



City of Colorado Springs

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Meeting Minutes - Draft Planning Commission

Thursday, May 19, 2022

8:30 AM

Open to Public
Call 720-617-3426 Conf ID: 785 230 166 #
Blue River Board Room

1. Call to Order and Roll Call

Rollcall

- Present:** 7 - Commissioner Raughton, Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Alternate Griggs
- Absent:** 2 - Commissioner Wilson and Commissioner Graham

2. Changes to Agenda/Postponements

3. Communications

Mike Tassi - Assistant Director of Planning

4. CONSENT CALENDAR

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.)

739 & 741 East High Street

- 4.B.** [CPC UV 21-00149](#) A use variance for an existing accessory dwelling unit where a duplex is already constructed located at 739 & 741 East High Street.
(Quasi-Judicial)

Presenter:
Matthew Alcuran, Planner II, Planning and Community Development

This Planning Case was approved on the Consent Calendar.

- 4.C.** [CPC NV 21-00150](#) A nonuse variance to City Code 7.3.104.A. allowing a 0-foot side yard setback where 5-feet is required in the R-2 (Two-Family Residential) zone district located at 739 & 741 East High Street.
(Quasi-Judicial)

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development

This Planning Case was approved on the Consent Calendar

4.D. [CPC NV
21-00151](#)

A nonuse variance to City Code 7.3.104.A. allowing a 0-foot rear yard setback where 25-feet is required in the R-2 (Two-Family Residential) zone district located at 739 & 741 East High Street. (Quasi-Judicial)

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development

This Planning Case was approved on the Consent Calendar

4.E. [AR NV
22-00237](#)

A nonuse variance to City Code 7.3.104.A. allowing a 5,000 square foot lot for an existing duplex where 7,000 square feet is required in the R-2 (Two-Family Residential) zone district located at 739 & 741 East High Street. (Quasi-Judicial)

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development

This Planning Case was approved on the Consent Calendar

Dogtopia

4.F. [CPC CU
22-00039](#)

A conditional use development plan to establish a kennel at 5780 E. Woodmen Road.

(Quasi-Judicial)

Presenter:

Daniel Besinaiz, Senior Planner, Planning & Community Development

This Planning Case was approved on the Consent Calendar

1951 Allegheny - Fiber Optic Facility

4.G. [CPC ZC
22-00068](#)

Ordinance No. 22-50 amending the zoning map of the City of Colorado Springs relating to 5.261 acres located at 1951 Allegheny Drive from PUD/R/HS (Planned Unit Development and Estate Single-Family Residential with Hillside Overlay) to PF (Public Facilities).

(Quasi-Judicial)

Related File: CPC CP 22-00086

Presenter:

Peter Lange, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

This Ordinance was recommended for approval on the Consent Calendar to the City Council

- 4.H. [CPC CP 22-00086](#) A concept plan for a Colorado Springs Utilities fiber-optic facility located at 1951 Allegheny Drive.

(Quasi-Judicial)

Related File: CPC ZC 22-00068

Presenter:

Peter Lange, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

This Planning Case was recommended for approval on the Consent Calendar to the City Council

Avanterra

- 4.K. [CPC CU 22-00033](#) A conditional use development plan for multi-family development located at 6565 E Woodmen Road.

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

This Planning Case was approved on the Consent Calendar

Approval of the Consent Agenda

Motion 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 6:0:2:0

Aye: 6 - Commissioner Raughton, Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Wilson and Commissioner Graham

5. ITEMS CALLED OFF CONSENT

Minutes

- 4.A. [22-290](#) Minutes for the April 21, 2022, Planning Commission hearing.

Presenter:

Scott Hente, Chair of the City Planning Commission

Motion by Commissioner Rickett, seconded by Commissioner Almy, to postpone the minutes for the April 21, 2022, Planning Commission meeting. The motion passed by a vote of 6:0:2:0

Aye: 6 - Commissioner Raughton, Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Wilson and Commissioner Graham

Lexington Vistas

- 4.I. [CPC ZC 22-00001](#) Ordinance No. 22-38 amending the zoning map of the City of Colorado Springs relating to 6.49-acres located southwest of the intersection of Lexington Drive and Parliament Drive from R-5/P (Multi-Family with Planned Provisional Overlay) to R-5 (Multi-Family Residential)

(Quasi-Judicial)

Related File: CPC CP 22-00002

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

This item was pulled from the Consent Calendar by Katelynn Wintz, Planning Supervisor.

Staff presentation:

Katelynn Wintz, City Planning, presented a PowerPoint with the scope and intent of this project.

General Information

Background Information

- 6.49-acres
- Zoned R5/P
- Portion developed as an active church
- Property is part of the Briargate MP

Public Notice

- Site posting and 260 postcards mailed three times: once at the initial review stage, neighborhood meeting correction and before the Planning Commission Hearing.
- One City-coordinated neighborhood meeting was scheduled and held in January

PlanCOS

Ch. 3 - Unique Places

- Embrace Creative Infill, Adaptation & Land Use Change

Ch. 4 - Thriving Economy

- Goal TE-4

“Focus on productively developing and redeveloping areas already in, nearby, or surrounded by the city”

Strive for a diversity of housing types, styles, and price points distributed throughout our city

Applicant Presentation:

Andrea Barlow, N.E.S,
 Pastor Jeff Kintner, Covenant Presbyterian Church
 Alan Brown, Springs Land Ventures

Andrea Barlow presented a PowerPoint with the scope and intent of this project.

Zoning:

Existing Zoning: **R-5P**

- Zoned February 1985 by Ordinance 85-29
- R-5 zone is for multifamily residential but includes other permitted uses, such as religious institutions.
- The Planned Provisional Overlay (P) or conditions of record is used to establish special procedures and adds two conditions of record:
 1. Restricts the use of the parcel to church and church related activities.
 2. Requires Planning Department approval of a development plan prior to the issuance of a building permit.

