, Portal and Wilson Ranch. However, due to a breach of contract occurring in the fall of 2011, the agreement with the for-profit concessionaire was terminated and these facilities were closed December 31, 2011. The remaining aquatic facilities, Monument Valley, Prospect Lake Beach/Bath House, and Valley Hi, have been closed since the beginning of 2010, when the Parks Department's budget was significantly reduced.

With the continued goal of providing sustainable recreational programs and facilities to the community, the City of Colorado Springs is exploring a partnership arrangement with the YMCA of the Pikes Peak Region to operate six of the Department's seven aquatic facilities. The only site not under consideration is the Valley Hi outdoor pool due to its close proximity to the Southeast YMCA as well as the Aquatics and Fitness Center and the Prospect Lake Beach / Bath House in Memorial Park.

Under the partnership arrangement, the YMCA will manage and operate the City's facilities including providing all programming. The City will maintain ownership of the sites. The YMCA will apply its operating policies and fee structure consistently across all of the sites. As the YMCA is committed to ensuring access to its programs and facilities regardless of income level, the income based rate scale offered by the YMCA will be applied as well. All memberships sold, regardless of site, will be honored by both YMCA and City recreation center locations. Day passes for all City pools will be continued at 2011 levels or less; however, a reduced rate will be available to anyone having a membership with an added "pool hopper pass" for the outdoor sites.

Additional conceptual operating concepts include the following:

- The YMCA will be responsible for operating income and expenses related to facility operations.
- Should specific facility operations have a shortfall, the City will subsidize the YMCA to the point of a break-even status. On the other hand, should the YMCA realize excess revenue,

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NEW BUSINESS CALENDAR

ITEMS: 4.A-4.C

STAFF: Mike Schultz

FILE NOS.: CPC PUZ 07-00354, CPC PUD 07-00355, CPC NV 08-00105

PROJECT: Uintah Bluffs Townhomes

REQUEST FOR POSTPONEMENT

An email was received from Mr. Ivars Mankovs (Exhibit A) requesting postponement of Items 4.A-4.C. Mr. Mankovs stated that his email stands as submitted and had no further comment. Mr. Schultz explained that Mr. Mankovs was notified with each postcard mailing, attended a recent neighborhood meeting, and received copies of revised plans a few days ago.

No further comments from the audience.

Motion by Commissioner Magill, seconded by Commissioner Walkowski, to consider Items 4.A-4.C today. Motion passed unanimously (Commissioners Suthers and Ham absent).

STAFF PRESENTATION

Mr. Mike Schultz, City Planner II, reviewed the application with PowerPoint slides (Exhibit B). He recommended approval.

Commissioner Magill inquired if the \$17,000 fund for maintenance is a one-time contribution and what happens when it runs out. Ms. Sarah Bryarly, Parks and Recreation, replied that the money will be put into a separate account and will take several years to run out. When that occurs, the site will be absorbed into a regular maintenance fund.

Commissioner Shonkwiler inquired who will pay for the trail installation. Ms. Bryarly replied it would be paid for by the developer.

Commissioner Markewich inquired how the \$50,000 maintenance figure within the Parks and Recreation Board minutes was reduced to \$17,000 (agenda page 48). Ms. Bryarly stated the original \$50,000 estimate included the cost of a parking lot, but the parking lot was removed from the plan as requested by the neighborhood. Thus, the amount was reduced to \$17,000 for maintenance.

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Commissioner Henninger questioned if the severity of slope grades are natural or man-made. Mr. Schultz stated it appears some of the slopes could have been man-made, but it is his understanding that the slopes are natural.

Commissioner Markewich inquired of possible flooding should the detention basin or water tower overflow. Mr. Schultz replied any water tower overflow would flow into the former reservoir. There is also a daylight opening on the south side of the reservoir that directs flows to Manitou Boulevard.

