



City of Colorado Springs

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Meeting Minutes - Draft Planning Commission

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*Phone: +1 720-617-3426
Conference ID: 935 469 214#*

Thursday, April 30, 2020

8:30 AM

Council Chambers

1. Call to Order

- Present:** 8 - Vice Chair Scott Hente, Commissioner James McMurray, Chair Reggie Graham, Commissioner Rhonda McDonald, Commissioner Alison Eubanks, Commissioner John Almy, Commissioner Marty Rickett and Commissioner Natalie Wilson
- Excused:** 1 - Commissioner Jim Raughton

2. Approval of the Minutes

- 2.A.** [CPC 20-123](#) Minutes for the February 20, 2020 City Planning Commission Meeting

Presenter:
Reggie Graham, Chair

Motion by Commissioner Rickett, seconded by Vice Chair Hente, to approve the February 20, 2020 City Planning Commission Minutes. The motion passed by a vote of 8:0:1:0

- Aye:** 8 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson
- Absent:** 1 - Commissioner Raughton

3. Communications

Peter Wysocki - Director of Planning and Community Development

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

4. CONSENT CALENDAR

Family Pet Crematory

- 4.C. [CPC CU 19-00174](#) Conditional Use Development Plan for a pet crematory in the C-5 (Intermediate Business) zone district located within an existing building addressed as 1721 West Uintah Street.

(Quasi-Judicial)

Presenter:
Tasha Brackin, Senior Planner, Planning and Community Development

This Planning Case was approved on the Consent Calendar.

Briargate KinderCare

- 4.D. [AR DP 19-00518](#) A development plan for a daycare facility on 1.37 acres generally located southwest of Grand Cordera Parkway and Briargate Parkway and zoned PBC/CR (Planned Business Center with a Condition of Record).

(Quasi-Judicial)

Presenter:
Hannah Van Nimwegen, Senior Planner, Planning & Community Development

This Planning Case was approved on the Consent Calendar.

Pilate Connection

- 4.E. [CPC UV 20-00043](#) A use variance development plan establishing a personal improvement service use with ancillary site improvements located at 1375 East Fillmore Street.

(Quasi-Judicial)

Presenter:
Daniel Sexton, Principal Planner, Planning & Community Development

This Planning Case was approved on the Consent Calendar.

The Edison at Chapel Hills

- 4.F. [CPC ZC 19-00175](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 6.8 acres located at 1265 Kelly Johnson Boulevard from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center)

(Quasi-Judicial)

Related files: CPC ZC 19-00175, CPC CU 19-00176

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

This Ordinance was referred on the Consent Calendar to the City Council.

- 4.G. [CPC CU 19-00176](#) The Edison at Chapel Hills Conditional Use Development Plan to allow 171 multi-family residential units within the PBC (Planned Business Center Zone District) at 1265 Kelly Johnson Boulevard.

(Quasi-Judicial)

Related files: CPC ZC 19-00175, CPC CU 19-00176

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

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

Sands Industrial

- 4.I. [CPC CP 20-00064](#) A concept plan for the Sands Industrial project establishing the land use pattern and lot configuration for the 15-acre site located west of Capital Drive.

(Quasi-Judicial)

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development

This Planning Case was approved on the Consent Calendar.

- 4.J. [CPC CU 20-00065](#) A conditional use development plan for Lot 6 of the Sands Industrial project establishing an equipment storage use on 4 acres located west of Capital Drive.

(Quasi-Judicial)

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development

This Planning Case was approved on the Consent Calendar.

Driscoll Manufacturing

- 4.K. [CPC UV 20-00007](#) A use variance development plan for the Driscoll Manufacturing project establishing an automotive sales use in the PIP-1 (Planned Industrial) zone district located at 485 Elkton Drive.

(Quasi-Judicial)

Presenter:

Katelynn Wintz, Senior Planner, Planning & Community Development.

This Planning Case was approved on the Consent Calendar.

Ascent by Watermark

- 4.L. [CPC CU 19-00165](#) The Ascent by Watermark conditional use development plan for a 360-unit multi-family complex in the PBC (Planned Business Center) zone district located southeast of the intersection of Woodmen Road and Tutt Boulevard and west of Templeton Gap Road.

(Quasi-Judicial)

Presenter:

Meggan Herington, Assistant Director, Planning & Community Development

This Planning Case was approved on the Consent Calendar.

Briargate Crossing East No. 6

- 4.M. [CPC ZC 20-00017](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 14.93 acres located northwest of the intersection of Briargate Parkway and Grand Cordera Parkway from A (Agriculture) to PBC (Planned Business Center).

(Quasi-Judicial)

Related files: CPC ZC 20-00017, CPC CP 20-00018

Presenter:

Katie Carleo, Principal Planner, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

This Ordinance was referred on the Consent Calendar to the City Council

4.N. [CPC CP 20-00018](#)

The Briargate Crossing East Filing No. 6 Concept Plan establishing a mixed commercial, retail and office center located northwest of the intersection of Briargate Parkway and Grand Cordera Parkway.

(Quasi-Judicial)

Related files: CPC ZC 20-00017, CPC CP 20-00018

Presenter:

Katie Carleo, Principal Planner, Planning and Community Development

Peter Wysocki, Planning Director, Planning and Community Development

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

Timberview Vet Clinic

4.O. [CPC UV 20-00042](#)

A use variance to allow a small animal clinic in a PIP-1 (Planned Industrial Park) zone district located southeast of the intersection of Voyager Parkway and Ridgeline Drive.

(Quasi-Judicial)

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development

This Planning Case was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Vice Chair Hente, seconded by Commissioner Rickett, 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 8:0:1:0

Aye: 8 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 1 - Commissioner Raughton

ITEMS PULLED FROM CONSENT

Pub Dog

- 4.A. [CPC ZC 19-00178](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 0.206-acre located at 2217 Bott Avenue from R2 (Two-Family Residential) to C5 (Intermediate Business).

(Quasi-Judicial)

Related Files: CPC ZC 19-00178 and AR DP 15-00139-A1MJ19

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Before the presentation, Ms. Lonna Thelen, City Planner, explained when the postcard for the notice went out, it was posted that the addition was going to be on the east side of the existing restaurant. That was actually incorrect. The addition will be on the west side of the existing restaurant. All other information that went out were correct including the vicinity map and file numbers. The commissioners were asked if that would be a problem, and the commissioners agreed that it would not be an issue.

Staff presentation:

Lonna Thelen, City Planning, presented a PowerPoint with the scope and intent of this project.

Applicant Presentation:

Dave Morrison, Land Patterns, Inc., representing the owners, Tara and Scott Downs. Mr. Morrison presented a PowerPoint with the scope and intent of this project.