Proposed Zoning: **R-5**

- R-5 Zone with removal of the Planned Provisional Overlay (P) and both associated conditions of record.
- R-5 Zone Standards:
 - 45-foot maximum height
 - 20-foot front setback
 - 5-foot side setback
 - 25-foot rear setback
 - Maximum lot coverage 40%

Concept Plan:

Lot 1: Existing Church Site (3.53 Acres)

Lot 2: Proposed Multifamily (2.96 Acres)

- Proposed Maximum Density: 28 DU/AC
- Proposed Building Height: 45'
- Proposed Building Footprint: 18,565 SF

Building Setbacks:

- Front (Lexington/Parliament): 20'
- Rear (Western Boundary): 25'
- Side (Southern Boundary): 5'

Landscape Setbacks/Buffers:

- Lexington Dr: 20' Setback
- Parliament Dr: 10' Setback

Western Boundary: 15' Buffer

Conceptual Site Plan:

- Proposed Use: Multifamily Residential
- Max. Residential Density: 28 DU/AC

- Site Amenities: Dog Park, Shared Lawn and Playground, Garages
 - Pedestrian access to trail on west boundary, to Lexington Drive and to the amenities on church site
 - One point of access off Lexington Drive
 - Gated emergency access from Parliament Drive
 - The access to the church from Lexington Drive will be removed, and the Church parking lot will be revised to continue to meet City parking standards.
- On-site water quality and detention

Neighborhood Engagement:

January 13, 2022

- Meeting with Cypress Ridge HOA/Church/Developer/Applicant
- Overview of applications and proposed apartments

January 20, 2022

- Post-submittal neighborhood meeting - approximately 30 participants
- Coordinated by the City staff after the initial submittal
- Presentations from Covenant Presbyterian Pastor, City Planner, and Applicant
- Productive Q&A
 - Do not want multifamily use, no need for additional multifamily in area
 - Impact on views of the mountains/building height
 - Increase in traffic, particularly during school peak times
 - Property values
 - Density and inconsistency with surrounding neighborhood
 - Privacy concerns
 - School capacity concerns
 - Increased crime
 - Not consistent with Briargate Master Plan

Existing Traffic Conditions:

- Traffic Report Prepared by SM Rocha, LLC in December 2021.
- Morning (AM) and Afternoon (PM) peak hour traffic counts were collected at the Lexington Drive intersections of Parliament Drive, existing Church parking lot access, and existing Rampart Park access.
- Average Daily (24-hour) traffic volumes were collected on Lexington Drive.
- All existing intersections operate at a Level of Service (LOS) A or B
- The proposed development has the potential to generate approximately 578 daily trips with 36 of those occurring during the morning peak hour and 44 during the afternoon peak hour.
- The morning peak hour and the evening peak hour do not correspond with peak hours for school activities.
- Site-generated traffic was added to background traffic projections for Years 2023 and 2041 to develop total traffic projections.
- In 2023, the LOS at all intersections with the new development is still at LOS A and B, with little change in the delay/wait times.
- In 2041, the LOS for the eastbound site access and the eastbound Rampart Park access falls to LOS C.
- In all scenarios, the Lexington/Parliament signalized intersection will

continue to operate at LOS A with only a 1 second increase in delay/wait times.

Future Traffic Conditions without Proposed Development

- Background traffic is the traffic projected to be on area roadways without consideration of the proposed development. It includes traffic generated by development of vacant parcels in the area.
- A compounded annual growth rate of two percent was applied to existing traffic volumes to project increases in background traffic for Years 2023 and 2041.
- Year 2023 and 2041 background traffic conditions assume no roadway improvements to accommodate regional transportation demands.
- In 2023 and 2041 all intersections operate at a level of service A or B, except the Eastbound left and right at Lexington and Rampart Park falling to LOS C

Supporters:

N/A

Opponents:

Pat Webb, 2753 Marston Heights

- No objection to the overlay
- Object to the density, the single-family homes will be overpowered
- Four-story building is not appropriate and not compatible with single-family homes, there are no other four-story buildings in the area
- 82 apartments imply many cars, much activity, and much light, which is incompatible with the adjacent properties in the neighborhood
- How does the developer arrive at a density of 82?
 - Rules state 2-3.49 units per acre
 - How can allowable density be taken from another property and used for this property?
 - Something seems arbitrary and unfair here
 - The Commons Apartments across from the church has a density of 15.6 units per acre; how is 28 units per acre consistent with the neighborhood

Joe Priester, 2692 Marston Heights

- Concept Plan review criteria seems to be out of sync with what is actually happening at this point in time
 - Will the proposed density types of land uses and range of square footage permit adequate light and air both on and off the site?
 - The four-story, 82-unit apartment building is the only one of its kind for several miles around each direction
 - Will the proposed development overburden the capacities of existing streets, utilities, parks, schools, and other public facilities?
 - It has been calculated that 82unit apartment will require 1.7 parking spaces per unity, which equals to 140 vehicles on the subject property
 - Are the proposed ingress/egress points, traffic circulation,

- parking areas, loading and service areas and pedestrian areas designed to promote safety, convenience and ease of traffic flow and pedestrian movements both on and off the site?
- Congestion from the church, the park and the school traffic will cause accidents and injuries
 - Will the proposed development have a detrimental effect upon the general health, welfare, and safety or convenience of persons residing or working in the neighborhood of the proposed development?
 - Safety and convenience are severely compromised due to the fact that there is only one driveway for 140 vehicles a day
 - Please consider another full movement access to reduce the effects of over 150 vehicles using one full movement access every day, resulting in considerable light and noise pollution
 - An 82-unit apartment building with 41 units per side that has lighted balconies will generate much light and noise pollution and also be a fire hazard due to the use of barbecue grills on the balconies
 - Perhaps the first level of this four-story building could be lowered to the ground to eliminate the extreme heights that this neighborhood is not known for
 - That second access point will be demolished according to the plans

Beverly Terry, 2718 Marston Heights

- Incompatible in terms of its density and height for the suburban neighborhood
- These 82-units on just under 3 acres of land call for a large structural island in a sea of asphalt
- There will be no fewer than 140 cars housed on this property, more than likely 200 vehicles
- Structure will loom large from any direction that its seen throughout this area
- The traffic that the 200 cars will generate and the risk and danger that is presented by this one entrance in and out of the proposed development is a major concern
 - Anyone who travels north on Lexington Drive must cross two lanes of southbound traffic
 - Returning home, they will again turn left across two lanes of traffic into this small area
 - Deliveries by Amazon, FedEx, or anybody else will also use that one entrance and most likely turn across those two lanes of traffic
 - Although there is a traffic light at the entrance to the Rampart High School campus, those times of day when the students are coming and leaving create traffic backed up onto Lexington Drive because the cars cannot get onto the campus until someone else moves

- Children walk along the west side of Lexington Drive to school and to visit Rampart Park, as well as many other pedestrians and many of them cross the entry to Rampart Park, and they think they have the right-of-way, which will be dangerous
- If we proceed with this development, we will be asking the northbound drivers to try to turn onto the Lexington Vista development to not only watch for oncoming vehicles, but for children crossing these entranceways
- Accidents are already significant in the neighborhood, which is seen daily and will more than likely result in a death of a pedestrian

