



## Legislation Details (With Text)

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**Title:** An appeal of Planning Commission’s recommendation to the City Council to approve the Palermo Filings 3, 4, and 5 Development Plan for 151 single-family detached residential units located north and east of the Voyager Parkway and Ridgeline Drive intersection.

(Quasi-Judicial)

**Presenter:**  
Hannah Van Nimwegen, Senior Planner, Planning and Community Development  
Peter Wysocki, Planning and Community Development Director

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Figure 1 - Development Plan, 2. 7.5.502.E Development Plan Review, 3. 7.3.606 PUD Development Plan, 4. 7.5.906 (B) Planning Commission Appeal

Date	Ver.	Action By	Action	Result
6/9/2020	2	City Council	approved	Pass
4/30/2020	1	Planning Commission	referred	Pass

An appeal of Planning Commission’s recommendation to the City Council to approve the Palermo Filings 3, 4, and 5 Development Plan for 151 single-family detached residential units located north and east of the Voyager Parkway and Ridgeline Drive intersection.

(Quasi-Judicial)

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Hannah Van Nimwegen, Senior Planner, Planning and Community Development  
Peter Wysocki, Planning and Community Development Director

**Summary:**  
Owner: Pulpit Rock Investments, LLC  
Developer: Pulpit Rock Investments, LLC  
Representative: N.E.S., Inc.  
Location: North and east of the Voyager Parkway and Ridgeline Drive intersection

The Flying Horse Palermo Filings 3, 4, and 5 project includes concurrent applications for a zone change and development plan for 59.52 acres located north and east of the Voyager Parkway and Ridgeline Drive intersection and shares boundaries with Black Squirrel Creek to the south and the existing Deer Creek neighborhood to the west. The zone change requests to rezone the 59.52 acres

from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, 2-3.5 dwelling units per acre). The development plan illustrates 151 single-family residential detached lots spread across three filings; Filing 3 (phase 1) with 66 lots, Filing 4 (phase 2) with 50 lots, and Filing 5 (phase 3) with 35 lots. The subject site is within the Flying Horse Master Plan area and is designated for residential land uses with a density range between 2 and 3.5 dwelling units per acre (du/ac).

As discussed further in this report, the adjacent neighborhood association (Deer Creek HOA) submitted an appeal of City Planning Commission's recommendation to approve the subject applications.

### **Background:**

The development plan illustrates 151 total single-family detached lots spread across three filings for a gross density of 2.54 du/ac (net density of 2.97 du/ac). The primary points of access are shown as Hawk Stone Drive to the north, the continuation of Silver Creek Drive, and the Black Creek Drive to the south. No direct access to Highway 83 is proposed. The Flying Horse Master Plan illustrates two access points from the Deer Creek neighborhood. This development also includes an extension of the La Foret Trail through filings three and four adjacent to the future Powers Boulevard right-of-way. The minimum lot size across the three filings is 8,000 square feet with a minimum lot width of 70 feet. Setbacks, lot coverage, and other dimensional standards are outlined in the development plan.

The adjacent Deer Creek at Northgate Subdivision (directly to the west) was zoned for residential use in 2000. The initial site design illustrates Silver Creek Drive in its current configuration leading into the property then known as "Neilson." Shortly before City Council's action to approve the Deer Creek at Northgate Subdivision, Classic Homes filed a petition to annex the property known as "Flying Horse." The Flying Horse Ranch annexation was finalized in 2003 and the Flying Horse Master Plan was adopted simultaneously. At the time, the master plan did not illustrate the entirety of the subject property due to it being under separate ownership. In 2007, the Nielson Addition annexation occurred and the subject site was added to the Flying Horse Master Plan. The site was split into two parcels: parcel 3A which was designated for residential land uses with a density between 2 to 3.5 du/ac, and parcel 10 that was also designated for residential land uses but with a density of 3.5 to 8 du/ac. In 2014, parcel 10's density range was amended to 2 to 3.5 du/ac to match the surrounding densities. Though density ranges had been established, the property was never zoned and remained in the holding zone (A - Agriculture) established following annexation. City GIS mapping services incorrectly identifies a portion of the site as zoned PUD (Planned Unit Development).

