

NOT TO BE
CHECKED OUT

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION



CITY OF COLORADO SPRINGS

March 30, 1988

Mr. Steve Tuck, Director of Planning
David R. Sellon & Company
225 E. Cheyenne Mountain Boulevard
Colorado Springs, CO 80906

RE: Neal Ranch Master Plan; CPC MP 80-16-A9(88)

Dear Mr. Tuck:

Enclosed please find four (4) copies of the Neal Ranch Master Plan as approved by the City Planning Commission on March 3, 1988, and approved by City Council on March 22, 1988. If it is necessary to make any changes to the approved plan, please submit an amended plan for review.

If I can be of any further assistance, please contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Janice E. Fetrow".

Janice E. Fetrow
Principal Planner

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Enclosures

CC: File Number CPC MP 80-16-A9(88)
Public Works Administration
Traffic Engineering Division
Zoning Enforcement Division
Fire Prevention
Enumerator

Emergency Response
Gas Division
Wastewater Division
Water Division
Electric Division
Brigitte Hedger

COMMUNITY DEVELOPMENT DEPARTMENT



PLANNING DIVISION

CITY OF COLORADO SPRINGS

December 2, 1987

Mr. Steve Tuck, Director of Planning
David R. Sellon & Company
225 East Cheyenne Mountain Boulevard
Colorado Springs, CO 80906

RE: Neal Ranch Master Plan; CPC MP 80-16-A8(87)

Dear Mr. Tuck:

Enclosed please find four (4) copies of the Neal Ranch Master Plan as approved by the City Planning Commission on October 8, 1987, and approved by City Council on October 27, 1987. If it is necessary to make any changes to the approved plan, please submit an amended plan for review.

If I can be of any further assistance, please contact me.

Very truly yours,

Janice E. Fetrow

Janice E. Fetrow
Principal Planner

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Enclosures

C: File CPC MP 80-16-A8(87)
X Public Works Administration
Traffic Engineering
Zoning Enforcement
Fire Prevention
Enumerator
Emergency Response Center
Gas Division
Water Division
Wastewater Division
Electric Division
Brigitte Hedger, Planning Division

*see March 1988
PC meeting*

DATE: SEPTEMBER 2, 1987

FROM: PLANNING DIVISION

- DEVELOPMENT TECHNICAL COMMITTEE
- MINOR LAND SUBDIVISION COMMITTEE
- PLANNING DEPARTMENT REVIEW
- HEARING OFFICER

- PUBLIC WORKS
- T ENGR. DEPT.
- PARK DEPT.
- LAND OFFICE
- GAS
- WATER
- ELECTRIC

- WASTEWATER
- POLICE DEPT.
- FIRE DEPT.
- NOISE
- SCHOOL DIST # _____
- REG. BLDG.
- PPACG

- COUNTY
- MTN BELL
- 911
- AIRPORT
- ST. HWY. DEPT.
- CABLEVISION
- USAFA
- METER READING

MESSAGE:

18. CPC MP 80-16-A8(87)* - Fetrow - legislative

Request by David R. Sellon & Company for approval of an amendment to the Neal Ranch master plan, consisting of 8.27 acres located west of Childe Drive and north of Star Ranch Road.

STANDARD COMMENTS:

WRITTEN COMMENTS:

COMMENTS MUST BE RECEIVED PRIOR TO: SEPTEMBER 15, 1987

Handwritten initials 'GA' and 'BR' in the bottom right corner of the page.

COLORADO SPRINGS CITY COUNCIL MEETING - MARCH 22, 1988

Howard Kunstle stated he is appearing as a member of the Range Riders group and in order to preserve the Western heritage of Colorado Springs they have commissioned this statue which will be dedicated to the citizens of the area; that if the cost of landscaping is not available, the Range Riders will assume that.

In response to a question from Councilwoman Makepeace as to whether this is the sort of thing the City has entered into before, Mrs. Lewis stated it is not, however, it is something they would like to see; that they are certainly in favor of more art in public places.

Motion by McNally, second by Vieth, that the proper City officials be authorized to enter into a licensing agreement with the Pikes Peak Range Riders and the Colorado National Bank-Exchange relating to the loan of the Pikes Peak Range Riders Statue. The motion unanimously carried. Absent, Mayor Isaac, Councilmen Fisher and Parisi.

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19. ✓ CPC S 87-290PF: Request by Jon Staples for preliminary and final plat approval of Staples Subdivision No. 1, consisting of 3 lots on 2.424 acres, located southeast of Austin Bluffs Parkway and Beverly Street in a C-5(R) zone.

Mr. Miller stated that his Department finds it necessary to add another condition of approval; that in the plans there is a vacation of Beverly Place and a rededication of Beverly Place in another location; that they need to have it for public use during the relocation; that the developer concurs with this; that they need it for access to the people in the County.

Bob Martin entered his appearance representing the applicant and stated they concur with Mr. Miller.

Motion by Shepard, second by McNally, that the preliminary and final plat of Staples Subdivision No. 1 be approved with the added condition referred to by Mr. Miller. The motion unanimously carried. Absent, Mayor Isaac, Councilmen Fisher and Parisi.

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20. ✓ CPC MP 81-69-A3(88): Request by David R. Sellon and Company for approval of an amendment to the Broadmoor Master Plan, consisting of 94.77 acres located southwest of Neal Ranch Road and Broadmoor Bluffs Drive in a PUD(HS) zone.

Mr. Colvin stated the reason this item appears before Council as a New Business item is that a person appeared before the Planning Commission but he was not authorized to speak.

Motion by Shepard, second by McNally, that the amendment to the Broadmoor Master Plan be approved. The motion unanimously carried. Absent, Mayor Isaac, Councilmen Fisher and Parisi.

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21. ✓ CPC MP 80-16-A9(88): Request by David R. Sellon and Company for approval of an amendment to the Neal Ranch Master Plan, consisting of 97.86 acres, located south of Neal Ranch Road and Broadmoor Bluffs Drive in an R-1 9000(HS) zone.

COLORADO SPRINGS CITY COUNCIL MEETING - MARCH 22, 1988

Jack Leaman, Planning Director, stated he would like to call Council's attention to the fact that Item Nos. 20, 21 and 22 are all related to each other.

Lt. Col. Moore entered his appearance on behalf of NORAD and stated he would call Council's attention to Item Nos. 21 and 22; that they raised this at the Planning Commission meeting; that they started a campaign since the development in 1986 that anything near the NORAD road would have a security fence to keep children and pets off the road; that the developer is not required to fence this, but they think it would be reasonable to have it done; that the road does not meet County standards; that where the lot sizes are less than $2\frac{1}{2}$ acres and border the road, the fence should be built.

In response to a question from Council as to whether the fence construction was a part of the recommendation for approval, Mr. Leaman stated the fence construction was deleted from the recommendation.

Dave Sellon stated that he has a problem similar to that of the Air Force inasmuch as he does not have the fence budgeted either; that if the fence is needed, he thinks it should be constructed by NORAD.

Councilman Shepard stated he thinks it is something that NORAD should build and would move to approve the amendment to the master plan of Neal Ranch. The motion was seconded by Councilwoman Vieth. The motion unanimously carried. Absent, Mayor Isaac, Councilmen Fisher and Parisi.

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22. CPC MP 84-415-A2(88): Request by David R. Sellon and Company for approval of an amendment to the El Pomar Master Plan, consisting of 98.35 acres, located southwest of Neal Ranch Road and Broadmoor Bluffs Drive in an R-1 9000(HS) zone.

Motion by Vieth, second by McNally, that the amendment to the El Pomar Master Plan be approved, in accordance with the Planning Commission recommendation. The motion unanimously carried. Absent, Mayor Isaac, Councilmen Fisher and Parisi.

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14. An ordinance amending Section 305 (Delinquent Taxes) of Article 1 (Licenses) of Chapter 9 (Alcoholic Liquors) of the Code of the City of Colorado Springs 1980, as amended, relating to delinquent taxes.

Lou Linzmaier stated he owns and operates the Hideaway Lounge and is President of the El Paso County Beverage Association, composed of some 80 members, and spoke concerning the removal of the Occupation Tax.

Mr. Colvin stated that that is not a matter of discussion today; that the issue before Council is one of increasing the interest penalty for delinquent taxpayers.

After further discussion, it was moved by Councilman Shepard, seconded by Councilwoman Vieth, that this matter be postponed until the Council meeting of April 12, 1988, with direction to the City Clerk to reconsider the recommendation to determine whether the fee is excessive or to come up with an alternative method of securing timely payment of a tax. The motion unanimously carried. Absent, Mayor Isaac, Councilmen Fisher and Parisi.

NEW BUSINESS

ITEMS 4, 5, AND 6 WERE DISCUSSED TOGETHER.

✓ 4. CPC MP 81-69-A3(88)

Request by David R. Sellon and Company for approval of an amendment to the Broadmoor Master Plan, consisting of 94.77 acres located southwest of Neal Ranch Road and Broadmoor Bluffs Drive in a PUD(HS) zone.

✓ 5. CPC MP 80-16-A9(88)

Request by David R. Sellon and Company for approval of an amendment to the Neal Ranch Master Plan, consisting of 97.86 acres located south of Neal Ranch Road and Broadmoor Bluffs Drive in an R-1 9000(HS) zone.

✓ 6. CPC MP 84-415-A2(88)

Request by David R. Sellon and Company for approval of an amendment to the El Pomar Master Plan, consisting of 98.35 acres located southwest of Neal Ranch Road and Broadmoor Bluffs Drive in an R-1 9000(HS) zone.

Jan Fetrow, Planning Division, reviewed the items. She stated that in review of the master plans, staff found conformance to the criteria listed in Section 14-2-106. The major issues are the impacts to the NORAD facility which is adjacent to the southern portions of Neal Ranch and El Pomar. Regarding the NORAD Utility Easement, there were concerns raised by the Air Force about the crossing of the easement with roads and utilities. The applicant has agreed to place a note on the El Pomar and the Neal Ranch Master Plans which identifies the restrictions of the crossing. This note will allow the Air Force to review and comment on any development that will cross the utility easement. The bigger issue appears to be placing a fence along the southern property lines. The Air Force would like the applicant to put a six foot (6') wooden fence adjacent to his property line. A master plan amendment that was done in 1986 resulted in a fifty foot (50') building setback being established along the southern property line. The J L Ranch Master Plan and annexation resulted in a fence being erected along their property line; this is the same issue that NORAD is trying to continue for their security reasons. The emergency access issue for the connection to NORAD Road has not changed; it is still being provided with the development south of Broadmoor Oaks No. 7.

Another issue is access to the Star Ranch facility which is currently applying for annexation to the City. She stated that there will be public access provided to Star Ranch. At this time staff is not sure of the road alignment; therefore, staff will encourage the applicant and Star Ranch to continue to work on the alignment and maybe a master plan amendment will be necessary to change the road alignments in the future. Ms. Fetrow stated the requests do conform to Policy 5.1.5 of the Comprehensive Plan. She added that staff has listed some technical changes for the applicant to address, such as submittal of a phasing plan, adding a note that protects the Air Force's concerns regarding the easement, and the placement of a 6 foot (6') wooden fence along the southern property lines of Neal Ranch and El Pomar. With these criteria being met, staff is recommending approval of all three master plan amendments.

Speaking for:

David R. Sellon, applicant, stated that they agree with the recommendation for approval and that the note concerning the NORAD utility easement is fine. He said that they still object to putting up the fence. He commented that it is a little different than the J L Ranch situation because in that case, the road is in an easement and that J L Ranch owns the property on both sides. In this case, other properties adjoin the NORAD property and also the road. He added that they had a street on the plan that caused concern for the neighbors because there was a long street tying into it. It has since been changed to create a "T" intersection to divert the traffic from going in the wrong direction.

Commissioner Salzman asked Mr. Sellon if he has asked someone from NORAD to represent themselves? Mr. Sellon replied that NORAD had said that someone would be here, but so far it didn't look like anyone had shown up.

Trent Rainey, NORAD, stated that K.C. Carroll, Command Community Planner, was suppose to show up today and added that he didn't know why he wasn't here yet. He said that he had a letter which K.C. Carroll intended on reading to the Commission and that he would be glad to do it in his absence.

Commissioner Salzman asked Mr. Rainey what the date on the letter was? Mr. Rainey replied that it didn't have one. He then submitted copies to the Planning Commission members. At this time, Commissioner Salzman informed Mr. Rainey that the proper point of procedure was to hear anyone in favor of the item and that if he wasn't speaking in favor, then he should wait until it is time to hear anyone in opposition. Mr. Rainey stated that he would rather sit and wait for Mr. Carroll to address the item.

Commissioner Salzman asked for anyone in opposition, and since there wasn't anyone, he informed Mr. Rainey that it would be his opportunity to speak now. Mr. Rainey replied that all he was going to do was to read the letter for Mr. Carroll, and added that he didn't know what the position was.

Commissioner Salzman asked Mr. Colvin what his advice would be in this situation? Mr. Colvin, City Attorney, gave an overview of the submitted letter. He stated that the issue before the Commission is whether to adopt the technical changes recommended by the Planning Division. Ms. Fetrow, Planning Division, stated she wanted to see the letter because she felt there was a question about the wording of the second technical change as referred to on page 59 of the agenda. She said that the Air Force may have had a change to it.

Commissioner Veitch asked Ms. Fetrow if it would be appropriate to allow her to modify whatever changes there might be in the wording of the technical change? Ms. Fetrow replied that she didn't feel that the intent of the new wording is any different than what she has proposed. She added that she had discussed it with Mr. Carroll before she wrote her staff report.

Rebuttal:

Mr. Sellon stated that his position remains unchanged.

Commissioner Salzman stated that if this issue had a great importance to Colonel Moore, he should have been here at this public hearing to make his comments.

CPC Min.
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It was moved by Commissioner Veitch, seconded by Commissioner Nwankwo, to approve Items 4, 5, and 6, the master plan amendments, with the exception of Condition #3 relating to the fence, and also with the condition that fifteen (15) copies of the master plans showing the changes outlined, be submitted at least four (4) days prior to a City Council hearing due date.

Technical Changes to Be Made to the Broadmoor/El Pomar/Neal Ranch Master Plans:
The following changes must be made to the Broadmoor/El Pomar/Neal Ranch Master Plans in order to demonstrate a community benefit:

1. A Phasing Plan should be provided for each master plan in order to determine the construction schedule of streets and public facilities. This is especially necessary in order to address the concerns of the Broadmoor Oaks neighborhood with regard to construction traffic.
2. Please include the following note on the Neal Ranch Master Plan and the El Pomar Master Plan:

"Subsequent to the submittal to the City of any future preliminary plats, the Air Force reserves the right to review and comment on any development, including utilities and infrastructure, that is proposed adjacent to or traverses the NORAD utility easement."
3. The applicant has already submitted revised master plans which address the following issues:
 - A. Public and emergency access to Star Ranch,
 - B. The "T" intersection at Stanwell Street and the north/south collector,
 - C. Street and utility crossings of the NORAD easement, and
 - D. Acreage breakdowns for some of the larger residential parcels.

