



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, April 21, 2016

8:30 AM

Council Chambers

5.C.1 [CPC A](#)
[15-00060](#)

Ordinance No. 16-62 annexing to the City of Colorado Springs that area known as Kum and Go Store 685 consisting of 7.711 acres located at the northwest corner of Powers Boulevard and Dublin Boulevard.

(Legislative)

Presenter:

Michael Schultz, Principal Planner, Land Use Review

Attachments: [Annexation Ordinance_KumGo685](#)
[Exhibit A_Annex-Legal](#)
[Exhibit B_Kum and Go Store 685 Annexation Agreement](#)
[Kum and Go Annexation Staff Report](#)
[Figure 1 - Project Statement](#)
[Figure 2 - Annexation Plat](#)
[Figure 3 - Fiscal Impact Analysis](#)
[Criteria-7.6.203-Annexation Conditions](#)

STAFF PRESENTATION:

Mike Schultz, Principal Planner gave a PowerPoint presentation

APPLICANT PRESENTATION:

Josh Aramosby with Olsen Associates. Store is similar from the store that will be developed at the Platte and Wooten site.

Josh House with Kum & Go. This store is the market place design; 6200 square feet. In this store it will be a more in-depth fresh food store, seating inside and a patio area outside. They will cater pizza and made to order sandwiches.

Questions of Applicant:

Commissioner Shonkwiler asked the site plan shows an access point on the west/northwest and a secondary access northeast of that. Is the secondary access point designed to be used as a dual joint access and any further access on the south.

Mr. House said the northern most access will be a shared access between Lots 1 and 2 but there would be no access from the south off Dublin. It's on the plan to show the lot can be developed, but when time actually comes to really develop it, it may look very different.

Commissioner Shonkwiler said he was primarily concerned with how many access points are there. Mr. House said the access point may still be determined once the other lot is developed if there even is another access point but at this point it is a shared access between Lot 1 and Lot 2.

Commissioner Smith asked about the detention pond. Mr. House said what Commissioner Smith referenced was not Kum & Go's detention pond. Their pond was located at a different area on the site at the intersection of Dublin and Dalby. What the commissioner was referring to was an open ditch. They will have to grade in an open ditch along the northeasterly side of Dublin to carry the water from the detention pond to pass under Dublin to the townhomes. Commissioner Smith asked if that required an easement from the owner in that area. Mr. House said he would have to research that further and that was not part of this application because the plat is only covering the two lots they are planning to plate at this time.

Commissioner Markewich state the developer obviously made some financial commitments that you will be making to Dublin and Dalby. So what is the status of expansion of Dublin because that small part of Dublin is a mess and what you are planning to build will make it worse.

Mike Schultz answered Commissioner Markewich's question by saying Mr. Krager Manager of Traffic Engineering gave further clarification to Mr. Schultz via email where she indicated that the traffic this is being generated by this use, she does not anticipate it being new traffic it will be part of existing traffic and they were anticipating Dublin widen within the section in two years but they are trying to see if the time frame can be moved up with PPRTA.

Commissioner Markewich asked if was a funding issue. Mr. Schultz said since Mr. Krager wasn't there to answer the question the best he could answer was that it's waiting its turn on the list to be completed.

Zaker Alazzeh from Traffic Engineering said the intersection of Dalby and Dublin to be signalized when it's warranted possibly 2-3 years

Supporters of the application:

Steve Hiddle owner operator of the recreational facility to the north/northwest of the proposed Kum & Go and he is in support of the project. He felt the Kum & Go will be a positive thing for the area

Opponents of the application:

Mark Whitmeyer he owns the property south of the corner of Dublin and Templeton Gap. His biggest concern with this development is the traffic flow on Dublin. They have requested that the intersection of Dalby/Dublin/Templeton Gap be signalized if the property where the Kum & Go is actually developed primarily because of the accidents at that intersection as well as for safety. Traffic will increase in this area it will not just be traffic that is already there. It's the increase and influx of traffic that is his concern not the actual development that will affect that bottleneck even more and make it worse.

Ed Lohman he is the developer of the property across the street from the proposed development and has questions about if the property wasn't already part of the area when Mr. Hiddle put up his recreational facility. City Attorney Renee Congdon explained this site had not been annexed. Mr. Lohman said he put up money for a light. Why doesn't Kum & Go have to provide money for the same. City Attorney Renee Congdon explained that every annexation is different and negotiated with the property owners and with this annexation there is requirement for a traffic control light. Mr. Lohman said his other issue is the traffic volume. He is confused with what is being done and what he had to do across the street and why the same requirements are being used that were done previously

Commissioner Phillips suggested to Mr. Lohman he possibly contact Ms. Krager or the staff to have his questions answered. Mr. Wysocki stated that they could sit down and discuss this issue. Dublin is on the list with PPRTA for widening and Kum & Go is bearing their fair share of cost of contributing to the PPRTA fund. They don't want to widen Dublin piece meal. Mr. Lohman said he paid for his part of Dublin and they've been on the list for PPRTA since 2011 and it's still not been done

Commissioner Markewich asked Mr. Lohman is he was concerned about the amount of money the applicant will put into that fund or since he gave funds already why haven't they been used to do something about this problem. Mr. Lohman said he is concerned that the developer isn't putting up enough money. He isn't doing anything for the development of the north side of Dublin. Mr. Schultz offered clarification that he received from Ms. Krager that Mr. Lohman's property was substantially larger and subdivided into 10 or more lots so what the

developer for Kum & Go had to pay based on size was based on an equalizing percentage.

Commissioner Phillips asked not to get into that very much of who paid what amount of money. City Attorney Renee Congdon said the annexation hasn't gone before council yet therefore there is time to add some things to be negotiated.

