



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

1. Call to Order

- Present** 5 - Rhonda McDonald, Chairperson Eric Phillips, Robert Shonkwiler, Carl Smith and Jeff Markewich
- Absent** 2 - Sherrie Gibson and Ray Walkowski

Approval of the Record of Decision (minutes) for the March 17, 2016 City Planning Commission Meeting.

All Commissioners voted to accept approval of the Record of Decision for the March 17, 2016 City Planning Commission meeting. The first vote did not show Commissioner Shonkwiler as voting. The second vote did not show Commissioner McDonald as voting. A verbal confirmation from all Commissioners was received to approve the minutes.

Motion by Henninger, seconded by Smith, that the be accepted Approval of the Record of Decision (minutes) for the March 17, 2016 City Planning Commission Meeting.. The motion passed by a vote of

- Aye** 7 - Donley, McDonald, Chairperson Phillips, Shonkwiler, Smith, Henninger and Markewich
- Absent** 2 - Gibson and Walkowski

2. Communications

- 2.A. [CPC-002](#) Director Updates, Peter Wysocki

CONSENT CALENDAR

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

3. CONSENT CALENDAR

- 3.A [CPC CU](#) Catagonia at Centennial Commons Conditional Use to allow an indoor
[16-00035](#) cat kennel in a PBC zone district at 4701 Centennial Boulevard.

Presenter:

Hannah Van Nimwegen, Planner II, Land Use Review Division of the
Planning and Community Development Department

Motion by Commission Henninger seconded by Commissioner
McDonald for the remaining Consent Calendar item be passed and
approved unanimously by all of the commissioners present.

Aye: Phillips, Shonkwiler, McDonald, Smith, Markewich, Donley,
Henninger

No: None - (Excused: Gibson, Walkowski) Motion Passed: 7-0

This Planning Case was accepted on the Consent Calendar.

4. UNFINISHED BUSINESS

- 3.B [CPC CU 16-00036](#) A conditional use for 4031 Shelley Avenue to allow a licensed large daycare home for seven (7) to twelve (12) children in an R1-6000/AO zone district.
Quasi-Judicial

Presenter:

Conrad Olmedo, Planner II, Planning and Community Development

STAFF PRESENTATION:

Conrad Olmedo, Planner II, gave a brief Power Point Presentation

The item was pulled off the consent calendar to address technical modification # 2 in the planner's staff report which included for playing outside. The request was to remove that modification.

Citizen in Support: None

Citizens in Opposition: None

Questions of Staff: Commissioner Markewich asked if complaints were made would it be to Code Enforcement/Neighborhood Services. Mr. Olmedo said it would be state enforcement since they are licensed by the state and inspections done at random by the State of Colorado.

Discussion DECISION OF THE PLANNING COMMISSION:

Motion by Commissioner Shonkwiler, seconded by Commissioner Markewich to approve the conditional use for 4031 Shelley Avenue, based upon the finding that the conditional use complies with the conditional use review criteria in City Code Section 7.5.704 subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Conditional Use:

1. Include permit file numbers on site plan: CPC CU 16-00036
2. ~~Include a note on site plan indicating outside playtime schedule of 10 AM to 11 AM and 3:30 PM to 4:30 PM.~~ Technical Modification removed

Aye: Markewich, Henninger, Donley, Phillips, Shonkwiler, McDonald, Smith

No: None

Motion Passed: 7-0 (Gibson, Walkowski excused)

Motion by Shonkwiler, seconded by Markewich, to approve a conditional use for 4031 Shelley Avenue, based upon the finding that the conditional use complies with the conditional use review criteria in City Code Section 7.5.704 subject to compliance with the following technical and/or informational plan modifications.

Technical and Informational Modifications to the Conditional Use:

1. Include permit file numbers on site plan: CPC CU 16-00036
2. Include a note on site plan indicating outside playtime schedule of 10:00 AM to 11:00 AM and 3:30 PM to 4:30 PM.

With the removal of technical informational modification two... The motion passed by a vote of

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

Absent 2 - Gibson and Walkowski

- 4.A** [CPC CA 16-00008](#) Reconsideration of an ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings And Appeals) of Article 5 (Administration And Procedures) of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Appeals.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Department of Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

The reconsideration of an ordinance repealing and reordaining the Appeals Code was postponed to the Planning Commission Meeting for May 19.

Motion by Markewich, seconded by McDonald, that the Planning Case be postponed until the May 19 Planning Commission Meeting. The motion passed by a vote of

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

Absent 2 - Gibson and Walkowski

5. NEW BUSINESS CALENDAR

5.A.1 [CPC PUZ
15-00143](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 168 acres located near Echo Canyon Drive and North Powers Boulevard from A (Agriculture) to PUD (Planned Unit Development) for single-family residential development.

Quasi-Judicial

Presenter:

Katie Carleo, Principal Planner, Land Use Review

Peter Wysocki, Director, Planning and Community Development

Disclosures: Commissioner McDonald stated her company purchases lot from this developer but not in this community. She felt she had the ability to be able to render an impartial decision and has discussed this project applicant. Commissioner Donley stated he had known Peter Patton for 37 they've had no conversations during the prelude to this project and he could be impartial in his decision.

