

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

**NEW BUSINESS CALENDAR**

**DATE:** May 15, 2014

**ITEM:** 5.A-5.C

**STAFF:** Meggan Herington

**FILE NO.:** CPC MP 07-00061-A3MN14, CPC PUZ 14-00024, CPC PUD 14-00025

**PROJECT:** North Fork at Briargate

**STAFF PRESENTATION**

Ms. Meggan Herington presented PowerPoint slides (Exhibit A).

Commissioner Walkowski inquired of a letter referenced that outlined the applicant's intentions toward installing a wall. Ms. Herington stated LaPlata provided a letter to the Howells Road residents in the early 2000s. Ms. Herington could not find a copy of such letter in City records as there were no applications submitted to the City for review and consideration at that time and considers it hearsay at this point. Ms. Herington was not opposed to a wall versus a split-rail fence, but felt there should be some pedestrian connectivity from the proposed homes to Howells Road and the detention pond that could provide some recreational opportunities. She stated that her professional opinion is that there is no need to wall off neighborhoods; that neighbors should enjoy pedestrian connection and the ability to use the trails and open areas to walk to school and for recreation.

**APPLICANT PRESENTATION**

Ms. Angela Essing with LaPlata Communities, presented PowerPoint slides (Exhibit B).

Ms. Essing related previous versions of the project discussed with the neighbors years ago, which included a denser residential plan with clusters of homes with green spaces in between. Residents at that time opposed smaller lot sizes that would be adjacent their larger lots. After that meeting, there was a design option for a wall to buffer the smaller lots. The plans currently submitted represent a superior option to buffer the County residents, which is a one-for-one ratio of residential lots across from the existing five acre County residential lots along Howells Road. The land use is the buffer without the wall or opaque fencing due to the larger lots that serve as a better transition to the larger County lots. The applicant has agreed to a 50-

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**RECORD-OF-DECISION**

foot building setback, as requested by the neighbors, along the rear of the larger estate lots adjacent Howells Road.

Ms. Essing stated LaPlata is not proposing a fence along the detention pond because County drainage infrastructure needs upgraded and they felt that water may be overtop Howells Road as it makes its way into the Howells detention pond; thus, the fencing was removed. Flows from the new development will be piped underground and collected into the City drainage system. The trail system will connect to Cordera trails that will connect to the larger City Parks trail system.

Commissioner Henninger inquired of the school site orientation at the end of Forest Creek Road. Ms. Essing stated the building orientation is not designed yet, but School District 20 has confirmed access. Parents will enter from north of Daydreamer Drive and exit onto Thunder Mountain Road.

Commissioner Markewich inquired of internal fencing to residential lots. Ms. Essing stated LaPlata requires homeowners to install interior fencing that matches the perimeter. In this case, it would be a three-way, split-rail fence.

Commissioner Phillips inquired if any roads are private. Ms. Essing stated no, all are public roads.

Commissioner Phillips inquired who is responsible for the ponds. Ms. Essing stated because the developer is proposing the Howells pond, the City requires it privately owned and will be maintained by the homeowners association (HOA). The Old Ranch Road Pond (ORR Pond) will be a public pond.

Commissioner Sparks preferred no fencing along the larger lots.

Commissioner Gonzalez inquired if there is a walking area between Howells Road and the rear lot fencing. Ms. Essing stated no, there is not a walking area connecting the lots to Howells Road.

Ms. Kathleen Krager, City Transportation Planning, stated there are different types of drivers that could conflict between elementary school sites and high school sites. The City has become globalized in types of charter and other schools throughout the city, which complicates the traffic engineering statistics. Old Ranch Road has 40 minutes of peak times for arrival and departure trips; thus, she decided to allow another full movement access point onto Old Ranch to serve this proposed residential development and the future elementary school site.

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Commissioner Walkowski inquired of the reasoning for a one-lane roundabout. Ms. Krager stated a one-lane roundabout was proposed due to converting existing two-lane roundabouts in the city to one lane. The roundabout on North Carefree within the First and Main shopping center will be converted to a one-lane roundabout.

Commissioner Gonzalez if Ms. Krager had concerns with the close proximity of Howells Road or Forest Creek to the proposed roundabout. Ms. Krager stated no.

**CITIZENS IN FAVOR**

None

**CITIZENS IN OPPOSITION**

1. Mr. and Mrs. Rocky and Margo Manning reside on Howells Road and read a letter into the record (Exhibit C). Mr. and Mrs. Manning requested LaPlata maintain their previous proposal for a masonry wall to buffer the County residents. They compared the 50 foot and 60 foot lots represented in the plan as being smaller than existing Pine Creek or Cordera residential lot sizes. They preferred the walking path and objected to the detention pond referenced as open space.
2. Mr. Terrance Stokka, Black Forest Land Use Committee, appreciated the larger lots used as a transition. He was concerned with overall traffic in the area, specifically for those traveling to and from Black Forest. He stated that the Black Forest Land Use Committee would like to see Union connected to Milam for another connection to Old Ranch Road.
3. Ms. Louellen Welsch, resident along Howells Road, appreciated LaPlata's efforts to transition larger lots toward the County residents and the proposed trail system. She was concerned that there are too many stop-and-go points with multiple traffic signals and intersection. She anticipated school traffic stacking trying to access Old Ranch with bottleneck traffic in the roundabout near Forest Creek Road. She felt Forest Creek should be expanded to two lanes.
4. Ms. Monica Phelan stated she counted 50 cars that completed u-turns onto Howells Road to avoid waiting at multiple signal cycles. She felt two roads accessing this development is too minimal.
5. Mr. Kyle Katsos resides on Old Ranch and appreciated LaPlata's incorporating the residents' concerns into the plan. He was concerned with pedestrian connectivity along the detention pond that seems unsafe adjacent Howells Road.
6. Ms. Teresa Markel questioned the capacity of a single-lane roundabout and was also concerned with vehicle stacking and potential of parents dropping off children onto Howells Road.

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**APPLICANT REBUTTAL**

Ms. Essing addressed traffic and stated the Briargate Master Plan was established during 1970s and 1980s and took into consideration all surrounding areas. The traffic study was based upon those planned densities and uses. The proposed roundabout was approved in 2006 and was shown on the previously approved adjacent development plan. Forest Creek has a 50-foot right-of-way with 34 feet of throughway that accommodates two lanes of traffic and two lanes for parking along both sides of the road (easily accommodating two lanes for vehicle travel). Thunder Mountain reduces to a two-lane road with a center strip to restrict movement and middle turn lane.

