



City of Colorado Springs

City Hall
107 N. Nevada Avenue
Colorado Springs, CO
80903

Meeting Minutes - Final Planning Commission

Thursday, October 19, 2017

8:30 AM

Council Chambers

1. Call to Order

Roll Call

Present: 9 - John Henninger, Samantha Satchell-Smith, Reggie Graham, Vice Chair Carl Smith, Chairperson Rhonda McDonald, Jeff Markewich, Jim Raughton, Ray Walkowski and Jamie Fletcher

2. Approval of the Minutes

2.A. [CPC 369](#) Minutes for the September 21, 2017 City Planning Commission Meeting

Presenter:

Rhonda McDonald, Chair, City Planning Commission

A motion was made by Vice Chair Smith, seconded by Walkowski, to approve the September 21, 2017 City Planning Commission minutes.

The motion carried by a vote of 9:0:0

Aye: 9 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher

3. Communications

Rhonda McDonald - Chair

Peter Wysocki - Director of Planning and Community Development

4. CONSENT CALENDAR

These items will be acted upon as a whole, unless a specific item is called for discussion by a Commissioner or a citizen wishing to address the Planning Commission. (Any items called up for separate consideration shall be acted upon following the Consent Vote.)

4.A. [CPC CU](#)
[17-00114](#) Briargate Wellness Center Conditional Use to allow for the expansion of a licensed Medical Marijuana Off-Premises Cultivation (OPC) facility at 890 Dublin Boulevard.

(Quasi-Judicial)

Presenter:

Meggan Herington, Assistant Director, Planning and Community Development

- Attachments:** [CPC CU 17-00114 Briargate Wellness Center](#)
[FIGURE 1 Development Plan](#)
[FIGURE 2 Project Statement](#)
[FIGURE 3 Ord 16-53](#)
[FIGURE 4 Ord 16-54](#)
[7.5.704 Conditional Use Review](#)
[7.5.502.E Development Plan Review](#)

This Planning Case was approved on the Consent Calendar.

- 4.B.** [CPC CU 17-00077](#) A Conditional Use Permit to allow a single-family detached residential land use on a property in an M-1 (Light Industrial) zoning district located at 2523 Robinson Street.

(Quasi-Judicial)

Presenter:
Daniel Sexton, Senior Planner, Planning & Community Development Department

- Attachments:** [CPC Report 2523 Robinson St DJS](#)
[FIGURE 1 - CU Development Plan](#)
[FIGURE 2 - Project Statement](#)
[FIGURE 3 - Encroachment Easement](#)
[7.5.502.E Development Plan Review](#)
[7.5.704 Conditional Use Review](#)

This Planning Case was approved on the Consent Calendar.

- 4.C.1. CPC ZC 17-00091** An ordinance amending the zoning map of the City of Colorado Springs pertaining to .414 acres from R-5 (Multi-Family Residential) and OR (Office Residential) to C-5/cr (Intermediate Business with Conditions of Record) located at 1213 and 1215 East Fillmore Street.

(Quasi-Judicial)

Related File: CPC CP 17-00092

Presenter:
Michael McConnell, Planner II, Land Use Review Department
Peter Wysocki, Planning and Community Development Director

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Summary:

Applicant: Richard Whaley

Owner: Richard Whaley

Location: 1213 & 1215 East Fillmore Street

The project includes concurrent applications for a zone change to C5 (Intermediate Business) and a concept plan illustrating current site conditions along with a building envelope for future development on the 1213 East Fillmore Street lot. No site changes or development is proposed with this concept plan. A development plan will be required when any new use is proposed for either lot. Both sites total .414 acres (or 18,019 square feet) and are located on the south side of East Fillmore Street between North Hancock Avenue and Illinois Avenue; a north-south public alley runs between the two properties.

Previous Council Action:

N/A

Background:

In order to make the properties more in character with the commercial nature of the East Fillmore Street corridor the owner is seeking to rezone both properties to identical zone districts (C5). The properties would remain in their current condition until a new use or user is proposed, at which time a development plan will be required and certain public improvements made. The subject property is surrounded by both commercial C-5 (Intermediate Business) and residential R1-6 (Single Family Residential), R-2 (Two Family Residential) uses and is part of the East Fillmore Street corridor which comprises mainly commercial and industrial land uses.

By rezoning these two properties the corridor will become more contiguous and uniform in the zoning designations as seen above and enable the future property owners to develop this site in the style and context of the corridor. This rezoning will allow a future property owner the flexibility to develop the site to become more integrated into the neighborhood and provide greater services to the residents in the area.

At the internal review stage staff received several phone calls with concerns relating to potential uses. Staff then identified the below uses as having potentially negative impacts on area residents and businesses in particular with regards to noise and odor. It is the recommendation of staff that the following uses be restricted and added as Conditions of Record.

1. Optional Premise Cultivation
2. MMJ infused product manufacturer (hazardous/nonhazardous)
3. Contractor or Construction Yard
4. Automotive Repair Garage
5. Sexually Oriented Business

The concept plan illustrates a general development conditions on-site and provides future property owners an idea of acceptable uses and development patterns. Current development standards for the C-5 zone district will need to be met when the site is developed in the future. While there is no minimum lot size in the C-5 zone district there are 20-foot setbacks on the front and rear of the external property boundaries which will make this site difficult to develop without variances from the City.