Commissioner Markewich just asked that the process being used is consistent from party to party.

Additional Questions of Staff:

Commissioner Henninger said he thought Mr. Schultz said at Informal that none of the money that was being put forth was for work on Dublin for this annexation. Mr. Schultz clarified that improvements are along Dalby that Kum & Go is financially responsible to do as part of their development plan. They will escrow \$32,000 for the completion of the improvements along Dublin and also escrow \$75,000 for the future signal at Dublin and Dalby.

Commissioner Smith asked for clarification on the amount of money that was mentioned previously in the discussion. Mr. Wysocki stated there was a requirement on the annexation agreement adopted by council that requires the annexor to pay \$75,000 for a traffic signal at Dalby and Dublin, so it is already a part of the annexation agreement. In addition to the approximate \$32,000 for the curb, gutter and sidewalk along Dublin

Rebuttal:

Mr. Aramosby stated the \$32,000 for curb, gutter and sidewalk ramps along Dublin plus \$75,000 for the signal at Dalby and Dublin along with a 12 foot lane asphalt, curb, gutter and sidewalk along Dalby. So they will be providing significant financial improvements they will be completing.

Mr. Aramosby stated this area was not identified for needing a traffic study so they didn't complete one. Yes there will be additional traffic. Studies have shown on similar sites and situations that anywhere from 55%-65% of the traffic that utilizes a convenience storage like Kim & Go will be captured from pass by traffic that is already there.

Mr. Schultz stated they wanted to modify the condition of approval of the annexation which is item # 1 under the condition of approval to change from process the quick claim of the private access easement prior to final approval to just state removal of the private access easement from the property prior to final approval. There is some question whether the

quick claim process would be the proper means of removing that easement so they want to kind of leave that open instead of saying quick claim to state just removal of the private access easement from the property prior to final approval.

Discussion DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said all three comply with the city codes. He's glad there is no access off Dublin and the enclaves are being chipped away. So the more they can make those areas part of the city is good. Widening of Dublin and fixing that hourglass should be a large concern and we shouldn't penalize this applicant because Dublin has not been fixed yet. So he is in support of all three items.

Commissioner Henninger will be supporting all three applications. He believes it's a good idea and it's a good spot for the development. He believed this is beating the City to the punch as far as a problem we have and we should have resolved the problem as far as the streets before this came up but he is not going to stop what Kum & Go is asking for. It's been a problem and all he hears about is the problems is especially when he drives through it at night. It's difficult, it's a short stretch and we need to take the step to get it taken care of by PPRTA soon as possible.

Commissioner Shonkwiler he will support the project. It meets the criteria necessary for annexation, zone change and development plan. He had some questions about all the financial agreements so he trusts the transportation department and the city has done an adequate job of it. He felt the way the city builds major thoroughfare is backwards. He wished there was a development fee that everyone pays because everyone benefits from the roads and building it all at once instead of a little section at a time, it would be a much fairer. Kum & go has done a good job with all their projects around town and will do a good job here.

Commissioner Donley said he felt they had to keep in mind the annexation process is mostly for our information, it's really a council function and the financial part of it is beyond their prevue. At the same time he hopes council pays close attention to it because at this stage it doesn't make much sense to him. He thinks the zoning is appropriate, the development plan is appropriate and having the area within the city. So he will be support the project.

Commissioner Smith said he too would be supporting the application. He too was concerned about the amount of money but as has been stated by previous commissioners they do not have to opportunity or even the ability to address that. He encouraged Mr. Lohman to as has been suggested to meet with Ms. Krager and meet with the staff and appear before City Council to address the issues he's concerned about.

Other than that he will be supporting the applications.

Commissioner McDonald said she would be support the applications for the Kum & Go as well as the annexation. She appreciated everyone’s input but Commissioner Donley was correct that the council will pay attention to this as well as the city attorney’s office and PPRTA in getting this scheduled as quickly as possible.

Passed 7-0

Motion by Markewich, seconded by McDonald, to Recommend approval to the City Council of the Kum & Go Store #685, based upon the findings that the annexations comply with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 with the following conditions of approval:

- 1. Letter of Assent approval from Southeastern Colorado Water Conservancy District must be received prior to scheduling the City Council Hearing.**
- 2. The final annexation agreement must be submitted to staff prior to scheduling the City Council Hearing.. The motion passed by a vote of**

Aye 7 - Donley, McDonald, Chairperson Phillips, Shonkwiler, Smith, Henninger and Markewich

Absent 2 - Gibson and Walkowski

5.C.2 [CPC ZC 15-00081](#)

Ordinance No. 16-63 establishing the PBC/AO (Planned Business Center with Airport Overlay) pertaining to 4.611 acres located at the northwest corner of Powers Boulevard and Dublin Boulevard.

Presenter:

Michael Schultz, Principal Planner, Land Use Review

Attachments: [Ordinance_ZC_Kum&Go685_Annex](#)

[Exhibit A Kum and Go 685 Zone Change Legal Description](#)

[7.5.603 Criteria for granting zone changes](#)

STAFF PRESENTATION:

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APPLICANT PRESENTATION:

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Commissioner McDonald said she would be support the applications for the Kum & Go as well as the annexation. She appreciated everyone's input but Commissioner Donley was correct that the council will pay attention to this as well as the city attorney's office and PPRTA in getting this scheduled as quickly as possible.

Passed 7-0

Motion by Markewich, seconded by Smith, to Recommend approval to the City Council of the establishment of the PBC/AO (Planned Business Center with Airport Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting establishment or change of zone boundary as set forth in City Code Section 7.5.603(B). The motion passed by a vote of

Aye 7 - Donley, McDonald, Chairperson Phillips, Shonkwiler, Smith, Henninger and Markewich

Absent 2 - Gibson and Walkowski