STAFF PRESENTATION: Katie Carleo, Principal Planner, gave a Power Point Presentation

Applicant Presentation: Mike Ruebensen with LaPlata Communities gave a PowerPoint presentation. Bill Newman with DHM Design gave a PowerPoint presentation discussed the community design. Jeff Hodson with LCS Transportation Consultants gave a PowerPoint presentation regarding the traffic study they prepared for the project.

Questions:

Commissioner Smith asked for clarification about traffic and access.

Commissioner Markewich asked questions about traffic. Mr. Ruebensen gave time tables when areas would be developed and that time table would hinge on when they begin moving north with building in Filing # 5, in that area and there would be about 340 homes.

Commissioner Markewich had concerns about those homes using Thunder Mountain / Old Ranch to Powers for a connection. Mr. Ruebensen said there would be plenty of capacity. All the updates within the area could happen 2018- 2019. Mr. Taylor Director of Operations for LaPlata Communities provided further clarification to Commissioner Markewich when asked about for the area's current construction.

Commissioner Markewich asked if there was a possibility of creating a Milam and Union connection to alleviate congestion. Mr. Taylor described how funding and development would have to occur in the area for that to happen. Commissioner Markewich stated there was not an anticipated time frame for completion of Union to Old Ranch. Mr.

Taylor said when they develop that area and warrants are met they would look at developing that.

Mr. Hodson said that the area they are discussing can be done without that last connection because the peak time for traffic is 7:15-7:30 in the morning. Traffic from this project is exiting to the south and making a right turn to go west. In the afternoon there is excess capacity to work with at the intersection of Old Ranch and Thunder Mountain with integrating options with the roundabout.

Commissioner Markewich asked for clarification regarding traffic counts. Mr. Hodson explained how the numbers were generated. Commissioner Markewich asked about plans for possible connections to other roads in the area. There is no connection planned across Kettle Creek and this was approved as part of the master plan for the area. The area has two access points as shown on the approved master plan.

Commissioner Henninger had a question about capacity with the new development with regard to capacity at Pine Creek High School and if it included the number of students from the new development. Old Ranch is taxed from several directions and he raised concerns about the access of high school students on Thunder Mountain. When fully finished you will have a big development with one 4-lane street that has to go by the high school and he is looking at it from density access and around the high school.

Mr. Hodson said the roundabout that is proposed is a one lane roundabout. Regarding traffic around the high school; they've had extensive discussion with the school district and will continue that communication to be sure the best solution is in place. Most of the traffic will be coming out and turning right. With a signalized intersection there are other options to handle that right turn lane traffic. Commissioner Henninger wanted to be sure those options are in place.

Commissioner Phillips asked Mr. Newman about the greens and trails, who will maintain these. Mr. Newman stated by the HOA.

Commissioner McDonald said she felt having these neighborhoods surround the high school is a vibrant way to have those kids attend that high school so it will create a place where the kids can ride their bikes or walk. These types of houses are needed within the community.

Commissioner Markewich asked Mr. Newman about the drainage pond and the Jumping Mouse Habitat and could the Fish and Wildlife say no to this development and you have to reconfigure. Mr. Taylor said he did the habitat conservation plan and the permit for the mouse through Pine Creek and the lower portions of Kettle Creek.

They have a number permitted areas to route their drainage, they have two options. First the drainage pond is totally outside the mouse habitat; they are only speaking about the outfall structure from the pond and possibly having an extension to Kettle Creek. The second option deals with CDOT who has a storm system that parallels Powers and has an outfall structure and they have started the permitting process to access that outfall structure. Thus with the first filings they will have facilities that will not impact what they are building. Then for the future they will have a permit from Fish and Wildlife to access Kettle Creek and the storm outfall along with a permit from CDOT to tie into their system.

Commissioner Shonkwiler asked if there was an error in the description of the property it says "sloping from the west to the east". Mr. Taylor said it is from the east to the west.

Commissioner Shonkwiler asked if there would be a metropolitan service district on the property - special district. Mr. Taylor said no.

Commissioner Shonkwiler asked who would maintain the park by the elementary school when it's built. Mr. Taylor said it would be the parks department.

Citizens in Support: None

Citizens in Opposition: None

Questions of Staff: Ms. Carleo stated that District 20 school district was notified regarding the project and didn't received any concerning comments and with the original inception of North Fork at Briargate, and the previous two filings, there were conversations with District 20 at that time.

Commissioner Markewich asked questions of Traffic Engineering about Thunder Mountain and Old Ranch due to no outlets in any direction. Zaker Alazzeah with Traffic Engineering explained what options that were considered for this area with regard to the school. The developer will provide improvements for traffic. Commissioner Markewich about traffic in case of an emergency evacuation and possibly using Howell Rd.