Financial Implications:

N/A

Board/Commission Recommendation:

At the City Planning Commission meeting held on October 19, 2017 these items were voted on as part of the Consent Calendar and were approved unanimously. Please see the City Planning Commission Staff report for additional analysis.

Stakeholder Process:

The public process included two mailings within a 1,000 foot buffer and posters placed on-site for a period of ten (10) days. Staff received several phone calls from concerned neighborhood residents regarding possible uses on the property. These phone calls led to staff including the conditions of record as part of the zone change. Those conditions restrict uses as described in the background section of this memo and within the City Planning Commission report from staff.

Staff sent copies of the plans and supporting documentation to the standard internal review agencies and departments and no comments were received.

Alternatives:

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

- Attachments:** ZC_ORD_1213-15 East Fillmore Street
 Exhibit A - 1213 & 1215 East Fillmore Street Legal Descriptions
 Exhibit B - Zone Change
 aerial vicinity
 Vicinity Map
 CPC Staff Report_E. Fillmore Rezone
 Figure #1 Project Statement
 Figure #2 Zone Change Exhibit
 Figure #3 Concept Plan
 7.5.603.B Findings - ZC req_CA
 CPC Minutes October 19 - 1213 & 1215 East Fillmore

This Planning Case was referred on the Consent Calendar to the City Council.

**4.C.2. CPC CP
 17-00092**

The 1213 and 1215 East Fillmore Street Concept Plan identifying one existing commercial building and potential future commercial development located at 1213 and 1215 East Fillmore Street.

(Quasi-Judicial)

Related File: CPC CP 17-00092

Presenter:

Michael McConnell, Planner II, Land Use Review Department
 Peter Wysocki, Planning and Community Development Director

.Body

Summary:

Applicant: Richard Whaley
 Owner: Richard Whaley
 Location: 1213 & 1215 East Fillmore Street

The project includes concurrent applications for a zone change to C5 (Intermediate Business) and a concept plan illustrating current site conditions along with a building envelope for future development on the 1213 East Fillmore Street lot. No site changes or development is proposed with this concept plan. A development plan will be required when any new use is proposed for either lot. Both sites total .414 acres (or 18,019 square feet) and are located on the south side of East Fillmore Street between North Hancock Avenue and Illinois Avenue; a north-south public alley runs between the two properties.

Previous Council Action:

N/A

Background:

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By rezoning these two properties the corridor will become more contiguous and uniform in the zoning designations as seen above and enable the future property owners to develop this site in the style and context of the corridor. This rezoning will allow a future property owner the flexibility to develop the site to become more integrated into the neighborhood and provide greater services to the residents in the area.

At the internal review stage staff received several phone calls with concerns relating to potential uses. Staff then identified the below uses as having potentially negative impacts on area residents and businesses in particular with regards to noise and odor. It is the recommendation of staff that the following uses be restricted and added as Conditions of Record.

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Financial Implications:

N/A

Board/Commission Recommendation:

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Stakeholder Process:

The public process included two mailings within a 1,000 foot buffer and posters placed on-site for a period of ten (10) days. Staff received several phone calls from concerned neighborhood residents regarding possible uses on the property. These phone calls led to staff including the conditions of record as part of the zone change. Those conditions restrict uses as described in the background section of this memo and within the City Planning Commission report from staff.

Staff sent copies of the plans and supporting documentation to the standard internal review agencies and departments and no comments were received.

Alternatives:

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

Attachments: Figure #3 Concept Plan
7.5.501.E Concept Plans

This Planning Case was referred on the Consent Calendar to the City Council.

Approval of the Consent Agenda

Motion by Vice Chair Smith, seconded by Fletcher, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9:0

Aye: 9 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher

5. UNFINISHED BUSINESS

- 5.A.1.** [CPC MP 87-00381-A2 0MJ17](#) Major amendment of the Banning Lewis Ranch Master Plan changing the land use of 162 acres from industrial park and retail to residential, office, industrial/research and development and neighborhood-scale commercial land uses located east of Marksheffel Boulevard, south of Space Village Avenue, and north and west of undeveloped property

within the Banning Lewis Ranch

Presenter:

Meggan Herington, Assistant Director, Planning and Community Development

- Attachments:** [Postponement Request December Reagan Ranch Postponement Request](#)
[7.5.408 MASTER PLAN REVIEW CRITERIA](#)

A motion was made by Markewich, seconded by Fletcher, for the Planning Case to be postponed to a date certain (11/16/2017) to the Planning Commission. The motion carried by a vote of 9:0

Aye: 9 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher

5.A.2. [CPC ZC 16-00152](#)

Reagan Ranch zone change of 162 acres from PIP-2/PBC/AO/APZ-1 (Planned Industrial Park/Planned Business Center with Airport Overlay and Accident Potential Zone-1) to PUD/AO/APZ-1 (Planned Unit Development with Airport Overlay and Accident Potential Zone-1) located east of Marksheffel Boulevard, south of Space Village Avenue, and north and west of undeveloped property within the Banning Lewis Ranch