The motion passed unanimously.

ITEMS 7, 8, AND 9 WERE DISCUSSED TOGETHER.

7. CPC P 88-37

Request by David R. Sellon and Company for approval of a change of zone classification from PUD(HS) to PUD(HS)(single-family detached; 1.5 du/ac; 30' max. bldg. ht.), consisting of 2.59 acres located southwest of Star Ranch Road and Farthing Drive.

8. CPC DP 88-37-A1

Request by David R. Sellon and Company for approval of the Broadmoor Bluffs Park Filing No. 10 Development Plan consisting of 2.59 acres located southwest of Farthing Drive and Star Ranch Road in a PUD(HS) zone.

9. CPC S 88-38PF

Request by David R. Sellon and Company for preliminary and final plat approval of Broadmoor Bluffs Park Filing No. 10, consisting of 4 lots on 2.59 acres located southwest of Farthing Drive and Star Ranch Road in a PUD(HS) zone.

Jan Fetrow, Planning Division, reviewed the items. She stated the requests conform to the Broadmoor Master Plan. Conformance with Policy 5.1.3 of the Comprehensive Plan has been met. She said that the reason the applicant went for the PUD(HS) instead of the R-1 9000 DFOZ(HS) was due to the fact that there are only four lots being proposed. The lot sizes far exceed what would be required in the R-1 9000 zone. The DFOZ zone requires a minimum acreage size of five acres and the applicant would have had to ask for a variance. The PUD that the applicant has proposed has the same requirements of the DFOZ zone and will work in the same capacity as far as protecting the sensitive features of the hillside. Staff is recommending approval of these requests. As far as the fire station issue is concerned, staff has not heard from the Fire Department yet whether Lot 1 will be chosen to be a Fire Station site.

Speaking for:

Steve Tuck, David R. Sellon and Company, stated that they agree with the technical changes in the recommendation.

Commissioner Veitch asked Mr. Tuck how they will handle the water restriction with the builder who gets Lot 4? Mr. Tuck replied that they will make the builder aware of it at the time of contract. The restrictions will also be indicated with a note on the plat. A home can be built on the site.

Commissioner Veitch asked Mr. Carter, Fire Department, if the Fire Department has bought any new fire equipment? Mr. Carter replied no.

Speaking against: No one.

It was moved by Commissioner Nwankwo, seconded by Commissioner Rogers, to approve Items 7, 8, and 9, with the condition that seventeen (17) copies of the development plan be submitted to the Planning Division at least four (4) days prior to a City Council hearing due date. Also, the following revisions will be made to the mylar prior to scheduling these requests on a City Council agenda.

Mylar Revisions:

1. Include the following note on the plat: "Delivery of emergency services may be delayed due to access limitations."
2. Note 6 should refer to "natural drainage channels."
3. Include the following note on the plat: "The maximum finish floor service elevation for water services is 6510' U.S.G.S. Construction on Lot 4 is restricted. Additional review will be required by the Water Division prior to issuance of a building permit."

The motion passed unanimously.

NEW BUSINESS

ITEMS 4, 5, AND 6.

✓ 4. CPC MP 81-69-A3(88)* - Fetrow - legislative

Said
Request by David R. Sellon and Company for approval of an amendment to the Broadmoor Master Plan, consisting of 94.77 acres located southwest of Neal Ranch Road and Broadmoor Bluffs Drive in a PUD(HS) zone.

✓ 5. CPC MP 80-16-A9(88)* - Fetrow - legislative

Said
Request by David R. Sellon and Company for approval of an amendment to the Neal Ranch Master Plan, consisting of 97.86 acres located south of Neal Ranch Road and Broadmoor Bluffs Drive in an R-1 9000(HS) zone.

✓ 6. CPC MP 84-415-A2(88)* - Fetrow - legislative

Said
Request by David R. Sellon and Company for approval of an amendment to the El Pomar Master Plan, consisting of 98.35 acres located southwest of Neal Ranch Road and Broadmoor Bluffs Drive in an R-1 9000(HS) zone.

SITUATION AND FACTS:

Existing Zoning/Land Use - R-1 9000(HS) and PUD(HS)/Vacant
Surrounding Zoning/Land Use - North - R-1 9000(HS) and PUD(HS)/Vacant
South - A-2(County)/NORAD
East - R-1 9000(HS) and A(HS)/Vacant
West - PUD(HS)

History - Annexations: These three master plans were annexed as portions of the Broadmoor Addition in June, 1981 and the Neal Ranch Addition in April, 1980. Deannexation and reannexation of the Broadmoor Addition occurred in October, 1981. Master Plans: The Broadmoor Master Plan was approved in 1981, the Neal Ranch Master Plan was approved in 1980, and the El Pomar Master Plan was approved in 1984.

Proposal - Request for approval of amendments to the El Pomar Master Plan, the Neal Ranch Master Plan, and the Broadmoor Master Plan.

Physical Characteristics - The sites include several large, steep-sided ravines that are heavily vegetated with pine and oak. The majority of the sites have moderate slopes (10-15%) and are primarily vegetated with scrub oak, mountain mahogany, and ponderosa pine. Several grass covered clearings also exist.

Comprehensive Plan - Policy 5.1.5; Policy 7.1.1; Goal 7.1; Goal 8.1; Policy 4.1.1; Goal 9.2; and Policy 9.2.1.

SUMMARY OF FINDINGS:

The community benefit of these master plan amendments outweighs the adverse impacts if the applicant complies with the conditions listed in the Technical Changes Section of the Planning Division Analysis.

DEPARTMENTAL REPORTS:

Item 4 - CPC MP 81-69-A3(88) - (The Broadmoor Master Plan):

Gas - Request O.K.

Fire - Two points of access to the Star Ranch should be shown. Star Ranch is currently requesting annexation and C.S.F.D. is requiring one primary access and one secondary access to be shown on their plan. The two plans should relate to one another.

Mountain Bell - Any relocates at developer's expense.

Wastewater - Amendment to master plan acceptable. Wastewater main line exists in South Club Drive and in Marland Rd. Wastewater main line extension will be required by the developer.

NORAD - Comments will be presented at the CPC meeting.

Traffic Engineering - Remove the direct connection of the north/south collector onto Stanwell Street.

Water - Service to this area will require major on and off-site water installations. Standard comment.

Park and Recreation - Development of Star Ranch Road through the Ski Broadmoor parking lot to be coordinated with the City in conjunction with the Ski Area Master Plan.

All Other Reporting Departments - Standard or no comment.

Item 5 - CPC MP 80-16-A9(88) - (Neal Ranch Master Plan):

Traffic Engineering - If approved, Stanwell Street should not be the continuation of a collector street from the Broadmoor Master Plan.

NORAD - Comments will be presented at the CPC Meeting.

Wastewater - Amendment to master plan is acceptable. Wastewater main line exists north of said site. Wastewater main line extension will be required by the developer.

Gas - Request O.K.

Mountain Bell - Any relocates to be at developer's expense

Water - Service to this area will require major on and off-site water installations. Standard comment.

All Other Reporting Departments - Standard or no comment.

Item 6 - CPC MP 84-415-A2(88) - (El Pomar Master Plan):

Wastewater - Amendment to master plan is acceptable. Wastewater main line exists north of said site. Wastewater main line extension will be required by the developer.

NORAD - Comments will be presented at the CPC Meeting.

Traffic Engineering - Revise plan to eliminate the connection of a collector street to Stanwell Street.

Water - Service to this area will require major on and off-site water installations. Standard comment.

Mountain Bell - Any relocates at developer's expense.

Gas - Request O.K.

All Other Reporting Departments - Standard or no comment.

PETITIONER'S JUSTIFICATION: See FIGURE 6.

PLANNING DIVISION ANALYSIS:

Major Issues Associated with the Request(s):

1. Overview.
2. Conformance with the Master Plan Review Criteria in Section 14-2-106 of the Zoning Ordinance.
3. Other Issues.
4. Conformance with Policy 5.1.5 of the Comprehensive Plan.
5. Technical Changes to Be Made to the Broadmoor/El Pomar/Neal Ranch Master Plans.

Overview: These requests involve amendments to the Broadmoor Master Plan, the Neal Ranch Master Plan, and the El Pomar Master Plan. The areas which are proposed to be amended are illustrated in FIGURES 1, 2, and 3.

The review of these amendments has been combined because the three areas of change are contiguous to each other and have similar physical characteristics. The applicant's planning effort has disregarded the master plan boundaries in establishing the residential densities and street system. Although all the land will be developed by David R. Sellon & Company, the properties remain in three different master plans because of separate ownerships.

Conformance with the Master Plan Review Criteria in Section 14-2-106 of the Zoning Ordinance: Section 14-2-106 of the Zoning Ordinance lists the criteria for review and approval of master plans and amendments to master plans. The master plan amendments conform to the review criteria as follows:

1. Comprehensive Plan. The following goals and policies of the Comprehensive Plan are applicable to this request:

Goal 7.1 - "Develop and preserve the unique character of the City's established and developing neighborhoods."

Policy 7.1.1 - "New neighborhoods should be uniquely identifiable through the use of focal points, open spaces, preservation of significant natural features, and the compatible location and design of mixed uses."

Goal 8.1 - "Establish a safe and efficient transportation system."

Policy 4.1.1 - "Master plans for all large new development areas of the City should contribute to the formation of subcommunities. In areas within the City which are partially or fully developed, development and capital improvements which contribute to the formation or completion of a subcommunity should be encouraged."

Goal 9.2 - "Preserve, enhance and promote the significant features of the City's natural environment."

Policy 9.2.1 - "In areas where both controlled development and preservation are possible, significant natural features shall remain in private ownership and shall be protected as part of a development plan review. Land suitability studies shall be required prior to the approval of development in these areas."

2. Land Use Relationships. Development of the Neal Ranch Master Plan and the El Pomar Master Plan has consisted primarily of residential land use. No commercial or industrial usage has been proposed. The Broadmoor Master Plan, however, consists of a mixture of uses, including single-family residential (attached and detached), private recreational facilities (Broadmoor South Golf Course and Cheyenne Mountain Zoo) and governmental facilities such as Ski Broadmoor and several utility sites. A portion of the Broadmoor Master Plan is identified as Broadmoor Village, and it consists of seventy-five (75) acres of a mixed-use development with 195 single-family attached dwelling units, 100,000 square feet of office space, and a 100-room conference center. The Broadmoor Village land use includes areas that are a portion of Ski Broadmoor. Since the Broadmoor Master Plan was approved, Ski Broadmoor, consisting of 77.18 acres, has been transferred from the Broadmoor Hotel to the City of Colorado Springs. The terms of this transfer included the provision of the return of Ski Broadmoor to the Broadmoor Hotel at a future date.

As mentioned previously, the areas proposed for amendment are limited to specific portions of the master plans. The amendments are the result of both additional study and engineering of the vacant land and experience obtained by the applicant with the development of the adjacent land. Residential densities must be established which are compatible with the physical features of the land. The proposed densities range from 1.5 to 2.7 dwelling units/acre. These densities result in a slight reduction from the total number of dwelling units previously permitted (approximately 3.5%).

The following table shows the proposed density changes:

Master Plan	Largest number of dwelling units permitted with Master Plan	Most recently approved Master Plan-dwelling units	Proposed Master Plan-dwelling units
The Broadmoor	808	801	903
El Pomar	254	254	229
Neal Ranch	1248	1086	1096
Totals	2310	2141	2228

These changes also include the addition of one (1) dwelling unit to the area of the Broadmoor Master Plan identified as Marland Court, and density change for the area of the Broadmoor Master Plan located southwest of the intersection of Farthing Drive and Star Ranch Road from 0.8 du/acre to a maximum of 2.0 du/acre.

At this time the density modifications appear reasonable. Due to the level of detail provided on master plans, the actual layout of lots or blocks is

not shown; consequently, the visual representation of land use intensity is not provided. This information would be provided at the zoning and development plan stages. The master plan is merely a plan which contains a generalized map of proposed land uses, transportation systems, drainage systems, and open spaces. A master plan shows the general relationship of proposed uses and streets to each other and to surrounding properties. Maximum and minimum densities or intensities of development are also established at the master plan stage. Prior to any development of a master-planned area, the zoning on a building site must conform with an approved master plan before construction can begin.

One of the most important issues with these requests involves the impacts of urban development on the NORAD facility inside Cheyenne Mountain. Due to the importance of the issues involved, the NORAD concerns will be discussed separately. (See Other Issues.)

3. Public Facilities. The proposed master plan amendments do not affect the locations of any school sites or parks and open spaces. The sites devoted to those uses remain the same as on the previously approved master plans. At this time the Broadmoor Master Plan has no sites for schools or parks. Although Ski Broadmoor is zoned Public Park (PK), there are no park sites available for active or passive recreational uses. As future development of the Broadmoor Master Plan occurs, parks sites will have to be developed to serve the needs of the residents. Although the Park and Recreation Department has the authority to decide what types of parks are appropriate, it may be more desirable to have a natural-type park with a nature area and trail system rather than a park comprised of ballfields due to the rugged terrain of the Broadmoor Master Plan.

The Water Division of the Utilities Department has indicated that water service to the areas proposed for amendment will require major on-site and off-site water installations. Development of the master plans is currently restricted above the 6510' U.S.G.S. elevation. The construction of additional water facilities will provide water service to the 6900' U.S.G.S. elevation. The applicant is aware of these restrictions and has included this information on each master plan.

4. Transportation. Perhaps the most significant issue with respect to these amendments is the extension of roadways into the southern portions of the master plans. The street system is shown in greater detail than was done previously. Although not all future streets are indicated, enough streets are proposed to connect the various master plans, and to provide at least two methods of access into each residential area.

A traffic study has been submitted for the proposed amendments to the Broadmoor/El Pomar/Neal Ranch Master Plans. This traffic study updates the previous traffic studies completed for the master plans. Special attention has been given to the traffic volumes on collector streets serving the area.

Changes in trip generation resulting from the amendments are shown in FIGURE 4. The study area was disaggregated into analysis zones which correspond to the analysis zones used in the previous studies. Although the Broadmoor Master Plan includes land uses other than residential, all of the changes involve residential development. The trip generation used in the previous traffic studies is compared to the trip generation for the proposed change. The net change for the study area is negligible.