Supporters:

None

Opponents:

Luanne Ducett, resident on South 23rd Street

- Concerned about the zone change application
- Review criteria says the zone change will not be detrimental to public interest, health, safety, convenience or general welfare

- Ms. Ducett said the application does not meet those requirements
- While in her home office, she can hear the loudspeaker
- Ms. Ducett is opposed to the Pub Dog expansion for the following reasons:
 - Pub Dog is a restaurant, dog park, and a bar
 - This project is being proposed with an R2 zone on both sides and behind it. In any other neighborhood, the application would not have been considered.
 - Landscape Setback - One criteria that is not being met is the landscape setback to an R2 zone. They did request alternative compliance, but if this was in a different neighborhood, the 15-foot setback would be mandated.
 - Noise - She never complained about the noise but maybe should have, but with the expansion, it will bring the noise closer to the residences
 - Currently there is a one lot buffer between Pub Dog and the residences and Ms. Ducett's office; however, with the expansion, there will be no buffer
 - Loud speaker announces everyone's meals and oftentimes there are games going on like bingo. The meals are announced during the entire time they are open for business
 - Currently, there is a chain link fence along the alley that separates the alley from the outdoor play area and when you walk or drive down the alley, the dogs rush over to the fence and bark at you
 - Smell - When you walk down the alley there is the smell of dog excrement and urine. She knows that they clean it, but can't clean it during a rush when all the dogs are there
 - Ms. Ducett asks the commissioners to reconsider approving this zone change from residential to commercial
 - She is concerned about the water quality because all of this washing that is done is washing into the public water system
 - She does not think this use in a residential neighborhood is appropriate
 - Parking is a problem on Bingo night because both sides of the street will have cars parked and people crossing the street to go into the restaurant. The customers are taking way more than the three street parking spots that they are showing on the current plan; so this is under parked with the use they have now

Questions:

Commissioner Rickett asked Ms. Ducett if her office/home is located basically a block away. Ms. Ducett said it was around the corner on Hagerman and 23rd.

Commissioner Rickett asked if it were zoned residential, and Ms. Ducett said it was zoned R2 with conditional use.

Commissioner Almy asked if the City Health Department has received any formal complaints regarding the sanitation issue brought up? Mr. Morrison said the owners have never received a complaint regarding the smell or sanitation issues, specifically to dog urine, feces, and other smells from the restaurant. They have never been contacted by the Health Department for any violations in the three years they have been open. Mr. Morrison said the Health Department had scrutinized the business very thoroughly, especially with the cleaning processes.

Mr. Peter Wysocki, Director of Planning and Community Development, explained we would field complaints regarding noise and odors through our Neighborhood Services Division of our department. Mr. Wysocki said to his knowledge, no complaints have been received nor have any violations been noted.

Any animal behavior type complaints would go through the Pikes Peak Humane Society, which our department oversees the contract and services, and we are not aware of any complaints that have been filed with the Humane Society.

Rebuttal:

None.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

None

Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council the rezone of 0.62-acre from R2 (Two-Family Residential) and C5 (Intermediate Business) to C5 (Intermediate Business), 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 8:0:1:0

- 4.B. [AR DP 15-00139-A1 MJ19](#) The Pub Dog Development Plan for a restaurant expansion with attached dog play structure located at 2207 and 2217 Bott Avenue.

(Quasi-Judicial)

Related Files: CPC ZC 19-00178 and AR DP 15-00139-A1MJ19

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to the City Council the development plan for a restaurant with an attached dog play structure based upon the findings that the development plan meets the review criteria as set forth in City Code Section 7.5.502(E). The motion passed by a vote of 8:0:1:0

Faxon Court Daycare

- 4.H. [CPC CU 20-00016](#) A conditional use development plan for a large daycare home accommodating up to 12 children at 5975 Faxon Court.

(Quasi-Judicial)

Presenter:

Gaby Serrano, Planner II, Planning & Community Development

Staff presentation:

Gaby Serrano, City Planning, presented a PowerPoint with the scope and intent of this project.

Applicant Presentation:

Ms. Becerra spoke to the commissioners about the proposed daycare via the phone.

- Bought house 10 years ago and never had a problem with neighbors
- Children will play in the backyard, so noise should not be an issue
- Clients will park in driveway and have staggered times to pick up and drop off

Questions:

Commissioner Rickett asked Ms. Becerra if she was currently running a daycare in her home. Ms. Becerra said she is not currently running a daycare out of her home.

Commissioner Eubanks asked Ms. Becerra if she has lived in the home for the 10 years she has owned it and if they do own a number of cars that are usually parked in the driveway, then the people dropping off their children would not be able to access the driveway.

Ms. Becerra said she has one car in the garage, her husband has his work vehicle and he leaves at 6 o'clock in the morning, and the other car leaves at around 7:30 to 8:00 o'clock in the morning.

Ms. Becerra said she has lived in the house for a year since they moved back.

Supporters:

Erin Hatfield, licensed childcare provider in Colorado Springs

- With crisis that our state is having on finding licensed childcare, it would really harm some of these children if they weren't able to get it
- Ms. Hatfield has been a friend to Ms. Becerra for several years and said she has never had any noise complaints
- It would benefit the city

Opponents:

Andrew Fitchett, lives on Faxon Court

- Mr. Fitchett is opposed to this project
- 23 homes on the street that is less than 400 feet long
- Too much traffic already
- Not enough parking on the street
- People parking in front of mailboxes
- Police have been called
- Applicant said she would have her clients pull into her driveway, but she has 3 cars in her driveway and there is no room

Robin Fitchett, lives on Faxon Court

- Daycare is not running right now and there is already traffic and parking problems
- What happens if Ms. Becerra gets approved and she chooses not to stagger the times for her daycare

Questions of Staff:

Commissioner Almy asked if the applicant has a license for a large daycare center or whether she is personally licensed because there was a comment about the size of the house not being adequate for a large daycare center.

Ms. Serrano said that Ms. Becerra is licensed with the State of Colorado, but she does not have a license yet with the city because this process has to be approved first. Ms. Serrano also stated that the house is adequate by city and state standards.

Rebuttal:

Ms. Serrano addressed the concern about what if Ms. Becerra doesn't stagger times for her client after she is approved. Ms. Serrano explained there is a condition of approval for this project that will specify the hours of operation and will also specify that everything the applicant has stated in regards to staggering, so in order for her to change those times and to change the staggering time, she would need to come back and get approval.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Wilson said she would not be supporting this project even though we do need daycare, the location of this property for this use would hinder the surrounding neighborhood.

Commissioner Rickett said he had similar concerns but felt the licensed daycare offset the concerns. Commissioner Rickett said he understood the street was tough to live on for parking and traffic

Motion by Vice Chair Hente, seconded by Commissioner McMurray, to approve the conditional use development plan for 5975 Faxon Court, based upon the findings that the request meets the review criteria for granting the conditional use as set forth in City Code Section 7.5.704, and a development plan as set forth in City Code Section 7.5.502 (E). The motion passed by a vote of 7:1:1:0

5. UNFINISHED BUSINESS

6. NEW BUSINESS CALENDAR

Flying W Ranch Temporary Use Appeal

Commissioner Hente asked to be recused from this item because his personal residence is in close proximity to the Flying W Ranch.

- 6.A. [CPC AP 20-00061](#) Postpone an appeal of the administrative 2-year extension of the temporary use permit for the Flying W Ranch office at 2870 Chuckwagon Road.

(Quasi-Judicial)

Presenter:
Meggan Herington, Assistant Director, Planning & Community Development

Motion by Commissioner Rickett, seconded by Commissioner McMurray, to postpone the appeal until the July 16, 2020 Planning Commission Meeting in the hopes that we will have in person meetings by that time, per the request of the applicant. The motion passed by a vote of 7:0:1:1

Aye: 7 - Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 1 - Commissioner Raughton

Recused: 1 - Vice Chair Hente

Kettle Creek North

- 6.B. [CPC PUZ 19-00090](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 61.71 acres located southeast of Powers Blvd

and Highway 83 from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 du/ac)

(Quasi-Judicial)

Related File: CPC PUP 19-00091

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

Staff presentation:

Hannah Van Nimwegen, City Planning, presented a PowerPoint with the scope and intent of this project.