Flying Horse Palermo Filings 3, 4, and 5 are designed with two full-spectrum detention basins with water quality treatment. These ponds are designed to capture all drainage from these filings as well as a portion of the drainage from the Deer Creek at Northgate Subdivision. The detention basins will then release water into Black Squirrel Creek at or below the historic rate.

Last year, the Flying Hose area suffered storms that caused significant flooding of some of the homes within the Deer Creek at Northgate Subdivision. Though not within the scope of the subject requests, the following addresses that particular occurrence. With future development north of the Deer Creek subdivision in mind, an emergency drainage tract was put into place in case of failure of the existing public facilities within Deer Creek and future Flying Horse. This tract is known as Tract C within the Deer Creek at Northgate Filing No. 1 (located between 1923 and 1935 Snowflake Drive). Ridgeline Drive and Blueridge Drive were designed to carry flows within the City right-of-way, and was intended to be an emergency overflow route to Tract C, which would let into Black Squirrel Creek

-again, as an emergency measure in case of existing system failures. While grading and construction are occurring on a project site, it is a City, State, and EPA regulations to block inlets with inlet protection to limit the transport of sediment within public storm systems offsite during minor, more frequent storm events. During the abnormally major storm events experienced last summer/fall, these inlets and low points (within Flying Horse and Deer Creek) were overwhelmed due to blockage of the emergency drainage route. It was later discovered that the proposed drainage swale in Tract C, which was constructed approximately 20 years ago, had been blocked by an earthen berm behind the curb and sidewalk that did not allow the emergency flows to travel down the tract and into Black Squirrel Creek as designed. This blockage within the swale in Tract C has been corrected. Once Flying Horse Palermo Filing No. 1 & 2 has been significantly established, the drainage system as designed will route flows to outfall facilities within the standards allowed by the City's current drainage criteria manual.

Black Squirrel Creek forms the southern and southeastern border of the subject site. Portions of the site along that southern border have been set aside to be dedicated to the City of Colorado Springs for trails, open space, and drainage land uses. The Black Squirrel Creek Trail will be routed through this area and will connect to a pedestrian bridge over the creek near the southwestern portion of the site. This trail connection and pedestrian bridge will be installed at a later date by the Parks and Cultural Services Department and are not within the scope of the subject applications. The Black Squirrel Creek was also identified as critical habitat for the Preble's Meadow Jumping Mouse (PMJM), an endangered mouse known to inhabit in washes near creeks on the northern side of town. U.S. Fish & Wildlife has jurisdiction over areas that contain endangered species, and are required to review plans for development when they are adjacent to endangered species habitat. The applicant has been working with U.S. Fish & Wildlife and the US Army Corps of Engineers regarding drainage and PMJM habitat within the creek.

A Habitat Conservation Plan (HCP) prepared by CORE Consultants, the purpose of which is to define the boundaries of required conservation area and methods to improve and protect habitat for PMJM. The HCP will define habitat protection and mitigation as well as development constraints. The HCP identifies the proposed pedestrian bridge across Black Squirrel Creek, but leaves discussion of the proposed future Black Squirrel Creek Trail to a future City interaction with U.S. Fish & Wildlife.

The review criteria for zone changes can be found in code section 7.5.603, more specifically, review criteria for the establishment of a PUD zone can be found in code section 7.3.603, and the review criteria for development plans may be found in code section 7.5.502, and PUD development plans are located in code section 7.3.606. Staff is of the opinion that the subject applications are compliant with those review criteria based on the action not being detrimental to public health, safety, or general welfare and will not overburden public facilities. Staff has also found that the proposed dimensional standards (setbacks, lot coverage, etc.) and residential product (building height, lot size, etc.) are consistent with other residential uses in the vicinity.

The recommendation to approve these applications was appealed. Appeals of City Planning Commission recommendations to the City Council must indicate what code sections are not being met which can include the review criteria for the subject applications. This particular appeal contests page 40 of Volume III of the Traffic Criteria Manual, and the review criteria for the subject applications discussed above.