The traffic trips were distributed on area roadways using the same trip distribution patterns used in the previous traffic studies. The roadway alignments have changed in the southern portions of the master plans, and the trip generation information reflects those changes. The resulting traffic volumes were then determined for the collector streets and for Thames Drive. These traffic volumes include not only traffic from the three master plans but also traffic from Star Ranch, JL Ranch, and Cheyenne Mountain Ranch.

The projected traffic volumes do not differ appreciably from previous projections nor do the volumes exceed the capacity of the proposed roadways. No connections are proposed to the NORAD Road. The traffic study assumes that portions of JL Ranch north of NORAD Road will require access to Broadmoor Bluffs Drive and that access from the southern portions of the Broadmoor/El Pomar/Neal Ranch Master Plans would also be provided to Broadmoor Bluffs Drive.

The traffic study concludes that the planned roadway system is adequate to accommodate the projected traffic volumes. The proposed amendments will not significantly affect traffic patterns or roadway requirements. Traffic volumes are not changed significantly as a result of the proposed changes in development patterns.

The City Traffic Engineering Division has recommended that the proposed street system be changed to eliminate the connection of a north/south collector street to Stanwell Street in order to prevent traffic infiltration into the Broadmoor Oaks neighborhood. This issue has been discussed with the applicant, and the applicant has agreed to revise the El Pomar Master Plan to reflect this change. The north/south collector street is still provided; however, the direct connection to Stanwell Street has been changed to a "T" intersection. This change appears to be acceptable to the Traffic Engineering Division. The residents have also expressed concern about construction traffic on Stanwell Street and the phasing of the north/south collector street; however, any development restrictions concerning these roads would have to be placed on the master plan by City Council since it is not within the purview of the Planning Division to make these determinations.

One other traffic issue must be mentioned since it relates to Ski Broadmoor. The Park and Recreation Department has indicated that development of Star Ranch Road through the Ski Broadmoor parking lot will have to be coordinated with the City in conjunction with the Ski Area Master Plan. Although the western portion of the Broadmoor Master Plan has not changed from the originally approved master plan, the applicant acknowledges that the terrain is very steep and will require final engineering before the streets are feasible; consequently, the street system may be revised and the Ski Broadmoor parking lot may not be affected.

5. Environmental. The topography of these areas is highly variable, ranging from flat to gently sloping areas across the majority of the project, to moderate and steeply sloping areas associated with the extreme southwestern portions of the project. The general trend of major drainage is in an easterly direction.

The original submittals of these master plans provided geologic and engineering data in order to determine the development opportunities. The sites have been found to be suitable for single-family residential development with certain constraints due to geologic conditions. The most significant geologic constraints exist on the more steeply sloping areas associated with the major drainageways. The only geologic hazard involves areas of accelerated downslope creep. These areas have been identified on the Broadmoor Master Plan since it has the greatest concentration of these hazards. Development of the hazard areas is limited to street crossings only.

Among the most spectacular features of these master plans are the large deposits of granite boulders. These boulders probably fell off the east face of Cheyenne Mountain during a catastrophe. It has been speculated that the rockfall may have been associated with a large seismic event. These boulders are not felt to represent significant geologic hazards. The potential for rockfall in the future on any portion of the site would have to accompany a large catastrophic event on Cheyenne Mountain. The probability of such a major event recurring during our lifetime appears to be very small. Of greater significance is the very erratic nature of the permeability of the granite material, both within the boulders and between the rockfall debris and any underlying materials. These permeability variations lend themselves to a complex and erratic ground water table condition, with the common occurrence of perched water tables and springs.

Although these areas are designated with the Hillside Area (Overlay) Zone, the Hillside Zone is not a tool to restrict development. The purpose of the Hillside Zone is "to allow an appreciable degree of development flexibility in order to protect the environment of hillside areas." Since the decision has already been made to allow development of these areas, the most the Hillside Zone can do is minimize the environmental damage on the individual lots when they are created.

Although this land is some of the most environmentally sensitive land in the City, it is important to note that all three (3) master plans have already been zoned in entirety. The undeveloped areas of the El Pomar Master Plan and the Neal Ranch Master Plan are zoned R-1 9000(HS), and the Broadmoor Master Plan is zoned PUD(HS) with no sketch plan. Most of the development to date consists of a standard lotting pattern with standard public streets. In fact, the lotting pattern in Neal Ranch could be used in Briargate. It would be nice to see a more unique development approach applied to the southern areas of these master plans which relates better to the unique natural features. Wildlife corridors and/or a trail system with access to the National Forest would also be an unusual feature which could aid marketability.

6. Theme. The themes of the master plans have not changed. Broadmoor/Neal Ranch/El Pomar consist mostly of single-family residential development
7. Fiscal Impact. This criterion is not applicable.

Other Issues: Several other issues have arisen with regard to these requests. These issues are:

1. NORAD Utility Easement. One of the biggest concerns about these master plan amendments involves the crossing of the NORAD utility easement with streets and utilities. This easement is one hundred feet (100') wide and extends from Fort Carson to the NORAD facility inside Cheyenne Mountain. The easement contains the water and sewer lines for NORAD.

Although the utility easement and road crossings have been shown on the previously approved Neal Ranch and El Pomar Master Plans, the problem of crossing the easement has only now been identified. This easement crossing issue is not unique to Neal Ranch and El Pomar, but also affects the J L Ranch Master Plan.

The Air Force is concerned about the easement because of the problem of opening up the easement to developers; i.e., if one developer is allowed to cross, there are three other developers who may make the same request. All approvals for crossing the easement must be received from the Air Command in Washington, D. C.

A meeting with representatives from the Air Force, the applicant, and the City was held on February 10, 1988, to discuss this issue. All parties agreed to the following:

- A. Although the actual ground is owned by David R. Sellon & Company, NORAD controls the "crossing rights" to the easement. This means that a formal request, called a "Consent to Cross Easement," must be filed with the Air Command. The developer agrees with NORAD's desire to minimize the street crossings; therefore, the street system has been modified to eliminate a street which was placed above the easement. The Neal Ranch Master Plan proposes two (2) crossings of the NORAD utility easement, and the El Pomar Master Plan proposes one (1) crossing. The "Consent to Cross Easement" requires that information be provided which shows where the easement will be crossed and how the developer intends to minimize damage (size of streets and where the proposed utilities will be located in relation to the NORAD utilities).
- B. The developer agrees to draft covenants which will describe the use and restrictions of the utility easement so that all residents are aware of its importance.
- C. The following note shall be placed on the Neal Ranch and El Pomar Master Plans and all subsequent amendments in order to protect the utility easement:

"Subsequent to the submittal to the City of any future preliminary plats, the Air Force reserves the right to review and comment on any development, including utilities and infrastructure, that is proposed adjacent to or traverses the NORAD utility easement."

The exact wording of this note may be revised by the Air Force at the March 3, 1988, City Planning Commission meeting. The Air Force has requested permission to present their comments at the meeting since the short review cycle did not give them adequate time to prepare their comments and receive the necessary authorizations.

2. NORAD Fence. The NORAD installation is a highly strategic facility which is protected by armed guards. The very function of NORAD requires that all intruders be eliminated in order to protect the national security. The Air Force would like the developer to provide a six foot (6') high solid wood fence along the southern property lines of the Neal Ranch and El Pomar Master Plans. This fence is not only for NORAD's benefit, but also for the safety of the residents of the adjacent developments. Although the NORAD facility is posted with warning signs and the armed guards give fair warning before they shoot, it is important to note that the armed guards are authorized to use deadly force and do not distinguish between children and adults if an intruder is present.

A 50' building setback was established with a previous amendment to the Neal Ranch Master Plan for all lots adjacent to the NORAD Road; however, the fence issue was unresolved at that time (File No. CPC MP 80-16-A6(86)). The developer argued that he should not be required to provide a fence for NORAD's security purposes. It seems appropriate to raise this fence issue again, however, in light of the fact that the developers of J L Ranch were required to provide a fence along the right-of-way line of the NORAD Road. The NORAD Road lies within a 200' wide easement, which means that the easement runs 100' on either side of the centerline. The Air Force has indicated that they would prefer the fence be placed on the property line instead of the road easement line or the 50' building setback line. This is because the density on Neal Ranch is lower than the density of that portion of J L Ranch which is adjacent to the NORAD Road easement. The fence placement on the property line as opposed to the 50' building setback line would allow the developer to have additional lot area on the affected lots, and it would also provide more protection for the Air Force from snipers.

The concerns of the Air Force are valid and important to our national defense. It seems appropriate that the developer should provide a fence for the safety of the residents in his development. The Air Force has indicated that the fence is only necessary to the edge of the developable areas on Neal Ranch and El Pomar; however, the Broadmoor Master Plan does not need a fence because it is not adjacent to NORAD.

3. Emergency Access to NORAD Road. This issue was resolved with previous master plan amendments and is not affected by this proposed amendment. The emergency access road connecting to the NORAD Road will be provided concurrently with the development south of Broadmoor Oaks No. 7 (Neal Ranch Master Plan). This phase is expected to occur in 1989.
4. Star Ranch. Star Ranch is currently an enclave which is bordered by the Broadmoor Master Plan on the north, west and south and by the El Pomar Master Plan on the east. Star Ranch has been operated as a religious training and educational retreat by the International Students, Inc. since the early 1950's. Star Ranch is in the process of applying for annexation to the City.

Star Ranch is mentioned in this discussion because of access issues and the possibility that a street name change may be submitted for a portion of Farthing Drive. Star Ranch feels that Star Ranch Road should go to the Star Ranch; however, the development in the Neal Ranch Master Plan has changed the alignment of the historical access to Star Ranch. The Broadmoor Master Plan shows Star Ranch Road extending west and eventually connecting to the Cheyenne Mountain Zoo Road.

FIGURE 5 shows the existing alignment of Star Ranch Road and Farthing Drive. The area proposed for a street name change is identified. This proposal would mean that Farthing Drive would change names at some nebulous point in the middle of the street. It should be noted that the Planning Division will not support a street name change for this stretch of Farthing Drive because of the awkward alignment and the confusion associated with changing street names at a point other than a street intersection.

The Fire Department indicates it wants two points of access shown to Star Ranch. The Fire Department has been meeting with Star Ranch representatives concerning their annexation request, and they want one primary access and one secondary access to be shown on the Broadmoor Master Plan for access to Star Ranch. The applicant has agreed to provide one public street access to the north of Star Ranch and two emergency access points on the south and the west. Although the actual alignments of these accesses are not provided, it appears as if the public street access to Star Ranch will be in the vicinity of the existing dirt road which currently provides access to Star Ranch.

Star Ranch representatives claim that there was an agreement between the City and Star Ranch dating back to the original Gates' master plan which stated that Star Ranch Road would go to Star Ranch. Although this may be the case, it is important to note that Gates Land Company developed the Cheyenne Mountain Ranch Master Plan and not the Neal Ranch, El Pomar, or Broadmoor Master Plans. City Council approval of the Cheyenne Mountain Ranch Master Plan in 1973 included a joint agreement between Gates Land Company and International Students, Inc.; however, the main concern at that time appeared to be the street name of the road intersecting Highway 115 opposite Cheyenne Meadows Road. The Neal Ranch, El Pomar, and Broadmoor Master Plans were not even contemplated in 1973 nor were they even a part of the City; consequently, it is unlikely that the City Council would have been able to plan street names for land which was not even in their jurisdiction.

Examination of the annexation files for the Neal Ranch Addition (File No. CPC A 79-233) and the Broadmoor Addition (File No. CPC A 81-68) does not reveal a City commitment for the final alignment of Star Ranch Road. There was a recommendation that the Broadmoor Addition should include the Star Ranch facilities and several other residential properties which were totally surrounded by the Broadmoor Master Plan in order not to create enclaves; however, this recommendation was appealed and was eventually dropped from the annexation recommendation. The Broadmoor Master Plan, however, has always proposed that Star Ranch Road be extended west to provide access to the Cheyenne Mountain Zoo, the Broadmoor Ski Area, and the Will Rogers Shrine.

It is important to note that public access is not being denied to Star Ranch. The question, however, seems to be whether the public street will be named Star Ranch Road or have another name. The Planning Division encourages the owners of Star Ranch and David R. Sellon & Company to continue to work on the road alignment of Star Ranch Road west of Farthing Drive to see if Star Ranch Road could bend to the south and tie into the Star Ranch facility. The westward extension of Star Ranch Road as currently shown could then be named Cheyenne Mountain Zoo Road and could "T" into Star Ranch Road where it would bend south.

Conformance with Policy 5.1.5 of the Comprehensive Plan: This policy states that amendments to approved master plans can only be granted when it can be demonstrated that the amendment will result in a community or neighborhood benefit which will outweigh any potential adverse impacts. Based upon the analysis of the master plan review criteria and conformance with several policies and goals of the Comprehensive Plan, the community benefit seems to outweigh the potential adverse impacts if the applicant complies with the Technical Changes listed below.

Technical Changes to Be Made to the Broadmoor/El Pomar/Neal Ranch Master Plans:
The following changes must be made to the Broadmoor/El Pomar/Neal Ranch Master Plans in order to demonstrate a community benefit:

1. A Phasing Plan should be provided for each master plan in order to determine the construction schedule of streets and public facilities. This is especially necessary in order to address the concerns of the Broadmoor Oaks neighborhood with regard to construction traffic.
2. Please include the following note on the Neal Ranch Master Plan and the El Pomar Master Plan:

"Subsequent to the submittal to the City of any future preliminary plats, the Air Force reserves the right to review and comment on any development, including utilities and infrastructure, that is proposed adjacent to or traverses the NORAD utility easement."
3. Please provide a six foot (6') high solid wood fence along the southern property lines of the Neal Ranch Master Plan and the El Pomar Master Plan as requested by the Air Force for security at the NORAD facility.
4. The applicant has already submitted revised master plans which address the following issues:
 - A. Public and emergency access to Star Ranch,
 - B. The "T" intersection at Stanwell Street and the north/south collector,
 - C. Street and utility crossings of the NORAD easement, and
 - D. Acreage breakdowns for some of the larger residential parcels.

These changes are acceptable and should be shown on the revised plans (FIGURES 7, 8, and 9).

PLANNING DIVISION RECOMMENDATION:

Item 4 - CPC MP 81-69-A3(88) - Broadmoor Master Plan:

Approve the master plan amendment with the condition that fifteen (15) copies of the Broadmoor Master Plan showing the changes outlined in the Technical Changes section of the Planning Division Analysis shall be submitted at least four (4) weeks before the City Council hearing due date.