Commissioner Shonkwiler inquired if there is an existing storm drain in Dale Street. Mr. Schultz replied yes. Commissioner Shonkwiler inquired of maintenance access alternatives for the pond should the Dale Street access not be approved. Mr. Schultz replied that a note on the development plan requires the applicant to gain access approved by the City (to obtain proper access prior to subdivision plat approval).

Commissioner Walkowski inquired if there is a re-vegetation plan to the dry ground. Mr. Schultz replied irrigation was not recommended based on the geologic hazard study; more than likely seed would be sprayed on and hand watered.

Commissioner Markewich inquired if utility poles would be buried. Mr. Schultz replied yes, the developer would bury the lines at his cost with coordination with CSU.

Commissioner Gonzalez inquired if retaining walls are required. Mr. Schultz replied a multi-tiered retaining wall system (four-foot tiers) will be installed along the west side of the site and along the end of the cul-de-sac. The tallest wall would be approximately eight (8) feet. Commissioner Gonzalez inquired of the height of the bollard lights. Mr. Schultz replied they would be approximately three feet tall.

Commissioner Shonkwiler inquired of the maximum number of dwelling units that would be allowed under the existing zoning. Mr. Schultz replied that approximately 100+ units would be allowed without taking into consideration the Hillside Overlay design criteria.

Commissioner Phillips inquired of retaining wall maintenance. Mr. Schultz replied the homeowners association (HOA) would be responsible for the maintenance of the walls, landscaping and private roads.

APPLICANT PRESENTATION

Ms. Debra Greer, D.D. Greer Studio, presented PowerPoint slides (Exhibit C). Ms. Greer displayed the slide entitled "Alternative Access Exhibit" and clarified the alternative access road 2 (red line) will be dedicated to the City. The applicant plans to underground the utility lines near the current Colorado Springs Utilities (CSU) access road (just north of Mr. Mankov's property).

Commissioner Magill inquired if the number of units could change. Ms. Greer replied that the City review and approval would be necessary should the density increase. Commissioner Magill was concerned that multiple buildings could change the irrigation

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and mitigation of flow and soil of the site. Ms. Greer replied the intent is not to sell to multiple builders creating the issues Commissioner Magill mentioned. This plan is set up for one builder to make a “homogenous” development. Commissioner Magill inquired what percentage of the (25%) slope is the applicant seeking to develop through the non-use variance request. Ms. Greer displayed a crosshatch of the areas requesting a variance of 25% and steeper (approximately 40% of the site). The majority of slopes are at 25-30%, which she felt is typical of a westside Colorado Springs neighborhood. Commissioner Magill indicated the slopes could create a drainage issue and asked the difference between the historic and engineered flows. Mr. Rich Schindler, Core Engineering Group, stated the developed flows will be released at less than historic flows. Runoff will flow into the street and into the storm sewer downhill and into the detention pond then slowly drain out at less than historic flows. Commissioner Magill inquired what type of storm the detention pond is designed for. Mr. Schindler replied it is designed for both 5 and 100-year storms. Mr. Schindler clarified that an 18-inch storm sewer will need to be installed within Dale Street (typo on drain report). Commissioner Magill inquired of top soil stability without an irrigation system during varying degrees of construction because he was concerned for the neighbors along Dale Street should there be a storm event during construction. Mr. Schindler stated the entire site will be graded at the same time, vegetation and slopes will need to be mapped prior to grading. The City won't allow the developer on the 3:1 slopes during construction.

Commissioner Shonkwiler inquired of the sewer line installation at the northeast corner of the property within steep grade elevation, and if that's disturbed how will that be re-vegetated without soil failure. Mr. Schindler replied sanitary sewer flows to the south to Monument Street. There is an easement from the private property owner to the south. CSU is requiring a water loop on Mesa Road that requires a 10-foot wide disturbance. That disturbed area will be matted for re-vegetation. Commissioner Shonkwiler inquired how that is possible without irrigation. Ms. Greer clarified a little supplemental watering is allowed but the plan won't allow a permanent sprinkler/irrigation system installed in that area.