Applicant Presentation:

John Maynard, N.E.S., representing Kettle Creek North, presented a PowerPoint with the scope and intent of this project.

Questions:

Commissioner Rickett asked what was the density for North Fork? Ms. Van Nimwegen stated there are two areas of North Fork and they both have different densities. The main density that is south of the Kettle Creek North subdivision has a gross density of 3.6 dwelling units per acre. The area that is closest to Howells, so adjacent to Howells with the larger lots has a gross density of 1.92 dwelling units per acre. The area which is closest to Kettle Creek north has 3.6, consistent between the three to four proposed density range.

Commissioner Rickett asked for a walk through of the traffic study. Mr. Maynard said the study is reviewed by City Traffic and the parameters of that study are established by the City Traffic Department. When an area is studied, it is required that adjacent vacant properties be assigned a traffic number and included in the traffic study as part of the background traffic. The timing of the background traffic is variable depending on the traffic analysis, but in the case of North Fork, it was included as urban density similar to what's proposed.

Supporters:

None.

Opponents:

Louellen Welsh, resident on Howells Road

- Would be supportive of the development if modifications were made:
 - Traffic is a real issue already

- A change to the Briargate Master Plan is needed to lower the density rate at three maximum
- Something has to be done so the impact of the traffic is not as bad

Duncan McNabb, resident north of the proposed site

- Not opposed to development of the area, but has concerns with the proposal.
 - Major concern is the growth in the area, and wants mitigation to the potential traffic issue at Old Ranch Road
 - Residents have not been able to review the traffic report
 - Wants to know how the City uses the contracted traffic report
 - Would have liked to have the traffic issues addressed at another town hall before the Planning Commission meeting
 - Believes there are other alternative to create additional roads for entry and exit to support the Kettle Creek development
 - Lack of infrastructure is a quality of life issue
- Recommended postponement of the development until traffic issues are resolved, and would like all the raised concerns from public meetings to be addressed before approval.

Samuel Bryant, lives in North Fork, and is opposed due to the following:

- Kettle Creek development has a serious safety issue for egress
 - No secondary exit to this development making an evacuation dangerous
 - Traffic report says 3200 cars going in and out of one road, Thunder Mountain, daily
 - With the high school right there, several times last year during normal school hours, when trying to exit from North Fork, you are waiting three to five minutes at a stop sign by the high school because the high schoolers are coming in to the school. That's a tremendous amount of time with just six cars ahead of you, but when adding 188 cars egressing Kettle Creek during rush hour, it's going to be a serious issue
 - A secondary exit is needed
 - Applicant has not attempted to work with the county to get an access road to Howells Road, which is next to North Fork

Judith von Ahlefeldt

- Concerned about open space on the north side of town, and only using minimum requirements for the Preble's jumping mouse habitat
- There needs to be space for animals to move
- Need to balance open space and parks better and plan them ahead

rather than trying to retrofit them

- Asked to postpone this
- Agrees that this is a safety issue in case of safety issues, such as a fire

Questions of Staff:

Todd Frisbie, City Traffic, said they did require the applicant to do a traffic study and that they worked extensively with the applicant's consultant. Mr. Frisbie said they required the consultant to update the traffic counts in the area because the counts in the initial studies were a little dated. Mr. Frisbie went on to explain about the traffic reports and how the level of service (LOS) works.

Commissioner Rickett asked for an example of a level of service. Mr. Frisbie gave the example of a level of service F where you sit through multiple cycles of a traffic signal. Mr. Frisbie referenced the intersection of Austin Bluffs and Woodman and how that would be a LOS D where you might sit through a cycle or two, but you generally get through the intersection relatively easy.

Mr. Frisbie said by the City's analysis, that level of service D, the range of delay that we use to define a LOS D, is 35 to 55 seconds per vehicle.

Commissioner Rickett asked if there had been consideration on adjusting this intersection, and if there is an opportunity to pick up the road that is further to the east?

Mr. Frisbie said Traffic Engineering can adjust signal timing to make that traffic movement. In terms of traffic, the Union connection will be a reliever of some of that traffic volume, but North Fork and Kettle Creek all comes down to Old Ranch Road and there are no plans for connection to 83 or Powers.

Commissioner Rickett asked the developer if it was a possibility of connecting to Howells Road? Mr. Maynard explained that Howells Road is El Paso County's jurisdiction and it is a dirt road. During the annexation process, it was discussed and a commitment was made to the county residents who live on Howells Road that a connection would not be made. During the neighborhood meetings for this project, the residents on Howells Road were adamant that there not be that connection to Howells Road. Mr. Maynard said they have not spoken to the county about a connection or what the requirements would be.

Mr. Wysocki added that a connection to Howells Road would yield very minimal improvements to trip distribution generated within Kettle Creek and North Fork assuming the majority of the residents would travel to the west and to the south. The effort of building the connecting road to Howells Road through the very sensitive land and the improvements to Howell Road would really yield very minimal improvements to the other intersections in question.

Mr. Wysocki went on to say the level of service D is really only during the a.m. peak hour when Pine Creek high school is starting. The majority of the day is not a level of service D. Mr. Frisbie confirmed and added the intersection of Old Ranch Road and Thunder Mountain Avenue operates at a level of service C, and that's why the possibility of having the high school start at a later time out of the peak time would benefit that intersection.

Commissioner Almy asked about the emergency planning aspects from a traffic standpoint. Mr. Frisbie said in the course of review, the everyday scenario is evaluated and he would defer that to the fire department and their review.

Fire Protection Engineer, Steve Smith with the Colorado Springs Fire Department said they did an analysis on emergency response times. Mr. Smith said the area is just outside the standards of coverage. The standards of coverage are eight minutes for the first responding company 90% of the time, and then 12 minutes for a full effective force, which is two engines, two trucks 90% of the time. That point is just outside these standards of coverage, so Kettle Creek would be outside of that response time. Mr. Smith said they did request the connection to Howells Road, and as Mr. Maynard previously mentioned it wasn't desired by the county and wasn't looked upon as an option. Evacuations are not analyzed, only response times into those neighborhoods.

Rebuttal:

Mr. Maynard addressed the traffic and fire safety:

- School district was approached to see if they were amenable to having an emergency access to Howells Road through their elementary school site and their answer was no
- Mr. Maynard said their traffic consultant and he believed the city's traffic engineering requested a staggered start time for Pine Creek High School, but there has been no commitment from the school

Mr. Maynard said they are consistent with the master plan and believe this subdivision and zoning action should be approved.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Almy said in general he is in favor of the project and thinks it will be a great place to live, but is also sensitive to the traffic patterns in the community. Commissioner Almy said he visited the site and said you have to go through a maze to get there. Commissioner Almy said he planned to recommend approval; however, he was concerned that the community needs to understand what emergency planning affects there are as part of this to alleviate the community's concerns.

Commissioner Rickett concurred with Commissioner Almy in that traffic in that area is difficult at times. Commissioner Rickett is in support of the project but requested the developer and the county have another conversation to see if they could extend the road to the east to be able to give a second exit out of the neighborhood in the event of emergencies.

Commissioner Wilson agreed with Commissioner Rickett but thought if there was no opportunity for any new egress for safety purposes that maybe a reduction in the housing density should be looked at.

