

Creekwalk Filing No. 1 Appeal

AR DP 21-00551(AP) & AR FP 21-00552(AP)
City Council
Public Hearing

April 26, 2022
Ryan Tefertiller, Planning Manager



Background



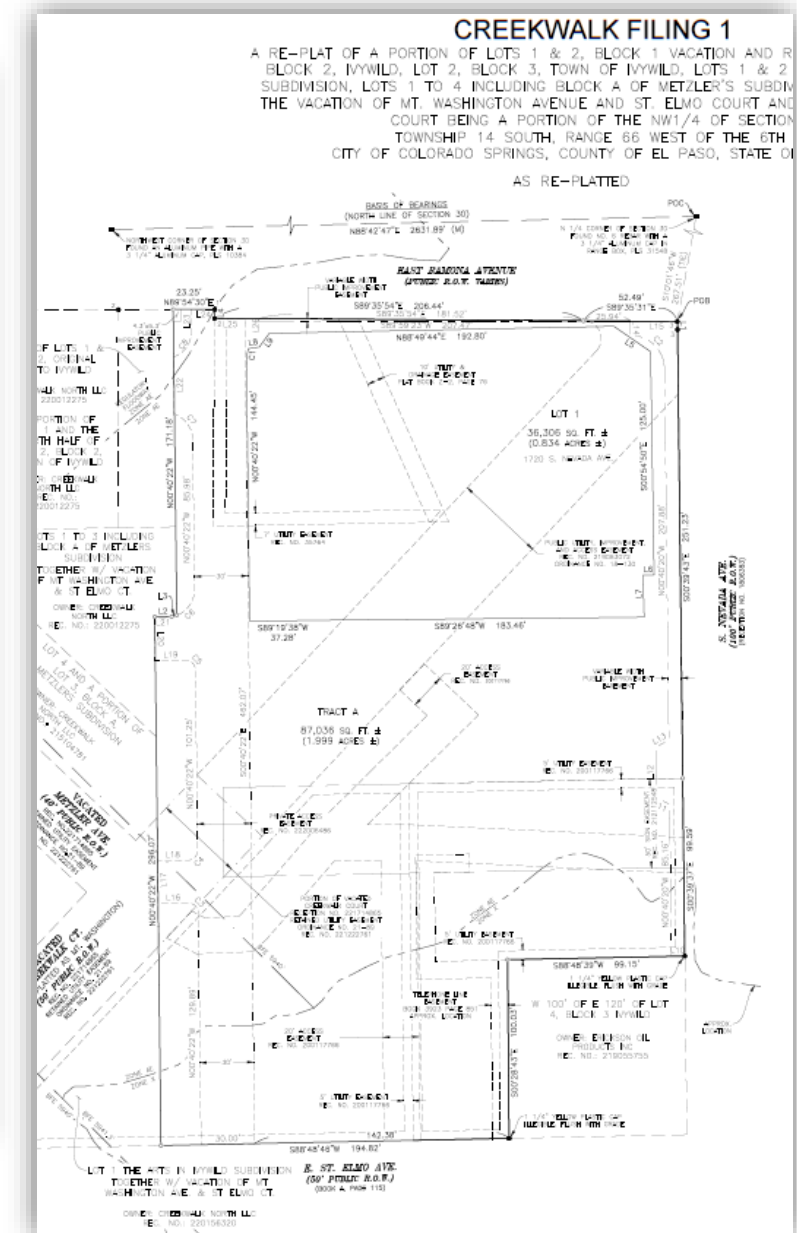