Presenter:

Meggan Herington, Assistant Director, Planning and Community Development

- Attachments:** [7.5.603 Findings - ZC req CA](#)
[7.3.603 Establishment & Development of a PUD Zone](#)

A motion was made by Markewich, seconded by Fletcher, for the Planning Case to be postponed to a date certain (11/16/17) to the Planning Commission. The motion carried by a vote of 9:0

Aye: 9 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher

5.A.3. [CPC CP 16-00153](#)

A PUD Concept Plan illustrating the amendment of the existing industrial park land use type and eliminating the retail land use type in favor of residential, office, industrial/research and development and neighborhood-scale commercial land uses located east of Marksheffel Boulevard, south of Space Village Avenue, and north and west of undeveloped property within the Banning Lewis Ranch

Presenter:

Meggan Herington, Assistant Director, Planning and Community Development

Attachments: [7.3.605 PUD Concept Plan](#)
[7.5.501.E Concept Plans](#)

A motion was made by Markewich, seconded by Fletcher, for the Planning Case to be postponed to a date certain (11/16/17) to the Planning Commission. The motion carried by a vote of 9:0.

Aye: 9 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher

6. NEW BUSINESS CALENDAR

**6.A.1. CPC ZC
17-00103**

An appeal of the City Planning Commission’s decision to recommend approval to the City Council of the change of zone application CPC ZC 17-00103 and major development plan amendment application DS DP 95-00025-A2MJ17.

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 2.13 acres from OC (Office Complex) to PBC/cr (Planned Business Center with Conditions of Record) located at 7585 North Academy Boulevard.

(Quasi-Judicial)

Related File: DS DP 95-00025-A2MJ17

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

Attachments: ZC_ORD_7585NAcademyBlvd
 Exhibit A - Legal Description
 Exhibit B - Zone Change Exhibit
 Vicinity Map_rev1182017
 Appeal Request_Bonomo
 7585NAcademyBlvd_CC_StaffPresentation_DJS
 CPC Report_7585NAcademyBlvd
 FIGURE 1 - Zone Change Exhibit
 FIGURE 2 - Development Plan
 FIGURE 3 - Project Statements
 FIGURE 4 - Public Comments
 7.5.603 Findings - ZC req_CA
 CPC Minutes October 19 - 7585 North Academy Blvd

Staff presentation:

Dan Sexton, Senior Planner gave a Power Point Presentation discussing the

scope and intent of the project.

Applicant Presentation:

Ms. Peggy Freizen with Engineering Company from Aurora, Colorado representing Confluent Development gave a PowerPoint presentation regarding the project.

Supporters:

None

Opponents:

Mrs. Bonomo is opposed due to impacts to the neighborhood, specifically their property which could affect them so negatively they wouldn't be able to sell their property in the future, property values will go down. The building will affect their view, she is unsure of how the building will be constructed as to what is on the top of the building on in the back. Doesn't want an ATM in front of her house if they put it in they don't want 24-hr access that close the home. She wanted a wall in front of the easement in front of her house. They have been working with the developer. She doesn't like the idea of this and would like to mitigate her property. She wants to know what will be on top of the building and in the back because it will make the street look like an alley.

Chairperson McDonald stated what they were deciding was a rezoning and a development plan to allow the construction of the new building. They aren't deciding on how the buildings will be built, where air conditioning units will go. Ms. Bonomo wanted to know when she'd know that. Chairperson McDonald recommended Mrs. Bonomo continue working with the planning department and the developer.

Questions:

Commissioner Walkowski asked the applicant about deliveries in the back and how will that be monitored? Ms. Freizen stated there was a note on the plans for no loading and unloading in the back.

Commissioner Markewich asked about the wall and how could the situation be alleviated. Greg Meter with Confluent Development stated they've had conversations with the Bonomo's discussing how their project would impact them. The complication is the parcel they cross is owned by a third party. They've offered to buy a portion of the tract and deed it to the Bonomo's. They've offered different ways to mitigate this with the third party owners and they've said no. They've offered to extend this wall and provide a gate it just can't be where the Bonomo's want it. The Bonomo's could negotiate with this other party or put it on their property line. They are working with everyone. Any agreement will be a private agreement.

Commissioner Raughton asked about the heating and AC units on the roof. Mr. Meter stated the building will be 18-ft and once tenants are finalized the heating and AC unit's locations will be finalized at that time and will adhere to all screening requirements. Commissioner Raughton asked if there were screening requirements. Mr. Sexton stated there were not.

Commissioner Markewich asked Mr. Sexton to go over the process of the applications and when screening would happen. Mr. Sexton stated there could be a requirement for screening from the commission. If not it's something like that would be done at time of building permit. Meggan Herrington provided clarification to Commissioner Markewich how the project would proceed going forward and reiterated that type of process was done at building permit stage. There is no other ability to share the plans.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Walkowski stated he was in support. It's a difficult infill project. The applicant worked well with the neighborhood by agreeing to keep the existing landscaping, and increasing it on the east side, taking responsibility for the road and repair the road, try to soften the exterior of the block wall, as well as any screening that may be needed for AC or other roof top items from the homeowners on across the street. He appreciated the restrictions on loading and unloading and his findings were they are consistent with all the criteria and he will be in support as presented.