Commissioner McMurray said looking at this project with the nature of the impacts to the neighborhood and based on the approval criteria for concept plans and zone changes, he would not be voting in favor of this project.

Motion by Commissioner Rickett, seconded by Vice Chair Hente, to recommend approval to City Council the rezone of 61.71 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 dwelling units per acre), 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), as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603. The motion passed by a vote of 7:1:1:0

Aye: 7 - Vice Chair Hente, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

No: 1 - Commissioner McMurray

Absent: 1 - Commissioner Raughton

- 6.C. [CPC PUP 19-00091](#) The Kettle Creek North Concept Plan for a single-family residential development with density between three and four dwelling units per acre, generally located south and east of the Powers Boulevard and Highway 83 intersection.

(Quasi-Judicial)

Related File: CPC PUZ 19-00090

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

Motion by Commissioner Rickett, seconded by Vice Chair Hente, to recommend approval to City Council the concept plan for Kettle Creek North based upon the findings that the concept plan complies with the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and

criteria for PUD concept plans set forth in City Code Section 7.3.605. The motion passed by a vote of 7:1:1:0

Aye: 7 - Vice Chair Hente, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

No: 1 - Commissioner McMurray

Absent: 1 - Commissioner Raughton

Palermo Filings 3, 4, & 5

6.D. [CPC PUZ 19-00095](#) An appeal of an Ordinance amending the zoning map of the City of Colorado Springs pertaining to 59.52 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, 2-3.5 dwelling units per acre).

(Quasi-Judicial)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

Staff presentation:

Hannah Van Nimwegen, City Planning, presented a PowerPoint with the scope and intent of this project.

Applicant Presentation:

John Maynard, N.E.S, presented a PowerPoint with the scope and intent of this project.

Questions:

Commissioner Hente asked if it was a requirement to put in the deeds that Powers Boulevard was initially planned to go through.

Mr. Maynard explained the annexation agreement requires that the Powers Boulevard right-of-way be dedicated to the City at such time that Powers is funded by the state. That hasn't happened yet in this particular instance. So the right-of-way continues to be shown on the master plan and the requirement to dedicate it to the city is still in place via the annexation agreement.

Commissioner Hente said what he remembered was that it had to be included in the deed so when people bought it, they knew it was being planned sometime in the future. Commissioner Hente wanted to know if that was still the case?

Mr. Maynard referred to a person in the audience representing Classic, who

indicated that was not the case anymore. Commissioner Hente then asked how buyers were notified about Powers going there? Mr. Maynard said the purchasers are required to sign a disclosure. Commissioner Hente said he had used the wrong term, but that was what he wanted to make sure of.

Supporters:

None

Opponents:

Rick White, Treasurer for Deer Creek Homeowners Association

- HOA opposed to the rezoning on the grounds that it will turn Silver Creek and Snowflake into dangerous thoroughfares with volumes in excess of City standards for average daily traffic on residential streets
- The simple solution is do not route Palermo traffic through Deer Creek
- Since last August have asked the city why it doesn't open an entrance from Palermo on Highway 83 bypassing the Deer Creek neighborhood
- The answer received was that CDOT won't talk to the City of Colorado Springs
- It appears the City is taking shortcuts and not exercising diligence on its citizens' behalf
- Feels their objections are being dismissed particularly with respect to traffic considerations
- Master Plan has been so heavily amended that it bears little resemblance to the one shown in 2003
- A community the size of Deer Creek to the back our neighborhood will create serious traffic problems on our residential streets
- Don't route traffic through our neighborhood

Mike Thorne, former HOA president for Deer Creek

- Mr. Thorne pointed out on page 40 of the city's traffic criteria manual, which has a table stating the maximum allowed average daily traffic would be 1500 cars for our street
- Ms. Van Nimwegen provided the traffic engineering assessment for Silver Creek which showed there to be 150 cars per day. There are 20 homes located on Silver Creek with the only outlet being Snowflake Drive. Using the traffic engineering assessment, it is an average of 7 ½ cars per home. That accounts for homeowners making multiple trips per day, deliveries, or just general traffic
- There has not been an average daily traffic assessment provided to the Deer Creek homeowners for Snowflake
- The combined homes on Snowflake, Silver Creek, and Cloudy Creek Court is 51, and by applying traffic engineering's 7.5 average daily traffic number per home would yield 382 cars

- In January 2020, Ms. Van Nimwegen provided the traffic engineering assessment for Silver Creek Drive coming from Palermo and this was 1300, which does not include Snowflake
- When adding Snowflake, the number is 1682 cars, which well exceeds the 1500 car maximum
- The Palermo expansion would significantly violate the City's maximum average by a 24% increase
- Requests the developer to add an entrance into Palermo from Highway 83 to alleviate this violation

Sharon Wood, vice president of Deer Creek HOA

- Does not think the issues that have been presented have been sufficiently addressed.
- Wants all the options for access and egress to be addressed
- Major concern is the traffic down Snowflake and then down Silver Creek and into the subdivision with no other access or egress
- It does not seem that there were any in depth studies done to alleviate the traffic through Deer Creek
- It is apparent that our roads were never intended to carry the 1800 and some cars a day
- Would like for the pedestrian bridge to be a traffic bridge that takes traffic south
- Does not seem that any of the alternatives are under serious consideration
- Concerned about a viable plan for emergency evacuation
- Asked for a delay in this proposal to reconsider the traffic plan and density
- Ms. Wood said she spoke to CDOT and they told her there might be an option if someone would actually pursue that

Sean Haller (inaudible), resident on Wildwood Pass (just south of the project)

- Echoed the concerns of the neighborhood association and has the same concerns of traffic flow through the whole area
- Wanted to know if Palermo Filings would also be contributing to the cost of the pedestrian bridge, as they would be benefitting from it
- Questioned whether single-family detached homes are really the right need for the community on the north side of the Springs when cost of living is so high

Ralph McLain, resident of Deer Creek on Snowflake Drive

- Reiterated the concerns of doubling traffic
- Concerned with evacuations in case of an emergency

- Request the development plan be denied or delayed pending access to Hwy 83 to alleviate the traffic concerns

Robin Thorne, resident on Snowflake Drive

- Ms. Thorne spoke of traffic calming measure in Palermo and said Snowflake Drive is a direct shot from Silver Creek to Ridgeline and there have been issues from those coming from Flying Horse and no measures have been taken to calm traffic on Snowflake Drive

Tracy Swiontek, Deer Creek resident on Fieldcrest Dr

- Said they already have parts of Flying Horse coming into the neighborhood, which was opened up at the end of the original line
- Reiterated the traffic problem and the volume of traffic
- Safety concern with speed
- 10 or more cars backed up at the street light at Voyager and Ridgeline

Jim Tiedemann, lives on Silver Creek Drive

- Echoed the comments regarding the traffic, which would be a safety issue

Questions of Staff:

Chair Graham requested staff address the traffic concerns that were expressed.

