



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Appeal of City Planning Commission's Decision to City Council

Project Name: The Farm Filing 5
Site Address: The site is not currently addressed, as it is undeveloped
Tax Schedule Number: 6200000691
Type of Application being appealed: Minor Amendment to Master Plan; Zoning Change; PUD Development Plan
Include all file numbers associated with application: CPC MP 04-00254-A6MN17; CPC PUZ 17-00132; CPC PUD 17-00133
Project Planner's Name: Daniel Sexton, Senior Planner, Planning & Community Development
City Planning Commission Hearing Date: 15 February 2018

SUBMITTAL REQUIREMENTS: Submit an application for an appeal to City Council to the City Clerk's office (30 S Nevada, Suite 101, Colorado Springs, CO 80903) with the following items included:

- Appeal Statement:
- If the appeal is an appeal of a decision that was made administratively and then appealed to City Planning Commission, the appeal must include justification of City Code 7.5.906.A.4:
o Criteria For Review Of An Appeal Of An Administrative Decision: In the written notice, the appellant must substantiate the following:
- Identify the explicit ordinance provisions which are in dispute.
- Show that the administrative decision is incorrect because of one or more of the following:
o It was against the express language of this zoning ordinance, or
o It was against the express intent of this zoning ordinance, or
o It is unreasonable, or
o It is erroneous, or
o It is clearly contrary to law.
- Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.
o If the appeal is an appeal of a City Planning Commission decision that was not made administratively initially, the appeal must identify the explicit ordinance provision(s) which are in dispute and provide justification to indicate how these sections were not met. For example if this is an appeal of a development plan, the development plan review criteria must be reviewed.
- A check for \$176 payable to the City of Colorado Springs.

CONTACT INFORMATION:

Appellant's name: Col Shawn W. Campbell, USAFA Telephone 719-333-1010
Address: 10th Air Base Wing, 8034 Edgerton Drive, Suite 200 City USAF Academy
State: CO Zip Code: 80840 e-mail: 10abw.taskers@usafa.af.mil

APPELLANT AUTHORIZATION:

The signature(s) below certifies that I (we) is(are) the authorized appellant and that the information provided on this form is in all respects true and accurate to the best of my (our) knowledge and belief. I(we) familiarized myself(ourselves) with the rules, regulations and procedures with respect to preparing and filing this petition. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval.

Signature of Appellant: Shawn W. Campbell

Date: 20 FEB 2018



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 10th AIR BASE WING
USAF ACADEMY COLORADO

CITY CLERK'S OFFICE

2018 FEB 26 P 2:45

26 February 2018

City Clerk's Office
30 S. Nevada, Suite 101
Colorado Springs, CO 80903

Subject: Appeal of an Administrative Decision to City Council
The Farm Filing 5
CPC MP 04-00254-A6MN17, CPC PUZ 17-00132, & CPC PUD 17-00133

In accordance with City Code 7.5.906.A.4 the United States Air Force Academy (USAFA) respectfully submits the following declaration and justifications of our appeal of a decision to approve the referenced items by the City Planning Commission.