Charles Concert, lives by Windjammer and Lexington since 1991

- The traffic study provided by the applicant is not credible
 - It is a boilerplate that somebody ran a computer program through without bothering to look to see whether the data was rational, logical, or could stand examination using reasoning
 - Inconsistent afternoon peak hour use between the data that was provided to the consultant by All Traffic Data and the hour that was used in the report
 - There are over 100 vehicles that were listed as the existing leaving southbound from the intersection on Lexington and Parliament. Miraculously, those disappeared before they got to the next intersection down
 - That does not make any sense
 - There was data showing existing traffic turning left where there is no road; this is at the intersection where the dog park comes out into Lexington
 - They had southbound traffic on Lexington turning left to be eastbound, which would run into the wall that surrounds the Windjammer neighborhood
 - School traffic needs to be addressed, and the report does not show that

William Polaski, 8245 Brigantine Drive

- Concerned about safety, the population density, and the traffic
- In 1996, Mayberry Street turned into a throughfare with school buses, people going to work in the morning and afternoon, and garbage trucks on Friday mornings, which causes a quagmire
- Traffic is not only backed up on Lexington, but also all the way up Clipper Drive and south and east on Brigantine
- Brigantine is littered with little kids and there are speeders and people who ignore the Stop sign at the top of Clipper
- Those apartments are going to add to that congestion

Stacy Taylor, 2733 Marston Heights

- The applicant states that detriments to the neighboring single family detached community of Cypress Ridge will be mitigated by the buffer

area of approximately 75 feet between the Cypress Ridge property line and the footprint of the four story apartment building.

- A buffer of that size is dictated entirely by the distance that is available when the building footprint is moved as Far East as possible, and not by any objective criteria. The determination of the adequacy of that buffer should be judged on existing situations in the surrounding neighborhood and in Colorado Springs in general.
- In how many situations has a four story apartment building been allowed to be constructed only 75 feet from the backyards of single family residence?
- If you stepped onto your back porch one day and found that a four story building had been constructed only 75 feet from your backyard, would you consider that distance to be adequate mitigation?
- The applicant states that multifamily residential will provide a transition from the Cypress Ridge community. However, the review and approval criteria require that the transition between the uses of differing intensities must be gradual. How can a four story apartment building containing 28 units per acre located 75 feet from the property line of the single family community containing approximately 4.3 units per acre reasonably be considered gradual
- The applicant states that the proposed department building will promote the stabilization of existing surrounding residential neighborhoods because it will provide the much needed additional housing choice for the broader demographic. However, the applicant has not demonstrated that its target residents would differ from those living in the two story complex to the north, thus serving the broader demographic it claims
- Adherence to the review and approval criteria ensures a balance between the housing needs of the community and compatibility with surrounding residents. The construction of a four story apartment complex approximately 75 feet away from the property line of existing single family residence community fails to meet certain of those criteria for the reasons stated above. Therefore, this Commission should recommend denial.

James Gonzalez, Brigantine Drive

- Traffic and safety of kids is a great concern
- Does not feel like the numbers on the traffic report accurately reflect what is seen through the neighborhoods up and down Lexington on an everyday basis

Joyce Kettner, 2741 Marston Heights

- Several people were unable to attend and would have echoed what has already been said
- Even though the applicant says the four-story apartment building will not be any higher than the Presbyterian Church, it is up to the developer to address and satisfy the requirements before anything is built

Rebuttal:

Andrea Barlow, N.E.S

- Traffic was produced by a qualified traffic engineer and was reviewed by the City's Traffic Engineering department
 - During the initial review, we were asked to provide further analysis of the school traffic where the approach was to add 20% onto the traffic
 - Ms. Barlow noted that peak hours for school traffic tend to differ from the peak hours of a residential development
 - The traffic generated from 82-units is going to be very minimal in that it is not going to be the high traffic generator that the neighbors are suggesting
 - There was talk about existing conditions being very heavily trafficked, increase in population, and increase in traffic
 - No doubt in the 80s and 90s, traffic has increased in that area as the areas developed
 - As demonstrated in the traffic study, the levels of service at those intersections are A and B currently, so they function very well
 - There are obviously peak hours for the school, which will cause congestion like it does everywhere else in the city, but that cannot be the basis for whether development should go forward, not just because of a school traffic which does not coincide with peak hour traffic for the actual development
- Safety on the west side of Lexington
 - There is an existing access on that side currently and it is being removed
 - It will be replaced with a single point of access in a slightly different location
 - There is a sidewalk connection on the west side of the development connecting Parliament to the school and the park, so if people want a safer option for pedestrian traffic, it is available
- Obviously people will walk along Lexington, and just like anywhere else in the city, you will look before you turn to see if there are any pedestrians there. That is not an unusual scenario, and it is a current scenario there right now with the current access
- One point of access for 82-units
 - The fire department access requirements allow up to 200 units of one point of access, so 82-units is well within the requirements of the fire department's conditions
 - The emergency access that is provided is just for the benefit of the development and is not a requirement from fire
- Buffer
 - The 75-foot setback is from the building to the edge of the property line
 - Proposing fairly substantial buffer planting there to supplement what is already in existence
 - There is a row of garages there that is provided also as an additional buffer to provide kind of a screen to the activities in the

- parking lot (lights)
- There is the detention pond in the southwest corner, which provides a substantial buffer for the property
- There will be a fair amount of other buffering techniques used in the area between the building and the property boundary
- Four-story building
 - There has been a lot of emphasis on four story building, and the focus should be on the height rather than the four story building
 - Residential four story buildings are not as high as commercial buildings, which could be two or three stories because of the difference in in the height variation of the floors
 - It was determined that having the narrow end of the building facing the neighbors to the east and west would provide the best scenario rather than turning the building
 - The focus should be more on the actual building height as opposed to the number of stories, and in that context the section showed that the building would be at the same height as the church, and also the church could expand, or a future church and other church could occupy the property and expand and put 45 foot buildings in that area
- Compatibility density and incompatible with the master plan of 2-3.4 dwelling units per acre
 - The area shows as Public Institutional Use; however, the staff report showed 2-3.4 dwelling units per acre, which was incorrect
 - The Public Institutional Use allows multifamily residential, which is compatible with the master plan
 - In terms of other developments in the area, there are existing buildings that are taller and more intense than single-family residential
 - The reference to the density of 28 units per acre.
 - If you apply the R5 standards to that, the density standards allow up to 45 units per acre.
- Parking
 - Parking meets the city standards based on the concept plan
- Fire Department has not expressed any concerns about fire from barbecues on balconies

Katelynn Wintz, City Planner

- Ms. Wintz clarified some errors in her PowerPoint presentation that showed two points of access, but the second one at the bottom says existing access to be removed
- Ms. Wintz corrected that initially she looked at the wrong part of the map and that this property is in fact zoned for public institution as a church use and not the residential land use category

Questions:

Commissioner Almy:

- Ownership of the lots:
 - Are there two separate owners of the lots? If so, is there an

agreement memorialized where the use is being given to the apartment buildings as envisioned?