Meggan Herington, Land Use Review Manager, discussed the development of the area and the traffic discussion based on historical information because she had been the planner for the previous projects in this area. In 2014 the fire department stated they did not have any concerns since there are two access points as well as the improvements that would be completed for the area in the future. School District 20 also provided input at that time. During this current phase of the development fire, traffic engineering and the school have been involved in meetings. Fire and traffic do not have concerns due to the

improvements being done and the school district did not have comments. Mr. Hodson also mentioned that the high school has a right-in / right-out access on to Old Ranch Rd to the west of Thunder Mountain so this would be another access in case of an emergency.

Rebuttal: None

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Smith said the majority of the discussion has been about traffic. He felt the concerns had been adequately addressed. He felt it was a good development and would be supporting the project.

Commissioner Henninger said the concerns raised today were the same as in 2014. The amount of activities at high school in the evening is significant. He has concerns on the size of the development and the access; but access is his primary concern. He believes the design regarding the access will be worked on numerous times and it will still be a challenge. The numbers for all that will eventually be there has to go into the equation. He believes there could be a better way to do it. So at this time he will not support the project.

Commissioner Markewich said overall the development looks great. But he also is concerned about traffic. Looking at the criteria for the PUD Development Plan one of the items asked "does the circulation plan minimize traffic impact on adjacent neighborhoods" - this development does the opposite it will actually increase once the connections are done. It will also increase the difficulty for the people from Black Forest who use this road as access past the high school. The criteria also ask us to look at "on and off site connectivity and over burdening public facilities." Based on the criteria he was unsure if he could support the project.

Commissioner Shonkwiler said his questions have been adequately answered. When the motion is made he would like to see a technical modification added so the developers would construct the complete extension of Cordera Crest south of Old Ranch Rd be tied to Filing # 5, otherwise he was not sure he could approve the entire project. He doesn't have a problem with the first several phases but it's a more extensive project. So he'd like to propose an amendment if it's not included in the original motion, otherwise he will support the project.

Commissioner McDonald said she is in support of the project. She disagrees that it's overburdening the area. If you look at first phase of the project and how quickly it sold out and the people that have moved there who have school age children have appreciated living closer to the school. The new filings provide a way for kids to go to school without going across any major arterials; it will decrease the traffic when there are more kids in the actual community than having them all come in from outside of the community. This was part of the master plan from

the beginning and all the concerns about the traffic are reasonable but it was studied previously, it was studied for the master plan and now studied again. She is in support of the project

Commissioner Donley stated he had to reinforce the comment that this is part of the master plan and what was adopted originally. He had concerns in 2014; he felt there should be a connection to the north he also believed it was very important to get that connection south on Cordera Crest. He felt they needed a network of streets so that people don't have only one out on Powers or cross further into Briargate; they need to be able to connect directly and that should happen sooner rather than later. For a compromise on Commissioner Shonkwiler's comment he thought the improvements on Cordera Crest needed to happen during Filing 4 rather than Filing 5. The plan is consistent with the master plan both in terms of traffic and density and from that standpoint he supports it.

Motion by Shonkwiler, seconded by Smith, recommending approval to the City Council of the zone change from t A (Agriculture) to PUD (Planned Unit Development- Detached Single-Family Residential, 3.6 Dwelling Units Per Acre and 36-foot Maximum Building Height) based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603.

The motion passed by a vote of

Aye 6 - Donley, McDonald, Chairperson Phillips, Shonkwiler, Smith and Markewich

No 1 - Henninger

Absent 2 - Gibson and Walkowski

5.A.2 [CPC PUD
15-00146](#)

North Fork at Briargate Development Plan associated with the zone change for a 602 lot, single-family residential development located near Echo Canyon Drive and North Powers Boulevard.

Quasi-Judicial

Presenter:

Katie Carleo, Principal Planner, Land Use Review
Peter Wysocki, Director, Planning and Community Development

Motion by Vice Chair Donley, seconded by Smith, to ammend the proposed motion.

The original proposed motion recommends approval to City Council of the of the PUD Development Plan for North Fork at Briargate, based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.606, and the development plan review criteria as set forth in Section 7.5.502E subject to compliance with the following technical plan modification:

Technical Modification on PUD Development Plan:

1. Add to the plan a note that no building permits will be permitted on any lots with existing utility easements prior to an easement vacation.

With an added ammended for the the extension of Cordera Crest be tied to Filing #4.

Motion Failed: 2-5

Motion by Vice Chair Donley, seconded by Smith, to ammend the proposed motion to add the extension of Cordera Crest be tied to Filing #4 phase. The motion failed by a vote of

Aye 2 - Donley and Markewich

No 5 - McDonald, Chairperson Phillips, Shonkwiler, Smith and Henninger

Absent 2 - Gibson and Walkowski

Disclosures: Commissioner McDonald stated her company purchases lot from this developer but not in this community. She felt she had the ability to be able to render an impartial decision and has discussed this project applicant. Commissioner Donley stated he had known Peter Patton for 37 they've had no conversations during the prelude to this project and he could be impartial in his decision.

STAFF PRESENTATION: Katie Carleo, Principal Planner, gave a Power Point Presentation

Applicant Presentation: Mike Ruebensen with LaPlata Communities gave a PowerPoint presentation. Bill Newman with DHM Design gave a PowerPoint presentation discussed the community design. Jeff Hodson with LCS Transportation Consultants gave a PowerPoint presentation regarding the traffic study they prepared for the project.