Commissioner Gonzalez stated this area is known for expansive soils and wondered if over-digs or mass sub-excavation would occur in advance of construction. Mr. Richard Phillips, CTL Thompson, prepared the geologic hazard evaluation for the site. Cuts and fills will be minimized enough that the expansive materials will remain at a 25-30-foot depth. Mass sub-excavations should not be required.

CITIZENS IN FAVOR

None.

CITIZENS IN OPPOSITION

1. Mr. Ron Banuelos, property owner along Manitou Boulevard, was concerned with the drainage. He referenced previous instances of severe drainage issues as well as the instance when the City drained the retention pond that resulted in large amounts of mosquitoes that year. He was concerned with

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traffic accidents that have occurred recently and felt the applicant's proposed access would exacerbate the problem at the sharp curve along Manitou Boulevard. He was concerned the plan does not provide additional access for emergency vehicles. He preferred a gate as opposed to a wall near his lots in order to allow future access if another home were constructed on the property.

2. Mr. Ivars Mankovs, adjacent property owner, was opposed to the site creating a triple street frontage for his property. He also mentioned several accidents at the sharp corner on Manitou Boulevard. He felt that there was no public process in regard to the development. He disagreed with the Right of Reverter options (agenda page 45). He felt the development violates the Hillside Overlay criteria. This proposed development will destroy most of the natural vegetation. The retaining walls proposed on the west side of the site will disturb the (former) reservoir. The development would decrease his views and will change the overall character of the areas. Traffic is a primary concern because there are no stop signs or signals from Spruce Street down to his property.

Commissioner Magill inquired if Mr. Mankovs has a potential solution. Mr. Mankovs stated that he would like to see a different access road proposed, perhaps through the bank-owned property adjacent to the proposed development. At best, he would prefer two access points.

Commissioner Markewich referred to the lack of maintenance behind Mr. Mankovs's property and assumed the proposal will improve the condition of that area. Mr. Mankovs stated that although the property will be cleaned up, the proposal is not in his best interest, nor will it preserve the natural state of the property.

APPLICANT REBUTTAL

Ms. Deb Greer stated there is a road that goes along the dam. City Parks and Recreation requested that the road be kept in place following the dam and up to the water tanks. She stated if there was a fire or other emergency, emergency vehicles would have access to the property via the utility access point. The dam itself will not be disturbed by any development within the proposal. Ms. Greer clarified that there is a slight grading encroachment onto the CSU property in order to transition the slope to the proposed retaining walls.

Mr. Jeff Hodsdon, LSC Transportation, addressed the neighbor concerns involving the existing sharp curve along Manitou Boulevard. The proposed access at the outside of the curve is the safest option allowing good visibility in both directions. He stated that the current traffic volume along Manitou Boulevard is low, and one lane coming out of the development should be adequate.

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Commissioner Magill inquired of the number of proposed trip generations. Mr. Hodsden estimated approximately 182 trips in and out of the site, totaling approximately 363 trips per day.

Commissioner Markewich inquired if there was consideration for vehicles speeding around the sharp corner. Mr. Hodsden stated striping configurations were recommended as mitigation within the traffic report, and that option has been accepted by City staff.

Mr. Schindler, Core Engineering, addressed the cut on the southeast corner of the Mesa Open Space. The cut-fill analysis calculates only 1.2 feet required on the southeast corner of the property. Next, he addressed the pond access. Hillside standards allow 15% slope for no more than a 250-foot length for emergency vehicles and residential access. Access to Monument Street from the vacant property is a 40-foot elevation at 10-12% slopes, but access is preferred at a 4-5% range. The access off Manitou Boulevard is at 5.3% slope at its steepest point.