Commissioner Shonkwiler referenced LaPlata's letter regarding native plants and dirt road to maintain rural character. Ms. Essing redistributed the letter stating LaPlata was committed to those options during 2006. Now LaPlata feels that the current proposed plan is superior in that larger estate lots provide a one-to-one match of lots across from County residents rather than proposing a masonry wall separating the two developments. She felt adding the masonry wall to the HOA's existing responsibilities (detention pond and pedestrian trail maintenance) would create a financial burden.

**DECISION OF THE PLANNING COMMISSION**

Commissioner Ham stated the contentious items are the previously proposed wall and the traffic. He clarified the Planning Commission's purview and the criteria they must base their decision upon. He was not in support of sound walls to separate residential neighborhoods. He has a school in his neighborhood and refuses to drive near it during peak hours due to traffic congestion in the neighborhood. He felt there were too many traffic stops along Old Ranch Road, but those traffic decisions were made prior to his appointment. During his site visit during the middle of the day he found there was still too much traffic.

Commissioner Henninger appreciated LaPlata's development. He appreciated the development and flow, but was concerned that Thunder Mountain would receive too much traffic.

Commissioner Markewich was concerned with the lack of a pedestrian trail along Howells Road.

Commissioner Donley was concerned with relocation of the school site, even though he agreed it needed to be relocated away from the adjacent high school. Placing an elementary school at the far end of the project reinforces parent drop-off rather than allowing children to walk to school. He objected to the master plan amendment. He supported the Black Forest Preservation Plan, but was concerned that the estate lot transition within the City creates large expenses for utilities and infrastructure expansion. He preferred the estate lots have access onto Howells Road. He opposed the roundabout design. He would've preferred to speak with a representative from School District 20 to address school site issues.

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Commissioner Phillips agreed with his fellow commissioners' comments regarding a pedestrian trail, but agreed with the developer that it would burden the future HOA.

Commissioner Shonkwiler felt the estate lot design is an excellent compromise. He preferred a different location for the school away from the existing high school. He felt a pedestrian trail would not create a financial burden on a future HOA if the developer installed the trail. He felt the traffic plan creates a dangerous vehicular situation, and was disappointed the traffic study had not changed much in 30 years.

Commissioner Walkowski appreciated developer concessions, but struggled with potential bottleneck at the end of Thunder Mountain. The review criteria stress the need to avoid overburdening existing traffic patterns and roads. This development may not overburden it, but future development may overburden the road network.

Commissioner Sparks agreed with relocation of the school site. She felt plans would not harm current health, safety and welfare as well as meeting development plan criteria as long as the detention pond fencing and re-grade are accomplished. She favored the larger estate lots that transition the County rural lots.

Commissioner Gonzalez stated the developer has come up with a great compromise. He felt the future development would not impact the rural character driving down Howell Road in future years. He felt a masonry wall would restrict interconnectivity. He supported a path around the detention area. He preferred a dirt path along Howells Road to delineate the difference between County and City sides of the road, yet he was hesitant to require a development option that is not required under the development plan criteria. He felt the roundabout's main purpose is to ease any potential stacking issue. The roundabout location would prevent residents along Howells Road encountering traffic all day long compared with a roundabout at their main access. He supported the school relocation. He felt split rail fence along Howells Road should be full length along with split rail between pond and trail to avoid unsafe issues during rainstorms. He supported all three applications because they met the review criteria and were in conformance with the Comprehensive Plan.

Commissioner Shonkwiler recommended the split-rail fence on the north side of the pond to discourage children trying to access it during rainstorms.

Commissioner Henninger objected to any additional improvements to drainage ponds other than what is required by code and engineering standards.

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Moved by Commissioner Sparks, seconded by Commissioner Phillips, to approve **Item No. 5.A-File No. CPC MP 07-00061-A3MN14**, the amendment to the Briargate Master Plan, based upon the finding that the amendment meets the review criteria for master plan amendments as set forth in City Code Section 7.5.408. Motion carried 8-1 (Commissioner Donley opposed).

Moved by Commissioner Sparks, seconded by Commissioner Phillips, to approve **Item No. 5.B-File No. CPC PUZ 14-00024**, the zone change from A (Agricultural) to PUD (Planned Unit Development: Detached Single-Family Residential, 1.99 dwelling units per acre and 30-foot maximum building height on Estate lots and a 36-foot maximum building height on all other lots as shown on the PUD development plan), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603.B and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603. Motion carried 8-1 (Commissioner Ham opposed).

Moved by Commissioner Sparks, seconded by Commissioner Phillips, to approve **Item No. 5.C-File No. CPC PUD 14-00025**, the PUD development plan for North Fork at Briargate, based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.606, and the development plan review criteria as set forth in Section 7.5.502.E, subject to compliance with the following technical modifications:

Technical Modifications on PUD development plan:

1. Update the legal description on the development plan.
2. Add the notes to the landscape plan that the landscaping in the future roundabout must be reviewed by City staff.
3. Add to the plan a note that Howells pond will be privately owned and maintained.
- 4. The developer must provide a safety measure between the trail and the detention pond (Howells pond) with either fencing or re-grading.**

Moved by Commissioner Shonkwiler, seconded by Commissioner Walkowski, to amend the motion for Item No. 5.C by adding a technical modification to extend the split-rail fence on the easterly side of the detention pond. Motion failed 4-5 (Commissioners Gonzalez, Markewich, Shonkwiler and Walkowski in favor with Commissioners Henninger, Donley, Ham, Phillips, and Sparks opposed).

Moved by Commissioner Shonkwiler, seconded by Commissioner Markewich, to amend the motion for Item No. 5.C by adding a technical modification to require a gravel trail between the split-rail fence along the easterly area of property to be installed by the developer. Motion failed 3-6 (Commissioners Markewich, Gonzalez and Shonkwiler in favor with Commissioners Donley, Henninger, Ham, Phillips, Walkowski, and Sparks opposed).

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Original motion back on the table.

Original motion on Item 5.C carried 7-2 (Commissioner Ham and Henninger opposed).