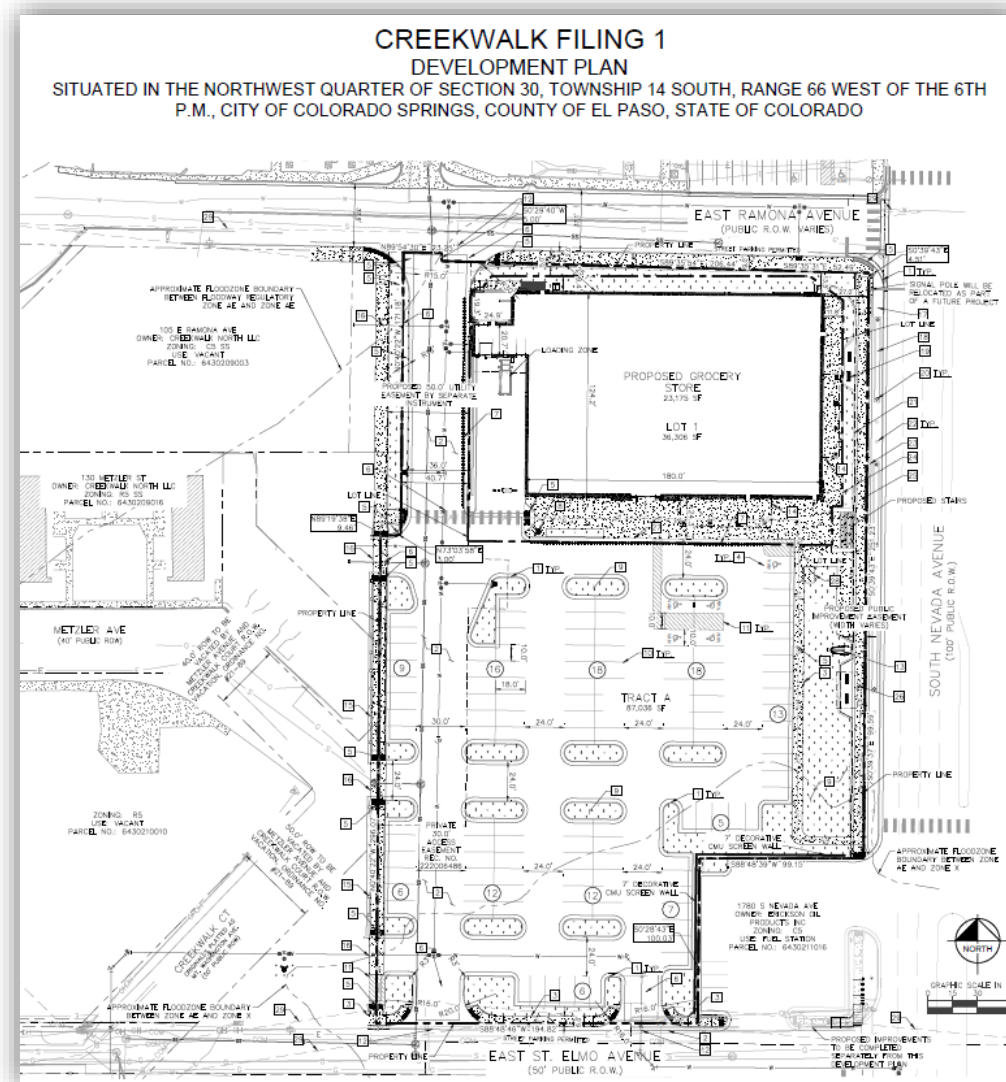
- Site located on the SW corner of S. Nevada Ave. and E. Ramona Ave.
- 2.7-acre site
- Zoned C5
- Within the South Nevada Urban Renewal Area