Commissioner Smith stated he echoed Commissioner Walkowski stated and he will be in support of the project.

Commissioner Graham stated he agreed with his fellow Commissioners. He wanted a condition of record about the recreational marijuana use. City Attorney Marc Smith stated that the recreational marijuana is not a land use and didn't believe there was a way to add that. Planning Director, Peter Wysocki stated recreational marijuana is prohibited in city limits. So even with a note it wouldn't matter, it's prohibited.

Commissioner Markewich asked what if the code was changed and that allowed recreational marijuana as a permitted use. City Attorney Marc Smith stated if that happened the Planning Director would make a determination or judgment that uses are similar enough to medical marijuana and thus it could be applied in that case. But retail recreational marijuana is not permitted and not defined under the land use code. But you can add your intent that this would be something to be prohibited in the future which would be reflected in the minutes.

Commissioner Fletcher referenced language in their packet where it

referenced prohibited uses and medical marijuana was one of them and thus wanted to understand where the confusion was. City Attorney Marc Smith stated the confusion is the medical marijuana sales, which are permitted, and retail recreational marijuana sales which are prohibited. They're two separate concepts under the State Constitution and our local laws. Commissioner Fletcher stated since the retail recreational marijuana is prohibited there's no reason to add any prohibition for that. City Attorney stated not at this time.

Commissioner Raughton stated earlier he was in support of the project

Motion by Commissioner Walkowski, seconded by Commissioner Graham regarding CPC ZC 17-00103 - recommend approval to City Council the zone change from OC (Office Commercial) to PBC/cr (Planned Business Center with Conditions of Record), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603, subject to the following conditions of record listed in their packet

A motion was made by Walkowski, seconded by Graham, to Recommend approval to City Council the zone change from OC (Office Commercial) to PBC/cr (Planned Business Center with Conditions of Record), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603, subject to the following conditions of record:

The following land uses are prohibited within this PBC zone:

1. Sexually oriented businesses;
2. Methadone clinics;
3. Pawn shops; and
4. Medical marijuana facilities, including: medical marijuana centers, medical marijuana infused product manufacturer, and cultivation operations.

The motion carried by a vote of 9:0.

Aye: 9 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher

**6.A.2. DS DP
95-25-A2MJ
17**

An appeal of the City Planning Commission's decision to recommend approval to the City Council of the change of zone application CPC ZC 17-00103 and major development plan amendment application DS DP 95-00025-A2MJ17.

A major development plan amendment for the redevelopment of a 2.13-acre property into two commercial lots including a coffee shop with a drive-thru and a multi-tenant commercial building with drive-thru located at 7585 North Academy Boulevard.

(Quasi-Judicial)

Related File: CPC ZC 17-00103

Presenter:

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

Attachments: FIGURE 2 - Development Plan

7.5.502.E Development Plan Review

A motion was made by Walkowski, seconded by Fletcher, to Recommend approval to City Council the major development plan amendment for the 7585 North Academy Boulevard project, based upon the findings that the amended development plan meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E). The motion carried by a vote of 9:0

Aye: 9 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher

**6.B.1. CPC ZC
 17-00096**

An appeal of the City Planning Commission’s recommendation of approval of a zone change and concept plan for Patriot Park, a multi-family, single-family and private open space development.

(Quasi-Judicial)

Related File: CPC PUP 08-00157-A1MJ17

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Department
 Peter Wysocki, Director of Planning and Community Development

Attachments: EXHIBIT 1 - Appeal Application

EXHIBIT 2 - Appellant request for postponment

Vicinity Map

CPC Staff Report_Patriot Park

FIGURE 1 - Previous PUD allowances

FIGURE 2 - Concept Plan

FIGURE 3 - Project Statement

FIGURE 4 - public comment

7.5.603.B Findings - ZC req_CA

7.3.603 Establishment & Development of a PUD Zone

CPC Minutes October 19 - Patriot Park

Staff presentation:

Lonna Thelen, Principal Planner gave a Power Point Presentation discussing the scope and intention of the project.

Applicant Presentation:

Andrea Barlow with NES gave a Power Point Presentation outlining the history of the site and the intended scope of the project.

Supporters:

Melissa Benton lives in the neighborhood to the north asked about the private park, would it be fenced. If open to public use, she's in support. If locked up and not open to the public she'd be against.

Ms. Thelen deferred to Ms. Barlow. Ms. Barlow stated it's private because it's not owned by the city but by the Metro District. It will be open to the public and most of the land will in the open space will be unimproved.