Questions:

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Commissioner Markewich had concerns about those homes using Thunder Mountain / Old Ranch to Powers for a connection. Mr. Ruebensen said there would be plenty of capacity. All the updates within the area could happen 2018- 2019. Mr. Taylor Director of Operations for LaPlata Communities provided further clarification to Commissioner Markewich when asked about for the area's current construction.

Commissioner Markewich asked if there was a possibility of creating a Milam and Union connection to alleviate congestion. Mr. Taylor described how funding and development would have to occur in the area for that to happen. Commissioner Markewich stated there was not an anticipated time frame for completion of Union to Old Ranch. Mr. Taylor said when they develop that area and warrants are met they would look at developing that.

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Commissioner Shonkwiler asked who would maintain the park by the elementary school when it's built. Mr. Taylor said it would be the parks department.

Citizens in Support: None

Citizens in Opposition: None

Questions of Staff: Ms. Carleo stated that District 20 school district was notified regarding the project and didn't received any concerning comments and with the original inception of North Fork at Briargate, and the previous two filings, there were conversations with District 20 at that time.

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Rebuttal: None

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

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as in 2014. The amount of activities at high school in the evening is significant. He has concerns on the size of the development and the access; but access is his primary concern. He believes the design regarding the access will be worked on numerous times and it will still be a challenge. The numbers for all that will eventually be there has to go into the equation. He believes there could be a better way to do it. So at this time he will not support the project.

Commissioner Markewich said overall the development looks great. But he also is concerned about traffic. Looking at the criteria for the PUD Development Plan one of the items asked "does the circulation plan minimize traffic impact on adjacent neighborhoods" - this development does the opposite it will actually increase once the connections are done. It will also increase the difficulty for the people from Black Forest who use this road as access past the high school. The criteria also ask us to look at "on and off site connectivity and over burdening public facilities." Based on the criteria he was unsure if he could support the project.

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Commissioner Donley stated he had to reinforce the comment that this is part of the master plan and what was adopted originally. He had concerns in 2014; he felt there should be a connection to the north he also believed it was very important to get that connection south on Cordera Crest. He felt they needed a network of streets so that people don't have only one out on Powers or cross further into Briargate; they need to be able to connect directly and that should happen sooner

rather than later. For a compromise on Commissioner Shonkwiler's comment he thought the improvements on Cordera Crest needed to happen during Filing 4 rather than Filing 5. The plan is consistent with the master plan both in terms of traffic and density and from that standpoint he supports it.

Motion by Commissioner Shonkwiler, seconded by Commissioner to recommend approval of CPC PUD 15-00146 to City Council for the PUD Development Plan for North Fork at Briargate, based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.606, and the development plan review criteria as set forth in Section 7.5.502E subject to compliance with the following technical plan modification:

Technical Modification on PUD Development Plan:

1. Add to the plan a note that no building permits will be permitted on any lots with existing utility easements prior to an easement vacation.

With the addition of Technical Modification # 2

2. The extension of Cordera Crest south of Old Ranch Rd to Union shall be completed with Filing 5

Discussion of adding the second technical modification - Commissioner Donley clarified if Commissioner Shonkwiler was intentional with saying Filing 5 instead of Filing 4. Commissioner Shonkwiler said he was open to discussion by the commission depending on the sentiment. Commissioner Donley said he would only support if it was tied to Filing 4 otherwise he will oppose it. Commissioner Markewich said he'd be more comfortable having it with Filing 4 but he thought he would vote against it either way.

Motion by Commissioner Donley, seconded by Commissioner Smith to amend the original motion for the development plan to change the extension of Cordera Crest south of Old Ranch Rd from being tied to Filing 5 and instead be tied to Filing 4.

Commissioner McDonald stated she was concerned about switching it to Filing 4 since the developer said what the issues were to get through to Filing 4. It's a huge connection for them to make. They could vote it to go to Filing 4 but she isn't sure the developer could do it.

Motion by Shonkwiler, seconded by McDonald, recommending approval to City Council of the PUD Development Plan for North Fork at Briargate, based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.606, and the

development plan review criteria as set forth in Section 7.5.502E subject to compliance with the following technical plan modification:

Technical Modification on PUD Development Plan:

1. Add to the plan a note that no building permits will be permitted on any lots with existing utility easements prior to an easement vacation.
2. Add the extension of Cordera Crest south of Old Ranch Road and Union Boulevard be tied to Filing #5 phase.. The motion passed by a vote of

Aye 4 - McDonald, Chairperson Phillips, Shonkwiler and Smith

No 3 - Donley, Henninger and Markewich

Absent 2 - Gibson and Walkowski

5.B.1 [CPC ZC
16-00018](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to a 10.7-acre property located at the corner of Boychuk Avenue (just west of South Academy Boulevard) and Drennan Road from C-6/AO (General Business with Airport Overlay) to M-1/AO (Light Industrial with Airport Overlay).