Background, Cont.



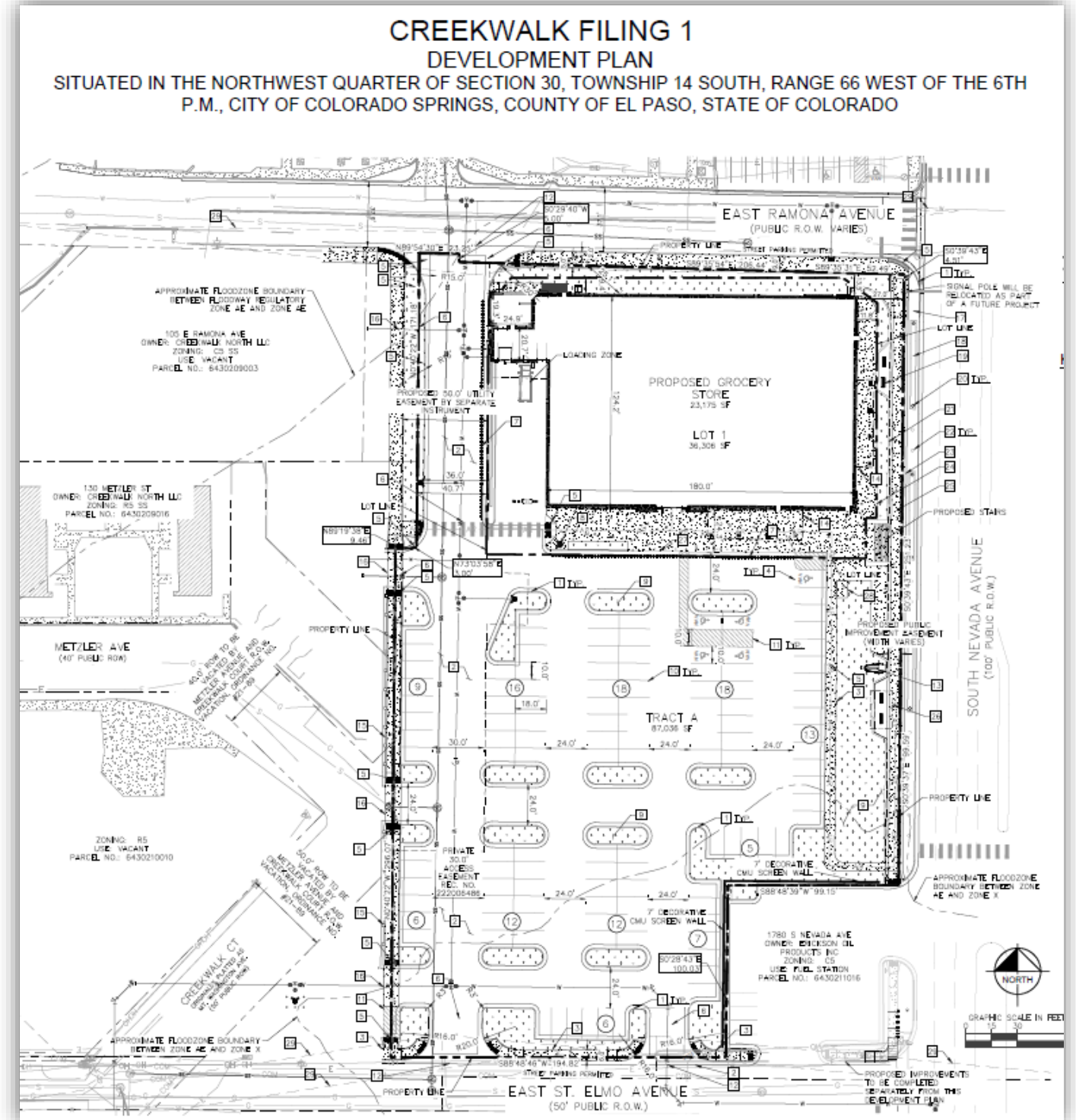
- Development Plan and Final Plat approved administratively in January 2022
 - Consistent with approved master plans, concept plan, zoning, and all relevant development standards