May 15, 2014  
Date of Decision

\_\_\_\_\_  
Planning Commission Chair

DRAFT

# North Fork at Briargate

## City File Numbers:

CPC MP 07-00061-A3MN14 – QUASI-JUDICIAL

CPC PUZ 14-00024 – QUASI-JUDICIAL

CPC PUD 14-00025 – QUASI-JUDICIAL

## City Planning Commission

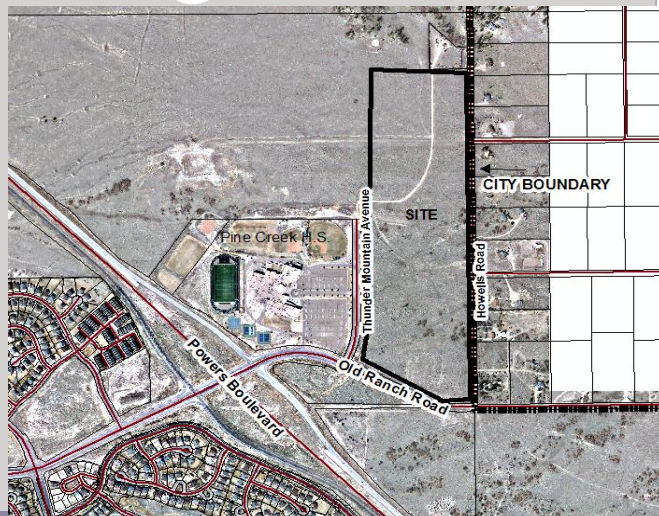
May 15, 2014

Meggan Herington, Principal Planner  
Land Use Review Division

# Vicinity Map

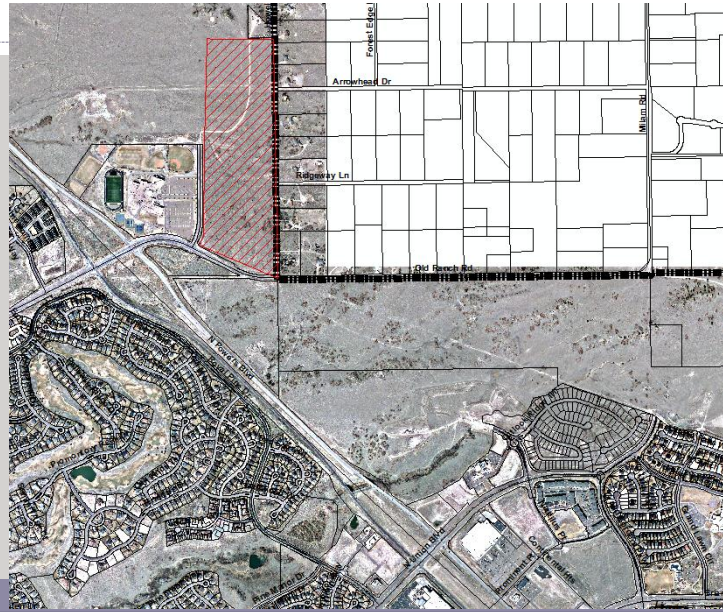
Master Plan  
Amendment  
11 acres

PUD Zone Change  
Development Plan  
73.54 acres

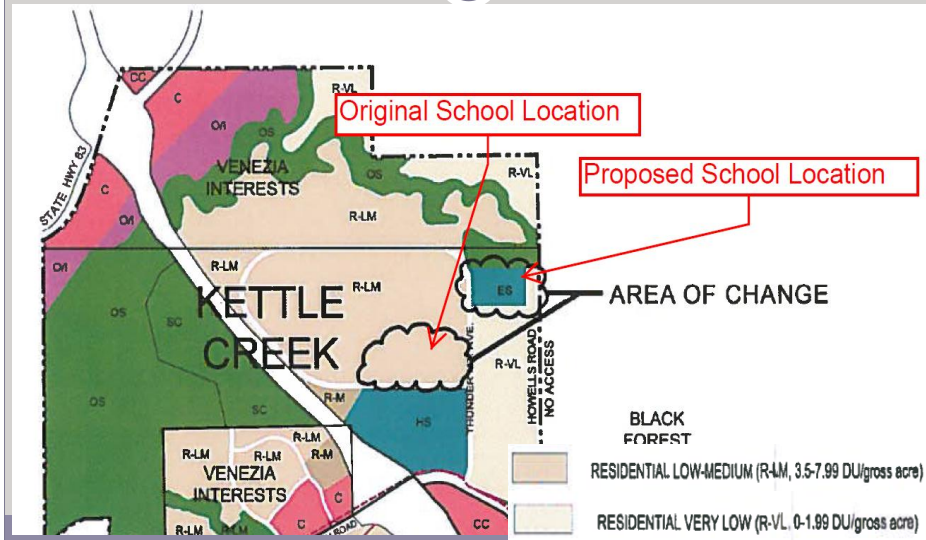




# Vicinity Map

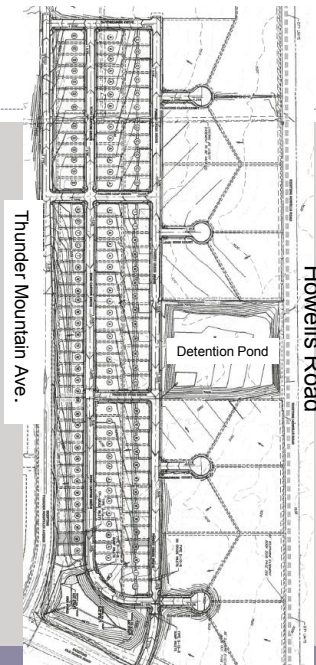


# Briargate Master Plan Amendment



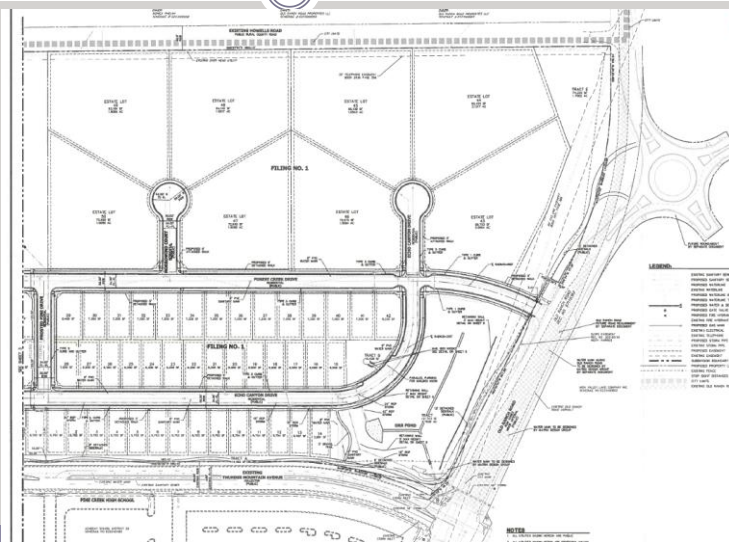
# PUD Rezone/ Development Plan

- Rezone 73.54 acres from A to PUD
  - PUD – 1.99 DU’s per acre, 36’ and 30’ heights depending on lot type
- 141 total lots ranging in size from 5,000 sf to 4.5 acres
- Detention areas, open space tracts, public roads
- No vehicular access to Howells Road