- Ms. Wintz said the property is not currently platted at this time as two individual lots. Currently it is under one ownership of the church and a final plat would be submitted when a development plan comes forward
- Ms. Barlow said that was correct and that the church still owns the entire parcel and Springs Land Development are contracted to purchase the property once through the zoning and concept plan stage. The shared facilities will be owned by the church and will be on the church lot, but there is an agreement that has been already drafted, and that will go with the sale of the property

Commissioner Rickett:

- Traffic Concerns
 - Asked for Mr. Todd Frisbie to address the residents' traffic concerns
 - Ms. Wintz said Mr. Frisbie was not asked to attend the meeting, as it this project was not anticipated to be pulled from the Consent Calendar
- Housing Density
 - Asked if the housing density was addressed in the Master Plan or in the current zoning?
 - Ms. Wintz showed in the master plan those properties that are identified as being residential
 - There is a sheet two to the Master Plan that defines what a number of additional uses that could be developed within those categories (Ms. Wintz did not have page two, but indicated Ms. Barlow had that sheet in her presentation)
 - The Church parcel has public institutional use, which does identify multifamily, but it does not identify density ranges for that multifamily development
 - Ms. Katie Carleo, Land Use Review Manager, was able to pull up the second sheet of the master plan and reiterated that the master plan was implemented, and under the public and institutional, as classified on the map as HO, multifamily dwelling apartments, condominiums, and townhomes is an allowable use on the master plan
 - Along those same lines, this specifically indicates that area as a church, which would make it fall into that public institutional and not commercial, which would have a lot more varied uses?
 - Ms. Wintz said that was correct

Commissioner Raughton:

- Density Transfers
 - Was confused by the reference to density transfers and the argument that there was somehow transferring density from adjacent property like the church land to rationalize the density?

- Ms. Wintz said that was the statement written in the staff report, and she believed that was the intention when the report was written. However, Planning does not generally consider that as part of the review criteria for this project. Ms. Wintz apologized for not removing that from the report
 - The density is a product of the land that will be ultimately owned by the developer, right?
 - Ms. Barlow said that was correct and that density would be 28 units per acre
- Access to the site
 - The second access by design was eliminated based upon the traffic engineers and the study. Is that correct?
 - Ms. Barlow said no, they only planned for one access at that location, and it was just a case of where it would be located. It was moved to provide better visibility. There was never any intent to have two points of access.

Commissioner McMurray:

- Height
 - Is the existing height allowed under the R5 zoning 45-feet?
 - Ms. Barlow said that was correct
- Planned Provisional Overlay
 - Do we know why or what the rationale was behind the Planned Provisional Overlay?
 - Ms. Wintz said there was not a tone of rationale provided from the entitlement applications from that time period. It is a fairly common thing that we see with property zoned in the 80s. So, there is some anecdotal evidence that this has happened throughout the City and other places, but not any significant justification for why that was implemented.
 - Did this come in as an R5 zone from the outset as the master plan was established?
 - Ms. Wintz said she did not have that information available.
- Parking
 - Is there a sense of how close the applicant is to the required minimums and if there is much wiggle room there or just kind of trying to get a general sense of where that is?
 - Ms. Barlow said there is not a huge amount of wiggle room, but we do meet the requirements, and until we know what the final unit mix is, we will not know exactly what that requirement will be.
 - Whatever the requirement is at the time of the development plan, we will be required to meet it.
- Concept Plan
 - Number 3 of the review criteria for a concept plan state are the permitted uses, bulk requirements, and required landscaping appropriate to the type of development in the neighborhood and

the community. Commissioner McMurray wanted more insight or more additional thoughts on what is being referred to when talking about bulk requirements.

- Ms. Wintz said she believed that was in reference to the site design standards bulk requirements for setbacks. It is taking into consideration what the conceptual layout and proposal is at this time, and then how those would trickle down to the development plan.

Chair Hente:

- Heights
 - On the diagram where you showed the height, you were looking north to south and that is showing the step down the elevation. If I were to do a similar thing looking west to east, or in other words, if I was on Marston Heights, it looks like on the contour lines that those houses sit above this property. Is that correct?
 - Ms. Barlow said they do sit higher, and they do on the opposite side of Lexington as well. From this property to Marston Heights, it kind of goes down initially to the trail and then it goes back up again. So, they are elevated above the property. There were concerns from the neighbors regarding seepage from the detention pond going into the basements of those properties, but they are at higher elevations, so that will not happen.

Commissioner Rickett:

- Zone Change
 - Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with the zone change request. How does that relate to this zone change request and meet the criteria?
 - What that criterion is referring to is that where there are master plans in place. When those master plans are accepted as implemented by City Council, it would not be a requirement of the applicant to submit a concurrent major master plan amendment to revise the land use category. So, in this example, they are not required to do a concurrent major master plan amendment to reclassify that land use designation to be consistent with the proposed zoning.
- Concept Plan
 - In the concept plan criteria, numbers 6 and 7, does the proposed development promote the stabilization and preservation of the existing properties and adjacent areas and surrounding residential neighborhoods. Commissioner Rickett said in his opinion he did not know if this met this criterion. For 7, does the concept plan show how any potentially detrimental use of relationships commercial use adjacent to single-family homes will be mitigated. Commissioner Rickett said he does think it shows that, but the second part of that is does the development

plan provide a gradual transition between uses of different intensities, and Commissioner Rickett said he is not sure this is met because it is going from fairly low densities with the exception of the north to fairly high densities.

- For the second question (#7), Ms. Wintz said the criteria here are meant to be the standards or basis for evaluating the application. In this case, staff has made a judgement and a recommendation; however, in this case, it would be the commissioner's opportunity to evaluate the facts of the application and evaluate them against the criteria that are shown.
- For the first question (#6), Ms. Wintz said potentially, one of the things that you might contemplate is, are these review criteria findings that have to be made in the affirmative, that all of these are positively satisfied, or is a neutral satisfaction acceptable.
- Commissioner Rickett again read the definition for #6 and said that all the criteria have to be met.