Mr. Todd Frisbie, Traffic Engineering, responded to the following concerns:

- Traffic on Snowflake exceeding the residential standard up to 200 vehicles a day
 - Mr. Frisbie acknowledged that the number of vehicles a day would be close to the 1500 threshold, but explained those numbers are what the City tries to achieve
 - Explained those numbers are what the City tries to achieve for more of a quality of life perspective and they are not necessarily hard and fast, but a guideline
 - Mr. Frisbie said there is not an actual count on Snowflake to make that assessment, but admitted that the number is close
- Things Traffic Engineering can do:
 - There is a neighborhood traffic management program designed to respond to existing issues, so it is a road that we could monitor for traffic and if we see issues, there are some traffic calming options that we can do to address that
 - Volumes are harder to address, with speeds being easier with that program, but that is something that could be looked at in the future

- Ridgeline Drive
 - Traffic Engineering has been contacted a couple of times with concerns regarding speeds
 - Ridgeline is a collector street so is designed to accommodate these traffic volumes
 - In regards to speed, the neighborhood traffic management program is what we like to use once a development has settled in, and then we know the specific issue to address
 - Mr. Frisbie said they had already been contacted by this neighborhood in regards to the neighborhood traffic management and some speed studies have been conducted. Mr. Frisbie did not have the data with him
 - Mr. Frisbie stated speed humps are not an option for traffic calming measures
 - Some things that can be done are striping changes and speed display radar signs
- Intersection of Ridgeline and Voyager
 - Signal timings can be adjusted to accommodate the additional traffic at that intersections
- Commissioner Rickett asked if the 7.5 trips per house to develop the amount of traffic was standard and where did that number come from?
 - Mr. Frisbie said to calculate the number, take the traffic count and divide it by the number of homes. Mr. Frisbie said he did not know where the resident got his traffic count
 - Mr. Frisbie said the standard grade that traffic engineering uses in planning is 9.5 daily trips per single family home, so the 7.5 is in line with that 9.5

Mr. Peter Wysocki, Director of Planning and Community Development, explained that the numbers our traffic engineers use come from the ITE manual, which is the International Traffic Engineers manual. The 9.5 number is basically an accepted number. When traffic analyses are prepared and submitted to the city, the traffic counts are determined based on the type of use and the big manual has a plethora of different uses and associated traffic counts based on square footage of those uses or the density of the housing.

Mr. Frisbie clarified that the manuals are called the Trip Generation Manuals published by the Institute of Transportation Engineers and is updated every three to four years.

Commissioner Rickett asked with the new development if we were at that 1500 trips with this new edition or is it past that? Commissioner Rickett also wanted to know if that was just a recommendation or a hard and fast rule?

Mr. Frisbie said the 1500 is a planning tool. When developers are planning out a subdivision, they can plan it out in such a way that they lay out the lots so that a local residential street does not exceed that number. Mr. Frisbie explained it is a tool to help guide the planning and the classification of the roads, and is not a hard and fast rule.

Rebuttal:

Ms. Van Nimwegen said she had heard from one of the citizens who called in that the Flying Horse Master Plan had been amended so many times it wasn't recognizable. Ms. Van Nimwegen said she just wanted to clarify that the parcels that are applicable to the proposed development (Parcels 3A and 10), that parcel 3A has not changed since it's initiation in 2003. Parcel 10 was amended in 2014 and 2015 to reduce density. It had been designated as 3.5 dwelling units per acre and was reduced to be similar to Parcel 3A, which is two to 3.5 dwelling units per acre.

Mr. Maynard pointed out all of the collector streets on a map and said that was a pretty robust collector system for the amount of density that's shown on the master plan.

Mr. Maynard also commented that the original Flying Horse Master Plan had approximately 4000 units approved. The final development is likely to be less than 3000, so it's a 25% reduction in the number of units that were originally proposed, and the original traffic study for Flying Horse anticipated public improvements that would service those 4000 units. There is a less dense situation than was originally planned in the master plan.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

None

Motion by Vice Chair Hente, seconded by Commissioner Rickett, to recommend approval to City Council the rezone of 59.52 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, 2-3.5 dwelling units per acre), 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), as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603. The motion passed by a vote of 8:0:1:0

Aye: 8 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 1 - Commissioner Raughton

- 6.E. [CPC PUD 19-00096](#) An appeal of The Palermo Filings 3, 4, and 5 Development Plan illustrating 151 single-family detached residential units located north and east of the Voyager Parkway and Ridgeline Drive intersection.

(Quasi-Judicial)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

Motion by Vice Chair Hente, seconded by Commissioner Almy, to recommend approval to the City Council the development plan for 151 single-family detached residential units based upon the findings proposal meets the review criteria for development plans as set forth in City Code Section 7.5.502(E) and criteria for PUD development plans set forth in City Code Section 7.3.606. The motion passed by a vote of 8:0:1:0

Aye: 8 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 1 - Commissioner Raughton

Accessory Dwelling Units

- 6.F. [CPC CA 20-00006](#) Discussion of amendments to Chapter 7 (Planning, Development and Building) of City Code pertaining to accessory family suites, accessory dwelling units, and the accessory dwelling unit overlay.

(Legislative)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development Department

Peter Wysocki, Director of Planning and Community Development

Staff presentation:

Hannah Van Nimwegen, City Planner, presented a PowerPoint with the scope and intent of this project, as well as updates from the inception of this item.

Summary of Ordinances:

Ordinance 1.1 - Accessory Family Suites:

- Introduces accessory family suites as secondary living areas (which may contain a full kitchen) integrated within and with a connection to the principal residence. No more than one family may live on the property.

Ordinance 1.2 - Definitions & Accessory Dwelling Units:

- Existing definitions are being adjusted and new definitions are being added.

- Introduces ADUs into single-family zones through the Conditional Use process allowing two families to occupy the property. In single-family zones, only integrated ADUs are permitted.
- Relaxes requirements for detached ADUs in two-family, multi-family, and some commercial zone districts.

Ordinance 1.3 - ADU Overlay Zone:

- Introduces an overlay zone intended to be used in conjunction with new residential development.

Questions:

Commissioner Hente asked if it was only in single-family zoning that the property owner must occupy.

Ms. Van Nimwegen said the answer to that lies between the differences of the Accessory Family Suite and the integrated Accessory Dwelling Unit. For the Accessory Family Suite, the City is not proposing owner occupancy because the number of individuals who could potentially live on this property is not increasing. The City would allow two kitchens in the home and thought it was appropriate to not require the property owner to occupy it since they would not be increasing the number of individuals who could potentially live within their home as far as the zoning code.

However, after being approved for a conditional use, an Integrated Accessory Dwelling Unit allows a second family in single-family zones. So, if someone were approval for the conditional use and a second family moved onto the property, the City would require the property owner to occupy either the ADU or the primary residence.

We would not be requiring owner occupancy in two-family or multi-family because the property owner is not currently required to occupy those districts and that would not change. It really applies to integrated units in single-family districts.

Commissioner Hente asked if the fire separation and separate mechanical, electrical, and plumbing systems was across the board even for Family Suites. Ms. Van Nimwegen explained that for Family Suites, since it is limited to one family and the requirement for an internal connection, the Pikes Peak Regional Building department determined that the separation would not be required.

Commissioner Hente said he was unsure what was meant by the fire separation, and separate mechanical, electrical, and plumbing systems. Commissioner Hente asked if that was on the Family Suite?

Ms. Van Nimwegen said with the Accessory Family Suite, due to limiting the

property occupancy to one family and because of the internal connection, the Pikes Peak Regional Building Department determined that the one-hour fire rated assemblies and the separate air, mechanical, and plumbing systems would not be required.

Commissioner Almy asked if there was an existing large property with outbuildings like a barn including an apartment above it, or a garage with an apartment above, or even in historic neighborhoods where there is a carriage house, could they be appealed or get a waiver to be included in the two categories of Family Suite or Accessory Dwelling Unit?