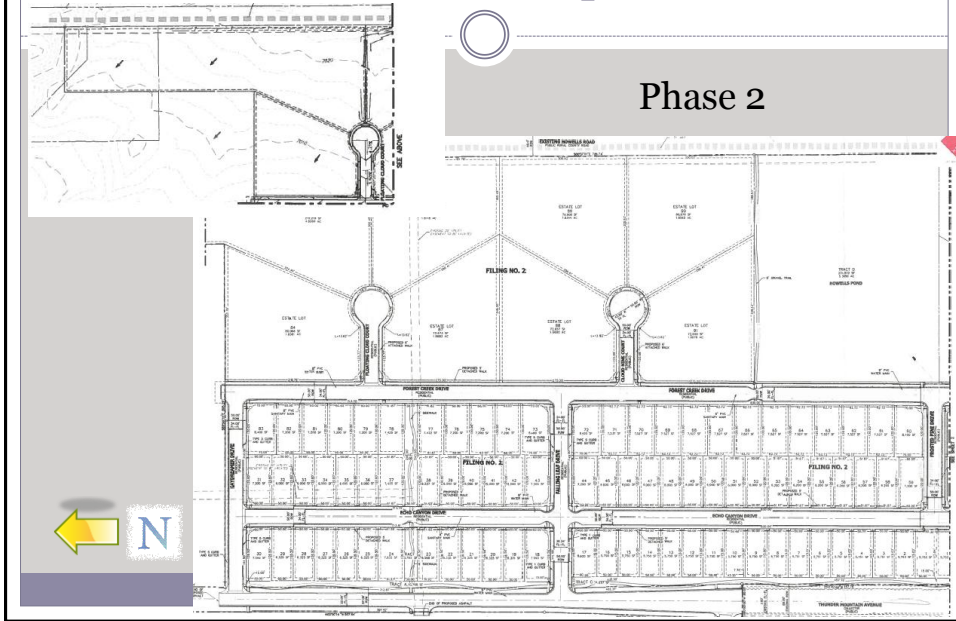


# PUD Rezone/Development Plan

Phase 1



# PUD Rezone/Development Plan



# PUD Rezone/Development Plan

## • Estate Lot Detail

- Reduced building height – 30' maximum

### MINIMUM BUILDING SETBACKS: (ESTATE LOTS ~ LOTS OVER 1.5 ACRES)

- FRONT SETBACK FROM ROW 40' MIN.
- SIDE SETBACK 25' MIN.
- SIDE SETBACK FROM EAST ROW OF FOREST CREEK DRIVE 50' MIN.
- REAR SETBACK 25' MIN.
- REAR SETBACK FROM HOWELLS ROAD 50' MIN.

### ESTATE LOT ACCESSORY STRUCTURE:

AN ACCESSORY BUILDING STRUCTURE IS ALLOWED ON AN ESTATE LOT. THESE ACCESSORY STRUCTURES SHALL BE DETACHED FROM THE PRINCIPLE RESIDENCE AND SHALL BE FOR THE PURPOSE OF RV & VEHICLE STORAGE, WORKSHOP/HOME OFFICE SPACE & GENERAL STORAGE, ETC. GARAGES CAN HAVE 6 GARAGE DOORS. (PER LOT)

- MAXIMUM SQUARE FOOTAGE 2100 SF MAX. (MUST BE SMALLER THAN PRINCIPAL BUILDING)
- MAXIMUM BUILDING HEIGHT 30' HEIGHT MAX, BUT NOT GREATER THAN PRINCIPAL BUILDING

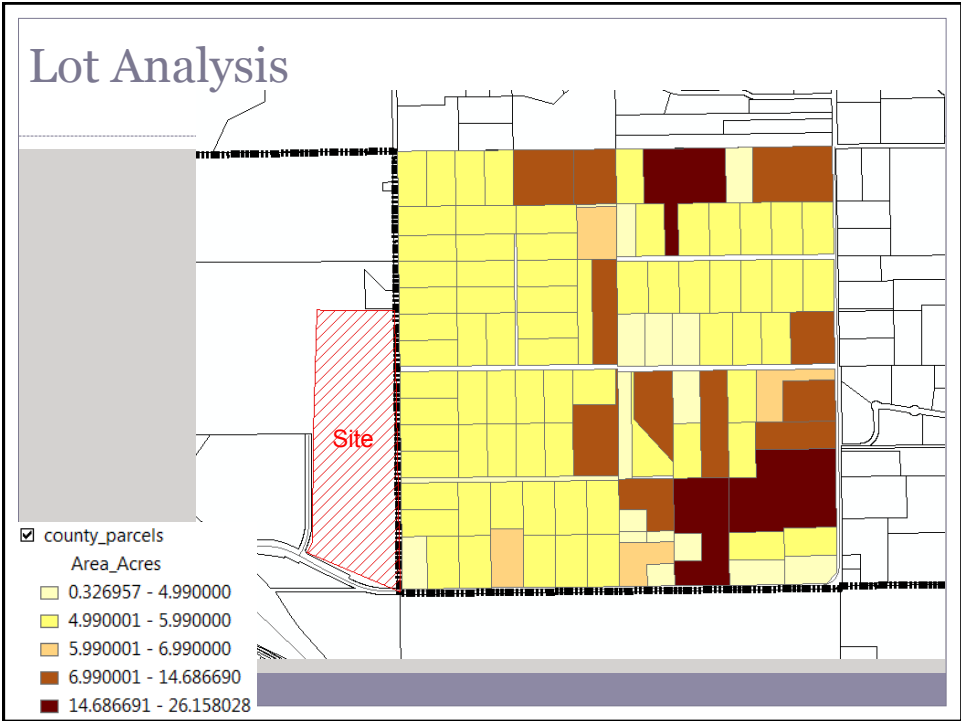
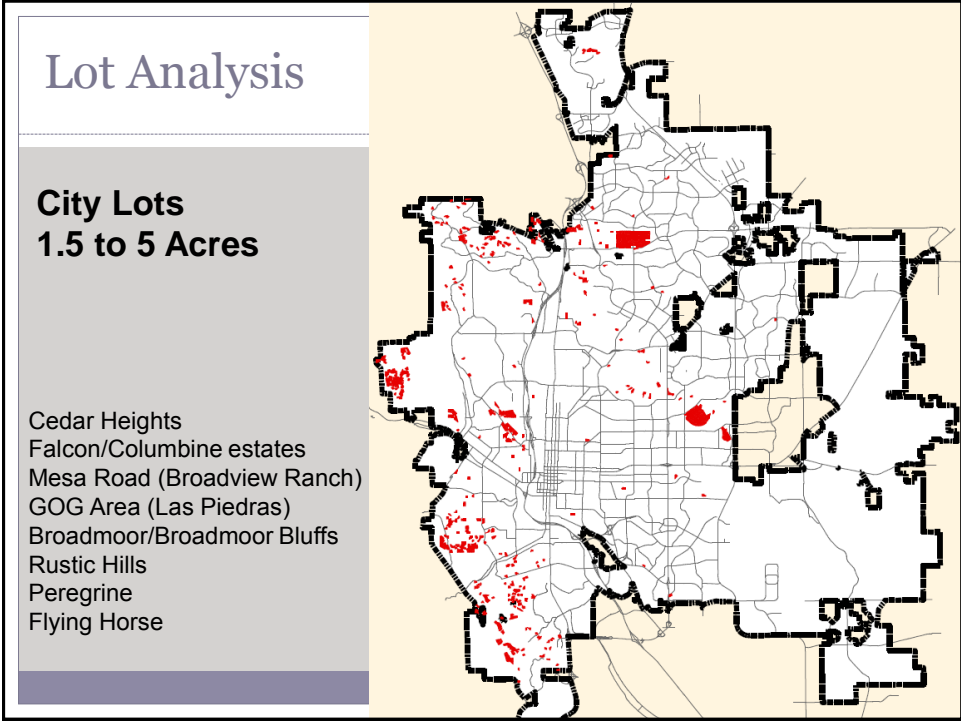
### ACCESSORY BUILDING SETBACKS:

- FRONT SETBACK 40' MIN. (ACCESSORY BUILDING MAY NOT BE PLACED IN FRONT OF THE PRINCIPAL BUILDING AT THE FRONT SETBACK)
- SIDE PROPERTY LINE SETBACK 25' MIN.
- SIDE SETBACK FROM EAST ROW OF FOREST CREEK DRIVE 100' MIN.
- REAR PROPERTY LINE SETBACK 25' MIN.
- PROPERTY LINE SETBACK FROM HOWELLS ROAD 50' MIN.

Items: 5.A-5.C

Exhibit: A

CPC Meeting: May 15, 2014



## Stakeholder Process/Issues

- Notification to 147 property owners
- Neighborhood meetings
  - March 6
  - April 2
  - May 1
- Neighbor issues include:
  - Oppose moving school site
  - Increased traffic
  - Need for a wall along Howells Road
  - Pedestrian connectivity

## Stakeholder Process/Issues

- Original submittal of the master plan amendment showed school directly adjacent to Howells
  - Moved 200 feet off of Howells
  - Part of a private lot now serves as a buffer
  - Move based on neighbor input
  - School District 20 in favor of the site
- Increased traffic
  - Improvements made to Old Ranch with Phase 1
    - ✦ Round-about at Old Ranch
    - ✦ Extending left turn lane to Thunder Mountain

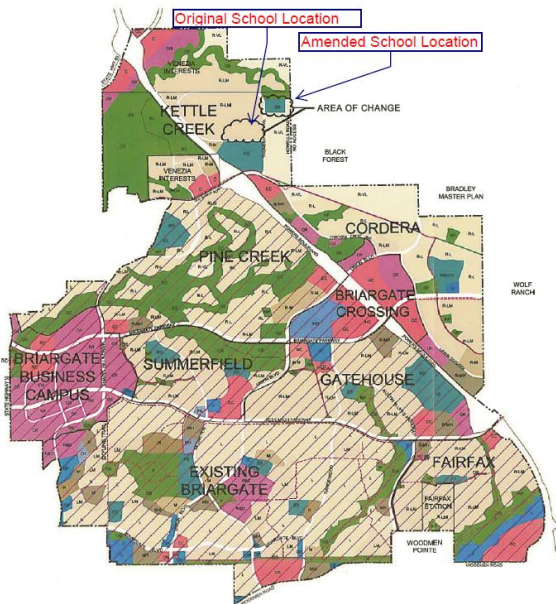
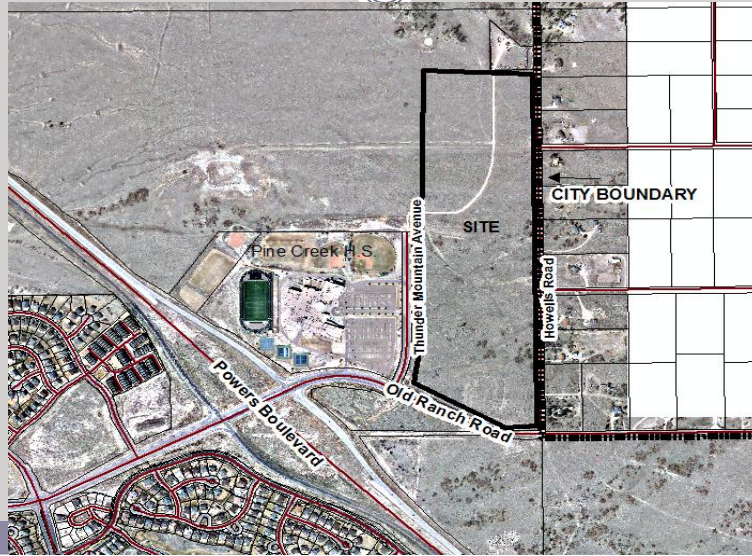
## Stakeholder Process/Issues

- Need for a wall along Howells Road
  - Staff requested split rail fence along Howells to be maintained by HOA
  - Trail connection through detention area connecting Howells to the development and future parks
  - Pedestrian connectivity supported by staff

## Recommendation

- Staff recommends approval of the applications as presented with technical modifications to the PUD Development Plan:
  - **Technical Modifications:**
    - ✦ Update the legal description on the development plan.
    - ✦ Add the notes to the landscape plan that the landscaping in the future round-about must be reviewed by city staff.
    - ✦ Add to the plan a note that Howells pond will be privately owned and maintained.