Item 5 - CPC MP 80-16-A9(88) - (Neal Ranch Master Plan):

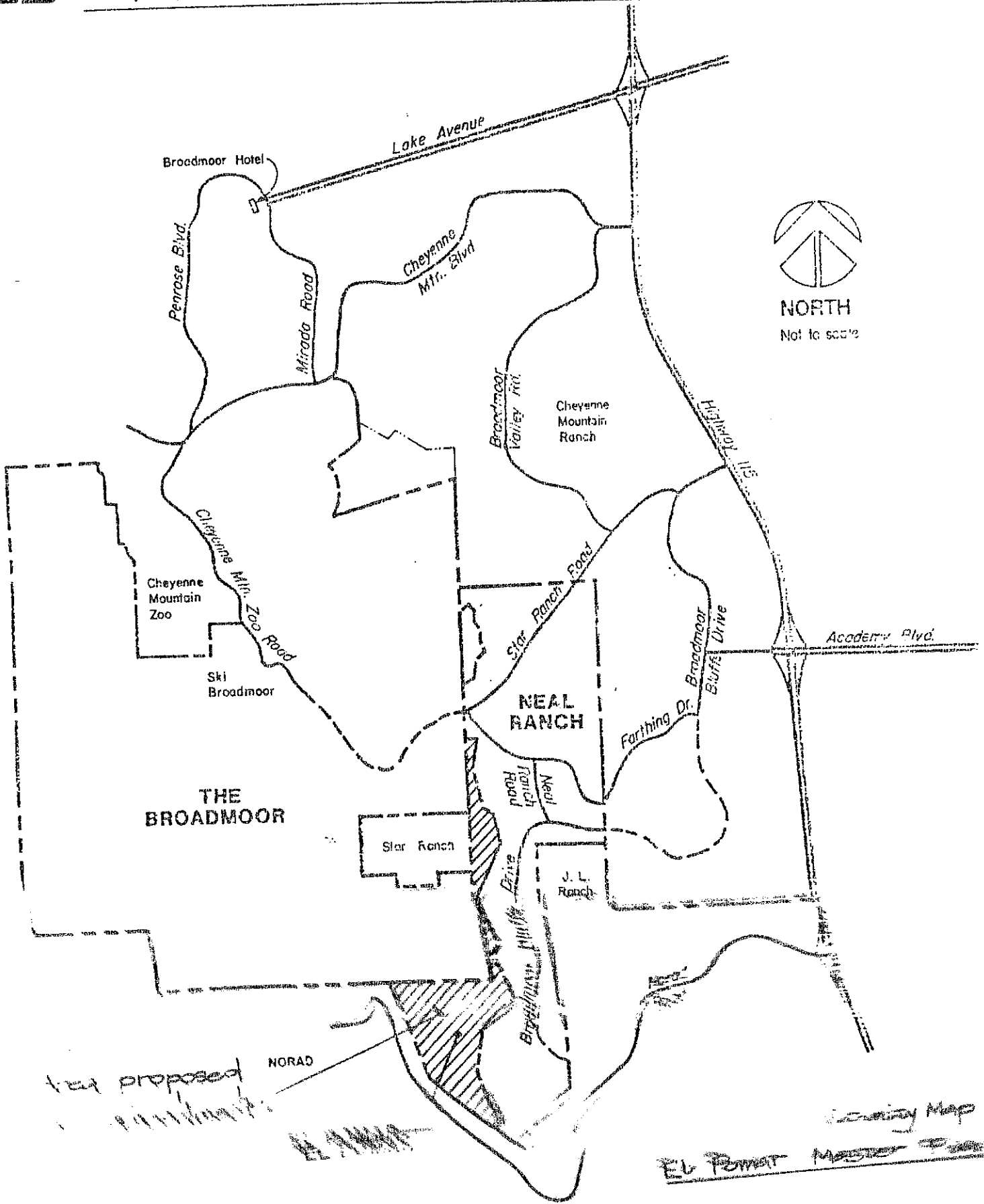
Approve the master plan amendment with the condition that fifteen (15) copies of the Neal Ranch Master Plan showing the changes outlined in the Technical Changes Section of the Planning Division Analysis shall be submitted at least four (4) days prior to a City Council hearing due date.

Item 6 - CPC MP 84-415-A2(88) - (El Pomar Master Plan):

Approve the master plan amendment with the condition that fifteen (15) copies of the El Pomar Master Plan showing the changes outlined in the Technical Changes Section of the Planning Division Analysis shall be submitted at least four (4) days prior to a City Council hearing due date.



David R. Sellon Company



NORTH

Not to scale

not proposed

NORAD

Location Map

EL PERMIT MASTER



David R. Sellon
Company

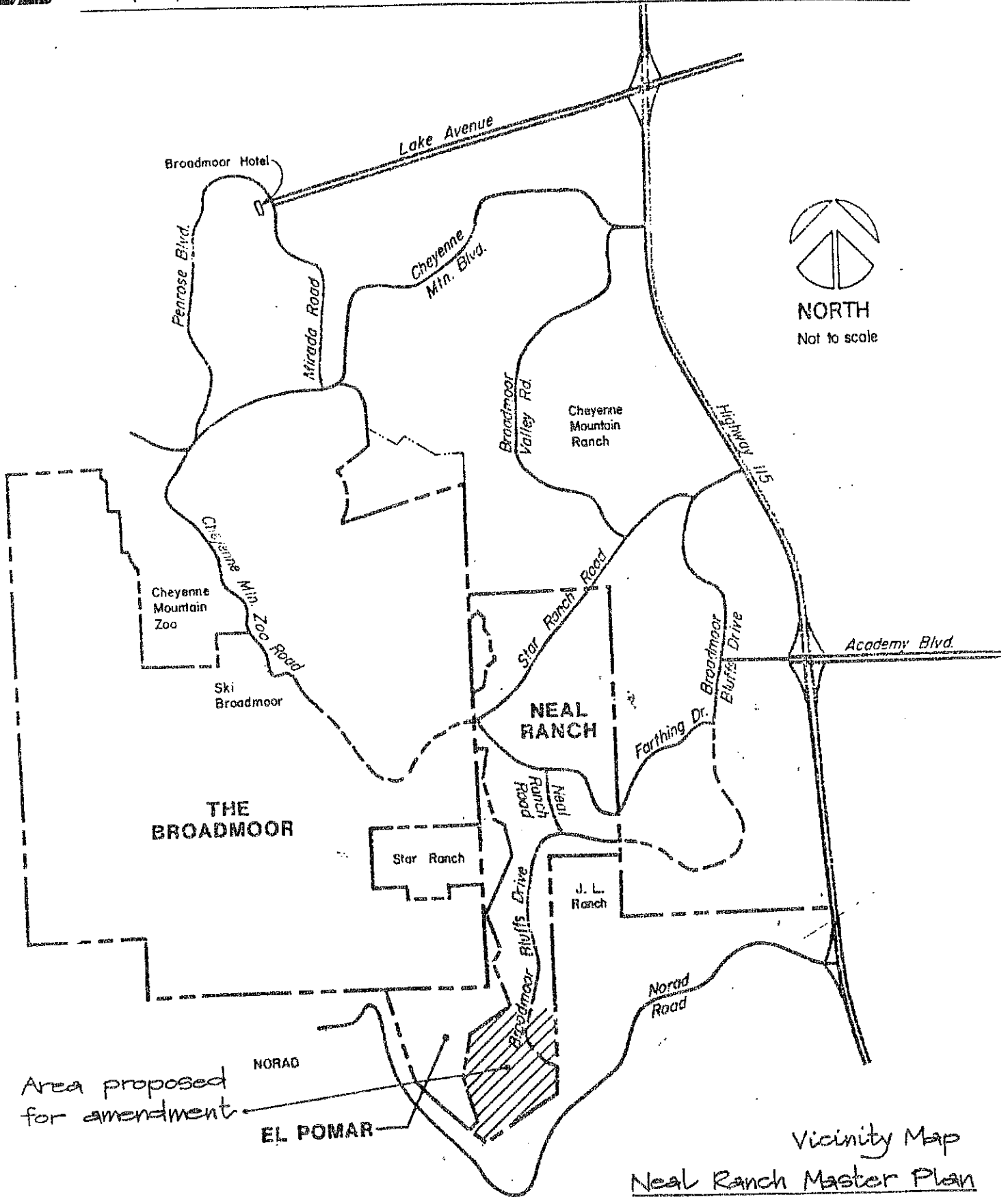


FIGURE 2

CPC MP 80-16-A9(88)

Vicinity Map
Neal Ranch Master Plan

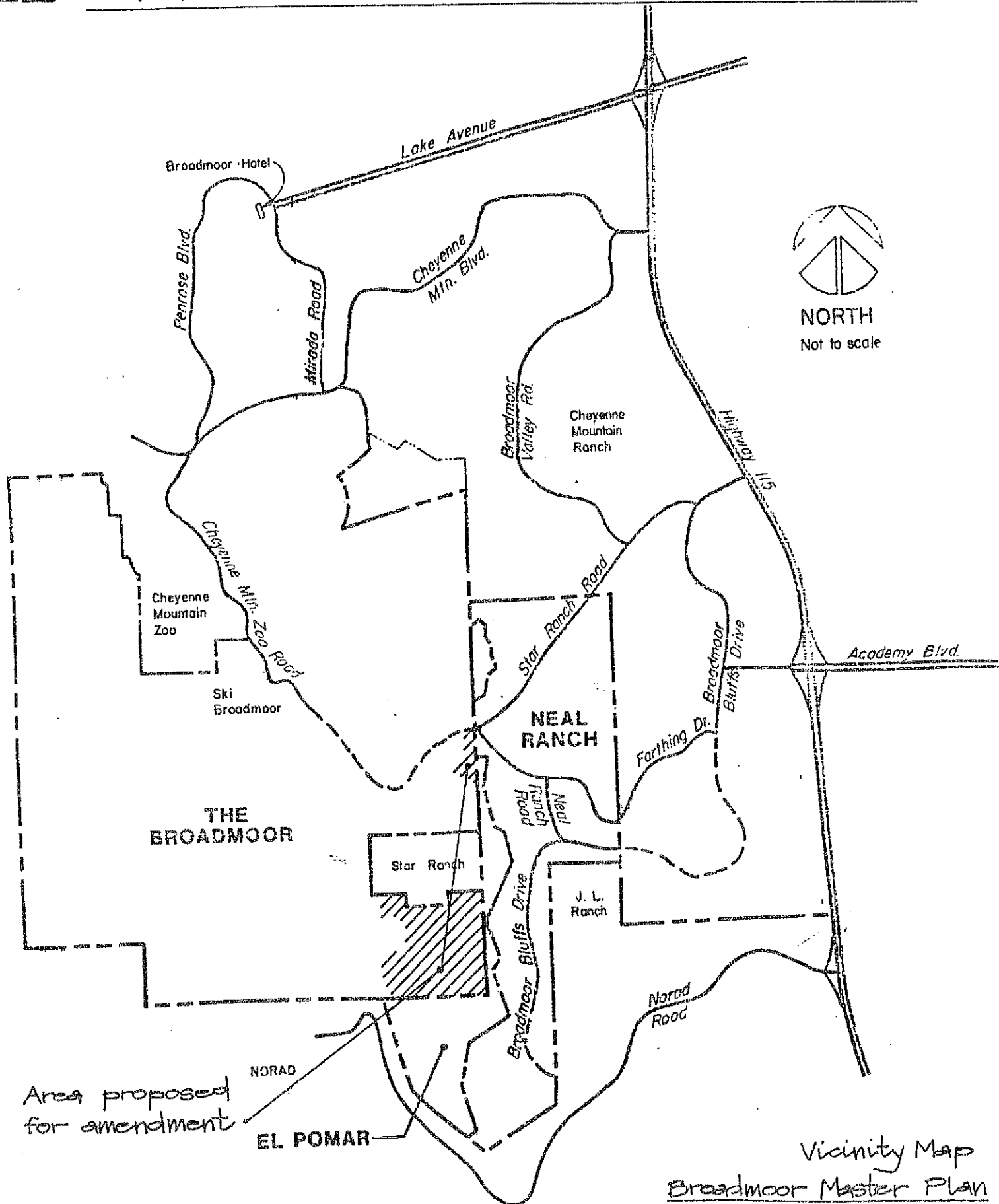


FIGURE 3

Vicinity Map
Broadmoor Master Plan

ESTIMATED RESIDENTIAL TRAFFIC GENERATION
Broadmoor/Neal Ranch/El Pomar

Analysis Zone	Land Use	Approved Dwelling Units	Proposed Dwelling Units	Trip Generation Rate (1)	Approved Daily Trips	Proposed Daily Trips
Neal Ranch:						
A-I	SFD	123	107	10.0	1230	1070
A-II	SFA	31	54	9.5	295	513
A-III	SFD	55	12	9.5	523	114
A-V	SFA	24	24	9.5	228	228
A-VII	SFD	17	23	10.0	170	230
B-I	SFD	108	117	10.0	1080	1170
B-II	SFD	98	89	10.0	980	890
B-III	SFD	105	7	8.7	914	61
B-IV	SFD	104	133	9.6	998	1277
B-V	SFA		108	10.0		1080
	SFD	54	24	10.0	540	240
C-I	SFD	60	86	10.0	600	860
C-II	SFD	111	101	10.0	1110	1010
C-III	SFD	203	211	10.0	2030	2110
C-IV	SFA	126		8.7	1096	
Subtotal:		1219	1096		11793	10853
El Pomar:						
North	SFA	36	54	10.0	360	540
	SFD		68	10.0		680
South	SFD	196	107	10.0	1960	1070
Subtotal:		232	229		2320	2290
Broadmoor:						
I	SFA	60	20	9.5	570	190
	SFD	317	459	9.0	2853	4131
II	SFA	60	50	9.5	570	475
	SFD		5	9.0		45
III	SFA	20	28	9.5	190	266
IV	SFA	195	195	9.5	1853	1853
V	SFD	74	74	9.0	666	666
VI	SFA	55	55	9.5	523	523
	SFD	9	17	9.0	81	153
Subtotal:		790	903		7305	8301
Total:		2241	2228		21418	21444

Note: (1) Trip Generation Rates are taken from previous reports for the study area.
(2) Single Family Attached, SFA; Single Family Detached, SFD.

Source: Leigh, Scott & Cleary, Inc.