Quasi-Judicial

Presenter:

Michael Turisk, Planner II

Peter Wysocki, Director, Planning and Community Development Department

STAFF PRESENTATION:

Michael Turisk, Planner II gave a PowerPoint presentation

APPLICANT PRESENTATION:

Jim Chiles, architect for the project with T-Bone Construction.

Questions of the Applicant:

Commissioner Shonkwiler asked about a dotted line on the site plan identified as FEMA and wanted to know if it was a Flood Plain line. Mr. Chiles said their civil engineer from Terra Nova could answer that. Quinn Armijo with Terra Nova Engineering stated the line Commissioner Shonkwiler is asking about is a FEMA flood plain line. It's the 500 year flood plain. The 100 year flood plain is contained within the concrete channel.

Commissioner Shonkwiler asked how many buildings they would be building. Mr. Chiles said in phase one is the operational building. Front 3rd is office space, back 2/ 3rds is their operational space to maintain their vehicles and is on the eastern portion of the site. On the western side could be a possible site for a future administration building.

Commissioner Phillips asked that since Mr. Chiles had slides available as a presentation that he please shows them as a part of the record.

Mr. Chiles agreed to do that.

Mr. Chiles gives a short PowerPoint presentation.

Commissioner Smith asked about the surfacing of the facility. Mr. Chiles asked Darren Schrader to address that question. Mr. Schrader said they would have a concrete apron and then elsewhere they could use reclaimed asphalt or crushed concrete possibly. Commissioner

Smith asked about dust control, he knew that was a requirement and wanted to know if they would have it. Mr. Chiles said yes.

Commissioner Shonkwiler asked if they would maintain that maintenance road that is required for drainage and was it on his property. Mr. Chiles said his understanding was that it was not on his property but they would maintain it.

Commissioner Markewich asked if they would be transfer for offloading purposes. Mr. Schrader said there would not be.

Commissioner Markewich wanted to know about cleaning the garbage trucks is it done off site. Mr. Schrader said they would have a wash bay for the trucks at the facility and regarding the debris from the garbage trucks being cleaned, Mr. Chiles said there was a sand oil interceptor that collects of that per CSU standards.

Commissioner Donley wanted to know what the carts were and where they were stored. Mr. Schrader said they would plastic containers for residential and they will be stored inside but the area will not be heated. Commissioner Donley also asked about the dumpsters for the commercial side. Mr. Schrader said they would be stored on the outside but not sure where. Commissioner Donley asked for Mr. Turisk to have that available for the future.

Commissioner Donley asked what would be the hours of operation. Mr. Schrader said from 2-3 o'clock in the morning to 5 o'clock at night. Commissioner Donley asked about the noise from trucks backing up and proximity to the trailer park. Mr. Schrader said commercial trucks had a designated spot to leave from. Commissioner Donley said that would be another thing to be sure that was addressed on the development plan.

Commissioner Donley stated he wished the concept plan showed greater buffers from the mobile home park which would help to have the trucks a greater distance from the mobile home park.

Supporters of the application: None

Opponents of the application: None

Additional Questions of Staff:

Commissioner McDonald asked Mr. Turisk if postcards were sent out at a 500 ft. buffer. Mr. Turisk said yes. Mr. Turisk said they also required the applicant to hold a neighborhood meeting; that was held on Feb 29, 2016, but there were no attendees. Postcards were sent for the internal review and for the planning commission meeting. Commissioner McDonald asked if he'd received any emails or other communication regarding concerns for or against. Mr. Turisk said he had not.

Commissioner Shonkwiler asked Mr. Turisk to go an extra step for the mobile home park for notification since the notification would go to the park owner and not the mobile home park owners to ensure property notification for these neighbors.

Commissioner Shonkwiler asked about the building on the southwest of the property. Mr. Turisk said he didn't know but would have that information for when the development plan was brought before them. Commissioner Shonkwiler asked about the road on the west of the property, was it privately owned. Mr. Turisk said he had not identified the ownership of that road but will have that information when the development plan comes before them. Commissioner Shonkwiler said he just wanted to be sure that owners will be able to be notified appropriately especially if the site will be noisy at 2 or 3 in the morning and try to make it as far away from that area as possible

Commissioner Markewich asked about the notification process and who was notified. Mr. Turisk said it was the property owner, not the individual residents in the mobile home park but he could see what could be done to try and notify people in the mobile home park. Mr. Wysocki gave further clarification that they do post the site with a poster but they can look at posting within the mobile home community park in the common areas possibly. Commissioner Markewich said in the common area would be fine, he just wanted them to have the opportunity to know what is happening next to where they live because otherwise they may not know.

Renee Congdon, City Attorney provided further clarification that within the common area is private property so there would have to be permission gained from the owner of the underlying estate before they would be able to post on that area. Commissioner Markewich said that was fine if they could try.

Commissioner McDonald said for clarification weren't they supposed to notify the property owners. If the mobile home park has renters that is not notifying the owners; they only notify the owners of the land. Mr. Wysocki said that was correct, only owners.

Commissioner Donley said there is personal property that was owned. It's not the mobile home park as a whole it the individual property owners.