# Questions?



## Briargate MASTER PLAN

### LEGEND

LAND USE	ACREAGE
RESIDENTIAL, VERY LOW (P/L, 0-1.99 DUs/acre min)	194 AC
RESIDENTIAL, LOW (P/L, 2-2.99 DUs/acre min)	158 AC
RESIDENTIAL, LOW-MEDIUM (P/L, 3.0-7.99 DUs/acre min)	189 AC
RESIDENTIAL, MEDIUM (P/L, 8.0-11.99 DUs/acre min)	237 AC
RESIDENTIAL, MEDIUM-HIGH (P/L, 12.0-49.99 DUs/acre min)	437 AC
COMMERCIAL (P/C, C/C, R/C, H/C)	79 AC
OFFICE (O)	877 AC
OFFICE-BUSINESS (P/BUSINESS) & DEVELOPMENT (P/D)	91 AC
GOVERNMENT (G), UTILITIES (G, U), P/B	92 AC
PUBLIC: INSTITUTIONAL (P/IN), PUBLIC ASSEMBLY (H/HOSPITAL)	337 AC
SCHOOL (P/S, M/L, ES)	817 AC
RIGHT OF WAY	1219 AC
OPEN SPACE (O/S), PARK (P/P), C/P, GOLF COURSE (G/C)	442 AC
SPORTS COMPLEX (S/C)	7360 AC TOTAL
VENUE INTEREST	
IMPLEMENTED MASTER PLAN AREA	
TRAILS	



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CPC MP 07-00061-ASMN14

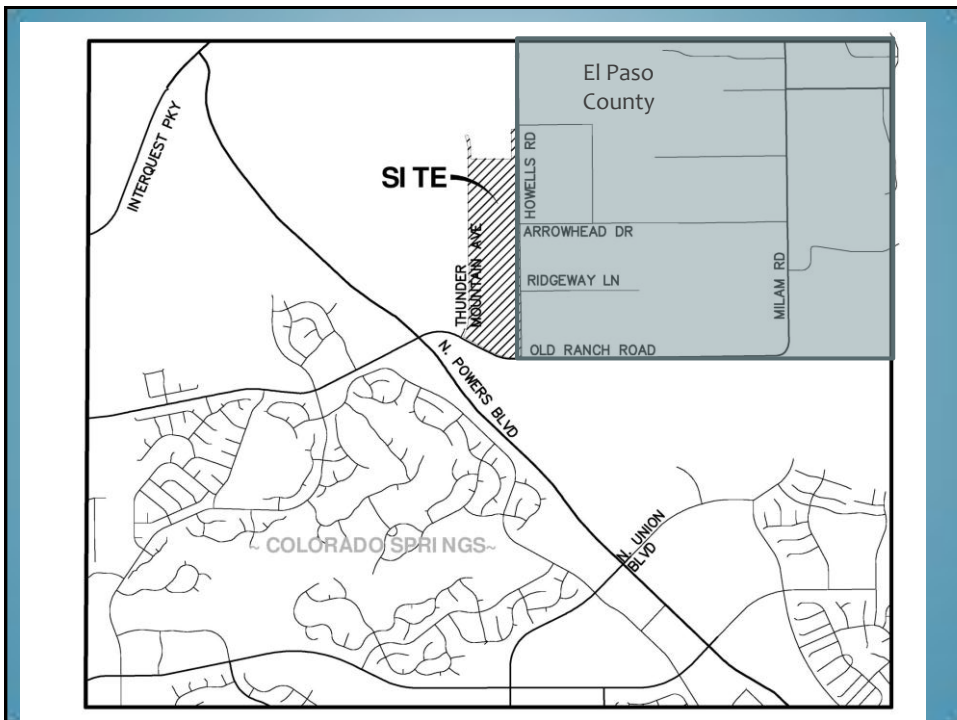
Items: 5.A-5.C  
Exhibit: A  
CPC Meeting: May 15, 2014

**NORTH FORK  
AT  
BRIARGATE**

North Fork at Briargate—City Files:

- CPC MP 07-00061-A3MN14 Master Plan
- CPC PUZ 14-00024 Zone Change
- CPC PUD 14-00025 Development Plan

Angela Essing, Director of Planning, La Plata Communities  
Steve Rossoll, Vice President, JR Engineering  
Jeff Hodsdon, LSC Transportation Consultants, Inc.  
Ron Bevans, Project Manager, N.E.S. Inc.





**Minor Amendment to Master Plan**

**Reasons for Change:**

- ✓ Better Traffic Circulation ORR
- ✓ Stacking Distance for Parents
- ✓ School Start Times
- ✓ Better Internal Traffic
- ✓ Park Site
- ✓ Two Adjoining Properties
- ✓ More Cost Effective for School
- ✓ School District prefers site #1 based on all items above

**Zone Change from A to PUD**

- ✓ Single Family
- ✓ 1.99 DU/Acre
- ✓ Maximum Building Height of 30' and 36'

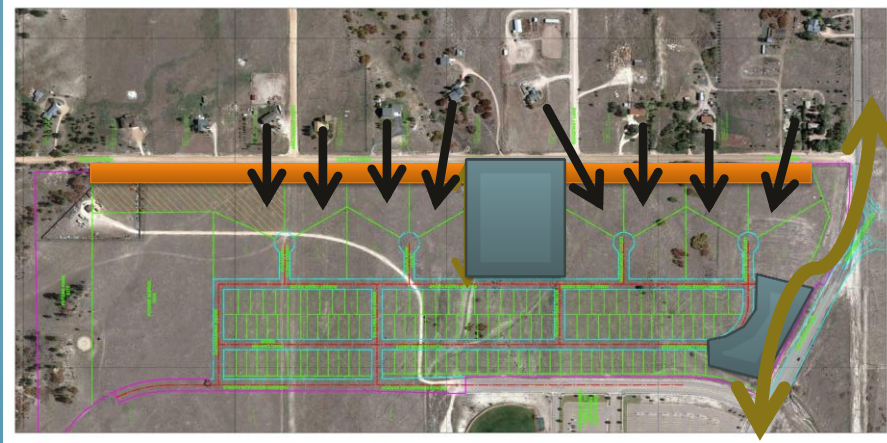
30' Max Building Height

36' Max Building Height

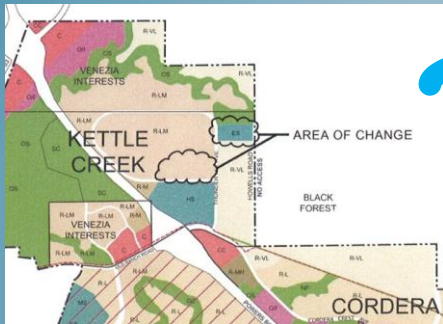
← North

Development Plan  
 141 Single Family Lots  
 16 Estate Lots  
 125 5750 to 7500 sq. ft. Lots