Applications – Development Plan



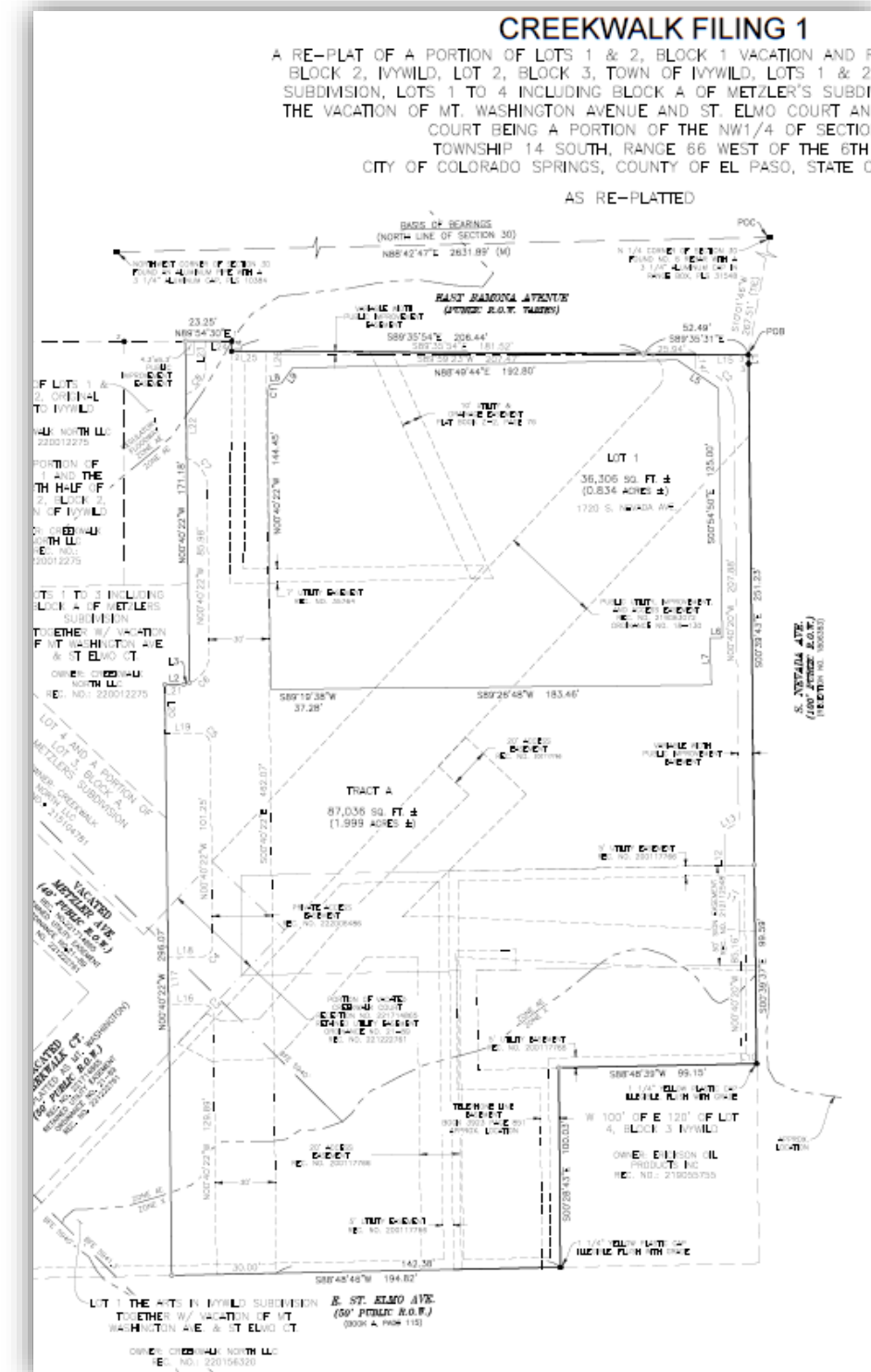
- Reviewed/approved administratively according to Code
- Consistent with all standards and criteria
- Consistent with plans:
 - Ivywild Master Plan
 - Creekwalk Concept Plan
 - S Nevada URA Plan



Applications – Final Plat



- Establishes 1 lot and 1 tract
- Reviewed/approved administratively according to Code
- Complies with all subdivision standards
- Supported by accepted drainage report



Drainage Report



- Final Drainage Report required for the DP and FP
- The initial report went through standard review and refinement process



Drainage Report, cont.