Commissioner Gonzalez inquired why the Dale Street access and design to the pond was not tied down yet. Mr. Schindler stated that the small corner of the site is currently on the bank-owned private property, and the applicant is trying to obtain a grading easement from the bank. If the easement is not acquired, a small retaining wall will be required with a different access design. Commissioner Gonzalez inquired if retaining walls are needed on adjacent properties north and south of the site. Mr. Schindler replied no. Commissioner Gonzalez inquired if the applicant can retain grading within the applicant's property except for that small triangular piece of land. Mr. Schindler replied yes.

DECISION OF THE PLANNING COMMISSION

Commissioner Magill felt the applicant's proposal is one of the most challenging sites he's ever been involved with. He was surprised there are still loose ends, but is more comfortable with the plan now that the engineers have clarified some matters. The retaining walls and irrigation in steep areas leaves it somewhat vulnerable to erosion. In this arid climate, there is a need for long-term vegetation. It is understandable why the easement was not tied down yet. He was still concerned with the variance requesting grading and building envelopes greater than 25% slope.

Commissioner Gonzalez stated that when he visited the site he questioned if this was the proper plan for this steep, challenging area. He felt the applicant has presented a creative product especially with minimizing retaining walls next to open space. He was concerned the HOA will have a lot of responsibility, but that is for the developer and HOA to work out. He was concerned with the outfall and maintenance road on Dale Street, but now felt it can be built without causing a negative impact to the neighbors. Mr. Mankovs's property will still retain access to Manitou Boulevard, and this development will separate his property by installing a new wall. He felt this site complies with the Comprehensive Plan's infill objectives.

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Motion by Commissioner Phillips, seconded by Commissioner Shonkwiler, to approve **Item 4.A-File No. CPC PUZ 07-00354**, the zone change from R/HS (Estate Single-Family Residential with Hillside Overlay) and R-2/HS (Two-Family Residential with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay, townhome units, 4.01 dwelling units per acre, maximum building height of 30 feet) for the Uintah Bluffs Townhome Development Plan, based upon the finding that the zone change complies with the zone change review criteria in City Code Section 7.5.603.B. Motion carried unanimously (Commissioners Suthers and Ham absent).

Motion by Commissioner Phillips, to deny **Item 4.B-File No. CPC PUD 07-00355**, the PUD development plan for the Uintah Bluffs Townhomes, because it does not meet the review criteria in City Code Section 7.3.606. Motion failed due to lack of a second.

Motion by Commissioner Walkowski, seconded by Commissioner Shonkwiler, to approve **Item 4.B-File No. CPC PUD 07-00355**, the PUD development plan for the Uintah Bluffs Townhomes, consisting of 52 townhome units on 12.98 acres, 4.01 dwelling units per acre, and a maximum building height of 30 feet based on the finding the plan complies with the review criteria in City Code Section 7.3.606. Motion carried 6-1 (Commissioner Phillips opposed and Commissioners Suthers and Ham absent).

Commissioner Markewich felt this development plan complies with infill objectives supported by the Comprehensive Plan. This is an appropriate use of the site.

Motion by Commissioner Phillips, seconded by Commissioner Shonkwiler to approve **Item 4.C.-File No. CPC NV 08-00105**, the non-use variances to City Code Section 7.3.504.D.2.d (1)(C) to allow grading within slopes exceeding 25% within the hillside overlay and 7.3.504.D.2.d(2)(F) to allow slopes exceeding 25% within the building envelopes, based on the finding the request complies with the review criteria in City Code Section 7.5.802.B subject to the following technical modification:

Technical Modifications:

Change the table shown on Sheet 2 from existing grades to proposed grades representing lots containing slopes of 25% or greater.

Commissioner Magill stated that he would vote against the motion because of loose ends with a lack of maintenance within severe grades.

Commissioner Gonzalez would support the motion as he feels the design team has addressed the tough technical issues in a reasonable way.

**CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD-OF-DECISION**

Motion carried 6-1 (Commissioner Magill opposed and Commissioners Suthers and Ham absent).

June 21, 2012
DATE OF DECISION


PLANNING COMMISSION VICE CHAIR