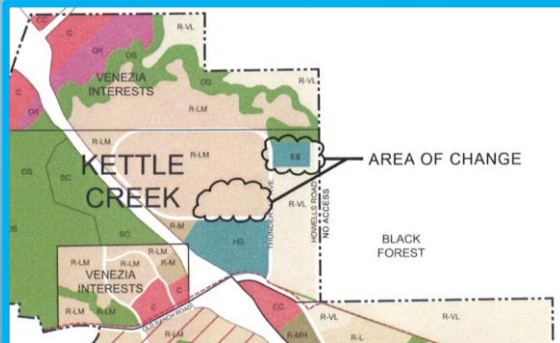
Estate Lots  
 Larger Setback  
 Accessory Structures  
 Up to 6 Garage Doors  
 Minimal Grading

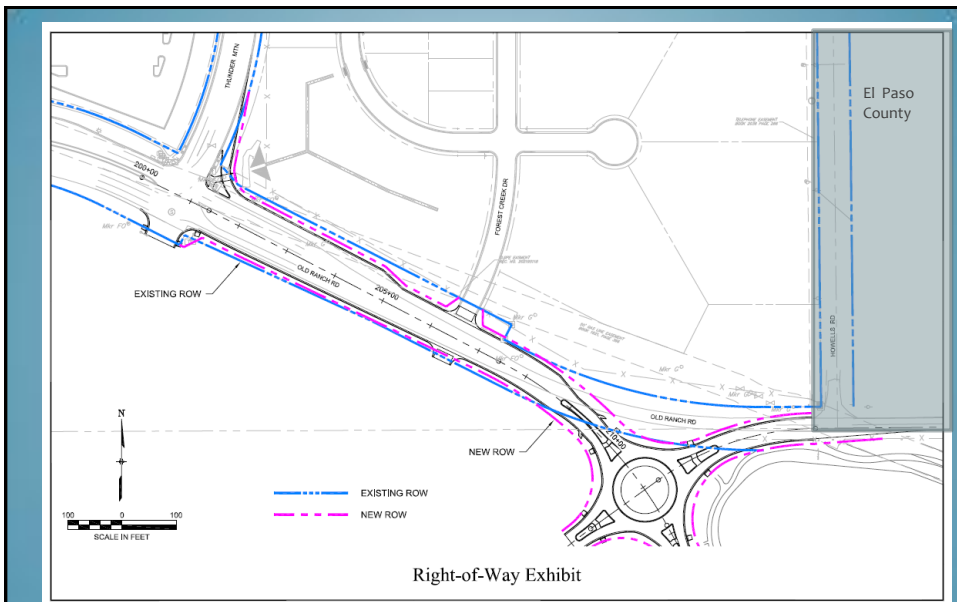
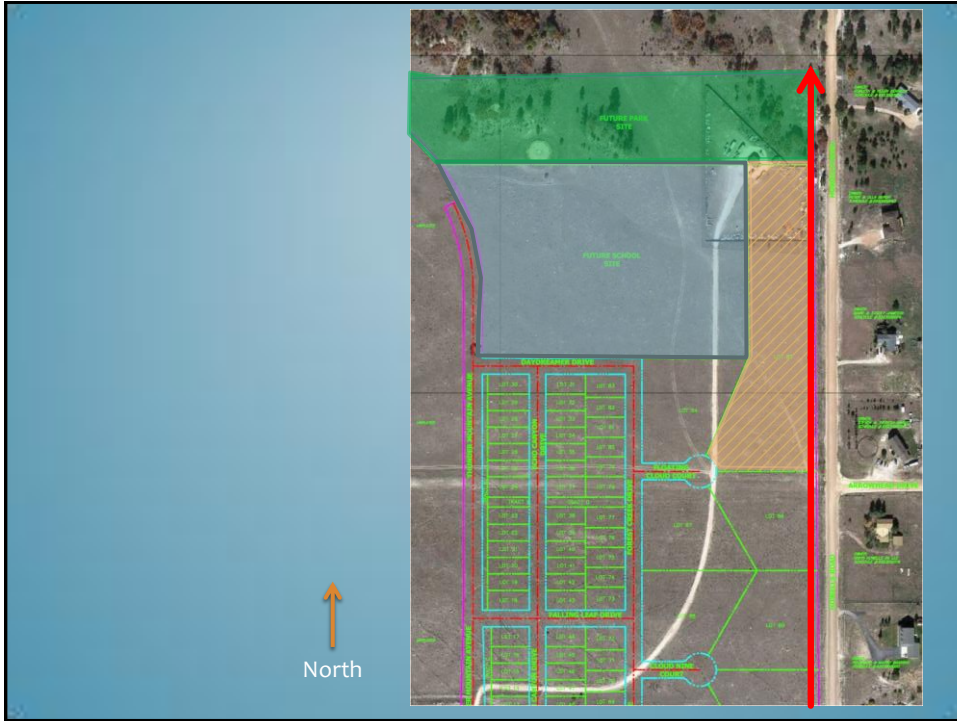