The site design does include two roadway connections into an existing neighborhood, which will increase traffic on those roads serving existing homes. However, because these roads were intended

to be connected to future development of a certain density, staff believes the proposed traffic circulation is reasonable. City Traffic Engineering was also a review agency for the requests and found that the additional traffic is still in conformance with the guidelines established in the Traffic Criteria manual.

The site's adjacency to Black Squirrel Creek indicates likeliness of natural features to preserve, but after walking the property, staff confirmed that all significant natural features are located in areas that are to be dedicated to the City of Colorado Springs for the purposes of open space, landscaping, and recreation (future trail). Areas proposed for residential land uses do not contain any significant natural features.

The subject parcel is located within the Flying Horse Master Plan area. This master plan was initially established in 2003 and did not contain the subject parcel. However, in 2007, the Nielson Addition annexation occurred and the subject site was added to the Flying Horse Master Plan. The site was split into two parcels-parcel 3A, which was designated for residential land uses with a density between 2 to 3.5 du/ac, and parcel 10, which was also designated for residential land uses but with a density of 3.5 to 8 du/ac. In 2014, parcel 10's density range was amended to 2 to 3.5 du/ac to match the surrounding densities. Staff finds that the subject applications are compliant with the master plan because the gross density of the three filings is 2.54 dwelling units per acre. The net density being 2.97 dwelling units per acre.

The City's Comprehensive Plan, PlanCOS, identifies the area subject to the applications as a "newer developing neighborhood" on the Vision Map and fits within the Emerging Neighborhoods typology of the Vibrant Neighborhoods chapter. Recommendations for this typology include enhancing off-street trail systems; providing pedestrian connections to trail systems; and utilizing drainage ways for neighborhood amenities. This typology also states, "The goal of this neighborhood typology is to ensure the further application of amenities and best practices ... to enhance their livability and adaptability as they mature." Staff believes the subject applications apply those recommendations through the extension of the La Foret Trail and proposing connections to the future Black Squirrel Creek Trail. The Strong Connections chapter also discusses the important of trail connections to ensure continued livability of the area. One of the primary goals of this chapter is to "multimodally connect people and land uses throughout the city and region." This is supported by Policy SC-1.D, "Establish and maintain convenient multimodal connections between neighborhoods, local destinations, employment and activity centers, and Downtown" to enacted through Strategy SC-1.D-1, D-6, and D-8 which are related to the extension of trails and the trail system. This sentiment is again mimicked in Policy SC-1.H, "Improve neighborhood livability by providing connections between neighborhoods and Neighborhood Centers and by reducing vehicular speeds" whose policies also discuss the importance of trail systems. This policy also recommends, "Modify local streets to be consistent with their purpose by implementing speed control measures using enforcement, intersection control, and design." The design of these particular filings are conducive to speed reduction through their curvilinear design.

**Previous Council Action:**

N/A

**Financial Implications:**

N/A

**City Council Appointed Board/Commission/Committee Recommendation:**

At their meeting on April 30, 2020, the Planning Commission voted 8-0 to recommend approval the land use applications to the City Council (Aye: McDonald, Wilson, Hente, Graham, Rickett, Almy, McMurry, and Eubanks; Absent: Raughton) as part of the new business calendar. Largely, traffic impacts to the existing Deer Creek subdivision were discussed by the Commissioners and Traffic Engineering Manager, Todd Frisbie, was present to answer many of the detailed questions.

Please refer to the minutes for a detailed record.

The Deer Creek Home Owners Association submitted an appeal of City Planning Commission's recommendation to approve the applications on May 8<sup>th</sup>, 2020. The notice of appeal, application form, and narrative are attached to this memo for consideration. Issues regarding traffic through the Deer Creek neighborhood are discussed in the appeal narrative.