Commissioner Markewich asked if allowing it to be open to the public was listed as a note on the concept plan. Ms. Barlow stated there was no note. There would be no plan to fence it off, the public trail will go through that open space but they could put a note on the development plan

Opponents:

Laura Osborn attorney with Silver and Divoski in Denver they represent CB Patriot Springs LLC. They don't believe the proposed residential development meets the comprehensive plan. The comprehensive plan identifies this area as primarily economic and employment center with major concentrations of employments. Residential is only a secondary identified use. Strategies cited by staff show employment as primary and residential is complementary and secondary. 64% of the site is proposed to be residential the other percentage is 36% for employment. By changes to residential you are changing the entire site from an employment center to primarily residential with some ancillary employment uses. Residential wasn't part of the overall development. Her client relied on an office park/ industrial center when purchasing the property. By allowing the residential uses at the price point will be detrimental to their office uses. The people in this price point won't be people working in these buildings and thus won't be a work and live type of environment.

QUESTIONS AND DISCUSSION WITH APPLICANT, OPPONENTS AND STAFF:

Commissioner Walkowski asked Ms. Osborn about the amount of percentages of the mix in the area. Ms. Osborn stated the proposed uses for the vacant site was designated for hotel and retail which is not an employment center and consistent with an employment center use.

Commissioner Raughton asked if decibel levels check for this project. Ms. Barlow stated they are outside of the APZ Zone which requires that decibels zone assessment so they didn't have to complete that. Commissioner Raughton stated the zone is associated with other hazards but he's speaking about the cone for sound in these areas so he disagreed with that assessment.

Commissioner Raughton asked if the open space includes the park space they'd create and calculated the density off the park. Ms. Barlow stated the density doesn't include the park.

Commissioner Raughton confirmed the lots would be smaller. Ms. Barlow stated yes to stay in the price range of the low to mid 200's.

Commissioner Raughton brought up the decibel level and what would need to be done to a home to meet that. Ms. Barlow reiterated there were no requirements for sound attenuation on this property. This area is in the airport overlay zone which requires an avagation easement that lets future homeowners know they could get some disturbance from aircraft noise and the overlay zone goes north to Cordera.

Commissioner Raughton commented about the homeless camps along the creek.

Commissioner Raughton said he agreed with speaker's statement about the comprehensive plan and this being designated as an employment center and is not sure this in the right plan for the area. The airport is a driver for economic development in the future and to make this change to the comprehensive plan is a mistake.

Ms. Barlow state they are proposing residential on 23 acres of a 100 acre area. This site has been vacant for a long time. One of the preeminent developers of this type building in the country move away from the project, there is a lot of vacant acreage in the area and over 1,000 acres is at the airport business park. She agrees there should be a focus for the airport. For this site the comprehensive plan identifies a mix of uses and they believe they're providing that mix that is viable for the property rather than more office development.

Commissioner Henninger asked about the density of the housing for here and north of Galley Rd. Ms. Thelen thought it was 6,000 sq. ft. lots. Commissioner Henninger asked what the density was for a townhome development. Ms. Thelen said density was 8-12 DU/AC. Commissioner Henninger said he was not a fan of small lot, small home development and thought townhomes might be more appropriate. The people employed here wouldn't be by the people buying smaller homes so he felt there was a disconnect. He didn't have a problem with the apartments, but the use in the area around the airport he didn't see it as a good blend. Employment has to drive the city not housing. To have this housing in an employment center is going in the wrong direction.

Commissioner Fletcher stated he agreed with Commissioner Raughton and Henninger. This is the wrong location for housing. A class A Business Park outside of Peterson for government related business was perfect and remains perfect in this location and is coming along nicely. We need patience and to develop government related services in the city and at this location because it's ideal. He will be objecting to the rezoning and concept plan.

City Attorney Marc Smith interrupted and reminded the Commission where they were in the hearing process. They're asking and answering questions and the applicant and the applicant hasn't has a chance to rebut any information.

Commissioner Walkowski verified the site was in a flood plain. Ms. Barlow confirmed it was but it was contained within the open space area.

Commissioner Walkowski asked if there'd be parking for the open space. Ms. Barlow stated they've talked with the Parks Department for a small area for parking and they could put a note on the development plan.

Commissioner Walkowski asked how the metro district works regarding funding and to make sure the open space is taken care of. Ms. Barlow said funding for the metro district is through taxation of properties within the district. Adjacent property expressed interest in being a part of the district for the purpose of a joint maintenance agreement to allow them to have a greater say in the covenants.

Commissioner Graham asked for clarification of the number of vacancy in the airport complex at Cresterra. Ms. Barlow said their study showed 1,974 acres of vacant non-residential land and 1,000 of that were in the Cresterra Business Park at the airport. Their site has remained vacant for many years and will remain that way if the market stays as it is. If office development is needed the adjacent site is available.

Ms. Barlow responded to Commissioner Henninger about townhomes vs the small lot PUD by stating due to the construction defects for townhomes and condos it's more difficult to build an attached product, thus the reason for the small lots.

Commissioner Markewich asked who owned the adjacent space. Ms. Barlow said it was the same people that own all the land just a separate entity that owns the open space. However, the five existing office buildings are owned by Patriot Equities and the remainder of the land is owned by the same land owners they own in two separate entities. Commissioner Markewich confirmed there was no current plan right now for the eastern part of the commercial area you were showing it as an example of what it could look like in the future. Ms. Barlow said there was not a plan and it was used as an example.

