



Legislation Text

File #: CPC PUD 17-00133, **Version:** 3

An appeal of the City Planning Commission's decision to recommend approval to the City Council of the Farm Filing 5 PUD development plan for 28 acres of land to be developed with a single-family residential development consisting of 93 single-family detached lots, located west of the future alignment of Secretariat Drive.

(QUASI-JUDICIAL)

Related Files: CPC MP 04-00254-A6MN17, CPC PUZ 17-00132

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Summary:

Applicant: Classic Consulting Engineers & Surveyors, LLC
Owner: Allison Valley Development Company, LLC
Location: West of Secretariat Drive

An appeal was filed by the United State Air Force Academy (USAFA) regarding the City Planning Commission's decision to recommend approval to City Council of the proposed minor master plan amendment, zone change, and PUD development plan applications associated with the Farm Filing 5 project.

Zone changes (along with any associated applications) that are recommended for approval by the Planning Commission are automatically heard by the City Council, as such, the appeal was not necessary. However, since an appeal was filed, the Council must first hear and act on the appeal, and then act on the applications.

The project includes concurrent applications for a minor master plan amendment of the Farm Master Plan that illustrates updates to street alignments and park site locations and sizes, a change of zone request from A (Agricultural) to PUD (Planned Unit Development: Single-Family Detached Residential; Maximum Density of 3.29 Dwelling Units per acre; and Maximum Building Height of 35 feet), and a PUD development plan for the Farm Filing 5 project, which illustrates the detailed layout for developing the 28 acres of land with 93 single-family detached residential lots, multiple tracts of land, and public and private improvements consisting of landscaping, streets, utilities, and open space.

Previous Council Action:

City Council previously took action on this property in September 2005, during the review of the Allison Ranch Addition Annexation Plat (Ord. 05-131).

The initial public hearing for these items was postponed on March 27, 2018 until the City Council hearing April 10, 2018.

Background:

The property was annexed into the City under the Allison Ranch Addition Annexation Plat (Ord. 05-131). The site has remained vacant since annexation, but has periodically been used for cattle grazing.

The project site is located within the Farm Master Planned area. Per the current master plan, the project site is identified for Medium Density Residential at 3.5-7.99 dwelling units per acre. Per the applicant's proposed minor master plan amendment, the envisioned public street network and siting and acceptance of parcels of land for park credit have been updated. On December 14, 2017, the City's Parks and Recreation Advisory Board reviewed and approved the proposed park site changes. In terms of the specific street network changes, the plan illustrates the approved alignments for Secretariat Drive and Ridgeling Drive, and minor residential street linkages.

The property is currently zoned A (Agricultural) and vacant. The parcel was zone A (Agricultural) in 2005 (Ord. No. 05-132) as a holding zone district for the future development of the area. The applicant's proposed PUD (Planned Unit Development: Single-Family Detached Residential; Maximum Density of 3.29 Dwelling Units per acre; and Maximum Building Height of 35 feet) zone district sets the specific density, dimensional, and use controls for the development of The Farm Filing 5 project.

The proposed PUD development plan for the Farm Filing 5 project establishes the site design and layout for developing the subject property with a single-family residential development consisting of 93 lots and public and private public and private improvements. The associated improvements consisting of landscaping, public streets, utilities, stormwater quality/detention ponds, two neighborhood parks, and the extension of a Tier 2 trail. The proposed maximum building height of 35 feet is consistent with earlier filings of The Farm development and other similar projects in the surrounding area. The applicant incorporated pedestrian connections throughout the project to afford links to open space, the street system, and the development's future clubhouse. This project completes the western most segment of the Farm Master Plan, which was always envisioned for medium density residential development.

Although the applicant's site planning has produced a development that is at a slightly lower density than was previously envisioned for the area, the reduced density was necessary to maximize the land use potential of the site while still being respectful of known site constraints including Prebles Meadow Jumping Mouse habitat, two drainage ways, and topographical formations. In accordance with the City's codes, policies, and regulations, the applicant's proposed site design addresses all the City's stormwater requirements for water quality and detention, and channel improvements. In response to the USAFA's comments regarding stormwater improvements within Black Squirrel Creek, a note was added to the PUD development plan stipulating the timing for construction of channel improvements.

The attached City Planning Commission staff report summarizes the project details.

The appellant is opposed to the applications associated with the Farm Filing 5 project based on the

opinion that the proposed land use pattern may not be compatible with the USAFA's adjacent airfield activities and the applications as set forth violate City Code Sections 7.5.408(B)(3) and 7.5.403(F)(3); City Code Sections 7.5.603(B)(1); City Code Sections 7.5.502(E)(1) and (3); and City Code Sections 7.6.103. The appellant's appeal request is attached for reference and denotes in greater detail of how each of the above referenced sections of City Code have not been addressed. After holding a public hearing, the Planning Commission found that the project meets the applicable criteria set forth in City Code Chapter 7.