Commissioner McMurray:

- Concept Plan criteria #6
 - Commissioner McMurray said as he has been reviewing the criteria, he was mentally checking this one off in his mind. He said he believed this proposed development does promote the stabilization and preservation of the existing properties, adjacent areas, and the surrounding residential neighborhoods in two ways:
 - One is it is new investment in the neighborhood
 - This is a healthy community
 - There are new uses that want to come in
 - There is a market for them and a need for them
 - The second reason the predominant land use in the area is single-family residential, which is fine, but as the applicant pointed out in their presentation, we have increasing challenges in our community in terms of affordability, particularly single-family home ownership is becoming less and less attainable. This provides members of the community to find homes in this area of town at a level that is not as prohibitive as getting into a single-family home. From that standpoint, that helps me feel satisfied that this criterion is met.
 - Michael Tassi, Assistant Planning Director, said that was a really good answer and just to point back to one of the other documents that we review when evaluating these proposals, PlanCOS does point to vibrant neighborhoods. Commissioner McMurray did a good job of summarizing what that what that means.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Almy:

- Thanked the participants and those who made presentations, as they were overall well prepared, well organized, and thoughtfully articulate. There were a lot of good points.
- Asked that the City address the gentleman who spoke about the traffic inconsistencies and the traffic study
- Commissioner Almy said he is also skeptical of a lot of traffic right now because there has been some COVID aberrations to the timing of traffic, the numbers of traffic, and that is something he has observed personally in his wanderings around town.

Commissioner Slattery:

- To piggyback off Commissioner McMurray of investment in the neighborhood, obviously there is a desire to be close to schools, parks, and amenities.
- The Briargate Master Plan has high density patio homes just to the west that has allowable usage up to just under 25-units per acre, and although it does exceed that in the Planned Institutional zone that is proposed to remove the overlay, it is not a far stretch off.
- The other design intent with the applicant was aligning the building right in that narrow east/west orientation that was seeming to be kind of between the break of homes. It seems to be within the parcel as far away from existing homes as it can fit. There seems to be intent with the applicant to be respectful and be a good neighbor.
- The other thing I heard is the stepping up of the buffer with having garages, which is a lower intensity height transition.
- Commissioner Slattery said she believed the applicant has done a good job. Apartments are typically contentious within neighborhoods, but renters are not proven to contribute to crime in neighborhoods.
- As housing values increase in mid-sized cities across the US, the rental market will continue to be strong and is needed to satisfy the growth of the community.

Commissioner McMurray:

- For those of you that have been in previous meetings as we have been considered multifamily projects, I think my track record has been one of that is generally supportive of multifamily infill in our community for a variety of reasons. From that standpoint, I am comfortable with the general overall concept in terms of the that we are looking for.
- The traffic study is giving us good data here. I live close enough to this area and drive this stretch of Lexington regularly and am not concerned from that standpoint.
- Commissioner McMurray said he has been struggling with the concept plan with the discrepancy between the single-family neighborhood and a four-story project, which is a significant difference.
- No neighborhood should be exempt from change; however, no neighborhood should be subject to sudden and radical change. Another

words, growth should be incremental.

- This concept plan as it sits in the way it is configured and designed is pushing the boundary in terms of an incremental step.
- Commissioner McMurray said he was still grappling with this but wanted to voice his comments because he believed there would be a split vote.
- The Planned Provisional Overlay that was just voted on reflects a collective acknowledgement of the community about the relationship between multifamily and single-family neighborhoods. The world has changed a lot in 25 years, and we have a comprehensive plan that supports multifamily infill projects very similar in nature to this one. There is a really high need for this.
- Commissioner McMurray mentioned that there could be alternative designs for the building that he could see, but that is not the job of a Planning Commissioner to do that.

Continued on Item 4.J. (CPC CP 22-00002)

Commissioner Rickett:

- As much as I do support multifamily, and as much a

Motion by Commissioner Raughton, seconded by Commissioner Slattery, to recommend approval to City Council the rezone of 6.49-acres from R-5/P (Multi-Family with Planned Provisional Overlay) to R-5 (Multi-Family Residential), based upon the findings that the change of zoning request complies with the criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 5:1:2:0

Aye: 5 - Commissioner Raughton, Vice Chair McMurray, Chair Hente, Commissioner Slattery and Commissioner Almy

No: 1 - Commissioner Rickett

Absent: 2 - Commissioner Wilson and Commissioner Graham

- 4.J.** [CPC CP 22-00002](#) Concept plan for 6.49-acres containing a mix of religious institution and residential land uses located southwest of the intersection of Parliament Drive and Lexington Drive.

(Quasi-Judicial)

Related File: CPC ZC 22-00001

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

Continued from Item 4.I. (CPC ZC 22-00001)

Commissioner Rickett:

- As much as I do support multifamily, and as much as I support as much

housing growth as we can achieve in Colorado Springs, I think it needs to be done responsibly.

- We are not meeting the master plan or the intent of the master plan.
- For the zoning change, it is very clear in the Briargate Master Plan that this was a church site, even though it is noted as intuitional, which has 40 allowable uses. It was not set up as a commercial site. Therefore, that is why the zoning change is not appropriate, especially when there are neighbors that have issues with it.
- Numbers 6 and 7 of the concept plan have not been met in this case, and Commissioner Rickett will vote no on that as well.

Commissioner Almy:

- I think this discussion is good because I have the same dilemma and in my own mind, in fact had a dilemma on the 1st vote a little bit.
- But if you look at the overall north/south orientation, there's multifamily housing, there is a church, there this new proposed multifamily housing and then a school. So, it is sort of a little island of higher density and different use activities within the neighborhood.
- I agree the physical impact, or the visual impact is fairly large. A four story building is a little different than the others. A church you can understand, and this property could have been used to expand the church and would have been probably even more disruptive to the neighborhood.
- As far as the concept plan goes, I think there may be other alternatives like Commissioner McMurray was saying that would be better suited and give sort of a more uniform change and use for those in single family housing surrounding the property both across the street and to the west.
- I am going to vote against the concept plan just to make sure we get a good look at it.

Commissioner Raughton

- Commissioner Raughton said Commissioner McMurray raised good points and as a land planner, could see where you could articulate the building envelope differently, and perhaps mediate some of the impact on the contiguous neighbors to the west.
- If we approve this building envelope, is there any flexibility for the developer to work with the community in terms of the way it is configured?

Peter Wysocki, Director of Planning and Community Development, said this is a great discussion and we could debate the land use pattern of this area probably till dinner time, and the zoning has already been voted on and that passed. Maybe we could have a work session or during our informal meetings, we could touch base again about what the City's comprehensive plan talks about vibrant neighborhoods, activity centers. If you recall the comp plan does not have rigid land use classifications. It is a policy land use type approach because we recognize that neighborhoods are made up of a variety of different uses.