REBUTTAL:

Commissioner Smith said since noise has come up as an issue would it help to orient the building a different way to lessen the noise and move it closer to the southern end of the site or is that even possible. Mr. Schrader said they hadn't looked at turning the building or moving it.

Discussion DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said based on the review criteria he would be supporting the applications. He also felt that Commissioner Smith's question about moving the building further south or turning it a different direction made sense to move it closer to Drennan but just something to consider.

Commissioner Henninger said it's basically a lot for trucks to come in and out of and that is how it should be looked at. He felt it was a great product for this site. He did not see any need for changes and fully supports the way it's written, drawn and designed.

Commissioner Shonkwiler said he would support both applications. He thought what was proposed would be an asset to the community. He would like to recommend they do all they can with screening or rearranging the floorplan to get the noise especially in the early morning that could keep someone awake as far away from those residential areas as possible. He thinks why there aren't a lot of them there is the notification process is only for owners of personal property which is what a mobile home would be as opposed to the owner of the park. So he hopes that that can happen for the future, but he is going to support the project.

Commissioner Donley said he felt this was a good infill project. They are converting C-6 commercial land to M-1 and there is a shortage of M-1 industrial ground in Colorado Springs. He thinks it's an extension of the Drennan Road Industrial Park. He will be supporting it but wanted to make sure development plan is sensitive to the people to the north.

Commissioner McDonald said she will be supporting both applications. She will look forward to seeing the final plan.

Commissioner Smith said he would also be supporting the applications.

Passed 7-0

Motion by Markewich, seconded by Henninger, to recommend approval to City

Council of a zone change from C-6 (General Business) to M-1 (Light Industrial) located at 3640, 3720 and 3760 Drennan Road based on the finding the rezoning complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries).. The motion passed by a vote of

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

Absent 2 - Gibson and Walkowski

5.B.2 [CPC CP
16-00019](#)

A concept plan for the purpose of establishing light industrial uses including a garbage services company for Springs Waste Systems to locate at the corner of Boychuk Avenue and Drennan Road, just west of South Academy Boulevard.

(Quasi-Judicial)

Presenter:
Michael Turisk, Planner II
Peter Wysocki, Director, Planning and Community Development
Department

STAFF PRESENTATION:

Michael Turisk, Planner II gave a PowerPoint presentation

APPLICANT PRESENTATION:

Jim Chiles, architect for the project with T-Bone Construction.

Questions of the Applicant:

Commissioner Shonkwiler asked about a dotted line on the site plan identified as FEMA and wanted to know if it was a Flood Plain line. Mr. Chiles said their civil engineer from Terra Nova could answer that. Quinn Armijo with Terra Nova Engineering stated the line Commissioner Shonkwiler is asking about is a FEMA flood plain line. It's the 500 year flood plain. The 100 year flood plain is contained within the concrete channel.

Commissioner Shonkwiler asked how many buildings they would be building. Mr. Chiles said in phase one is the operational building. Front 3rd is office space, back 2/ 3rds is their operational space to maintain their vehicles and is on the eastern portion of the site. On the western side could be a possible site for a future administration building.

Commissioner Phillips asked that since Mr. Chiles had slides available as a presentation that he please shows them as a part of the record.

Mr. Chiles agreed to do that.

Mr. Chiles gives a short PowerPoint presentation.

Commissioner Smith asked about the surfacing of the facility. Mr. Chiles asked Darren Schrader to address that question. Mr. Schrader said they would have a concrete apron and then elsewhere they could use reclaimed asphalt or crushed concrete possibly. Commissioner Smith asked about dust control, he knew that was a requirement and

wanted to know if they would have it. Mr. Chiles said yes.

Commissioner Shonkwiler asked if they would maintain that maintenance road that is required for drainage and was it on his property. Mr. Chiles said his understanding was that it was not on his property but they would maintain it.

Commissioner Markewich asked if they would be transfer for offloading purposes. Mr. Schrader said there would not be.

Commissioner Markewich wanted to know about cleaning the garbage trucks is it done off site. Mr. Schrader said they would have a wash bay for the trucks at the facility and regarding the debris from the garbage trucks being cleaned, Mr. Chiles said there was a sand oil interceptor that collects of that per CSU standards.

Commissioner Donley wanted to know what the carts were and where they were stored. Mr. Schrader said they would plastic containers for residential and they will be stored inside but the area will not be heated. Commissioner Donley also asked about the dumpsters for the commercial side. Mr. Schrader said they would be stored on the outside but not sure where. Commissioner Donley asked for Mr. Turisk to have that available for the future.

Commissioner Donley asked what would be the hours of operation. Mr. Schrader said from 2-3 o'clock in the morning to 5 o'clock at night. Commissioner Donley asked about the noise from trucks backing up and proximity to the trailer park. Mr. Schrader said commercial trucks had a designated spot to leave from. Commissioner Donley said that would be another thing to be sure that was addressed on the development plan.

Commissioner Donley stated he wished the concept plan showed greater buffers from the mobile home park which would help to have the trucks a greater distance from the mobile home park.

