



## Legislation Details (With Text)

**File #:** AR DP 19-00281      **Version:** 2      **Name:** Newport Heights  
**Type:** Planning Case      **Status:** Withdrawn  
**File created:** 12/5/2019      **In control:** City Council  
**On agenda:** 1/28/2020      **Final action:** 1/28/2020

**Title:** Postponement of an appeal of City Planning Commission’s decision to deny the Newport Heights Planned Unit Development (PUD) Development Plan proposing 49 single-family lots on 10.71 acres with a maximum building height of 30-feet, located north of the intersection of Bridle Pass Drive and Shimmering Moon Way.

(Quasi-Judicial)

Related Files: CPC PUZ 18-00101, AR DP 19-00281

**Presenter:**  
Tasha Brackin, Senior Planner, Planning & Community Development  
Peter Wysocki, Director Planning and Community Development

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Figure 1 - Newport Heights PUD DP, 2. 7.3.606 PUD Development Plan, 3. 7.5.502.E Development Plan Review

Date	Ver.	Action By	Action	Result
1/28/2020	2	City Council	withdrawn	Pass
12/19/2019	1	Planning Commission	denied	Pass

Postponement of an appeal of City Planning Commission’s decision to deny the Newport Heights Planned Unit Development (PUD) Development Plan proposing 49 single-family lots on 10.71 acres with a maximum building height of 30-feet, located north of the intersection of Bridle Pass Drive and Shimmering Moon Way.

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**Summary:**

Applicant/Owner: Rockwood Homes, LLC  
Consultant Representative: Altitude Land Consultants  
Location: South and west of the Woodmen Road/Austin Bluffs intersection

The applicant/owner is appealing the City Planning Commission's denial of a rezoning and PUD development plan. The applications involve a zone change for a 10.71 acre parcel with a current zone designation of PUD (Planned Unit Development single-family residential, 2.9 dwelling units per acre, 30-foot maximum building height with Airport Overlay) to PUD with increased density (4.6 dwelling units per acre). The PUD development plan illustrates the proposed layout of the 49 homes. The appeal statement is attached to this memo as FIGURE 1. This appeal was received within the required time period and the reasons for the appeal are stated in the attachment.

Shortly after the appeal was filed, a formal request was made by the applicant/owner to postpone this item to the next appropriate City Council hearing. City Code Section 7.5.906.B.3, Postponement Of Items On Appeal To The City Council, states the following:

As a matter of course, any person may postpone the first scheduled Council hearing or consideration of an appeal from a decision of the Planning Commission, an FBZ Review Board or Historic Preservation Board, made in accord with this subsection, to the next following regular Council meeting. Request for any additional postponement shall be only for good cause shown to and found by the City Council. If new or additional evidence is set forth as the grounds for a request for a postponement, the appeal may be referred to the Planning Commission, an FBZ Review Board or Historic Preservation Board for further hearing and recommendations.

The applicant's request for postponement indicates the desire to present a revised plan to neighbors prior to moving forward with the application. The hearing on the appeal will now be heard at the February 11, 2020 City Council meeting. The recommended motion reflects that postponement. The City Planning Commission minutes will be provided as part of the February 11, 2020 Council packet.

**Previous Council Action:**

The City Council approved the current zoning of this parcel on July 22, 1997.

**Background:**

The original zone change request for this property was submitted in 2018 along with a concept plan that did not depict any lot lines or structure layouts. A conceptual layout was later displayed at the 2018 neighborhood meeting showing 44 attached townhome/duplex units laid out as a gated community, which met with substantial neighborhood opposition. Staff recommended the applicants revise the plan to propose homes more consistent with the neighborhood. When the PUD development plan was submitted in 2019, it illustrated 50 proposed homes, many on lots smaller than 6,000 square feet. Significant neighborhood opposition was again expressed at the second neighborhood meeting. Staff comments provided during review suggested a number of plan revisions to bring the proposed development closer to the character of the existing neighborhood in terms of density, driveway locations and types, yard orientation, trail access, common area tracts, and architectural features. The following plan that was resubmitted addressed many of the concerns expressed by staff, but with a reduction of only one lot. The applicant's project statement argued that compatibility with the existing neighborhood was demonstrated by the provision of similar-sized lots at the perimeter of the proposed project, where units would abut existing lots.

The major areas of concern expressed by the opponents include: increased density, loss of open space, adequacy of public utilities, impacts on wildlife, traffic safety, parking, school capacity, prior expectations of property owners promised a park, noise, loss of views, property values, design of homes, road conditions, fencing, geology, drainage, and trail surface. These concerns, along with

additional rationale for the recommendations on the project, are addressed in detail in the City Planning Commission staff report. The City Planning Commission staff report includes additional maps and documentation to supplement the City Council memo.

The project supports a number of objectives of PlanCOS. It is an infill development that will serve an existing need for housing within an established neighborhood, with access to commercial facilities, schools, and employment centers within a mile of the site. Specific relevant goals of PlanCOS are discussed in the City Planning Commission staff report.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

At their meeting on December 19, 2019 the Planning Commission, as part of their new business calendar, held a public hearing on the proposed zone change and residential development. There were a number of neighbors in attendance who voiced opposition to the project. The Planning Commission voted 8-1 to deny the applications (Aye: Graham; No: Eubanks, Raughton, McDonald, McMurray, Almy, Hente, Rickett, and Wilson). The commissioners voting for the denial of the project cited the PUD zone change and development plan criteria not being met. These commissioners believed that the development of the property should match the characteristics of the existing surrounding neighborhood.

Please reference the minutes from the hearing for a detailed record.

**Stakeholder Process:**

The public process involved with the review of these applications included sending postcards to 327 property owners within 1000 feet of the property at the initial internal review stage of the proposed zone change; at a neighborhood meeting held on July 24, 2018; at submittal of the PUD development plan in May of 2019; at a neighborhood meeting held on June 10, 2019; and prior to the Planning Commission public hearing. Approximately 45 people attended each neighborhood meeting. Comments were received during internal review and are documented as part of the City Planning Commission staff report. The site was also posted during each of the described notification periods.

Staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, Police, Enumerations, Floodplain, Real Estate Services, Comcast, School District 11, School District 20, and the Colorado Springs Airport Advisory Commission.

Please see the Planning Commission staff report for more details.

**Alternatives:**

1. Deny the appeal and uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Grant the appeal and reverse the action of the City Planning Commission - granting the appeal will essentially approve the project as proposed; or
4. Refer the matter back to the City Planning Commission for further consideration.

**Proposed Motion:**

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Grant the appellant's request for postponement of the appeal to the February 11, 2020 City Council meeting per City Code section 7.5.906.B.3.

N/A