Ms. Barlow said the airport has a noise zone where it has to be controlled to the 65 decibels and this is outside of that area.

Commissioner/Chair McDonald stated from a zoning perspective if there's an initial primary use like this area and there's secondary uses, what is the purpose for secondary use? Ms. Barlow stated the primary function was employment but also to create a mix of use and create a viable area. We needed to look at a wider area. There are a wide range of residents, different work opportunities along a larger area where you can walk and have public transportation.

Commissioner/Chair McDonald wanted to know the amount of vacant land there is for Class A Office Space in the area and not just their site. Ms. Barlow stated the information they received was there is a 31% vacancy in Class A Office areas. There was 1,000 acres at the airport is in that Class A Office market.

Rebuttal:

Ms. Barlow stated she covered everything with her previous statements.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Markewich stated this project illustrates why the comprehensive plan is being redone. The language is too broad and anyone could find something to support their argument either for or against a project. He hopes the new plan will have us follow the trends of PUD's. They're used now to encourage mixed use in various areas. Industrial and light industrial should remain the same. If there was a demand for office buildings here they'd be built but there's not a demand it's vacant. He'd rather see some type of development happen at this infill site that moves the bar forward. Space Center Drive's entire route is high density multi-family. He disagrees with Commissioner Henninger about the small lot PUD's. Affordability is an issue and we have a very big gap in areas of our community for people to afford a starter home. This type of development fits this need. If there wasn't a demand, they wouldn't be building them. He's not concerned about the airport it's outside the zone. He's in full support of the plan, it conforms to the comprehensive plan and likes the idea of mixed use. He thought people who work in these office buildings will be excited to be able to live next door. He's excited about the open space and possible future commercial uses. It conforms to the requirements in the zone change and the concept plan fits within the city code. He will be in support.

Commissioner Fletcher stated he didn't have complaints about the plan. He likes mixed use and in favor of infill redevelopment. This is just the wrong location. Class A buildings for government related businesses in the original PUD are the correct one now and in the future. He didn't see a need to immediately decide what to do with the vacant property. This area is well on its way. He thought we needed to leave space for government related businesses. Commissioner Fletcher read into the record the specific criteria he was stating as the reasons for his objections to the proposed development. Criteria for zone change, #1, #2, #3, and #4. He didn't believe the proposed use is consistent with the comprehensive plan. Under the criteria for the concept plan his objections are criteria #1, #2, #3, #4, #5, and #6.

Commissioner Smith stated this area is a perfect example for what needs to be done for infill development. The applicant gave very detailed information for a concept plan and rezoning and told us what your future plans are. He's in complete disagreement to the assertion this doesn't meet the comprehensive plan. These types of uses can be done and built within this area. He doesn't see any detriment to the five office buildings. To say this is a development well on its way is erroneous. This area has set there for years, it's not on its way, it's on its way out. There are better areas to the south of this that are more attuned to work on governmental projects. There are over 1,000 acres south of this area. The original developer pulled out of this because they couldn't make it work is significant to him. There have been assumptions about the future uses for the area. The area is prime for what's being proposed. There will be teachers, fire fighters, police, landscapers a good number of workforce people that need this type of development. He will be in complete support of the project.

Commissioner Satchell-Smith thanks Ms. Barlow and city staff on the project. She's in complete support of the project first because it meets all of the criteria but also there is a distinct need for housing at this level of affordability and lot size. The city wants to attract employment but to do that you have to have reasonable housing for those you're trying to attract. The development takes into consideration the walkability and by connecting to the Sand Creek Trail you're making it more walkable or bikeable. You will attract more millennials.

Commissioner Henninger respected everything discussed and what's been presented. He wanted to reemphasize his concept of the density of the housing for the apartments are appropriate but the small single houses he didn't think it was appropriate. He didn't think they will have the tie ends we look for. There are numerous types of homes in Colorado Springs. Apartments in this area will blend in. He felt the employment center was a driver in this situation but he will not be supporting the request.

Commissioner Graham thanked the applicant for a very detailed presentation. The project meets the infill requirements. It meets the mixed use they are trying to develop and it narrows the gap of affordable homes. The price point is something that is needed because many aren't able to buy a \$300-\$400 thousand dollar home. He agreed with Commissioner Satchell-Smith about attracting more millennials. We need to attract them because they are leaving Colorado Springs faster than we can keep them. He thought it was a great project and will be in support.