January 26, 1988

CPC MP 81-69-A3(88)
CPC MP 84-415-A2(88)
CPC MP 80-16-A9(88)

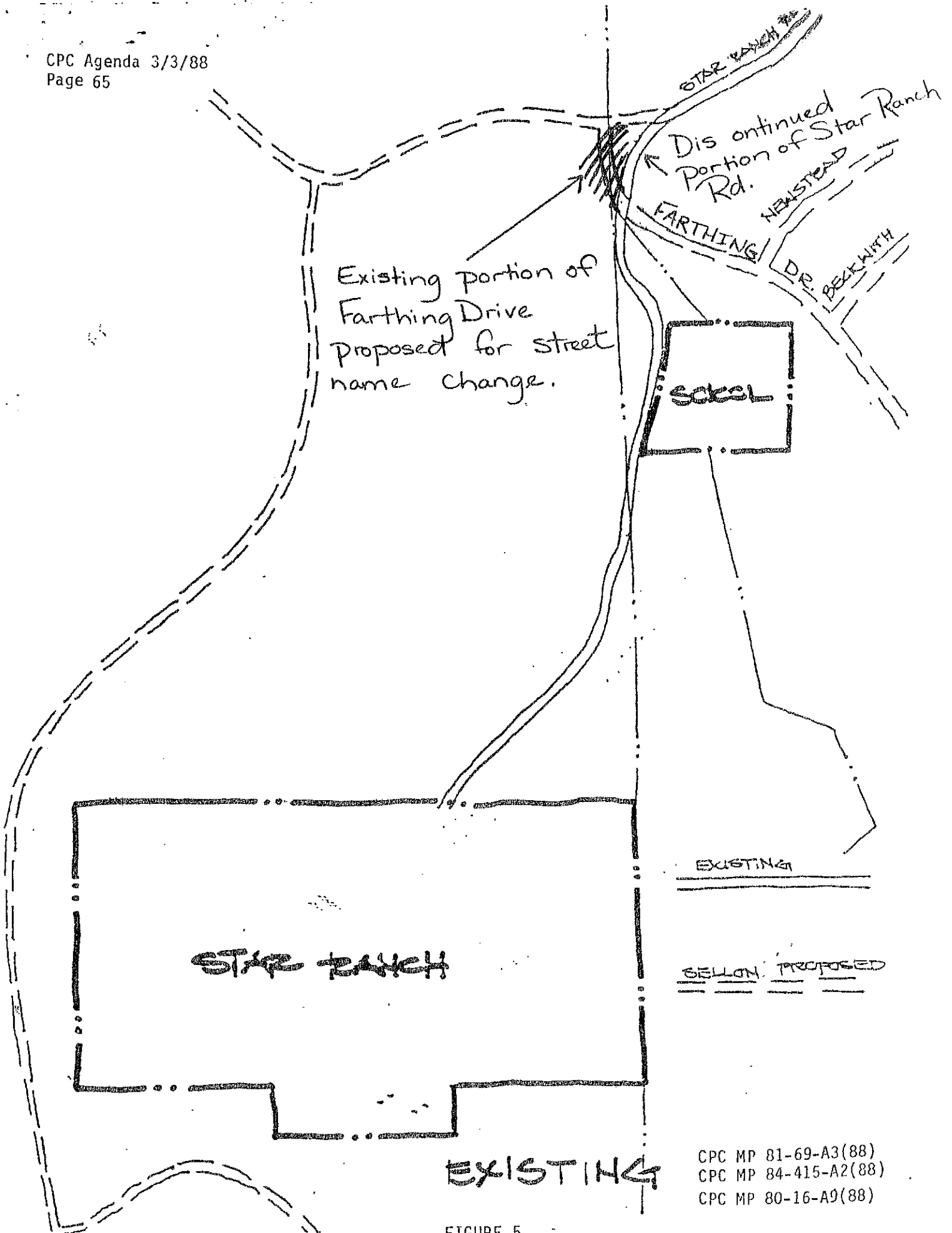


FIGURE 5



BROADMOOR, EL POMAR & NEAL RANCH MASTER PLANS

JUSTIFICATION FOR MASTER PLAN AMENDMENTS

The justification for the three amendments has been combined because the three areas are contiguous, have similar physical characteristics and will be developed by David R. Sellon & Co. The planning effort for the amended areas has disregarded the master plan boundaries in establishing the residential densities and street system, however because of separate ownerships the property remains as three master plans.

The amendments are a result of both additional study of the vacant land and experience obtained in the development of the adjoining land. The intent is to establish residential densities that are compatible with the physical features of the land. Densities proposed for the various areas are relatively low, and range from 1.5 to 2.7 dwelling units/acre. The total number of dwelling units for the three master plans has been slightly reduced from the maximum permitted (approximately 3.5%).

Master Plan	Largest number of dwelling units permitted with Master Plan	Most recently approved Master Plan-dwelling units	Proposed Master Plan-dwelling units
The Broadmoor	808	801	903
El Pomar	254	254	229
Neal Ranch	1248	1086	1096
TOTALS	2310	2141	2228

In addition to redistributing the densities a more detailed street system is shown. While not all future streets are indicated, enough streets are proposed to connect the various master plans, and to provide at least two accessways into each of the residential areas.

Policy 5.1.5 of the Comprehensive Plan allows amendments to an approved master plan only when the amendment will result in a community or neighborhood benefit that will outweigh any potential adverse impact. These amendments are consistent with the following goals/policies of the Comprehensive Plan thereby demonstrating compliance with Policy 5.1.5.

Goal 7.1 "Develop and preserve the unique character of the City's established and developing neighborhoods."

Policy 7.1.1 "New neighborhoods should be uniquely identifiable through the use of focal points, open spaces, preservation of significant natural features and the compatible location and design of mixed uses."

Goal 8.1 "Establish a safe and efficient transportation system."

Goal 9.2 "Preserve, enhance and promote the significant features of the City's natural environment."

CPC MP 81-69-A3(88)
 CPC MP 80-16-A9(88)
 CPC MP 84-415-A2(88)

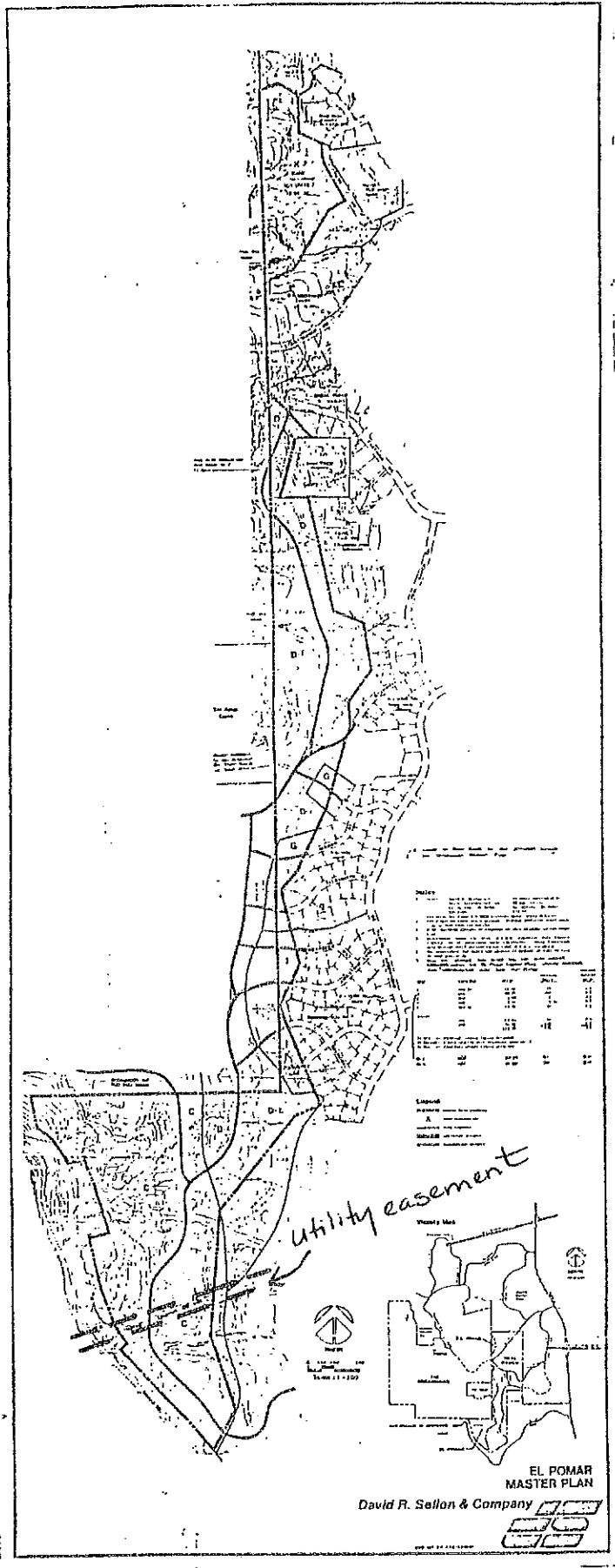


FIGURE 7

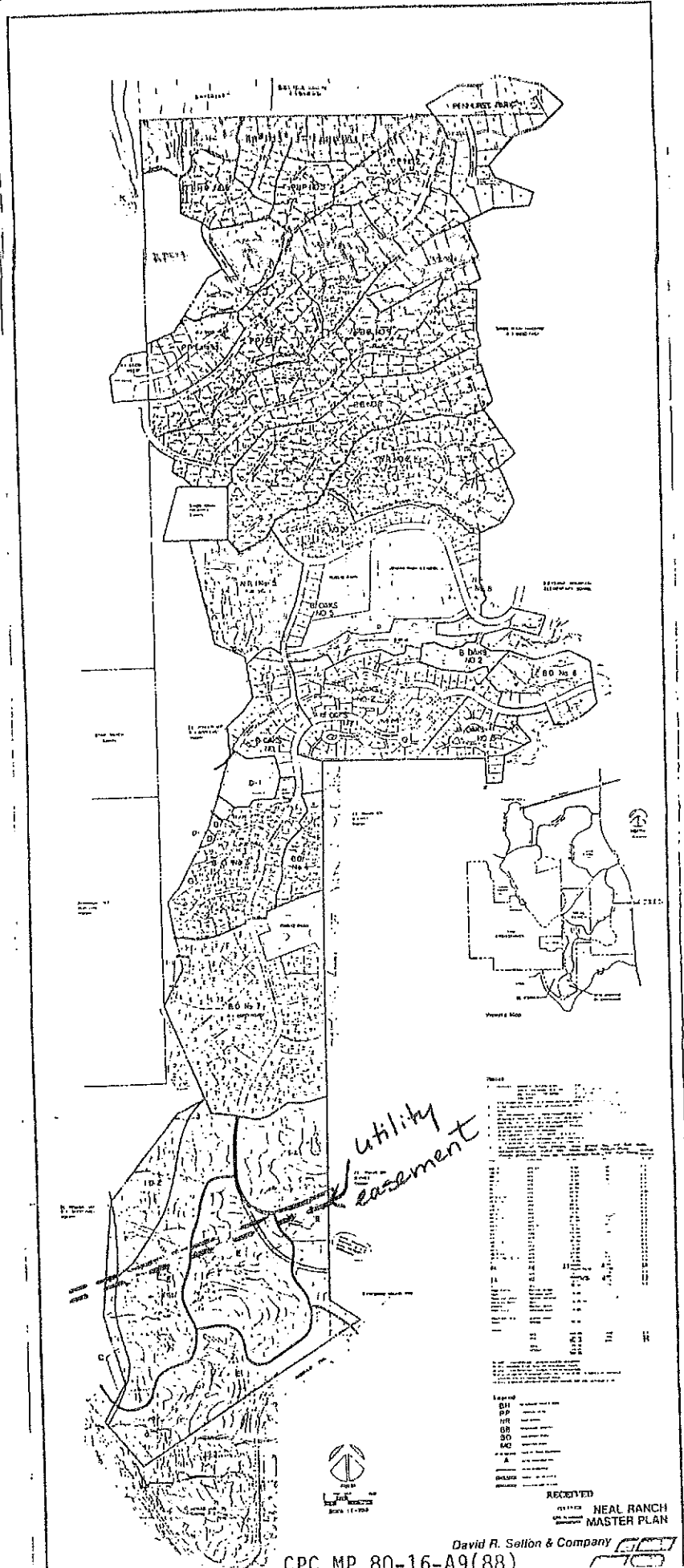
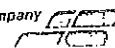


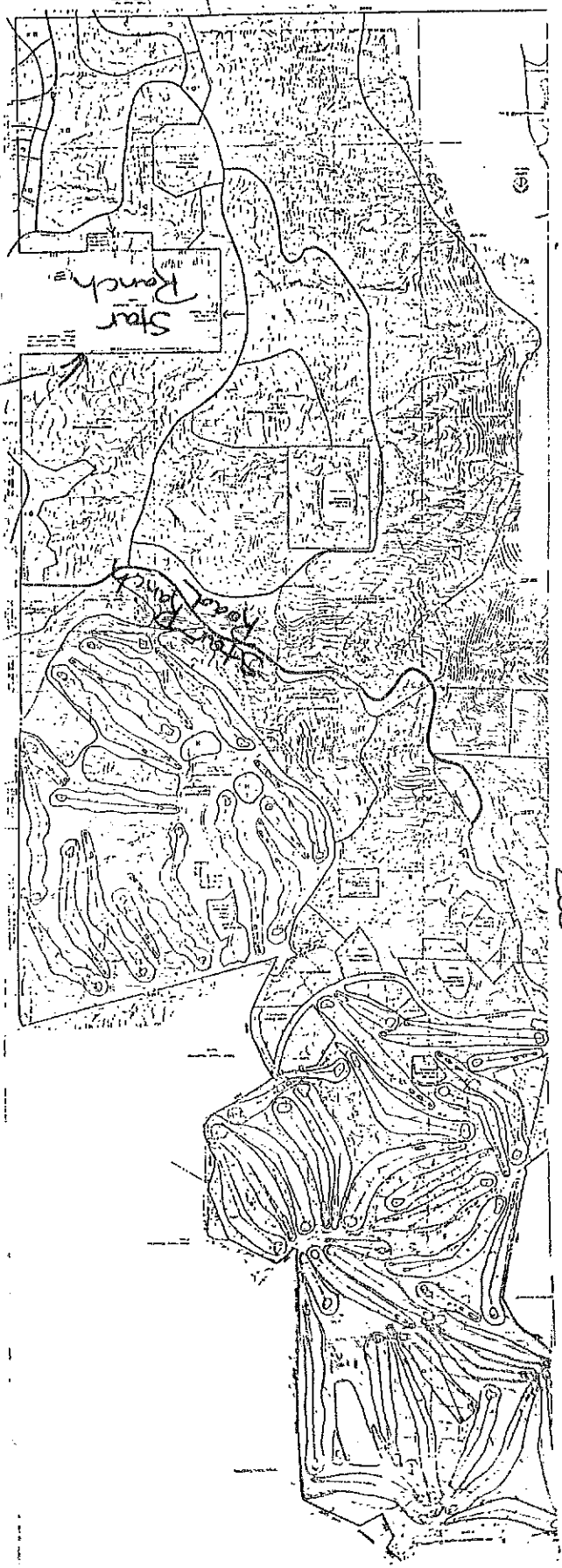
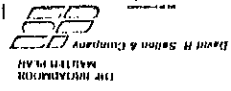
FIGURE 8

CPC MP 80-16-A9(88)

David R. Sellen & Company

RECEIVED
NEAL RANCH
MASTER PLAN





Emergency access on west and south.
to Star Ranch.
public access

Cheyenne Mountain
Zoo

*Council 1st
App, 10/27/87*

*Neal Ranch
Master*

12. Include a note on the plan which indicate the designation and use of the preservation area.
13. Submit written verification from the Wastewater Division to the Planning Division concerning their approval of a facilities plan which shows how these lots are to be serviced with sanitary sewer.