1. CPC MP 04-00254-A6MN17- MINOR MASTER PLAN AMENDMENT

- A. Violates **City Code 7.5.408(B)(3)**, in that the proposed amendment is not compatible with existing and proposed adjacent land uses and does not protect residential neighborhoods from excessive noise and traffic infiltration. As the design is currently proposed, the land use pattern may not be compatible with USAFA's active airfield. In the unlikely, but possible, event of an aircraft emergency there would be insufficient open space for an emergency landing. Over the proposed development the aircraft will be below 500 feet, limiting options on where the pilot could put the aircraft down. The prior master plan had sufficient open space to accommodate such an emergency, the amended plan does not. This poses additional risk to USAFA personnel and future residents, which can be avoided if the development stays within the constraints of the original master plan. Additionally, the residential neighborhood will experience excessive noise infiltration, considering there are approximately 150 daily flights directly over this proposed location. The aircraft will be below 500 feet while over this location, which will generate continual aircraft noise. In our experience residents are likely to file complaints under these conditions. While impossible to prevent all complaints, the developer can utilize sound proofing materials and be required to ensure proper notice of the noise to all future residents. USAFA is not opposed to the development moving forward, instead we are requesting that these concerns be addressed and the current proposal amended to comply with City Code.
- B. Violates **City Code 7.5.408(F)(3)**, as the proposed development will continue to damage the Middle Tributary and Black Squirrel Creek. The excessive storm water, already generated by The Farm development has damaged these receiving streams. Without stabilization projects on and off the development site, the proposed actions will continue to damage these public resources. The plan proposes to have all storm water flows directed into two water quality and detention facilities and then

discharged into the Middle Tributary and Black Squirrel Creek. The plan fails to address the current condition of these streams, and if approved the planned discharge will continue to damage these resources at the expense of USAFA and the public. USAFA is currently working to address similar issues caused by developments north of The Farm, and is considering an easement for the county to construct a detention pond on USAFA property. It is our hope that by addressing these issues, prior to additional developments moving forward, the damage can be reversed. USAFA is not opposed to the development moving forward, instead we are requesting that these concerns be addressed and the current proposal amended to comply with City Code.

2. CPC PUZ 17-00132 – CHANGE OF ZONING TO PUD

Violates **City Code 7.5.603(B)(1)**, as the proposed PUD development plan, that would be enabled by a zoning change, is detrimental to the public interest, health, safety, and general welfare. Changing the zoning without requiring the developer to address the damage already caused to the Middle Tributary and Black Squirrel Creek, will be detrimental to these public resources. Additionally, the significant noise and safety concerns that exist under the proposed plan, in consideration of USAFA's active airfield, are potentially detrimental to the health, safety, and general welfare of future residents and USAFA personnel. USAFA is not opposed to the development moving forward, instead we are requesting that these concerns be addressed and the current proposal amended to comply with City Code.

3. CPC PUD 17-00133 – PUD DEVELOPMENT PLAN

- A. Violates **City Code 7.5.502(E)(1)**, as the proposed development plan is not harmonious with USAFA's active airfield. As previously discussed the proposed development would subject future residents to excessive noise and risk as there is insufficient open space for an emergency landing. USAFA is not opposed to the development moving forward, instead we are requesting that these concerns be addressed and the current proposal amended to comply with City Code.
- B. Violates **City Code 7.5.502(E)(3)**, the location of structures, within the proposed plan, does not minimize their impact on USAFA, an adjacent property. For the reasons previously discussed, locating the structures, such that sufficient open space would be available for an emergency landing, would minimize their impact on USAFA. USAFA is not opposed to the development moving forward, instead we are requesting that these concerns be addressed and the current proposal amended to comply with City Code.

4. Violation of City Code 7.6.103, Planning Commission Function

USAFA has a meeting scheduled with the developer of The Farm on 2 March 2018. It is our desire to have a productive discussion on how minor adjustments to the proposed plan will resolve USAFA's concerns and ensure a harmonious relationship with future residents of this development. USAFA attended the City Planning

Commission's meeting on 15 February 2018 and requested they withhold action on The Farm Filing 5 until after the 2 March 2018 meeting. By denying this request and approving these proposals, the City Planning Commission failed to encourage, coordinate, and unify planning, their primary function as defined by City Code.

For the reasons stated above, USAFA hereby appeals the recent City Planning Commission decision to City Council. Our application is attached. USAFA is eager to work with the City Council and developer to resolve our concerns. For questions or any required coordination relating to this appeal please contact our Community Planner, Ms. Carrie Muchow, at 719-333-5939 or carrie.muchow.ctr@us.af.mil.

Very Respectfully,


SHAWN W. CAMPBELL, Colonel, USAF