**Stakeholder Process:**

The public notification process consisted of providing initial notice to the neighbors by placing a poster for the project on site and sending postcards to 655 property owners within 1,000 feet of the current parcel's configuration. Public comments were received during the initial review and staff required a neighborhood meeting. This neighborhood meeting was held on October 9, 2019 and 35 individuals signed in. Concern regarding traffic congestion and safety, drainage, and compatibility with the existing Deer Creek neighborhood were discussed. The site was posted and public notification sent prior to the City Planning Commission and City Council hearings. Comments which were received following the publishing of the City Planning Commission staff report were sent to the Commissioners the afternoon before this hearing, and are attached to this memo.

The applications were sent to the standard internal and external agencies for review and all comments are addressed. Review agencies for this project include Colorado Springs Utilities, City Traffic, City Engineering, City Landscape, City Fire Department and Police/E-911, as well as School District 20, and the United States Air Force Academy.

United States Air Force Academy (USAFA): The USAFA requested a note be added to the development plan recognizing the Academy's flight patterns and noise generate by aircraft. This note is present on the development plan.

Academy School District 20: Land dedication requirements have been satisfied elsewhere within the Flying Horse Master Plan. Fees will not be required.

Traffic Engineering: All streets within the subject development are classified as local residential roadways allowing a total daily traffic count of 1,500 vehicles per street according to the Traffic Criteria Manual. City Traffic Engineering models that the existing homes on Silver Creek Drive generate about 150 vehicle trips per day, and the proposed new development is expected to generate about 1,300 vehicles per day. City Traffic Engineering estimates the current traffic on Snowflake Drive (fed from Silver Creek Drive) to be 260 vehicles/day. With the addition of the new proposed development, it is expected to have a total daily traffic of just over 1,500 vehicles. However, it is likely a number of the vehicles utilizing Snowflake Drive will be from either Laurelcreek Drive or Blueridge Drive, meaning those trips will not be driving the whole stretch of Snowflake Drive. City Traffic Engineering is recommending approval of the subject applications as proposed, and is of the opinion the proposed additional units will not put the roads over capacity.

It is important to note that Silver Creek Drive was always intended to be extended into future

development. When the Deer Creek at Northgate Subdivision was zoned in 2000, the initial site design illustrates Silver Creek Drive in its current configuration leading into the property then known as "Neilson." In documents prepared by the applicants and reports written by City staff, it was indicated that Classic Homes was in the process of acquiring the Neilson property and that both Silver Creek Drive and Black Creek Drive would be used for access. Around this same timeframe, most of the homes on Silver Creek Drive were being constructed. The intent for roadway extension into future development is also evident on the original master plan (shown the same in the amended version) where access arrows from the Deer Creek neighborhood extend into parcels 3A and 10 in the location of Black Creek Drive and Silver Creek Drive.

A traffic report completed with the original Flying Horse Master Plan which accounted for 4,000 total housing units. Over the years, the Flying Horse Master Plan has been amended to reflect a total unit count closer to 3,000 units.

Colorado Department of Transportation (CDOT) is in control of the Highway 83 right-of-way and the Powers Boulevard extension through Flying Horse. City Traffic Engineering as well as the applicant have approached CDOT for an access point to Highway 83 within the larger Flying Horse Master Plan area. According to City Traffic Engineering and the applicant, CDOT is not open to a direct access point within Flying Horse to either right-of-way.

Speeding along Ridgeline Drive was also mentioned as a major neighborhood concern during the October neighborhood meeting. Currently, Ridgeline Drive is on the list of roads to be studied this year by City Traffic Engineering for additional traffic calming measures. Residents have been encouraged to contact the Colorado Springs Police Department if speeding on Ridgeline Drive (outside of the subject application's scope) remains an issue.

**Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

**Proposed Motion:**

CPC PUD 19-00096

Deny the appeal and approve the development plan for 151 single-family detached residential units based upon the findings that the Appellant has failed to meet the appeal requirements of City Code Section 7.5.906.B and that the proposal meets the review criteria for development plans as set forth in City Code Section 7.5.502(E) and criteria for PUD development plans set forth in City Code Section 7.3.606.

N/A