The concept plan is conceptual. The third part of this will be a development

plan. The development plan review criteria are similar to the concept plan review criteria, but at the concept plan level really what we are looking at are conceptual sort of design theme, building location, access points. It is difficult for us to tell you; will it be a four-story building? It might be a shorter building because the applicants may want to redesign. So, concept plans are intended simply to illustrate what could be built. The applicant did express their interest to work with staff to perhaps step the building on the west side and lower the west side of the building to three-stories to have that gradual reduction. But currently, we do not know how that will look here today because this is a land use decision today, and not a detailed development plan.

For those in the audience, development plans, although they are administrative reviews, you will be notified when those applications are filed and have an opportunity to work with the case planner. You will have the ability to provide input, but at this point, the applicant did consent to step the building from three stories to four, basically going from west to east.

Chair Hente commented that the neighborhood could review that development plan, and if they feel appropriate, they can appeal that administrative decision. Mr. Wysocki said that was correct.

Mr. Wysocki further explained it is difficult to redesign sites on the Dias because there might be other issues. You have to look at fire accessibility, trash collection, lighting and the drainage on the South side of this site. Sometimes development plans come in and they say we really feel like we need to tweak the site a little bit because it just fits better. So, the concept plan is their best guess at this point of how the site could be developed, but they have committed to step the building down, and we could make that as a technical modification.

Commissioner McMurray said this was helpful and he went on record to say there are opportunities with this concept plan to improve the impacts of the bulk on the surrounding community, particularly the landowners to the west. So, I am willing to vote in support of the concept plan with the understanding that we are going to see some additional modifications here that will move this in the right direction in terms of its compatibility and being harmonious with the surrounding area.

Commissioner Almy said there does seem to be a pretty good gulf between the developer and the community as to what they would like. I think it can be worked out, but then the other side of this is it becomes a business decision too. We knock it down to 50 units and is it worthwhile? Commissioner Almy said he would be willing to vote for the concept plan with a proviso that there has to be close work with the community and the developer to get a mutually agreed to result.

Commissioner McMurray said he was comfortable with moving the motion as written.

Commissioner Almy asked how we can say that we want to see a continued coordination with the community to define the project. Chair Hente asked if they could request the development plan come back to the Planning Commission for

approval. City Attorney Ben Bolinger said no, you cannot.

Mr. Wysocki said he believed the intent was clear to staff that in the expressed intent and commitment by the applicant is to work on the scale and the bulk of the building, particularly on the west side of the site, but east of the patio homes abutting the property. Requiring some sort of approval or consent by the neighborhood is overreaching and that may not happen. There are mechanisms where we can hold a neighborhood meeting, we can hear your desire and, obviously, the applicants and the neighborhood as well. So, to the extent possible, we will work with the applicant and the neighborhood to reach to work on the massing of the building.

Motion by Vice Chair McMurray, seconded by Commissioner Raughton, recommend approval to City Council the 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). The motion passed by a vote of 5:1:2:0

Aye: 5 - Commissioner Raughton, Vice Chair McMurray, Chair Hente, Commissioner Slattery and Commissioner Almy

No: 1 - Commissioner Rickett

Absent: 2 - Commissioner Wilson and Commissioner Graham

6. UNFINISHED BUSINESS

214 North 20th Street - STR Appeal

6.A. [CPC AP 22-00045](#) An appeal of the administrative denial of the Short Term Rental permit application for 214 North 20th Street due to an existing short term rental located within 500', pursuant to City Code Sections 7.5.1704.C.

(Quasi-Judicial)

Presenter:
Carli Hiben, Program Coordinator, Planning and Community Development

214 North 20th Street STR Appeal

Staff presentation:

Carli Hiben, STR Coordinator gave a PowerPoint describing the history of the STR and the appeal filed by the appellant.

TIMELINE OF THE DENIAL OF THE SHORT TERM RENTAL APPLICATION:

➤ **September 26, 2019** -The original Short Term Rental permit was issued to Jesse Glenn (STR-1115).

- **August 13, 2020** - STR permit was renewed.
- **September 30, 2021** - STR-1115 was up for renewal. The renewal application was not received and the permit was deemed expired.
- **March 15, 2022** - The applicant was notified that staff was unable to issue a new non-owner occupied STR permit
- **March 16, 2022** - The property owner submitted a new non-owner occupied short term rental permit application.
- **March 21, 2022** - The property owner filed an appeal of the Denial of Short Term Rental application.

A new non-owner occupied Short Term Rental permit application was submitted and denied due to 214 North 20th Street is located within 122 feet of 2018 West Bijou Street which has an active non-owner occupied Short Term Rental which has been operating since January 2019 and has not been late with their renewals.

Section 7.5.1704

C. No non-owner occupied short term rental unit shall be located within five hundred feet (500') of another non-owner occupied short term rental unit. The five hundred feet (500') separation measurement shall be made in a straight line without regard to intervening structures or objects from the nearest property line of the proposed short term rental unit to the nearest property line of another short term rental unit. Where an owner occupied short term rental unit is owned by an active duty military service member whose permanent duty station is within El Paso County, the Manager shall waive this requirement for the owner for up to one (1) year if the service member receives orders to report to a temporary duty station outside of El Paso County.

On March 21, 2022, the property owner provided the attached appeal statement, which states (in part),

"...I have held a grandfathered permit through the previous years, received no complaints from the city or neighbors in the area, and have upheld all regulations. However, this year, I missed the renewal date for the STR non-owner occupied permit because the management company I was working with had some staffing changes and forgot/failed to submit the paperwork. I was attending some very intensive military training in preparation for a coming deployment and I did not have regular access to my cell phone or computer, and had no communication with the management company months before the expiration date of the permit to ensure the documents would be submitted. When I returned, I confirmed that the documents never were submitted which was an unfortunate event out of my personal control..."

Comments by Commission:

Commissioner Raughton asked about the distance between this STR and the other STR. Ms. Hiben showed the distance to be 122'

Appellant / Property Owner Presentation:

Captain Jesse Glen, property owner and appellant provided information as to why the STR appeal should be granted.

➤ Highlights

- Been out of state in North Carolina for military training for 52 weeks
- During the training unable to use their phones
- Used a management company to ensure renewal occurred
- Understands the 500' rule
- Intent of was to keep this STR and renew using the management company
- Was originally grandfathered in and has maintained it until the miss by the management company due to their own staffing issues
- Intent is to keep the property until he is able to return to Colorado to live here on a permanent basis.