Peter Wysocki, Planning Director commented about the discussion they'd had today and agreed with the majority of what was said particularly by the applicant and some of the commissioners. This is a project on the southeast part of town. It's a win. It's injecting new housing in the part of the city that seen any type of affordable housing in this area is good. It's not just people living at 30% of the annual mean income. The 2014 housing needs assessment on of the largest housing needs were for the working class. Single-family detached homes on 6,000 - 9,000 sq. ft. lots are beyond affordability. There is a need for this style of housing. He appreciated the discussion to reserve land for office space near major streets and the airport. However the trend across the US is Class A office space needs urban services. Back east there are large suburban office parks they are trying to urbanize. A mixed use because the old model of an office park is working very well. It's injecting new housing in the area and housing is directly related to our economic development. If we don't have work-force housing the economic strategies trying to being employed are difficult. We generate jobs with high wages but also lots of jobs in the \$30-\$40 thousand range and on that salary the current housing price are out of reach. He appreciated the concern being next to the airport but we have an airport that's surrounded by development and when Banning Lewis Ranch develops will we have the same type of discussions to not allow development because it's next to the airport. People will complain but that's the reason for the disclosures on plats. The vision of the city is more about mixed use, and market to a degree and this project checks all of those boxes with some concerns that can be worked

out. From a philosophical view it's what we're looking for.

They can have a work session to discuss housing and the need for affordable housing in the community and how housing and economic development are related. We could have some local stakeholders do a work session.

This is the second or third application with these small lots and he wasn't aware of a way to build homes that are affordable other than with the small lot concepts. They are very successful developments throughout the city.

Motion by Markewich, seconded by Graham, to Recommend approval to City Council the Patriot Park zone change of 43.08 acres from PUD/AO/SS (Planned Unit Development with Streamside and Airport Overlay) to PUD/AO/SS (Planned Unit Development: Single-Family Residential, 8-11.99 Dwelling Units per Acre, Maximum Building Height of 35 Feet; Multi-Family Residential, 25+ Dwelling Units per Acre, Maximum Building Height of 55 Feet; Private Open Space with Streamside and Airport Overlay), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) and complies with City Code Section 7.3.603 for establishment of a PUD zone.

The motion passed by a vote of 6:3

Aye: 6 - Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich and Walkowski

No: 3 - Henninger, Raughton and Fletcher

**6.B.2. CPC PUP
08-00157-A1
MJ17**

An appeal of the City Planning Commission's recommendation of approval of a zone change and concept plan for Patriot Park, a multi-family, single-family and private open space development.

(Quasi-Judicial)

Related File: CPC ZC 17-00096

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Department
Peter Wysocki, Director of Planning and Community Development

Attachments: FIGURE 2 - Concept Plan

7.3.605 PUD Concept Plan

7.5.501.E Concept Plans

Motion by Markewich, seconded by Satchell-Smith, to Recommend approval to City Council the concept plan for Patriot Park, based upon the findings that the PUD concept plan meets the review criteria for granting a PUD concept plan as set forth in City Code Section 7.3.605 and meets the review criteria for granting a concept plan as set forth in City Code Section 7.5.501(E). The motion passed by a vote of 6:3

Aye: 6 - Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich and Walkowski

No: 3 - Henninger, Raughton and Fletcher

6.C.1. CPC A Dublin North Addition Number 4 Annexation of 10.91 acres located
15-00039 between Dublin Boulevard and Vickie Lane, east of Tutt Boulevard.

(Legislative)

Presenter:
 Catherine Carleo, Principal Planner, Planning & Community
 Development

- Attachments:** CPC Staff Report_Dublin North No. 4 Annexation_KAC
- FIGURE 1 - Concept Plan
 - FIGURE 2 - Project Statement
 - FIGURE 3 - Annexation Plat
 - FIGURE 4 - Fiscal Impact Analysis
 - FIGURE 5 - DRAFT Dublin North Add. No. 4_Annexation Agreement
_Final 9-18-2017
 - FIGURE 6 - SECWCD Letter
 - FIGURE 7 - C6 Zone Exhibit
 - FIGURE 8 - PUD Zone Exhibit
 - FIGURE 9 - Enclave Exhibit
 - 7.6.203-Annexation Conditions

Staff presentation:
 Meggan Herrington, Principal Planner gave a Power Point Presentation discussing the scope and intention of the project.

Applicant Presentation:
 Mark Horton with Classic Consulting gave a Power Point presentation regarding the project. He discussed the history and scope of the proposed development.

Supporters:
 None

Opponents:
 None

Questions of Staff and Applicant:
 Commissioner Markewich said he understand this is a concept plan stage but he thought there'd be sidewalks that connect the neighborhoods. Mr. Horton said yes. Commissioner Markewich said his only real concern is boundary between the residential and future commercial development. A landscape

buffer in this situation is inadequate. He felt it would be more appropriate to have a fence or a masonry wall. He'd like some separation. He's worried about the cross traffic. Mr. Horton stated the two lots closest as like the other homes in the area there are 6-ft cedar fences in the back and sides. So there will be a fence but no fence at the end of the tract by the culd-de-sac.

Commissioner Markewich asked if there is an opening at the end of the culd-de-sac and is the purpose of the landscape buffer to prevent pedestrian traffic or will there be sidewalks or burms. If your intention is to truly connect that's one thing. But it seemed to him having a division seemed to him to be more appropriate.

Mr. Horton stated he didn't think they'd gotten that far. At the development plan stage is where that will be discussed. The real reason utility wise in the culd-de-sac they need to provide sewer, water and storm sewer to route to the pond. That's the real reason there's a tract there. Some of this will have to be answered at the development plan stage.