Ms. Van Nimwegen gave the scenario of single-family zoned area and there is an existing detached structure that someone would like to turn into a family suite, or a detached ADU, there is a process called a use variance and if somebody were hoping to convert their carriage house into an ADU to allow a second family to move in, they would have to get approval of a use variance, which would be approved through the City Planning Commission, just like a conditional use would. The difference between the use variance and the conditional use is that it would be requesting a variance to the use section of the code. It is different that a non-use variance, which is really four dimensional standards such as setbacks, etc...

The conditional use process is like a conditionally permitted term where as long as you meet certain criteria, you are conditionally allowed in that district, but the use variance puts the onus on the property owner to show why they should vary from the use section of code. The avenue is different than the conditional use process. Ms. Van Nimwegen said if someone had an existing structure, there would be a potential to justify a use variance, although every case is different.

Commissioner Rickett asked if there are properties already being used like apartments (Old North End), or have second families in a carriage house, anything with those existing conditions, would the Planning Commission have to hear those cases if the people want to continue to rent those properties?

Ms. Van Nimwegen said if they are legally permitted now before the ordinance takes effect, then they would be grandfathered in. If they were illegally done and Code Enforcement issued a citation, they would have to come into compliance, which would mean they would have to come before the City Planning Commission for approval of the use variance, if it is a detached structure.

Commissioner Rickett asked if this was something that could be done administratively or does it have to go through a hearing? Ms. Van Nimwegen said the administrative process was explored, but the further along it got, the more it was mimicking the process for a conditional use except for the review

authority. It was determined that it was appropriate to move forward with the conditional use versus the administrative process.

Commissioner Rickett said he could see the potential for a lot of conditional use permits being heard by Planning Commission when these ordinances go into effect and wanted to know how we would handle this.

Mr. Peter Wysocki said he did not think this scenario would occur on a frequent basis because they still had the option of the Family Suite.

Commissioner Rickett said he was not concerned the Family Suite but more of the ADUs that are out there that are not compliant. Mr. Wysocki said ADUs in R-1 are currently not permitted, so there should not be that many cases.

Ms. Meggan Herington, Assistant Director of Planning and Community Development, explained in the 1926 timeframe in the Old North End, before zoning, a person could have a main home and a parish home. Some of those are still being used today. In the 70s, the City adopted the R1-6000 zoning district, but in these situations, there is already a carriage home and a main home. Those are in use today, as is, in that legal non-conforming capacity. Whereas now, in that R-1 zoning district, they would not be permitted. So we have that situation today where the carriage house is not permitted in the zone but it continues to exist and it's in use as a legal non-conforming. The City does not plan to take that away and nor would people have to come into conformance with this new code if they are already in that situation.

Supporters:

Elam Bocckvar-Klein, co-founder of Colorado Springs Pro-Housing Partnership

- Commended Commissioners and City Staff for understanding the gravity of the housing crisis and how zoning code exacerbated the situation
- Believes ADUs and Accessory Family Suites are a necessary first step
- Adding more housing types and more neighborhoods, increasing the number of affordable options city wide and easing the gentrifying strain on some communities to absorb new development
- This is what the City's own strategic plan mandated we do
- We support the proposed package of ordinances currently before the Commission
- Want to ensure that the ordinances are able to realize as much of an impact on our affordable housing crisis as possible

Nick Strincion (unsure of spelling), Pleasant Valley resident

- Had questions on the family suite and integrated accessory dwelling

units tying into existing utilities. Would this require a separate water tap and sewer tap and would we have to pay the tap fees to be able to tie those units into the existing home's sewer and water tap?

- Ms. Van Nimwegen explained the Family Suite is not required to have separate mechanical, electrical, air, or plumbing systems. It is also not required to have a separate water meter and can use the existing system. However, if someone wanted their own separate tap, as of January of 2019, Colorado Springs Utilities did reduce the fee for a separate tap for accessory dwelling units. Ms. Van Nimwegen was not sure if that would apply to accessory family suites and would have to check with utilities. So as far as ADUs go, the fee was reduced, and for an integrated unit and a family suite, there is no requirement to have a separate water meter or tap, but there is a requirement to have separate air, mechanical and of those systems for an ADU.

Sarah Rogers, resident near Quail Lake Park

- In a situation where she needs an accessory family suite for her mother who was recently widowed
- Would like to create an integrated family suite to allow mom to have a separate living area, bathing facility, as well as a full kitchen since she enjoys cooking
- Sees that a number of families who have family members that need special care
- Would like for herself to be able to age in place and have a caregiver who would have their own space
- Does not want to see outward appearances change, but in support of integrated living facilities or family member within their own single-family homes
- Really wants to see the ability to have a second kitchen

Liam Reynolds, renter near the Old North End

- In support of the ordinances
- Growing population and a zoning code that doesn't allow for the construction of housing to accommodate that growing population

Opponents:

Barbara Frisbee, Old North End resident

- Does not want this happening just because the rest of the country is supporting ADUs
- Density is not an issue here, the city extends practically 15 miles
- The Old North End neighborhood has car after car parked on the street because of the apartments
- Old North End lots are small

- Parking and traffic would cause a bad situation
- It would destroy the character of the neighborhood
- Ms. Frisbee is very much against it
- Doesn't make sense to have parents or an older couple on the property, or disabled child. It just doesn't flow very well

Laura Skring (spelling unknown)

- Does not have any particular issue with integrated units
- Bought a home with the assumption that these would be single-family residences
- This is an attempt to subvert the rights of property owners
- Will be more traffic, more parking, more noise and will change the character of the neighborhood
- Affect property values
- Affect personal pleasure of our properties

Richard Sullivan

- The three different levels of occupancy can be done with a conditional use
- The conditional use requires posting and a hearing where neighbors have an opportunity to make their input
- Costs involved with an 550 square foot ADU would make a monthly rent payment at \$1500, which is not affordable rent (costs: construction costs, Regional Building Department requirements, utility development fees, lending criteria, taxes, insurance and utilities)
- Cost burden for an accessory dwelling unit is twice that of the HUD fair market rent standard for a one-bedroom apartment in Colorado Springs
- ADUs are a solution looking for a problem

Dutch Schultz, President of the Old North End

- Intention is not what is important, it is the result that actually comes out of this
- Old North End shares the desire to allow the mother-in-law into the house with a little separate unit kitchen
- All should be a conditional use where the use goes away when the mother-in-law goes away or the owner changes. That makes it simple and then you don't have a problem with the ADU morphing into a rental unit
- Old North End master plan calls for controls on density and specifically calls for restrictions such as this
- How does adding a parking space applies where there is no requirement for one anyway

- Make sure people buying in a strictly single-family zone know if they are in the overlay zone

Questions of Staff:**Rebuttal:**

Ms. Van Nimwegen clarified the role of the conditional use and the parking.

- Conditional Use
 - Runs with the property and the use itself is not necessarily tied to a specific occupant
 - Example: if a family member passes away and the family no longer has a need and they move somewhere else, the conditional use does not go away. The conditional use would continue to apply to the property
- Parking
 - There are requirements for parking, but the Old North End is different because it is a historic neighborhood
 - Old North End was developed under a different zoning code under different requirements
 - A single-family home does require one off-street parking space
 - Would require an additional garage space, or;
 - An additional driveway space, or;
 - If there is a detached unit, it can be a space off to the side, a paved space or something along those lines

Mr. Peter Wysocki said the majority of the City Council wanted a concept that would allow homeowners the ability to provide a separate “living area” for a family member in need without excessive processing, such as a conditional use. The Council sees rental ADUs different from the area of a home where an aging parent or family member can live.