Questions of Appellant:

Commissioner Raughton confirmed the home was once his resident. Mr. Glen stated is was, but had to move to North Carolina for special forces training. He's planning on moving back unless deployment happens

Supporters In the Audience or on the Phone:

None

Opposition In the Audience or on the Phone

None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Slater stated Ms. Hiben has worked to interpret the code to the best of her ability. It's true the property falls within the 500' buffer and you're following that standard. However, it would be unreasonable to vote to punish this person who in good faith hired someone to take care of the property and the person or company did not do their job. Even though it's a private matter between Captain Glen and that company it's not fair to punish him, he acted in good faith. She'd encourage the Captain to mark his calendar for things like this that need follow up for next year. She'd recommend he get someone on board stateside if he couldn't be here who can make sure the people hired are following through with what they are supposed to do or get a different management company.

Chair Hente stated he is not one who is in favor of short-term rentals. However, he'd use the same words as Commissioner Slattery that it is unreasonable. It's unreasonable for us to hold Captain Glen accountable for a mistake when he acted in good faith. If there's any community that can be forgiving for someone in a military situation it would be Colorado Springs. He's inclined to uphold the appeal and allow him to continue his application with the City.

Commissioner Almy echoed what Chair Hente stated. He thought Captain Glen acted in good faith and tried to do it the right way. It would've been grandfathered in. You have a unique situation, and you cannot control the timing of your assignments being in the military. He's also will uphold the appeal

Commissioner Rickett concurs with what all the others have stated. His further comment though was as a body moving forward, there will be other situations and not just for the military. It could be a medical situation or numerous other reasons. He thought people had made good faith efforts then he'd be in support. So he supports to uphold the appeal.

Motion by Vice Chair McMurray, seconded by Commissioner Raughton, to Uphold the appeal and overrule the denial of the Short Term Rental applications, based on the appellant has substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906.A.4. The motion passed by a vote of 6:0:2:0

Aye: 6 - Commissioner Raughton, Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Wilson and Commissioner Graham

7. NEW BUSINESS CALENDAR

Woodmen East Commercial Annexation

- 7.A. [CPC A 21-00048](#) Ordinance No. 22-56 annexing to the City of Colorado Springs that area known as Woodmen East Commercial Center Addition No. 1 annexation consisting of 30.74 acres located southeast of the Mohawk Road and East Woodmen Road intersection

(Legislative)

Related Files: CPC A 21-00048R, CPC ZC 21-00141, CPC CP 21-00142

Presenter:
Katelynn Wintz, Planning Supervisor, Planning and Community

Development

Peter Wysocki, Director, Planning and Community Development

Woodmen East Commercial Annexation:

Staff presentation:

Katelynn Wintz, Planning Supervisor North Team, gave a PowerPoint presentation describing the history of the site and the scope and the intent of the project.

BACKGROUND:

- **Site Address:** The site is located southeast of the intersection of Mohawk Road and East Woodmen Road.
- **Existing Zoning/Land Use:** The property is in unincorporated El Paso County zoned I-2 with CAD/O (Limited Industrial with Commercial Airport District) and undeveloped.
- **Surrounding Zoning/Land Use:**
 1. North: El Paso County RR-5 CAD-O (Rural Residential, 5 acres with Commercial Airport District) and is residentially developed.
 2. South: PUD/AO (Planned Unit Development with Airport Overlay) and residentially developed.
 3. East: PUD/AO (Planned Unit Development with Airport Overlay) and vacant.
 4. West: PBC/AO (Planned Business Center with Airport Overlay) and developed as Pride Soccer Complex.
- **Fiscal Impact Analysis:**
 - The findings suggest that the proposed uses of commercial and multi-family residential would result in a positive cumulative cashflow year over year.
- **Traffic Impact Analysis:**
 - Received, reviewed and approved by City Traffic Engineering 12/8/21
- **PLDO:**
 - The annexation does not include a park site that could be counted towards any dedication. PLDO fees will be collected as part of the annexation area. Parks reviewed this application and supports the collection of fees in lieu of land dedication.
- **School:**
 - District 49 is not requesting any land dedication due to the size of the annexation and will collect the standard fees
- **PlanCOS**
 - Incorporate enclaves
 - Encourage a mix of commercial and residential uses
 - Use Logical extension of City Utilities
 - Consistent with the Annexation Plan

Staff Recommendations:**CPC A 21-00045 - ANNEXATION**

Recommend approval to City Council the annexation of 30.74-acres as the Woodmen East Commercial Center Addition No. 1 Annexation, based upon the findings that the annexation complies with all the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

CPC ZC 21-00141 - ESTABLISHMENT OF ZONING

Recommend approval to City Council the establishment of 30.74-acres as PBC/AO (Planned Business Center, 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).

CPC CP 21-00142 - CONCEPT PLAN

Recommend approval to City Council the Woodmen East Commercial Center Concept Plan, based upon the findings that the proposal meets the review criteria for Concept Plan as set forth in City Code Section 7.5.501.E.

Questions of Staff:

None

Applicant Presentation:

Andrea Barlow, with NES, gave a PowerPoint presentation describing the scope and intent of the project.

➤ Highlights of the Presentation

- Approximately 30.74-acres
- Currently in El Paso County
- Primary access of E. Woodmen Rd via Mohawk Drive
- Land currently vacant
- 300' utility easement along the south part of the site and can't have anything built on the site
- Concept Plan is planned for 6 Commercial Lots, 1 Multi-Family lot and 1 Open Space tract
- Other annexations around the site have created an enclave of the site since it is completely surrounded by the City of Colorado Springs
- No direct access off Woodmen

Questions of Applicant:

None

Supporters In the Audience or on the Phone:

None

Opposition In the Audience or on the Phone

None

Rebuttal:

None

DISCUSSION, MOTION AND VOTE OF PLANNING COMMISSION:

Commissioner McMurray stated a 10-year horizon for fiscal impact for him is somewhat meaningless. It's inadequate for us to understand the true long term fiscal impacts of any annexation. Along the same lines he felt similarly about water availability/

Commissioner Raughton stated when he was on the Comprehensive Plan Steering Committee and a key issue was closing the enclaves in the city and it was something that needed to be addressed.

Motion by Commissioner Raughton, seconded by Commissioner Almy, to recommend approval to City Council the annexation of 30.74-acres, based upon the findings that the annexation complies with all the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203. The motion passed by a vote of 6:0:2:0

Aye: 6 - Commissioner Raughton, Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Wilson and Commissioner Graham

- 7.B. [CPC ZC 21-00141](#) Ordinance No. 22-57 amending the zoning map of the City of Colorado Springs pertaining to 30.74 acres located southeast of the Mohawk Road and East Woodmen Road intersection establishing a PBC/AO (Planned Business Center with Airport Overlay) zone

(Legislative)

Related Files: CPC A 21-00048R, CPC A 21-00048, CPC CP 21-00142

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

See 7A (CPC A 21-00048)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council the establishment of 30.74-acres as PBC/AO (Planned Business Center, 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). The motion passed by a vote of 6:0:2:0

Aye: 6 - Commissioner Raughton, Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Wilson and Commissioner Graham

7.C. [CPC CP 21-00142](#) The Woodmen East Commercial Center Concept Plan establishing future commercial and residential uses, located southeast of the Mohawk Road and East Woodmen Road intersection consisting of 30.74 acres.

