



## Legislation Text

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**File #:** AR DP 17-00039, **Version:** 3

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An appeal of Planning Commission's decision to uphold the administrative approval of the development plan for The Ridge illustrating a 60-unit multi-family development on 3.72 acres located at 4375 Broadmoor Bluffs Drive and zoned R-5/HS (Multi-Family Residential with a Hillside Overlay).

(Quasi-Judicial)

Related File: AR FP 17-00040

### **Presenter:**

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

### **Summary:**

Applicant: The Commonwealth Companies  
Owner: Broadmoor Bluffs Apartments, LLC  
Location: 4375 Broadmoor Bluffs Drive

This is an appeal of Planning Commission's denial of an appeal of an administrative approval of the development plan and final plat for The Ridge Apartments. The Ridge is a 60-unit multi-family development on 3.72 acres located at 4375 Broadmoor Bluffs Drive which is zoned R-5/HS (Multi-Family Residential with a Hillside Overlay).

### **Previous Council Action:**

On February 27, 2018 the City Council postponed the public hearing to the March 13, 2018 meeting. Prior to this action, the Cheyenne Mountain Ranch Master Plan was approved by City Council in 1970 prior to annexation identifying the subject site for multi-family land uses. The subject site was then annexed into the City of Colorado Springs in 1972 as part of the Gates Addition Number 10 annexation and was zoned A-1 (Garden Home). In 1979, the property was rezoned from A-1 (Garden Home) to R-5 (Multi-Family Residential), and was again rezoned to include the Hillside Overlay in 1981.

### **Background:**

The development plan and final plat for The Ridge had an administrative review threshold. City Planning staff approved the development plan and final plat on December 19, 2017 following approval recommendations from all reviewing agencies and determining the development met the subject review criteria. The Ridge's Drainage Report and Geologic Hazard Report have also been approved by the appropriate reviewing agencies. The approval was appealed on December 21, 2017 and the City Planning Commission heard this item on January 18, 2018. The Planning Commission denied the appeal, upholding the City Planning staff decision to approve, with a 6-2 vote

(Commissioner Henninger and Commissioner Markewich opposed).

This decision has been appealed to City Council (EXHIBIT A). The appeal was scheduled for the next regular City Council hearing, meeting City Code requirements, on February 27, 2018. The appellant requested postponement to the March 13, 2018 City Council meeting. The listed appellants (Dan Martin and Cynthia Grey of the Broadmoor Bluffs Neighborhood Association, Broadmoor Downs Homeowner Association, and the Las Casas Condominium Association) state the applications do not meet the requirements of the Hillside Overlay code or the recommendations of the Hillside Development Design Manual, the applications are a violation of the condominium association's rights as consumers, the applications discriminate against those that are disabled, that there are geologic hazards (potential for soil swell), and errors are present in the Geologic Hazard Report (EXHIBIT A). Staff addresses these concerns and claims in depth in the City Planning Commission staff report, attached for review. Staff has further discussed compliance with the Federal ADA with the applicants and their design team. While the City does not enforce those requirements (beyond what is required by Code), the design professionals have assured the project's compliance.

The site is currently undeveloped but does contain some improvements such as paving and retaining walls as approved on the previous development plan. Additionally, the site was graded per the previously approved development plan and those graded building sites are now overgrown with natural vegetation. The site slopes upward heading north-northwest. Beyond the existing retaining wall near the northern property line (averaging eight feet in height) is a naturally vegetated slope separating the subject site from the existing single-family residential neighborhood to the north. This slope rises about 22 feet in height over a span of 100 feet. Three other tiered retaining walls can be found on site facing Highway 115 near the eastern property line. These retaining walls range between four and six feet in height.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

At their meeting on January 18, 2018 the Planning Commission, as part of their new business calendar, voted 6-2 to deny the appeal, upholding City Planning staff's decision to approve the application. Please reference the minutes from the hearing for a detailed record.

**Stakeholder Process:**

Prior to review of the development plan and final plat, the applicant met with community members on January 23, 2017. City Planning was not in attendance, but the applicant provided a letter detailing primary neighborhood concerns. Following this meeting, staff received 11 letters (one in favor, 10 in opposition) from nearby property owners.

Upon formal review of the requests; public notice was mailed to 323 property owners within a 1,000-foot radius of the subject site, and the property was posted with a poster with application and contact information. This notification also contained information for a neighborhood meeting to be held on February 15, 2017. Staff received 42 letters (one letter in favor, 41 letters in opposition) from surrounding neighbors and neighborhood associations prior to the neighborhood meeting. The February 15, 2017 neighborhood meeting was attended by 228 neighbors. Following the neighborhood meeting, staff received an additional 19 letters (14 letters in favor, five letters in opposition).

As the project progressed, a third meeting was held with neighborhood representatives, City staff, the applicants, and other key stakeholders on August 23, 2017. This meeting was facilitated by the Council of Neighbors and Organizations (CONO). This meeting facilitated conversation between the neighborhood representatives, City staff, and the applicant to help clarify review comments and the general administrative review process.

On September 8, 2017, City staff, Colorado Geologic Survey, the applicant, and the applicant's geotechnical engineering team met at the subject site to work through and discuss remaining review comments. The group also met with a few members of the Broadmoor Down HOA to evaluate a geotechnical concern located behind one of the private property owner's homes on the HOA controlled property.

Prior to the City Planning Commission hearing; the site was posted with the hearing date and location information and a postcard was mailed to 323 property owners. Other than staff, the applicant, and the appellant, five individuals spoke in opposition and one spoke in support of the proposal during the Planning Commission hearing. Additionally, staff received 21 emails regarding The Ridge (not a part of the staff report) which were emailed to the City Planning Commissioners and passed out during the hearing (EXHIBIT B).

Since the City Planning Commission decision and prior to the writing of this memo, staff has received an additional nine letters for City Council review (EXHIBIT C).

Staff sent plans to the standard internal and external review agencies for comments including; Colorado Springs Utilities, City Engineering, City Traffic Engineering, Water Resources Engineering, City Fire including the Wildfire Mitigation Division, and Parks and Recreation. Additionally, staff solicited review and comment from Colorado Geologic Survey and School District 12. At this time, all comments received from the review agencies have been satisfied and the drainage report and geologic hazard report have been approved and signed by the appropriate City agencies.

**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:**

Deny the appeal and uphold the City Planning Commission's decision for The Ridge development plan based on the finding that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906(A)(4) and uphold the administrative approval of the development plan for The Ridge illustrating a 60-unit multi-family development on 3.72 acres located at 4375 Broadmoor Bluffs Drive and zoned R-5/HS (Multi-Family Residential with a Hillside Overlay) based on the finding that the development plan meets the review criteria set forth in City Code Section 7.5.502.E.

Or

Uphold the appeal and overturn the City Planning Commission's decision to approve the development plan for The Ridge 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 development plan review criteria contained in City Code Section 7.5.502.E.