Supporters of the application: None

Opponents of the application: None

Additional Questions of Staff:

Commissioner McDonald asked Mr. Turisk if postcards were sent out at a 500 ft. buffer. Mr. Turisk said yes. Mr. Turisk said they also required the applicant to hold a neighborhood meeting; that was held on Feb 29, 2016, but there were no attendees. Postcards were sent for the internal review and for the planning commission meeting. Commissioner McDonald asked if he'd received any emails or other communication regarding concerns for or against. Mr. Turisk said he had not.

Commissioner Shonkwiler asked Mr. Turisk to go an extra step for the mobile home park for notification since the notification would go to the park owner and not the mobile home park owners to ensure property notification for these neighbors.

Commissioner Shonkwiler asked about the building on the southwest of the property. Mr. Turisk said he didn't know but would have that information for when the development plan was brought before them. Commissioner Shonkwiler asked about the road on the west of the property, was it privately owned. Mr. Turisk said he had not identified the ownership of that road but will have that information when the development plan comes before them. Commissioner Shonkwiler said he just wanted to be sure that owners will be able to be notified appropriately especially if the site will be noisy at 2 or 3 in the morning and try to make it as far away from that area as possible

Commissioner Markewich asked about the notification process and who was notified. Mr. Turisk said it was the property owner, not the individual residents in the mobile home park but he could see what could be done to try and notify people in the mobile home park. Mr. Wysocki gave further clarification that they do post the site with a poster but they can look at posting within the mobile home community park in the common areas possibly. Commissioner Markewich said in the common area would be fine, he just wanted them to have the opportunity to know what is happening next to where they live because otherwise they may not know.

Renee Congdon, City Attorney provided further clarification that within the common area is private property so there would have to be permission gained from the owner of the underlying estate before they would be able to post on that area. Commissioner Markewich said that was fine if they could try.

Commissioner McDonald said for clarification weren't they supposed to notify the property owners. If the mobile home park has renters that is not notifying the owners; they only notify the owners of the land. Mr. Wysocki said that was correct, only owners.

Commissioner Donley said there is personal property that was owned.

It's not the mobile home park as a whole it the individual property owners.

REBUTTAL:

Commissioner Smith said since noise has come up as an issue would it help to orient the building a different way to lessen the noise and move it closer to the southern end of the site or is that even possible. Mr. Schrader said they hadn't looked at turning the building or moving it.

Discussion DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said based on the review criteria he would be supporting the applications. He also felt that Commissioner Smith's question about moving the building further south or turning it a different direction made sense to move it closer to Drennan but just something to consider.

Commissioner Henninger said it's basically a lot for trucks to come in and out of and that is how it should be looked at. He felt it was a great product for this site. He did not see any need for changes and fully supports the way it's written, drawn and designed.

Commissioner Shonkwiler said he would support both applications. He thought what was proposed would be an asset to the community. He would like to recommend they do all they can with screening or rearranging the floorplan to get the noise especially in the early morning that could keep someone awake as far away from those residential areas as possible. He thinks why there aren't a lot of them there is the notification process is only for owners of personal property which is what a mobile home would be as opposed to the owner of the park. So he hopes that that can happen for the future, but he is going to support the project.

Commissioner Donley said he felt this was a good infill project. They are converting C-6 commercial land to M-1 and there is a shortage of M-1 industrial ground in Colorado Springs. He thinks it's an extension of the Drennan Road Industrial Park. He will be supporting it but wanted to make sure development plan is sensitive to the people to the north.

Commissioner McDonald said she will be supporting both applications. She will look forward to seeing the final plan.

Commissioner Smith said he would also be supporting the applications.

Passed 7-0

Motion by Markewich, seconded by Henninger, to approve the Springs Waste

concept plan located at 3640; 3720; and 3760 Drennan Road based on the finding the concept plan complies with the review criteria in City Code Section 7.5.501.E (Review Criteria for Concept Plans).. 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.1 [CPC A](#)
[15-00060](#)

Annexation of 7.71 acres located near the northwest corner of Powers Boulevard and Dublin Boulevard into the City of Colorado Springs. (Kum and Go Store #685)

(Legislative)

Related Items: CPC ZC 15-00081, CPC DP 15-00082

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

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 Alazzeah 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**

Establishment of PBC/AO (Planned Business Center with Airport Overlay) zoning for the annexed area. (Kum & Go #685) (Legislative)
Related Items: CPC A 15-00060, CPC DP 15-00082

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

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:

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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.

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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:

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Opponents of the application:

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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

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Additional Questions of Staff:

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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.

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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 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

5.C.3 [CPC DP
15-00082](#)

A development plan for Kum and Go Store #685 on 1.877 acres.
(Quasi-Judicial)
Related Files: CPC A 15-00060, CPC ZC 15-00081

Presenter:

Mike Schultz, Principal Planner, Planning and Community
Development

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.

Motion by Commissioner Markewich, seconded by Commissioner Smith to recommend approval of **CPC DP 15-00082 - DEVELOPMENT PLAN** to the City Council of the Kum & Go Store # 685 development plan based upon the findings that the development plan complies with the review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications along with the condition of record:

1. Clarify line dimensions on the development plan.
2. The proposed water main is to be designated as "private", please label the main accordingly and remove the 30' PUE.