The Council wanted two separate options to give homeowners. If the homeowner wanted a true ADU to rent, then it would need to go through a public hearing process and that would run with the land and there would not be this issue of enforcement when the family member would move out. If the homeowner wanted a space for a family member to live, then they'd be allowed a Family Suite by right.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Rickett thanked the staff for their hard work for this long process and said they have done a fantastic job.

Commissioner McDonald thanked Ms. Van Nimwegen and said this has been a long time coming and it is a lot more organized and structured than it was previously. Commissioner McDonald thanked the staff and appreciated all the hard work, and said she was happy with what she heard today.

Motion by Commissioner Rickett, seconded by Commissioner McDonald, to recommend to the City Council adoption of ordinances amending Chapter 7 (Planning, Development and Building) City Code defining and establishing standards for accessory dwelling units, accessory family suites, and an accessory dwelling unit overlay zone. The motion passed by a vote of 8:0:1:0

Aye: 8 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 1 - Commissioner Raughton

Pony Park Subdivision Plat Appeal

Note

Commissioner Rickett left the meeting at this time as he had a prior engagement.

Note

Ben Bolinger, City Attorney's Office, explained this was an atypical situation with this matter. This item is an appeal of a plat, and our code contains criteria for what constitutes an effected/affected appeal. Section 7.5.906(A)(4) of City Code requires a written notice of an appeal, and in the written notice, the appellant must substantiate and identify an explicit ordinance provision, which is in dispute. Planning staff and the attorney's office reviewed the appeal and there was a question of whether this written appeal successfully identified an explicit ordinance provision that is in dispute.

Mr. Bolinger recommended that the appellant be allowed three minutes to show cause why we should hold a hearing and why the written appeal successfully satisfies these criteria.

Mr. Lebel thanked the City Attorney for all the work that was done on this item and said Mr. Bolinger was correct in there was no specific provision to point to that had been violated, other than an argument that has to do with:

7.7.303(C)(29)

Districts And Associations: Recordation information (reception number, etc.) shall be given on the plat for any maintenance district, metropolitan district, owners' association, etc., that is referenced on the plat as a body for any ownership and/or maintenance responsibility per the plat

Mr. Lebel said that Springs Ranch Community Association was not the association for this particular parcel, but Mr. Lebel believed the reason the plat has a requirement to list an association does pertain because of unusual circumstances.

Mr. Lebel went on to discuss covenants, and Mr. Bolinger reiterated that Mr. Lebel had a few minutes to address why the written appeal addresses code provisions and not to argue the covenants that are not within the jurisdiction of the Planning Commission.

Mr. Lebel said this problem was never supposed to exist because the association was supposed to take care of the parking problems but it couldn't in this particular area and since the COVID-19, no public meetings were allowed. The association felt this was the only way to address the problem.

Chair Graham asked for the commissioners input and Commissioner Hente said this would open up the City to the accusation of interfering with covenants and this matter is not a City Code issue but a covenant issue.

Commissioner McDonald agreed with Commissioner Hente, and Commissioner Hente proposed a motion to dismiss this item because it is not within the Planning Commissions purview.

- 6.G. [AR FP](#) An appeal of the Pony Park subdivision plat pertaining to 4 acres
[19-00023](#) located southwest corner of Peterson Road and Pony Tracks Drive.

(Quasi-Judicial)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

Motion by Vice Chair Hente, seconded by Commissioner McDonald, to dismiss this item because no explicit City Code was identified with this being a covenant issue which is not under the purview of the Planning Commission. The motion passed by a vote of 7:0.2:0

Aye: 7 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Wilson

Absent: 2 - Commissioner Raughton and Commissioner Rickett

Sorpresa East Addition No. 1 Annexation

Note

Commission Hente said he does not have any financial interest in this development or annexation, however, he has a long history in the area and has dealt with many of the participants who might be speaking . Commissioner Hente said to remove any perceived bias on his part, and upon the advice of the

City Attorney's office, he would recuse himself.

- 6.H. [CPC A](#) Sorpresa East Addition No. 1 Annexation located southeast of Sorpresa
[19-00068](#) Lane and Gilpin Peak Drive consisting of 8.83 acres.

(Legislative)

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development

Staff presentation:

Katie Carleo, City Planning, presented a PowerPoint with the scope and intent of this project.

Applicant Presentation:

Dave Morrison, Land Patterns Incorporated, representing Challenger Homes, presented a PowerPoint with the scope and intent of this project.

Questions:

None

Supporters:

None

Opponents:

John (Name inaudible), lives in Cumbre Vista

- With the wall on Sorpresa Lane, it basically becomes a one lane road on the north side
- Has watched large trucks while they are doing construction at Cumbre Vista and they struggle to get off of De Anza onto Sorpresa Lane
- Where the detention pond currently sits is fairly close to the folks that live in the county where their wells are and is concerned with having that runoff

Patricia Evensticks (unknown spelling)

- Worried about the new retaining wall that was put in on Sorpresa Lane
 - How can they extend that without tearing out property on Cumbre Vista?
 - When the retaining wall was built, it took over 4 feet off of Sorpresa Lane at Gilpin Point Peak, so how can you make that a 38-foot road without taking part of the sidewalk and the land of Cumbre Vista

Mr. Morrison responded to this concern by pointing out that City Traffic Engineering requested improvements from Deanza Peak Trail to the east. Mr.

Morrison said it would begin where the current guardrail is and move to where the east property line is, which will be a full 38-foot width. Mr. Morrison said the improvements for the fire access will be to the east of the guardrail and retaining wall, which will remain intact.

Ms. Evensticks said that is still going to be a very narrow road, which in the wintertime is covered by ice from that retaining wall to past centerline and makes it very hard for people to get through there.

Mr. Morrison said that came up quite a bit in the neighborhood meetings and understood the concern and said that their future residents will be faced with the same problem. Mr. Morrison said that all of Sorpresa Lane sits outside of the parameters of the project, and they do not really have much to say about what happens along that portion of Sorpresa Lane.

Melanie Oliver, lives across the road from the applicant's property

- Opposed the 35-foot maximum building height which allows the possibility of three-storey houses (Ms. Oliver said the maximum height allowed at Cumbre Vista is 30 feet)
- Allowing three-storey houses towering over our homes does not promote a complimentary neighborhood as required in the zoning code
- The applicant stated they only intend to build two-storey houses and urged not to approve the zone change with a 35-foot building height
- Opposed the 7-foot rear yard minimum
- Does not believe a subdivision with a density of 8 dwelling units is compatible with Cumbre Vista and not conducive to family outdoor enjoyment and child safety
- The density and the high traffic the project will generate does not belong at the back end of the neighborhood
- Serious safety issue with a portion of Sorpresa that does not meet city design criteria. The current asphalt and curb width is only 24 feet wide for 300 feet, which disqualifies Sorpresa Lane as a collector street
- Travel near the project site is already precarious and an additional 500 vehicles per day will be very unsafe for vehicles, bicycles, pedestrians and children waiting for the school bus
- City should require an asphalt width that meets code for the entire length of this collector street
- If any additional development is going to be permitted at the east end of Sorpresa Lane, the asphalt, pan and gutter needs to be widened

Questions of Staff:

Commissioner McDonald asked if there were really 7-foot rear setbacks on these lots? Ms. Carleo responded by stating this is a PUD, so they are

allowable to identify what setbacks they would like on those lots, and yes, through CSU, they have 7-foot for those individual lots.