The motion passed unanimously.

ITEM 6 - Preliminary Plat:

It was moved by Commissioner Veitch, seconded by Commissioner Maxwell to approve the preliminary plat for Broadmoor Oaks No. 7.

The motion passed unanimously.

ITEMS 7, 8, 9, AND 10 WERE DISCUSSED TOGETHER.

7. CPC MP 80-16-A8(87)

Request by David R. Sellon & Company for approval of an amendment to the Neal Ranch Master Plan, consisting of 8.27 acres located west of Childe Drive and north of Star Ranch Road.

8. CPC P 87-362

Request by David R. Sellon & Company for approval of a change of zone classification from R-1 9000(HS) and PUD(HS) to R-1 9000(DF/HS) consisting of 8.65 acres located west of Childe Drive and north of Star Ranch Road.

9. CPC DP 87-362-A1

Request by David R. Sellon & Company for approval of a development plan for Penhurst Park Estates, consisting of 8.65 acres zoned R-1 9000(DF/HS) located west of Childe Drive and north of Star Ranch Road.

10. CPC S 87-363P

Request by David R. Sellon & Company for approval of a preliminary plat for Penhurst Park Estates, consisting of 12 lots on 8.65 acres located west of Childe Drive and north of Star Ranch Road in an R-1 9000(DF/HS) zone.

Jan Fetrow, Planning Division, reviewed the items. She stated the master plan amendment involves a change of an 8.65 acre parcel from Single-family residential attached with the maximum density of 5 du/acre to Single-family residential detached with the maximum density of 1.4 du/acre; so they are decreasing the density of the site by 20 units. The lots sizes are very large ranging from 15,350 square feet to 31,700 square feet; therefore, the DFOZ is used for the flexibility of the setbacks rather than averaging of the lot sizes or achieving something smaller than the 9000 minimum. She added that there are two issues involved with this request. One of the issues involves double-frontage lots. Given the design of the site and the constraints involving ravines, the applicant has done about the best job possible with the layout of the site. They do intend to provide some type of fencing or vegetation as a buffer along Star Ranch Road because the houses along the south

12. Include a note on the plan which indicate the designation and use of the preservation area.
13. Submit written verification from the Wastewater Division to the Planning Division concerning their approval of a facilities plan which shows how these lots are to be serviced with sanitary sewer.

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side of Star Ranch Road will face the rear yards of these lots on the north side of Star Ranch Road. The applicant is aware of this problem and will try to make it more compatible. Ms. Fetrow stated there were two remnants of land left over. The applicant intends to add those lots into the Broadmoor Master Plan, and it will be a continuation of the cul-de-sac street to the west to pick up these remnants and then add four more lots. Therefore, the recommendation is for approval of the requests. Ms. Fetrow stated she needed to make a change to the Technical Changes Section on page 50, #11 which reads, "The radius of the east end of the Bradford Heights cul-de-sac should be moved ten feet (10') to the north to avoid the removal of a large pine tree and several rock outcroppings," should be changed to read, "...should be moved six feet (6') to the north".

Commissioner Harman, referring to page 49 of the agenda, asked if the Fire Department was in agreement with the Houck Estate Master Plan allowing for cul-de-sacs of 1000 to 2000 feet in length as long as the density does not exceed 2 du/acre? Ms. Fetrow replied the Fire Department and Water Division have indicated their approval of this waiver request in writing.

Speaking for:

Steve Tuck, David R. Sellon & Company, stated they agree with all the changes. He added that the modifications will end up saving the large pines and rocks that are in that area.

ITEM 7 - Master Plan:

It was moved by Commissioner Nwankwo, seconded by Commissioner Rogers, to approve the master plan amendment with the condition that fifteen (15) copies of the Neal Ranch Master Plan shall be submitted to the Planning Division at least four (4) days prior to a City Council hearing due date.

The motion passed unanimously.

ITEM 8 - Zone Change:

It was moved by Commissioner Nwankwo, seconded by Commissioner Rogers, to approve the zone change request from R-1 9000(HS) and PUD(HS) to R-1 9000(DF/HS).

The motion passed unanimously.

ITEM 10 - Preliminary Plat:

It was moved by Commissioner Nwankwo, seconded by Commissioner Rogers, to approve the preliminary plat for Penhurst Park Estates.

The motion passed unanimously.

ITEM 9 - Development Plan:

It was moved by Commissioner Nwankwo, seconded by Commissioner Hoffman, to approve the development plan with the condition that seventeen (17) copies of the development plan showing the changes outlined in the Technical Changes Section of the Planning Division Analysis shall be submitted at least four (4) days prior to a City Council hearing date. Number 11 of the Technical Changes, concerning the radius, is changed from "should be moved 10 feet (10') to the north" to read "should be moved six feet (6') to the north."

The Technical Changes are:

1. Indicate the average lot size.
2. Note the minimum setbacks of the R-1 9000(DFOZ) which apply to this property.
3. Maximum building height must be noted on the plan.
4. The legend should include the name of the drainage basin in which this property is located and the approximate schedule for development.
5. The two trees shown adjacent to the street which accesses Star Ranch Road do not exist and should be removed from the plan.
6. The site visit to this property revealed the existence of several "structures". These structures should be identified on the plan. Any easements which relate to these structures should also be identified.
7. Indicate the location of all proposed utilities. If the proposed water mains are to be located in the private street, it should be noted that the required water mains shall also be "private".
8. Include a note on the plan which indicates the designation and use of the preservation area.
9. The remnants of land adjacent to Lot 2 and 3 should be identified as tracts. A note should be included on the plat which indicates that the applicant intends to incorporate these tracts into the adjacent property to the west.
10. Note #13 should be revised to reflect that Lot 12 will gain access to Star Ranch Road.
11. The radius of the east end of the Bradford Heights cul-de-sac should be moved six feet (6') to the north to avoid the removal of a large pine tree and several rock outcroppings.

The motion passed unanimously.

11. CPC SP 87-364

Request by the City of Colorado Springs, to amend Section 14-4-102 of the Zoning Ordinance (Temporary Uses).

Debra Little, Planning Division, reviewed the item. She stated that an earlier version of this proposal went to City Council approximately 2-3 years ago and was tabled indefinitely and Planning has been asked to "revive" it. She said staff took what had already been through Planning Commission and City Council, and made some changes to it. It will repeal and reordain Section 14-4-102 of the Zoning Code which is Temporary Uses. She stated the changes include the provision of definitions of each of the uses; a purpose statement; a table of the uses, the zones they are allowed in, and the time limitations; a list of performance standards; and a list of criteria for denial or suspension of approval of a Temporary Use.

Commissioner Veitch asked if we had a methodology of how they are processed more effectively? Mr. Leaman, Director of Planning, replied that Mr. Philipsen's Regional Building people are coordinating these uses at that level. Commissioner Veitch asked if the planner at the desk knows that? And do the other City departments know that? Do we have a control procedure?

Ms. Little stated the Planning Division should be coordinating all of these uses

now. The procedures should be put in writing and distributed to all planners and other departments. Mr. Leaman said we will come up with a procedural memo which can be circulated so everyone knows where to go and what the standard procedure will be. Ms. Little commented that the procedures are not contained in the ordinance because then it becomes very difficult to change codified procedures. Mr. Leaman added that the staff will include it in our Citizen's Guide.

Commissioner Nwankwo asked Ms. Little if the time limitations apply per applicant per site or is it that one applicant can apply and their time limit runs out and another applicant comes in? Ms. Little replied it is per site. Mr. Leaman said we have had in the past, several different merchants within a shopping center who wanted to do various things as Temporary Uses. The rules apply to the site, not to the applicant. He added there has to be some coordination among the merchants association in that particular site if they are going to have certain types of Temporary Uses through the seasons. Commissioner Harman asked Ms. Little if the craft shows could be held within a multi-family complex community building? Ms. Little replied yes. Commissioner Harman asked if the length of time should be limited by a standard or by how we've been doing things in Colorado Springs? Ms. Little said it's measured by how we've been doing things.

There was some discussion between Commissioner Harman and Ms. Little about the memo from Councilman Fisher which suggests changing the treatment of Christmas tree sales in the City. He is very concerned that non-profit organizations are losing one of their primary fund-raising activities to temporary, out-of-state merchants. Commissioner Harman stated this discussion was for the record.

Commissioner Avila asked about the time limitations on craft sales, a maximum of two days per event; she wondered if that was the way craft shows were normally operated? Ms. Little responded that the information she was given was that craft shows normally operated on Saturday and Sunday and used Friday evening to set up.

Speaking against:

Don Steger, Home Builders Association, said that the HBA has a problem with provision #6 of the performance standards which states that all parking lots for model homes and sales offices shall be paved. The HBA is uncertain about the absolute effect of this provision; however, he is certain that there will be a monetary effect. He requested a one month postponement so the HBA could review the effects of this provision.

Commissioner Veitch questioned the intent of the provision for paving. He stated that often a sales office or model home may be opened before the roads are paved because of the time of year when no paving can occur. Mr. Litzelman, Manager of Land Development, asked Commissioner Veitch if he was concerned about the timing or the propriety of the provision. Commissioner Veitch was concerned that the provision was not needed, and he asked how a model home is any different than a circus out in the middle of an unpaved field. Mr. Litzelman responded that model homes can exist for years and circuses will stay for only a few days. He went on to say that many home builders choose to provide paved, off-street parking areas or will use the streets for their parking areas.

Commissioners Avila and Veitch questioned the need for this provision because they felt that builders usually provide paved parking areas and streets they want to present a good picture to potential buyers. Commissioners Hoffman and Maxwell agreed.

Commissioner Veitch suggested that this provision be deleted from the ordinance and Commissioner Rogers agreed. Mr. Litzelman said he would like to see this item move on rather than postponed to discuss this issue. He agreed with Commissioner Veitch's suggestion, and said that this amendment has been under review and consideration for over three years. If parking around model homes and/or sales offices becomes a problem, the ordinance can be amended again.

Commissioner Harman asked how an appeal is handled for these items? Mr. Litzelman responded that an administrative procedure for appeals is in place in the Zoning Ordinance.

Mr. Litzelman asked Mr. Steger if he would change his request for postponement if provision #6 (paved parking for model homes) was deleted from the proposal.

Mr. Steger said that there may not be a real problem with #6 but the HBA had wanted time to study it. He also said that if #6 is deleted then the HBA has no problem with the proposal, and they would not need the postponement.

Commissioner Avila was concerned that if provision #6 was left in the Ordinance, then paved parking would be required for the Parade of Homes. She thought that would be excessive.

Mr. Leaman stated that the removal of provision #6 would not be a problem because there are other ordinances which cover the control of dust and paving of parking lots.

It was moved by Commissioner Maxwell, seconded by Commissioner Hoffman, to approve the amendment to Section 14-4-102 of the Zoning Ordinance regarding Temporary Uses with the exception of subsection D. #6 which will be deleted. Also, subsection E. #d, will read, "That a City or County department has notified the Planning Division that the proposed Temporary Use is not acceptable because of existing codes."

The motion passed unanimously. (See the Ordinance, pages 26 - 33.)

ITEMS 12, 13, 14, AND 15 WERE DISCUSSED TOGETHER.

12.

CPC P 87-368

Request by Glen Cove Partnership for approval of a change of zone classification from PUD and OC to PUD(multi-family/apartments, single-family attached and detached; 45' maximum building height; 6.27 dwelling units per acre) consisting of 83 acres located northwest of Centennial Boulevard and Vondelpark Drive.

13.

CPC DP 87-368-A1

Request by Glen Cove Partnership for approval of a development plan for Chelsea Glen Filing No. 1, consisting of 24.74 acres zoned PUD located northwest of Centennial Boulevard and Vondelpark Drive.

ITEMS 7, 8, 9, AND 10.

7. CPC MP 80-16-A8(87)* - Fetrow legislative

Request by David R. Sellon & Company for approval of an amendment to the Neal Ranch Master Plan, consisting of 8.27 acres located west of Childe Drive and north of Star Ranch Road.

8. CPC P 87-362* - Fetrow - quasi-judicial

Request by David R. Sellon & Company for approval of a change of zone classification from R-1 9000(HS) and PUD(HS) to R-1 9000(DF/HS) consisting of 8.65 acres located west of Childe Drive and north of Star Ranch Road.

9. CPC DP 87-362-A1* - Fetrow - quasi-judicial

Request by David R. Sellon & Company for approval of a development plan for Penhurst Park Estates, consisting of 8.65 acres zoned R-1 9000(DF/HS) located west of Childe Drive and north of Star Ranch Road.

10. CPC S 87-363P* - Fetrow - quasi-judicial

Request by David R. Sellon & Company for approval of a preliminary plat for Penhurst Park Estates, consisting of 12 lots on 8.65 acres located west of Childe Drive and north of Star Ranch Road in an R-1 9000(DF/HS) zone.

SITUATION AND FACTS:

Existing Zoning/Land Use - PUD(HS) and R-1 9000(HS)/Vacant

Surrounding Zoning/Land Use - North - R-1 9000(HS)/Vacant

South - R-1 9000(HS)/Vacant

East - R-1 9000(HS)/Vacant

West - PUD(HS)/Vacant

History - Annexation: Annexed as a portion of Neal Ranch Addition in April, 1980. Zoning: R-1 9000 zoning with hillside overlay was established in April, 1980 (Ordinance No. 80-53). Subdivision: Property is not platted.

Proposal - These requests propose: 1) An amendment to the Neal Ranch Master Plan; 2) R-1 9000(DF/HS) zoning for 8.65 acres; 3) Hillside Development Plan for Penhurst Park Estates, consisting of 12 lots on 8.65 acres; and 4) Preliminary plat for Penhurst Park Estates, consisting of 12 lots on 8.65 acres.

Physical Characteristics - The site is predominantly vegetated with scrub oak and mountain mahogany. Ponderosa pine and open grass areas are interspersed throughout the site.

Master Plan - The approved Neal Ranch Master Plan designates this site as "Single-Family Residential, Attached, with a Maximum Density of 5 du/acre".

Comprehensive Plan - Policy 5.1.5; Policy 5.1.3; Goal 9.2; Goal 7.1; Goal 5.1; Policy 5.1.4; Policy 7.1.1; Policy 9.2.1.