Commissioner Markewich said when they get to that stage could staff and applicant consider putting a physical barrier separating the commercial from the residential.

Assistant Planning Director Meggan Herington read from City Code 7.4.102 provides for screening and buffering between uses. So at the development plan stage it comes down to what develops first and the type of commercial development.

Commissioner Markewich asked if there was an agreement with 7-11 for access and is the intention to have the four lots that will be commercial to be connected and have a shared private drive

Mr. Horton said he didn't know if there was a formal agreement but he could check on it. Meggan said she thought the access was set up so that there could be some interconnectivity. Mr. Horton said the lots will be connected. Ms. Herington stated the property isn't platted yet so they could get some type of parking and cross access agreement at platting or development. But the agreement wouldn't be with the City because they don't have a way to facilitate that. Anything would be recorded with the property owners.

Randy Otoway with TK Development the developer on the site and there is a cross access agreement

Commissioner Satchell-Smith asked if Mr. Horton knew if the sidewalks being put in will be an ADA compliant because the east side of town is well known for not having ADA compliant sidewalks. Mr. Horton asked what type of side walk - the sidewalk itself, a ped ramp. Commissioner Satchell-Smith said all of those. Mr. Horton thought city engineering was going through some new criteria to force that issue. They try and meet that type of criteria.

Commissioner Henninger asked Kathleen Krager, City Traffic Engineer, if Dublin will be taken care of all the way to Marksheffel? Ms. Krager stated she's

turning in some paperwork for a 4-lane Dublin between Peterson and Marksheffel.

Rebuttal:

None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Henninger said he was in support of these small lots and associated housing.

Commissioner Smith said he was in support of the project.

Commissioner Walkowski said he appreciated the annexation process and thought it met the criteria for the zone change as well as the concept plan and the review criteria for the PUD. He will be in support of the project.

Motion by Markewich, seconded by Satchell-Smith, to Recommend approval to City Council the annexation of Dublin North Addition Number 4 based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.. The motion passed by a vote of 8:0:1

Aye: 8 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton and Walkowski

Absent: 1 - Fletcher

**6.C.2. CPC ZC
16-00026**

Establishment of the C6/AO (General Business with Airport Overlay) zone district pertaining to 4.38 acres located between Dublin Boulevard and Vickie Lane, east of Tutt Boulevard.

(Legislative)

Presenter:

Catherine Carleo, Principal Planner, Planning & Community Development

Attachments: FIGURE 7 - C6 Zone Exhibit
7.5.603 Findings - ZC req_CA

Motion by Markewich, seconded by Satchell-Smith, to Recommend approval to City Council the establishment of the C-6/AO (General Business with Airport Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 8:0:1

Aye: 8 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton and Walkowski

Absent: 1 - Fletcher

6.C.3. CPC PUZ 16-00029 Establishment of the PUD/AO (Planned Unit Development; Single-Family Residential, 3.5-7.99 Dwelling Units per Acre, 35-foot Maximum Building Height with Airport Overlay) zone district pertaining to 5.69 acres located between Dublin Boulevard and Vickie Lane, east of Tutt Boulevard.

(Legislative)

Presenter:
Catherine Carleo, Principal Planner, Planning & Community Development

Attachments: FIGURE 8 - PUD Zone Exhibit
7.5.603 Findings - ZC req_CA
7.3.603 Establishment & Development of a PUD Zone

Motion by Markewich, seconded by Satchell-Smith, to Recommend approval to City Council the establishment of the PUD/AO (Planned Unit Development; Single-Family Residential, 3.5-7.99 Dwelling Units per Acre, 35-Foot Maximum Building Height with Airport Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) and complies with City Code Section 7.3.603 for establishment of a PUD zone.

The motion passed by a vote of 8:0:1

Aye: 8 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton and Walkowski

Absent: 1 - Fletcher

6.C.4. CPC CP 16-00030 Dublin North Addition Number 4 Concept Plan illustrating future development of 4.38 acres of commercial development and 5.69 of single-family residential development located between Dublin Boulevard and Vickie Lane, east of Tutt Boulevard.

(Quasi-Judicial)

Presenter:
Catherine Carleo, Principal Planner, Planning & Community Development

Attachments: FIGURE 1 - Concept Plan
7.5.501.E Concept Plans
7.3.605 PUD Concept Plan

Motion by Markewich, seconded by Satchell-Smith, to Recommend approval to

City Council the Dublin North Addition Number 4 Concept Plan, based upon the findings that the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) as well as criteria for PUD concept plans as set forth in City Code Section 7.3.605. The motion passed by a vote of 8:0:1

Aye: 8 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton and Walkowski

Absent: 1 - Fletcher

7. Informational Reports

7.A. [17-1289](#) 2017 Pikes Peak Regional Building Code (PPRBC) Revisions - International Building Code Adoption

(Informational Only)

Presenter:

Roger Lovell, Regional Building Official, Regional Building Department
Rebecca Mulder, Communications Coordinator, Regional Building Department
Meggan Herington, Assistant Director, City Planning and Community Development

Attachments: [PPRBC_Executive Summary](#)

8. Adjourn