← North



Neighborhood Comment:  
 ✓ Don't like school site  
 next to Howell's Road

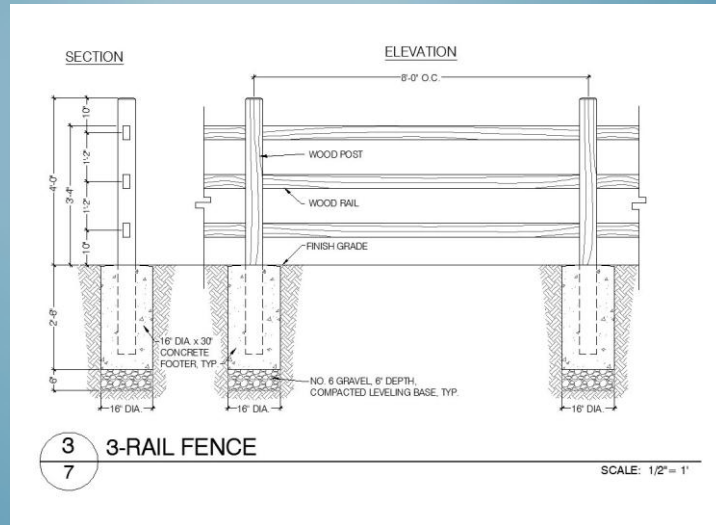




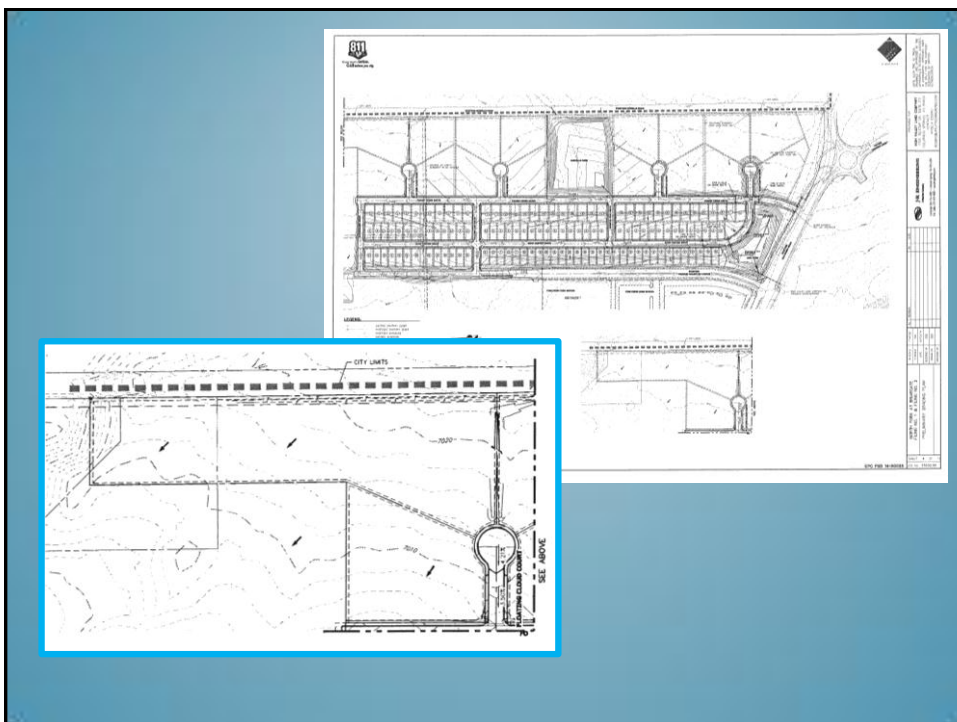
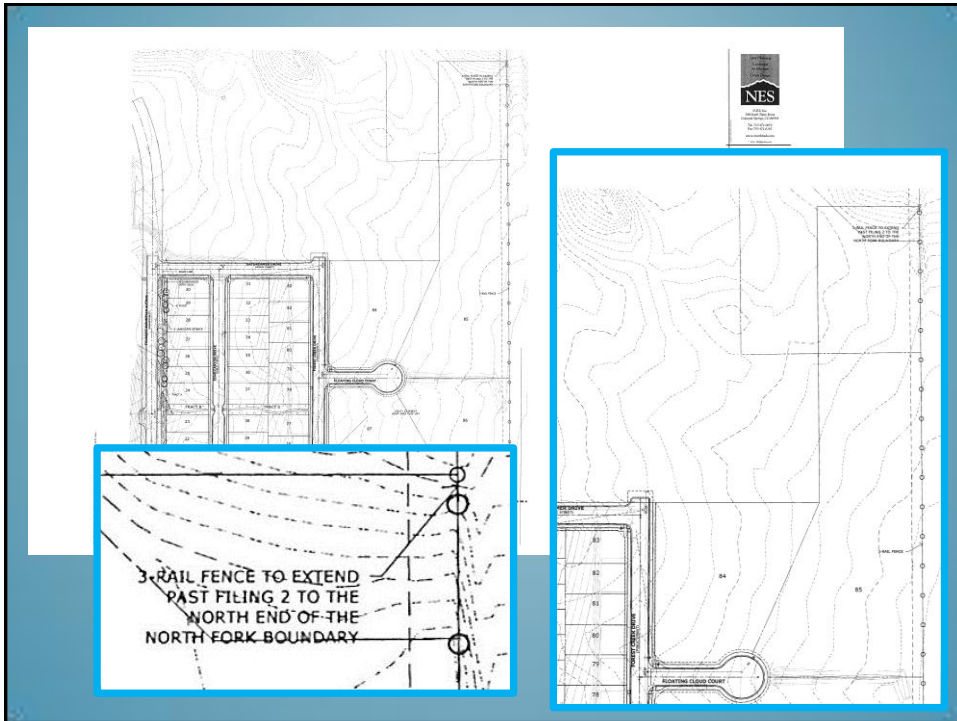
Neighborhood Comment:  
 ✓ Traffic Will Be Congested

Neighborhood Comment:

- ✓ Some county residents want a concrete wall and others do not want any wall or fence.



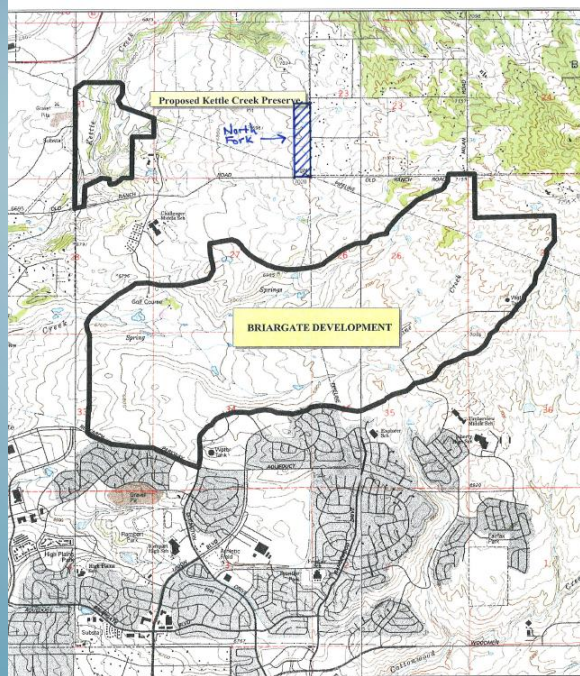
**COMMENTS AND  
QUESTIONS?**



**Grass Harvesting**  
 May 17 to May 23  
 from 9 AM to 3 PM

- Check-in and enter at the end of Thunder Mountain
- Residents are responsible for all labor and must provide their own tools and transportation
- Grasses to be harvested from flagged area only
- La Plata does not guarantee the life of the grass or the success rate of transplanted grasses

**HABITAT  
CONSERVATION  
PLAN FOR THE  
BRIARGATE  
DEVELOPMENT  
2000**



**CRITICAL  
HABITAT FOR  
THE PREBLE'S  
MEADOW  
JUMPING  
MOUSE**