SUMMARY OF FINDINGS:

1. The master plan amendment will result in a community or neighborhood benefit which will outweigh any potential adverse impacts. Policy 5.1.5 is met.

APP
7-2

APP
w/connections
9-2

2. The zone change request will result in a community or neighborhood benefit which will outweigh any potential adverse impacts upon surrounding properties. Policy 5.1.3 is met.
3. The Penhurst Park Estates, DFOZ/Hillside Overlay Development Plan conforms to the development plan review criteria in Section 14-5-204 of the Zoning Ordinance and the hillside review criteria in Section 14-3-2905.D. of the Zoning Ordinance.
4. The preliminary plat for Penhurst Park Estates conforms to the requirements outlined in Section 15-3-502 of the Subdivision Ordinance.

DEPARTMENTAL REPORTS:

Item CPC MP 80-16-A8(87) (Master Plan):

Wastewater - Amendment to Master Plan is acceptable. Wastewater main line exists in Star Ranch Rd. east of said site. Wastewater main line extension will be required by the developer.

Gas - Request O.K. Developer must contact the Gas Division regarding gas availability to this area.

Traffic - No objection to the proposed amendment.

All Other Reporting Departments - Standard comment or no comment.

Item CPC P 87-362 (Zone Change):

Wastewater - Request for Zone Change is acceptable. Wastewater main line exists in Star Ranch Rd. east of said site. Wastewater main line extension will be required by the developer.

Gas - Request O.K. Developer must contact the Gas Division regarding gas availability to this area.

Traffic - No objections to this proposal.

All Other Reporting Departments - Standard comment or no comment.

Item CPC DP 87-362-A1 (Development Plan):

Gas - Request O.K. Developer must contact the Gas Division regarding gas availability to this area.

Park and Recreation - Parkland dedication in the amount of .279 acres within the Neal Ranch Master Plan.

Traffic - No objections to this request.

Fire - Standard comments 1, 2, 9, and 12.

Wastewater - Request for Development Plan IS NOT acceptable. Wastewater main line exists in Star Ranch Rd. A facilities plan will be required showing how lots are to be serviced with Sanitary Sewer. Wastewater main line extension will be required by the developer.

(Note: This issue has been resolved).

All Other Reporting Departments - Standard comment or no comment.

Item CPC S 87-363P (Preliminary Plat):

Wastewater - Preliminary Plat is acceptable. Wastewater main line exists in Star Ranch Rd. east of said site. Wastewater main line extension will be required by the developer.

Gas - Request O.K. Developer must contact the Gas Division regarding gas availability to this area.

Fire - Standard comments 1, 2, 9, and 12. Plat statement required:

"Delivery of emergency services may be delayed due to access limitations."

Park and Recreation - Parkland dedication in the amount of .279 acres within the Neal Ranch Master Plan.

Water - Standard comment. If this street is to be platted as "private", required water mains to be installed in same shall also be "private".

Traffic - No objection to plat.

911 - Bradford Heights is an acceptable street name. The street which accesses Star Ranch Road must also have a street name.

All Other Reporting Departments - Standard comment or no comment.

PETITIONER'S JUSTIFICATION:

Item CPC MP 80-16-A8(87) (Master Plan):

"This request is to amend a parcel that is currently designated as attached, single-family residential with a maximum density of 5 du/ac (32 dwelling units) to detached, single-family residential with a maximum density of 1.4 du/ac (12 dwelling units). The result of the amendment is a decrease of 20 dwelling units.

The community benefit of this minor amendment is a relatively small reduction in the amount of traffic on the adjacent streets. Impacts to the parcel will not be significantly different with the amendment. This is because the major natural features on the site - large ponderosa pine, surface boulders and the steep side slopes of the ravine - will be protected with either plan."

Item CPC P 87-362 (Zone Change):

"This request is to rezone 8.65 acres from PUD Hillside (8.27 ac.) and R-1 9000 Hillside (0.38 ac.) to R-1 9000 Hillside, Design Flexibility Overlay Zone. The 0.38 acre area was platted as Lot 20 of Penhurst Park No. 4 and is proposed to be replatted. The rezoning is consistent with the proposed amendment to the Neal Ranch Master Plan which has been submitted concurrently with this request. Conformance with the master plan satisfies policy 5.1.3 of the Comprehensive Plan."

PLANNING DIVISION ANALYSIS:

Major Issues Associated with the Request(s):

1. Conformance with Policy 5.1.5 of the Comprehensive Plan.
2. Conformance with Policy 5.1.3 of the Comprehensive Plan.
3. Conformance with Development Plan Review Criteria in Section 14-5-204 of the Zoning Ordinance.
4. Conformance with Section 14-3-2905.D. of the Zoning Ordinance.
5. Conformance with Section 15-3-502 of the Subdivision Ordinance.
6. Technical Changes to Development Plan/Preliminary Plat.

Conformance with Policy 5.1.5 of the Comprehensive Plan: This policy requires that amendments to approved master plans may only be granted when it can be demonstrated that the amendment will result in a community or neighborhood benefit which will outweigh any potential adverse impacts. The proposed amendment to the Neal Ranch Master Plan is for the purpose of redesignating a 8.65 acre parcel from "Single-Family Residential, Attached, With a Maximum Density of 5 du/acre", to "Single-Family Residential, Detached, With a Maximum Density of 1.4 du/acre." The result of the amendment is a decrease of 20 dwelling units.

The community benefit of this master plan amendment is a reduction in the amount of traffic on the adjacent streets. Although this reduction is relatively minor, it should aid in the establishment of a safe and efficient transportation system in this part of the City (Goal 8.1 of the Comprehensive Plan). FIGURE 1 shows the amended Neal Ranch Master Plan.

The community or neighborhood benefit of this proposed master plan amendment outweighs any potential adverse impacts. Policy 5.1.5 is met.

Conformance with Policy 5.1.3 of the Comprehensive Plan: This policy requires that zoning changes may only be granted when it can be demonstrated that the rezoning will result in a community or neighborhood benefit which will outweigh any potential adverse impacts upon surrounding properties. Conformance with the policies of the Comprehensive Plan and other adopted City plans may be used as a basis for demonstrating community or neighborhood benefit.

The following benefits will result from this request:

1. The applicant is requesting a change of zone classification from PUD(HS) and R-1 9000(HS) to R-1 9000(DF/HS). The purpose of the recently adopted Design Flexibility Overlay Zone (DFOZ) is "to provide maximum design flexibility while insuring that the overall character of the development is consistent with the parent zone and harmonious with the surrounding area. It is also the intended purpose of the DFOZ to provide greater flexibility in the siting of houses on their respective lots, thereby allowing the environmental impact to be minimized and significant natural features to be preserved and enhanced."

The use of the DFOZ in this area zoned with the Hillside Area (Overlay) Zone will achieve better preservation of the natural features in the development. The lot design flexibility and structural siting flexibility associated with the DFOZ will allow the natural features of a site to be better incorporated into the lot and house design. There should also be less grading of the hillside area and less disturbance of the natural features of the site.

2. The following goals/policies of the Comprehensive Plan are applicable to this request and constitute the demonstration of a community benefit:

Goal 9.2 - "Preserve, enhance and promote the significant features of the City's natural environment."

Goal 7.1 - "Develop and preserve the unique character of the City's established and developing neighborhoods."

Goal 5.1 - "Assure that the City's land development regulations provide for efficiency, compatibility, compliance, variety, flexibility, and innovation."

Policy 5.1.4 - "Performance standards should be incorporated, where appropriate, into land development regulations and criteria."

Policy 7.1.1 - "New neighborhoods should be uniquely identifiable through the use of focal points, open spaces, preservation of significant natural features and the compatible location and design of mixed uses."

Policy 9.2.1 - "In areas where both controlled development and preservation are possible, significant natural features should remain in private ownership and shall be protected as part of a development plan review."

The community or neighborhood benefit of this zone change request outweighs the potential adverse impacts. Policy 5.1.3 is met.

Conformance with the Development Plan Review Criteria in Section 14-5-204 of the Zoning Ordinance: Although a concept plan is required as part of the DFOZ submittal, the applicant has submitted a development plan for the entire zoning district in lieu of a concept plan in order to satisfy both the DFOZ requirements and the hillside development plan requirements (FIGURE 2). The zoning ordinance was recently amended to include procedures and requirements for concept plans and development plans; consequently, this request is being reviewed for conformance to the new Article 5 requirements which became effective September 3, 1987 (Ordinance No. 87-139). Section 14-5-106.3 of the Zoning Ordinance states that the requirement for a concept plan for the establishment of a DFOZ may be waived if a complete development plan for the entire zoning district is submitted; therefore, this request must meet the development plan submittal requirements and review criteria in Sections 14-5-203 and 14-5-204 of the Zoning Ordinance in order to satisfy both the DFOZ requirements and the hillside overlay zone requirements.

The Penhurst Park Estates Development Plan conforms to the review criteria in Section 14-5-204 of the Zoning Ordinance. Although the zoning on the property will be different than the zoning on the surrounding area by virtue of the DFOZ application, the project design is harmonious with the surrounding land uses and neighborhood.

A total of 12 lots are proposed in this development; however, none of the lots are smaller than 9,000 square feet. In fact, the lot sizes range from 15,350 square feet to 31,700 square feet. The DFOZ is being used primarily for the reduced setback advantages it offers rather than being used to reduce lot sizes. This setback reduction aids in the preservation of the significant natural features of the site and allows these significant natural features to be incorporated in the project design.

The development plan is in conformance with the development plan review criteria in Section 14-5-204 of the Zoning Ordinance. The required changes to the development plan are listed in the Technical Changes Section of the Planning Division Analysis.

Conformance with the Hillside Review Criteria in Section 14-3-2905.D. of the Zoning Ordinance: The purpose of the Hillside Area Overlay Zone is to specify conditions for any type of development in areas where, due to topography, disturbance of the natural environment, or for other reasons, problems are created which are detrimental to the public health, safety, and welfare. The hillside regulations also allow an appreciable degree of development flexibility in order to protect the environment of the hillside areas. The hillside regulations acknowledge that there will be development in the hillside areas; however, the impacts of these developments must be minimized.

The use of the R-1 9000(DF/HS) zone on this property will aid in minimizing the impacts of development because it provides flexibility for the appropriate

siting of building pads. Building pads are largely determined by setbacks. The basic zone in which the development takes place must be responsive to the hillside objectives.

The R-1 9000 zone is a traditional zone with rigid physical setback requirements. Its purpose is stated as simply establishing medium-sized lots for single-family residential use. In no way is it intended to respond to hillside area development. In using the R-1 9000 zone, the City is faced with the choice of using arbitrary setbacks or taking individual variance requests to the Hearing Officer. Neither option is desirable in terms of efficiency or intent.

The application of the DFOZ to the R-1 9000(HS) zone will preserve the unique features of the site. This objective is achieved through the use of flexible setbacks which can respond to each lot's particular characteristics. The hillside development plan is the mechanism which is used to review the site and establish appropriate setbacks.

This request will encourage building pad siting which is compatible with the natural terrain. The resultant subdivision will be uniquely identifiable by virtue of the use of the site's character. The use of the R-1 9000(DF/HS) zone for this site embodies the concept of performance zoning (flexible standards which respond to a site's unique characteristics).

Conformance with Section 15-3-502 of the Subdivision Ordinance: The preliminary plat for Penhurst Park Estates conforms to the requirements outlined in Section 15-3-502 of the Subdivision Ordinance. The preliminary plat also conforms to the R-1 9000(DF/HS) zone district requirements.

Although the preliminary plat shows a proposed cul-de-sac in excess of 500 feet, the applicant has submitted written approval from the Fire Department and the Water Division of the Utilities Department regarding their acceptance of the cul-de-sac in accordance with Section 15-3-704.B.3. of the Subdivision Ordinance. The proposed cul-de-sac length is 615 feet. This length has been requested for the following reasons:

1. The site is located on a ridge. A steep-sided ravine is located on one side of the site, and Star Ranch Road is located on the other side of the site. Star Ranch Road is a collector street which was platted with a previous subdivision (Penhurst Park No.4). The area between the ravine and Star Ranch Road is an appropriate width for two rows of lots and an internal street (cul-de-sac). The connection from Star Ranch Road to the cul-de-sac has been placed in the middle of the development so that the length of the cul-de-sac in both directions has been minimized. The cul-de-sac has not been looped back to Star Ranch Road in order to avoid additional terrain disturbance to this heavily vegetated, hillside area.
2. Another reason the cul-de-sac has not been looped back to Star Ranch Road is to enhance privacy within the project. The cul-de-sac will be privately owned and maintained by the homeowners association. Access to the site will be controlled with a gate that will meet the Fire Department's requirements for access. None of the lots which abut the private street will be allowed direct vehicular access to Star Ranch Road.

3. The cul-de-sac will provide access to eleven (11) lots. The lots compose 8.27 acres for a density of 1.33 du/acre. The cul-de-sac length is consistent with the policy that was established with the Houck Estate Master Plan that allows for cul-de-sacs of 1000 to 2000 feet in length as long as the density does not exceed 2 du/acre.

There are two other design issues relative to this preliminary plat which deserve to be mentioned. These issues are listed below:

1. Double Frontage Lots - Section 15-3-605.D. of the Subdivision Ordinance states that double frontage lots, other than corner lots, will not be permitted unless approved by the Planning Commission and City Council. Although the proposed layout of this subdivision creates double frontage lots adjacent to Star Ranch Road, the topography and terrain of this site dictate the site design. As previously mentioned, this site is located on a ridge with a steep-sided ravine on one side and Star Ranch Road on the other side. It is practically impossible to design this parcel to avoid the double frontage situation. The applicant proposes no direct vehicular access to Star Ranch Road from any lots which gain access from the proposed cul-de-sac; therefore, the impact to this collector street should be minimized. The applicant also proposes to retain as much native vegetation as possible adjacent to Star Ranch Road in order to provide a buffer to the lots on the south side of Star Ranch Road. Some type of fence treatment is also proposed.
2. Remnants of Land - The preliminary plat shows two remnant parcels of land adjacent to the west side of lots 2 and 3. The applicant has included these remnants as part of this preliminary plat because they are part of the Neal Ranch Master Plan ownership. The legal description for the zone change request includes these remnants. The applicant does not wish to include these remnants with lots 2 and 3 because lots 2 and 3 are already large enough to accommodate large building pads (25,000 square feet and 30,550 square feet respectively). The applicant intends to plat these remnants with the adjacent land to the west which is part of the Broadmoor Master Plan ownership. This approach is acceptable as long as the remnants of land are identified as tracts and adequate assurance is provided to incorporate the tracts into usable lots in future developments in accordance with Section 15-3-603 of the Subdivision Ordinance. This assurance can be handled in the form of a note on the plat.