(Quasi-Judicial)

Related Files: CPC A 21-00048R, CPC A 21-00048, CPC ZC 21-00141

Presenter:

Katelynn Wintz, Planning Supervisor, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

See 7A (CPC A 21-00048)

Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council the Concept Plan, based upon the findings that the proposal meets the review criteria for Concept Plan as set forth in City Code Section 7.5.501.E. The motion passed by a vote of 6:0:2:0

Aye: 6 - Commissioner Raughton, Vice Chair McMurray, Chair Hente, Commissioner Slattery, Commissioner Rickett and Commissioner Almy

Absent: 2 - Commissioner Wilson and Commissioner Graham

4239 Apache Plume - Daycare

7.D. [CPC CU 22-00032](#) A Conditional Use Development Plan to establish a large home daycare located at 4239 Apache Plume Drive

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

4239 Apache Plume Daycare:

Staff Presentation:

Katelynn Wintz, Planning Supervisor North Team, gave a PowerPoint presentation describing the history of the site and the scope and the intent of the project.

BACKGROUND:

- Site Address: 4239 Apache Plume Drive.

- Existing Zoning/Land Use: Zoned R1-6000/DF (Single-Family Residential with Design Flexibility Overlay) and with a detached single-family residential home.
- Surrounding Zoning/Land Use:
 1. North: R1-6000/DF (Single-Family Residential with Design Flexibility Overlay) and is residentially developed.
 2. South: R1-6000/DF (Single-Family Residential with Design Flexibility Overlay) and is residentially developed.
 3. East: R1-6000/DF (Single-Family Residential with Design Flexibility Overlay) and is residentially developed.
 4. West: R1-6000/DF (Single-Family Residential with Design Flexibility Overlay) and is residentially developed.
- PlanCOS Vision: The site is identified as an established suburban neighborhood.
- Zoning Enforcement Action: None.
- Physical Characteristics: The 8,390 square foot lot is residentially developed. The property includes an estimated 3,600 square feet of fenced outdoor space.

Highlights of Planner Presentation:

Small licensed daycare already operating within the home

- Home has been licensed six (6) years.
- Requesting a large home daycare for up to 12 children.
- Property is within three-quarters of a mile from Explorer Elementary School, Timber View Middle School, and Liberty High School.
- Applicant has staggered drop-off times
- Applicant has three (3) parking spaces for drop-off and pick-up times in their driveway and one on-street space in front of the property.
- Increased capacity will not impede traffic
- Backyard is designated the outdoor play area of 3,600 sq. ft.
- Indoor area of 625 sq. ft.
- One part-time person will be employed at the daycare but will not reside within the home.
- All code criteria met

Public Notice:

- 280 Property notified on two occasions
 - 1 for internal review
 - 1 prior to Planning Commission
- Site Posted one two occasions
 - 1 for internal review
 - 1 prior to Planning Commission

Public Comments / Concerns Received:

- Traffic
- Parking
- Noise
- Neighborhood Compatibility
- Size
- Property Values

Applicant Presentation:

Sharon Ren, the property owner and applicant, gave a presentation for the intent of increasing the small daycare to a large daycare.

Highlights of Applicant Presentation:

- Licensed since 1999, stopped for several years due to ill health of her mother
- Moved to Apache Plume in 2016 and reinstated her licensure and was granted that license in 2017
- Daycare focuses on a full day preschool to 18 month and up.
- Follows D20 school schedule
- In Summertime for the last two years, since COVID she offered a part time Summer Camp, 4-hours per day for six weeks.
- Regarding the point brought up by the opposition parking was a valid concern since their garage was full of play equipment but they've emptied two of the garage bays which will allow for them to park their cars in the garage and open up the driveway for drop-offs and other residents within the home moved out taking their cars with them
- Regarding the noise she tries focusing on social and emotional development so kids can speak for themselves with the screaming
- She is licensed for and zoned for 8 children but 2 of them have to be school age and above, thus the reason to change her license for 8 children under 5 that she can provide the care for by herself

Supporters In the Audience or on the Phone:

Eric Oertig, original owner of 4258 Apache Plume Drive

- In support
- Better than rehab that was there before
- Most of us didn't even know she had a daycare in her home.

Opposition In the Audience or on the Phone

- Lynn Beaulieu, 4199 Apache Plume Drive, three houses north of the proposed site.
 - His concern is noise.
 - He didn't object to the daycare but objected to it being run in this house as opposed to a commercial environment.

DISCUSSION, MOTION AND VOTE OF PLANNING COMMISSION:

Commissioner Slattery stated she'd speak generally and then address some of Mr. Beaulieu's comments. This is the third daycare they've seen in the last several months and thought they'd see more in the future because institutional daycare caters to more of the 3-4 year-olds and above. Preschool is making more of a need in the community type setting and well as for younger toddler case. As a mother, a single-mother we're at the mercy of the market to provide adequate and loving childcare. That's found in private home daycares. In her personal opinion she'd welcome this in her neighborhood because she knows that children are cared for and will be more socialized and better behaved than in a center. She'll be voting in favor of the project

Commissioner Rickett stated he was a supporter of in-home daycare and can sympathize with the neighbor that called in. He and his wife had two home daycares within a few houses of them and they spent time on their deck and the kids were not as controlled as the appellant has suggested. He can attest to the amount of the disruption that can happen. He had not heard of the 6 + 2 and called the state to get some information and educate himself and he appreciated her providing that. He likes how the 6 +2 works and thinks it works well. However, he thought he'd be against the project cause he understands the neighbors concerns as well.

Motion by Commissioner Raughton, seconded by Vice Chair McMurray, to approve the conditional use development plan for 4239 Apache Plume Drive, based upon the findings that the request complies with the findings for authorizing a conditional use, as set forth in City Code Section 7.5.704, and the review criteria for establishing a development plan, as set forth in City Code Section 7.5.502(E). The motion passed by a vote of 5:1:2:0

Aye: 5 - Commissioner Raughton, Vice Chair McMurray, Chair Hente, Commissioner Slattery and Commissioner Almy

No: 1 - Commissioner Rickett

Absent: 2 - Commissioner Wilson and Commissioner Graham

8. PRESENTATIONS/UPDATES - None**9. Adjourn**