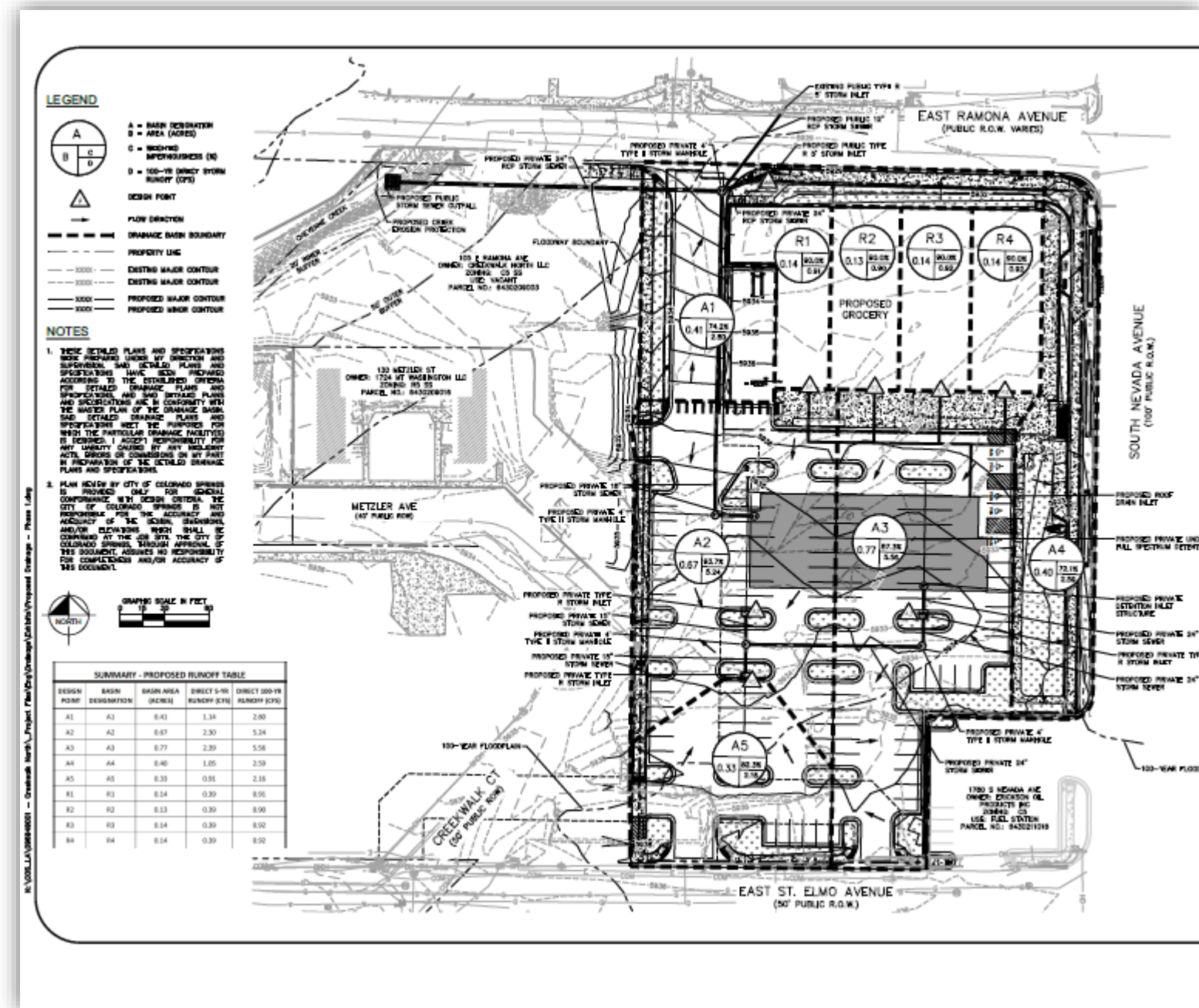


- Facility to be maintained by the Creekwalk Marketplace Business Improvement District (BID)
- The BID is a public entity (Council created) that can maintain the private facility
- A Maintenance Agreement will be recorded on the property to ensure adequate future facility maintenance

Drainage Report, cont.



- Project utilizes underground detention facility within Tract A under the parking lot
- Underground detention facilities need a stormwater variance
- Request reviewed by stormwater variance committee
- Meets all requirements and was approved



Appeal of Admin. Approval



- “Protect Colorado Springs” filed an appeal of both applications on Jan. 31, 2022
- Numerous concerns
 - Stormwater is primary issue

Weiner & Cording
3100 Arapahoe Avenue, Suite 202
Boulder, CO 80303
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FAX: (720) 292-1687
E-mail: randall@randallweiner.com

January 31, 2022

Colorado Springs Land Use Review Office
30 S Nevada Ave., Suite 105
Colorado Springs, CO 80903

RE: Appeal of Approval Letter for Creekwalk North Development Plan and Plat File Numbers: AR DP 21-00551 and AR FP 21-00552

Dear Land Use Review Office:

Weiner & Cording represent Protect Colorado Springs, a group of neighbors, residents, and workers, who have concerns about the proposed Creekwalk North development (the “Project”).