Although an appeal has been filed, the requested minor master plan amendment, zone change, and PUD development plan applications would be reviewed by City Council regardless, as the affirmative decision made by the City's Planning Commission was a recommendation to City Council, not a final action. In light of the appeal, the City Council must first consider and vote on the appeal, then consider and vote on the subject applications.

The project supports the City's Strategic plan of building community and collaborative relationships by providing a well-designed residential community with on-site amenities and connectivity to the surrounding neighborhood through trails and open space. The project also promotes a mutually supportive development pattern in the neighborhood which provides buffering and protection to the sensitive habitats present in and around the Middle Tributary and Black Squirrel Creek drainages. The development proposal also integrates variety into the neighborhood that generates opportunities and choices for households, while ensuring this area develops as a well-functioning neighborhood. This project will support the future creation of employment opportunities and maintain prospects for strengthening the Colorado Springs economy through the orderly growth of the corridor and the development of addition roof tops, which ultimately will support the critical mass of dwelling units needed for the development of commercial uses.

Financial Implications:

N/A

Board/Commission Recommendation:

At the Planning Commission meeting held on February 15, 2018, these items were pulled from the consent calendar by staff and discussed under the new business calendar. The Planning Commission discussed the concerns raised by the USAFA; specifically, the applicability of FAA requirements, stormwater/channel improvements, and emergency landing accommodations. No other members of the public spoke in favor or against the applications. The Planning Commission ultimately voted 4-2 in favor of the items (three (3) Commissioners were absent). Commissioners Fletcher and Markewich voted "no" to all the items. To summarize, Commissioners Fletcher and Markewich felt the project did not adequately address the concerns raised by the USAFA.

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

Stakeholder Process:

The public process included public notice provided to 113 property owners within 1,000 feet of the site on three occasions: once during the internal review stage and prior to the Planning Commission and City Council hearings. The site was also posted on those three occasions. In response to the solicitation for comments, no comments were received from residents.

Staff sent copies of the plan set and supporting documentation to the standard internal and external

review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, CONO, School District #20, Police and E-911, Real Estate Services, and USAFA. All comments received from the review agencies have been addressed, with the exception of a comment from the USAFA.

USAFA's comments focused on the incorporation of the standard notice of the USAFA's Airmanship Program, drainage improvements within Black Squirrel Creek, and compliance with F.A.A. project review requirements. During a subsequent meeting between USAFA and City staff, an additional concern was raised by USAFA regarding the need for adequate emergency landing areas proximate to the academy. Staff finds that the applicant has adequately addressed all comments received from the USAFA, with the exception of the creating additional emergency landing areas. Discussions between the applicant, City staff and USAFA are on-going.

Attached is a letter received from the applicant, dated March 26, 2018, speaking to the status of on-going conversations being had between the USAFA, applicant, and City staff. At the meetings discussed within the letter, much progress has been made to address the USAFA's concerns. Specifically, an area to the south of Black Squirrel Creek has been identified as a suitable location for an emergency landing area and clarification was provided concerning USAFA's mention of the FAA notice requirements in their comment letter, which was only meant to inform the City and applicant of the requirements. While the stormwater item has yet to be resolved, a meeting is scheduled for April 5, 2018 where all parties will further discuss the proposed stormwater and channel improvements, as well as walk a portion of USAFA's property to review downstream impacts of drainage from these streams.

While the applicant states in the attached supplement that the City erred in the recent noticing of the March 27, 2018 hearing, City staff duly processed and publicized the postponement request for the appeal in accordance with City Code Section 7.5.902(B)(3) and City Code Section 7.5.906(B). City code and staff do not have the flexibility or ability to waive the notice requirements for hearings.

Please see the Planning Commission staff report for more details.

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:

Staff recommends the following motion:

Deny the appeal based on the finding that the appellant did not substantiate that the appeal satisfies the review criteria outlined in City Code Section 7.5.906.B, and approve the PUD development plan for the Farm Filing 5 project, based upon the findings that the PUD development plan meets the review criteria for granting a PUD development plan as set forth in City Code Section 7.3.606 and meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502 (E).

Should the City Council wish to uphold the appeal, the following motion is provided:

Uphold the appeal based on the finding that the appellant substantiated the that the appeal satisfies the review criteria outlined in City Code Section 7.5.906.B, and deny the PUD development plan for the Farm Filing 5 project, based upon the findings that the PUD development plan does not meet the review criteria for granting a PUD development plan as set forth in City Code Section 7.3.606 and does not meet the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E).