Commissioner McDonald asked if there was a map showing the lots, and Ms. Carleo explained at this time, the applications are for an annexation, a zone change, and a concept plan, so in the future, they would come forward with the development plan and plat.

Rebuttal:

Ms. Carleo clarified the height of the Sorpresa development to the north is zoned R1-6, which allows for a height of 30-feet with an allowable five feet for a pitched roof.

Ms. Carleo addressed the retaining wall by stating the planning staff, as well as traffic and engineering staff, has been working with the applicant and the Cumbre Vista area and they are very aware of the concerns from the neighborhood for the icing that is happening on the roadway during snow conditions. This is not an ideal configuration for the roadway, however, it was all reviewed by traffic engineering and our engineering division and it does meet the criteria that is needed for access to this development for a residential road. Ms. Carleo reiterated they are aware of some of those conditions that will be taking further action and watching what maintenance can help with out in the field and then clarifying that the criteria is being met.

Chair Graham asked for traffic staff to address the concerns of the residents in Cumbre Vista about the wall and ice on the road.

Mr. Todd Frisbie, City Traffic Engineering, stated he spoke with Corey Farkas, Public Works and he committed to add this area to their hotspot list to send crews out to deal with ice buildup during snow events.

Mr. Frisbie said with regards to the width concerns, it was mentioned that it is approximately 22 feet and this does not meet the City's standards. At this time, Traffic Engineering is okay with that in that it still provides two 11-foot lanes which is our standard width for lanes. Mr. Frisbie said if the property to the south redevelops, that would be the time to address that road and bring it up to a standard core collector.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Wilson stated she was not in favor of the annexation with the proposed concept plan due to concerns about density and egress.

Commissioner Wilson believed the density was too high for the area and the egress needed resolved.

Commissioner Almy stated he does agree with Commissioner Wilson in that the entrance and egress plan as portrayed is really complex and believed it could be simplified with a little ingenuity.

Motion by Commissioner Almy, seconded by Commissioner McDonald, to recommend approval to City Council the annexation of 8.83 acres as Sorpresa East Addition No.1 Annexation, based upon the findings that the annexation complies with the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203. The motion passed by a vote of 5:1:2:1

Aye: 5 - Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks and Commissioner Almy

No: 1 - Commissioner Wilson

Absent: 2 - Commissioner Raughton and Commissioner Rickett

Recused: 1 - Vice Chair Hente

- 6.I. [CPC PUZ 19-00138](#) Establishment of the PUD/AO (Planned Unit Development; single-family residential, 8 DU/AC, 35 foot maximum building height with Airport Overlay) zone district for 8.83 acres located southeast of Sorpresa Lane and Gilpin Peak Drive.

(Legislative)

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development

Motion by Commissioner McDonald, seconded by Commissioner Almy, to recommend approval to City Council the establishment of 8.83 acres as PUD/AO (Planned Unit Development; Single-family Residential, maximum residential density 8 DU/AC, 35-foot maximum building height with Airport Overlay) zone district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603. The motion passed by a vote of 5:1:2:1

Aye: 5 - Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks and Commissioner Almy

No: 1 - Commissioner Wilson

Absent: 2 - Commissioner Raughton and Commissioner Rickett

Recused: 1 - Vice Chair Hente

- 6.J. [CPC PUP 19-00139](#) Sorpresa East PUD Concept Plan for 8.83 acres of residential development located southeast of Sorpresa Lane and Gilpin Peak Drive.

(Quasi-Judicial)

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development

Commissioner Almy said he agreed with Commissioner Wilson in that he thought the entrance and egress plan portrayed is really complex. Commissioner Almy said he is not sure that that could be simplified with a little ingenuity.

Motion by Commissioner McDonald, seconded by Commissioner Almy, to recommend approval to City Council the Sorpresa East PUD Concept Plan, based upon the findings the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605. The motion passed by a vote of 5:1:2:1

Aye: 5 - Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks and Commissioner Almy

No: 1 - Commissioner Wilson

Absent: 2 - Commissioner Raughton and Commissioner Rickett

Recused: 1 - Vice Chair Hente

Prospect Park Master Plan Amendment

- 6.K. [CPC MP 81-16-A2MJ20](#) A Resolution for a major amendment to the Prospect Park Master Plan to change 20.63 acres from commercial to commercial and residential, located southeast of the intersection of East Fountain Boulevard and South Union Boulevard.

(Legislative)

Related Files: CPC MP 81-16-A2MJ20, CPC CP 20-00041

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development
 Peter Wysocki, Director, Planning and Community Development

Staff presentation:

Rachel Teixeira, City Planning, presented a PowerPoint with the scope and intent of this project.

- Existing Property
 - Zoned PBC/SS
 - Currently a vacant property except for the empty restaurant building at 2125 E. Fountain Boulevard
- Two application(s):
 - Prospect Park Master Plan amendment
 - To change from Commercial to Commercial and Residential
 - Fountain and Union Concept Plan

To allow commercial and multi-family residential uses (12-24.99 du/ac)

Applicant Presentation:

02:24

Andrea Barlow, N.E.S., presented a PowerPoint with the scope and intent of this project.

Master Plan Amendments

- Zone 2 changed from Commercial to Commercial & Multi-family.
- Added density range of (12 - 24.99)
- Added note: Multi-family is allowed as a conditional use under PBC.
- Added note: Streamside Criteria to be addressed at time of Development Plan
- Added note: Park Land Dedication Obligation to be determined at time of Development Plan.

Proposed Concept Plan

- Retains an area for future commercial along Union Blvd.
- Provides opportunity for additional housing options, including attainable or affordable housing.
- Provides for an infill opportunity on a vacant underutilized property.

Questions:

None

Supporters:

None

Opponents:

None

Questions of Staff:

None

Rebuttal:

None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

None

Motion by Vice Chair Hente, seconded by Commissioner McDonald, to approve the Prospect Park Master Plan amendment from Commercial to Commercial and Residential, based on the findings that the master plan amendment request complies with the review criteria for master plans as set forth in City Code Section 7.5.408. The motion passed by a vote of 7:0:2:0

Aye: 7 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Wilson

Absent: 2 - Commissioner Raughton and Commissioner Rickett

- 6.L.** [CPC CP 20-00041](#) The Fountain and Union Concept plan for commercial and residential development in the PBC/cr/SS zone (Planned Business Center with Conditions of Record and Streamside Overlay, located southeast of the intersection of East Fountain Boulevard and South Union Boulevard.

(Quasi-Judicial)

Related Files: CPC MP 81-16-A2MJ20, CPC CP 20-00041

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Motion by Vice Chair Hente, seconded by Commissioner McDonald, to recommend approval the concept plan for the Fountain and Union for commercial and residential, based upon the findings proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E). The motion passed by a vote of 7:0:2:0

Aye: 7 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner McDonald, Commissioner Eubanks, Commissioner Almy and Commissioner Wilson

Absent: 2 - Commissioner Raughton and Commissioner Rickett

7. PRESENTATIONS/UPDATES

8. Adjourn