



Legislation Text

File #: AR FP 17-00331, **Version:** 5

An appeal of the City Planning Commission's decision to uphold the administrative approval of the final subdivision plat for the Westcreek III at Wolf Ranch Subdivision Filing Number 13 illustrating a 52 lot subdivision on 18.4 acres of land located north of the Cowpoke Road and Tutt Boulevard intersection.

(QUASI-JUDICIAL)

Related Files: AR PUD 06-00515-A1MN17, AR FP 17-00331

Presenter:

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

Summary:

Applicant: Nass Design Associates
Owner: Westcreek at Wolf Ranch, LLC
Location: North of the Cowpoke Road and Tutt Boulevard intersection

An appeal was filed by Ross Clinger, on behalf of Goetsch/Peacock, LLC and Tin Can Grannies, LLC, regarding the City Planning Commission's approval of the minor PUD development plan amendment and final subdivision plat applications associated with the Westcreek III at Wolf Ranch project.

The minor PUD development plan amendment of the Westcreek III at Wolf Ranch project consists of re-phasing the project; reconfiguring the layout of Lots 80-84 and 64-69 to accommodate certain public and private improvements; incorporates a new pedestrian crossing for Tributary Four of Cottonwood Creek; updates certain public and private facilities to comply with current design standards and specifications; and updated the General Notes on the plan. The associated final subdivision plat illustrates the first phase of the development, which includes creating 52 single-family detached residential lots, five tracts, public streets and utility easements from 18.4 acres of previously unplatted lands.

It should be noted that denial of the applications (approval of the appeal) would simply revert the status of the project to the originally approved development plan.

Previous Council Action:

City Council previously took action on this property in 2006, during the review of an amendment to the Wolf Ranch Master Plan (CPC MP 05-00080).

Background:

The property was annexed into the City of Colorado Springs in 1982 as part of the Briargate Addition #5 annexation (Ord. 82-183). The initial Wolf Ranch Master Plan (CPC MP 01-00083) was approved by City Council on 2001, but did not include the subject property. A new Wolf Ranch Master Plan (CPC MP 05-00080), which expanded the master planned area and reconfigured the envisioned land uses and roadway alignments, was then approved by City Council in 2006. The newest master plan, which has been subsequently amended, identifies the subject site for development with single-family residential land uses and illustrates the envisioned alignment for Tutt Boulevard extending north from Cowpoke Road and then curving west towards Research Parkway. The envisioned alignment for the roadway straddles the applicant's and appellant's subject property, which is an un-annexed enclave to the west. Then in 2006, the initial PUD development plan application for the Westcreek III at Wolf Ranch project was administratively reviewed and approved by City Planning. Subsequent extensions of the PUD development plan have been granted administratively, the most recent of which extended the expiration date of the development plan until June 13, 2018. No construction work for this development has occurred to date.

The proposed minor PUD development plan amendment illustrates a slightly revised site design and layout for the residential development, which consists of: re-phasing the project; reconfiguring the layout of Lots 80-84 and 64-69 to accommodate the development of a new water quality pond, the realignment of a sanitary sewer line and trail segment; incorporates a new pedestrian crossing over Tributary Four of Cottonwood Creek; updates certain public and private facilities (e.g. roadways, trails, etc.) to comply with current design standards and specifications; and updates the general notes to bring them up to current City standards and to remove notes that are no longer applicable. As outlined above, the scope of this amended was limited and did not alter the alignment of Tutt Boulevard.

The proposed final subdivision plat for Westcreek at Wolf Ranch Subdivision Filing Number 13 is a subdivision of 18.4 acres of previously unplatted lands. The subdivision, which encompasses the first phase of the Westcreek III at Wolf Ranch project, consists of creating 52 single-family detached residential lots, five (5) tracts, public streets and utility easements. As configured, the final subdivision plat has obtained an approved final drainage report.

In February 2018, the above applications were administratively approved following staff's determination that the applications complied with all applicable City codes, regulations and policies, and previous entitlements.

The attached City Planning Commission staff report summarizes the project in greater detail.

The appellant is opposed to the approval of the two applications identified above, based on opinion that the proposed applications associated with the Westcreek III at Wolf Ranch project: disproportionately place a financial burden on the Peacock Ranch family and properties; the alignment of Tutt Boulevard extension puts the roadway higher on the Wolf Ranch property making future completion of the remaining roadway on Peacock Ranch impractical and more financial burdensome in the area north of the Section 31 section line; the ongoing seeping waters from Tract A of Westcreek at Wolf Ranch Filing Number 10 (referenced by the appellant as "Abby Pond") would make development of a minor arterial roadway a nightmare; development of the Peacock Ranch is not likely to happen in the foreseeable future; developed stormwater flows off of the Wolf Ranch development are in violation of the City's MS4 permit; and Wolf Ranch should be required to

contribute financially to the future Tutt Boulevard crossing. The appellant's appeal request is attached for reference and contains some illustrative documents. After holding a public hearing in April 2018, the Planning Commission found that the project meets the applicable criteria set forth in City Code Chapter 7.

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 of the adjacent Tributary Four and Cottonwood Creek drainages. 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 April 19, 2018, these items were discussed under the new business calendar. The Planning Commission discussed the concerns raised by the appellant; specifically, the identified stormwater concerns, design and alignment of Tutt Boulevard, and perception of disproportionate financial burdens placed on the Peacock Ranch family and properties for future development. No other members of the public spoke in favor or against the applications. The Planning Commission ultimately voted unanimously in favor of the items (Commissioner McDonald recused herself).

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

Stakeholder Process:

The public process included public notice provided to 383 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, staff received one opposition letter from the appellant during the initial public notice, which focused on the alignment of Tutt Boulevard.

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 the Colorado Springs Airport. At this time, all agency comments received have been satisfied and the final drainage report for the project was approved and signed by the appropriate City agency.

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 to deny the appeal and uphold City Planning Commission's decision to approve Westcreek III's final subdivision plat based on the findings that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906(A)(4), and that the final subdivision plat for Westcreek III at Wolf Ranch Subdivision Filing Number 13 meets the review criteria in City Code Section 7.7.102 and City Code Section 7.7.303.

or

Uphold the appeal and overturn the City Planning Commission's decision to approve the final subdivision plat for Westcreek III at Wolf Ranch Subdivision Filing Number 13 based upon the finding that the appellant has substantiated that the administrative decision was incorrect based upon the review criteria outlined in City Code Section 7.5.906(A)(4) and upon the finding that the applicant did not meet the final plat review criteria contained in 7.7.102 and 7.7.303.