Technical Changes to the Penhurst Park Estates DFOZ/Hillside Overlay Development Plan and Preliminary Plat: The following changes need to be made to the development plan/preliminary plat in order to meet the DFOZ requirements and the recently revised development plan submittal requirements which became effective September 3, 1987 (Ordinance No. 87-139). The changes are as follows:

1. Indicate the average lot size.
2. Note the minimum setbacks of the R-1 9000(DFOZ) which apply to this property.
3. Maximum building height must be noted on the plan.
4. The legend should include the name of the drainage basin in which this property is located and the approximate schedule for development.
5. The two trees shown adjacent to the street which accesses Star Ranch Road do not exist and should be removed from the plan.

6. The site visit to this property revealed the existence of several "structures". These structures should be identified on the plan. Any easements which relate to these structures should also be identified.
7. Indicate the location of all proposed utilities. If the proposed water mains are to be located in the private street, it should be noted that the required water mains shall also be "private".
8. Include a note on the plan which indicates the designation and use of the preservation area.
9. The remnants of land adjacent to lots 2 and 3 should be identified as tracts. A note should be included on the plat which indicates that the applicant intends to incorporate these tracts into the adjacent property to the west.
10. Note #13 should be revised to reflect that lot 12 will gain access to Star Ranch Road.
11. The radius of the east end of the Bradford Heights cul-de-sac should be moved ten feet (10') to the north to avoid the removal of a large pine tree and several rock outcroppings.

PLANNING DIVISION RECOMMENDATION:

Item 7 - Master Plan: Approve the master plan amendment with the master plan amendment with the condition that fifteen (15) copies of the Neal Ranch Master Plan shall be submitted to the Planning Division at least four (4) days prior to a City Council hearing due date.

Item 8 - Zone Change: Approve the zone change request from R-1 9000(HS) and PUD(HS) to R-1 9000(DF/HS).

Item 9 - Development Plan: Approve the Penhurst Park Estates DFOZ/Hillside Overlay Development plan with the condition that seventeen (17) copies of the development plan showing the changes outlined in the Technical Changes Section of the Planning Division Analysis shall be submitted at least four (4) days prior to a City Council hearing due date.

Item 10 - Preliminary Plat: Approve the preliminary plat for Penhurst Park Estates.

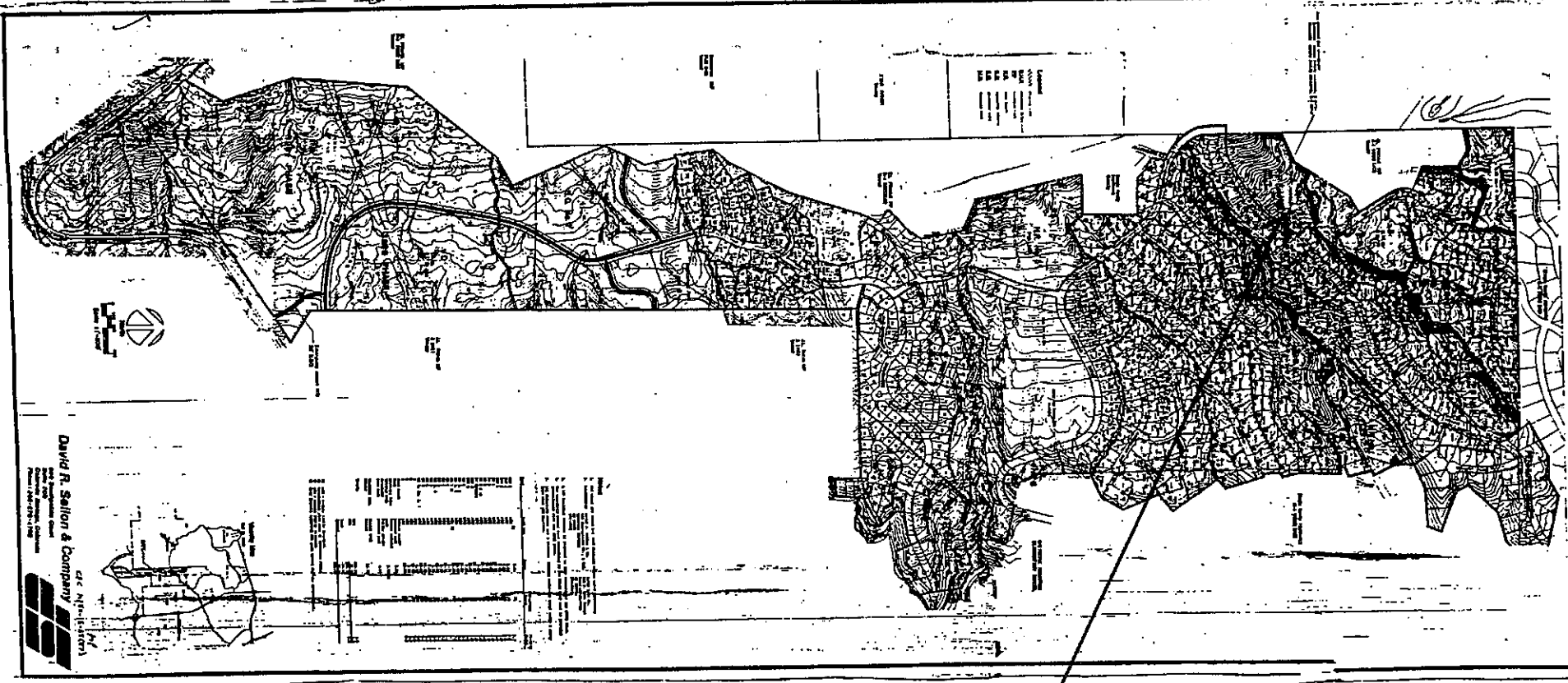


FIGURE 1

Area of Neal Ranch Master Plan
Proposed for Amendment

CPC MP 80-16-A8(87)

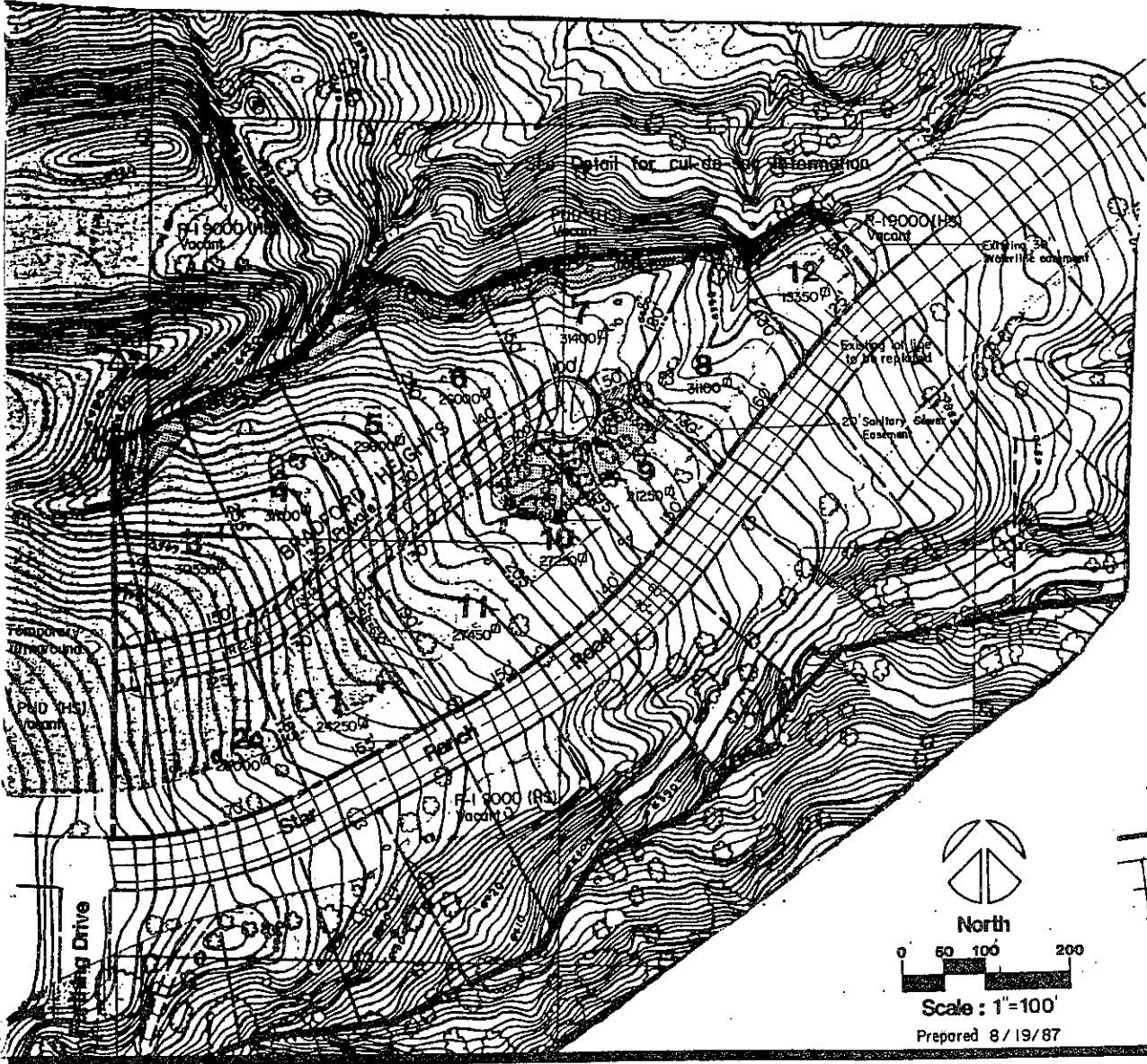
Legal

A tract of land located in the Northeast one-quarter of Section 12, Township 15 South, Range 67 East of the 6th P.M. in the City of Colorado Springs, El Paso County, Colorado, said tract being more particularly described as follows:
 Commencing at the Northwest corner of the Northeast one-quarter of the Northeast one-quarter (8 1/4 RE 1/4) of said Section 12; thence S 00° 32' 10" E along the West line of said NE 1/4 RE 1/4, a distance of 545 feet to the point of beginning of the tract herein described; thence S 82° 02' 52" E, a distance of 214.13 feet; thence S 35 Deg. 03' 12" E, a distance of 124.25 feet; thence S 72 Deg. 27' 55" E, a distance of 112 feet; thence E 70 Deg. 32' 05" E, a distance of 158.00 feet; thence S 20° 12' 35" E, a distance of 219.53 feet to the Northwest corner of L. 20 in Parkhurst Park Tract No. 4 as recorded in Plat Book 444, as Page of the Records of El Paso County, Colorado; thence along the boundary said Lot 20, the following three (3) courses: (1) thence S 52 Deg. 20' E, a distance of 80.00 feet; (2) thence S 39 Deg. 34' 07" E, a distance of 121.35 feet to a point on the Southwesterly line of Star Ranch lots as shown on said subdivision plat; (3) thence Southwesterly along said Northwesterly line and along the arc of a 550.27 foot radius curve to the left through a central angle of 12 Deg. 51' 11" (the long chord of which bears S 43 Deg. 53' 21" W, a long chord distance of 123.18 feet), an arc length of 123.44 feet to the most southerly corner of said Lot 20; the along said Northwesterly line of Star Ranch Road, the following four (4) courses: (1) thence S 37 Deg. 28' 06" W, a distance of 272.34 feet; (2) thence Southwesterly along the arc of a 690.00 foot radius curve to the right through a central angle of 24 Deg. 18' 51" (the long chord of which bears S 49 Deg. 37' 31" W, a long chord distance of 290.62 feet), an arc length of 292.21 feet; (3) thence S 61 Deg. 46' 57" W, a distance of 339.99 feet; (4) thence Southwesterly along the arc of a 486.53 foot radius curve to the right through a central angle of 27 Deg. 38' 48" (the long chord of which bears S 75 Deg. 36' 21" W, a long chord distance of 212.25 feet), an arc length of 234.52 feet; (5) thence S 89 Deg. 29' 45" W, a distance of 8.05 feet to a point on said West line of the NE 1/4 RE 1/2 of Section 12; thence S 00 Deg. 32' 10" W, along said West line, a distance of 474.44 feet to the point of beginning. Said tract contains 3.65 acres, or less.

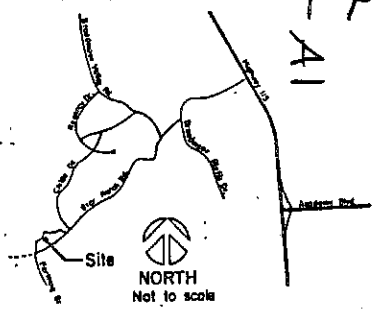
Notes

1. Owner: David R. Sellon & Co., 660 Southpointe Court, Suite 200, Colorado Springs, Co. 80904, 576-4700
2. District zoning: RPD Hillside
3. Proposed zoning: R-1 9000 Hillside, Design Flexibility Overlay Zone
4. Density: 0.65 acres/12 lots, 1.4 du/acre
5. The final North Parcel Plan designates the site as Single Family Residential. Attached, with a maximum density of 5 du/acre. A nuclear plan amendment has been submitted concurrently with this request.
6. Development to occur in one phase.
7. Delivery of emergency services may be delayed due to access limitations.
8. Building sites are predominantly vegetated with native grasses, scrub oak and mountain mahogany. Ponderosa pine are located as shown on the development plan.
9. Contour interval shown is every two feet.
10. All street grades are less than 30%.
11. Private street to be owned and maintained by the Homeowners Association.
12. Colored sidewalk to be located on both sides of Star Ranch Rd. No sidewalk on the private street.
13. No direct vehicular access will be permitted to Star Ranch Rd. from the adjacent lots.
14. "An Parking Fire Lane" sign will be posted on one side of the 26' wide private street.

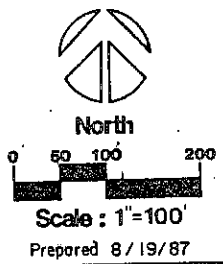
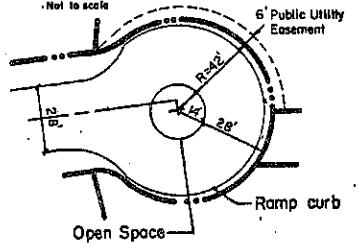
CPC P 87-362
CPC DP 87-362-A1
CPC S 87-363P



Vicinity Map



Detail



PENHURST PARK ESTATES
Preliminary Plat/Development Plan

- Legend**
- Indicates Preservation Area
 - Common Ingress/Egress Easement
 - Project Boundary
 - Ponderosa Pine
 - Boulders
 - Proposed Grading

FIGURE 2

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