We are herewith appealing the Project’s Approved Development Plan, Plat, and Drainage Report, File Numbers: AR DP 21-00551 and AR FP 21-00552 which were approved on January 20, 2022 (collectively referred to as the “Development Plan”). Attached herewith is the executed “Planning & Development Department Appeal” to City Planning Commission form, provided by Urban Planning Manager Ryan Tefertiller. We understand from Mr. Tefertiller that we will be able to submit our \$176 appeal fee by contacting the Planner-In-Charge. We will be reaching out to him shortly.

APPEAL STATEMENT

I. Ordinance Provisions in Dispute

Colorado Springs City Code, § 7.5.502(B) (development plans); § 7.5.503 (minor amendment to development plan); Article 7, parts 2 and 3 (final subdivision plat), and ordinances approving various aspects of this project including Ordinance No. 21-89 vacating portions of a public right-of-way known as

Planning Commission Action



- Planning Commission hearing on March 17, 2022
- Presentations by appellant, applicant, & City Staff
- No additional stakeholder participation
- Appeal denied unanimously



Appeal of PC Approval



- “Protect Colorado Springs” filed an appeal of Planning Commission’s action relative to both applications on March 28, 2022
- New appeal statement
 - Stormwater is still the primary issue

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March 28, 2022

City Clerk
Attention: Ellen Wagner
City of Colorado Springs
30 S. Nevada Ave., Suite 105
Colorado Springs, CO 80903

RE: Appeal of Approval Letter for Creekwalk North Development Plan and Plat File
Numbers: AR DP 21-00551 and AR FP 21-00552

Dear City Council:

Weiner & Cording represent Protect Colorado Springs, a group of neighbors, residents, and workers, who have concerns about the proposed Creekwalk North development (the “Project”).

We are herewith appealing the Project’s Approved Development Plan, Plat, and Drainage Report, File Numbers: AR DP 21-00551 and AR FP 21-00552 which were approved on January 20, 2022 (collectively referred to as the “Development Plan”). The Planning Commission heard our appeal of the Development Plan on March 17, 2022. Attached herewith is the executed “Planning & Development Department Appeal” to City Planning Commission form, provided by Urban Planning Manager Ryan Tefertiller.

Our appeal fee in the amount of \$176.00 was received by the City Clerk’s offices today, March 28, 2022.

APPEAL STATEMENT

I. Ordinance Provisions in Dispute

Colorado Springs City Code, § 7.5.502(B) (development plans); § 7.5.503 (minor amendment to development plan); Article 7, parts 2 and 3 (final subdivision plat), and ordinances approving various aspects of this project including Ordinance No. 21-89 vacating portions of a public right-of-way known as Metzler Avenue and Creekwalk Court (file no. CPC V 21-0011321-516); Ordinance No. 21-90 amending the zoning map of the City of Colorado Springs (file no. CPC ZC 21-00112); Minor Amendment to the Ivywild Master Plan to add multiple properties between E. Ramona Ave. and E. St. Elmo Ave. to the area recognized as part of the Creekwalk Commercial project (CPC MP 93-176-A5MN21); Creekwalk North Concept Plan Amendment to expand the scope of the previously approved Creekwalk Commercial Concept Plan (file no. CPC CP 18-00097-A2MJ21).

Stakeholder Notice



- Standard notice: poster and postcards at submittal and prior to both appeal hearings
- Individual communication with appellant due to comments on the Zoning and Concept Plan at City Council
- No other stakeholder input on the subject applications

- The appeal statement is largely focused on stormwater related issues
 - Use of underground detention
 - Use of StormTech Chamber
 - Variance process
 - Maintenance challenges
 - Creation of water pollution
- Argues that adverse impacts outweigh benefits

Analysis, cont.



- Staff contends that
 - All required standards are met
 - All required criteria are addressed
 - Drainage report correctly accepted by Stormwater Staff
 - Appeal criteria are NOT met
- Appeal should be denied, upholding Staff's administrative approvals and Planning Commission's action to deny the appeal.

Recommendation



- Denial of the appeals, upholding Staff's administrative approvals and the Planning Commission's appeal denial, based on the findings that the required appeal criteria are not met.

QUESTIONS?