Condition of Approval

- ~~1. Process the quit claim of the private access easement prior to-~~

~~final approval.~~

1. Removal of private access easement prior to final approval.

Aye: McDonald, Phillips, Shonkwiler, Smith, Donley, Henninger, Markewich (Gibson, Walkowski excused)

No: None

Motion passed 7-0

Motion by Markewich, seconded by Smith, Recommend approval to the City Council of the Kum & Go Store #685 development plan based upon the findings that the development plan complies with the review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications along with the condition of approval:

1. Clarify line dimensions on the development plan.
2. The proposed water main is to be designated as "private", please label the main accordingly and remove the 30' PUE.

Condition of Approval

1. Removal of private access easement prior to final approval. The motion passed by a vote of

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

Absent 2 - Gibson and Walkowski

5.D.1 CPC A Colorado Springs Airport Annexation Filing #1 located southwest of
14-00131-1 Space Village Drive and Marksheffel Road consisting of 31.158 acres.
 (Related Item: CPC ZC 14-00132) Legislative

Presenter:

Mike Schultz, Principal Planner, Land Use Review Division of the
 Planning and Community Development Department

STAFF PRESENTATION:

Mike Schultz, Principal Planner gave a PowerPoint presentation of
 where all the annexation properties are located.

Questions of Staff:

Commissioner Shonkwiler asked a question about who would be
 responsible for maintenance or zoning violation of the properties once
 annexed into the city. Mr. Wysocki said it didn't matter because the city
 owns them and already maintaining them they just aren't within the city
 limits. Renee Congdon, City attorney reiterated the city already owns
 them the annexation will bring them within the city limits. Mr. Wysocki
 said to call the airport aviation director for questions about maintenance.

Commissioner Donley discussed how they would word items for a
 motion since there are 3 items for annexation and 3 items for zone
 changes. Mr. Schultz and Ms. Congdon said as long as the motions for
 the annexations are first that is how they should motioned and voted on
 first.

Supporters of the application: None

Opponents of the application: None

DECISION OF THE PLANNING COMMISSION:

Passed 7-0

**Motion by Henninger, seconded by Markewich, Recommend approval to City
 Council the Colorado Springs Airport Annexation Filing #1 based upon the
 finding that the annexation complies with all of the Conditions for Annexation
 Criteria as set forth in City Code Section 7.6.203.. The motion passed by a vote of**

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

Absent 2 - Gibson and Walkowski

5.D.2 CPC A Colorado Springs Airport Annexation Filing #2 located between
14-00131-2 Highway 94 and Airport Lane and totaling 18.89 acres.
 (Related Item: CPC ZC 14-00132) (Legislative)

Presenter:
 Mike Schultz, Principal Planner, Planning and Community
 Development

STAFF PRESENTATION:

Mike Schultz, Principal Planner gave a PowerPoint presentation of where all the annexation properties are located.

Questions of Staff:

Commissioner Shonkwiler asked a question about who would be responsible for maintenance or zoning violation of the properties once annexed into the city. Mr. Wysocki said it didn't matter because the city owns them and already maintaining them they just aren't within the city limits. Renee Congdon, City attorney reiterated the city already owns them the annexation will bring them within the city limits. Mr. Wysocki said to call the airport aviation director for questions about maintenance.

Commissioner Donley discussed how they would word items for a motion since there are 3 items for annexation and 3 items for zone changes. Mr. Schultz and Ms. Congdon said as long as the motions for the annexations are first that is how they should motioned and voted on first.

Supporters of the application: None

Opponents of the application: None

DECISION OF THE PLANNING COMMISSION:

Passed 7-0

Motion by Henninger, seconded by Markewich, Recommend approval to City Council of the Colorado Springs Airport Annexation Filing #2, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.. The motion passed by a vote of

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

Absent 2 - Gibson and Walkowski

5.D.3 CPC A Colorado Springs Airport Annexation Filing #3 located southeast of
14-00131-3 the intersection of Highway 24 and Powers Boulevard and consisting
of 47.484 acres.
(Related Item: CPC ZC 14-00132) (Legislative)

Presenter:
Mike Schultz, Principal Planner, Planning and Community
Development

STAFF PRESENTATION:

Mike Schultz, Principal Planner gave a PowerPoint presentation of
where all the annexation properties are located.

Questions of Staff:

Commissioner Shonkwiler asked a question about who would be
responsible for maintenance or zoning violation of the properties once
annexed into the city. Mr. Wysocki said it didn't matter because the city
owns them and already maintaining them they just aren't within the city
limits. Renee Congdon, City attorney reiterated the city already owns
them the annexation will bring them within the city limits. Mr. Wysocki
said to call the airport aviation director for questions about maintenance.

Commissioner Donley discussed how they would word items for a
motion since there are 3 items for annexation and 3 items for zone
changes. Mr. Schultz and Ms. Congdon said as long as the motions for
the annexations are first that is how they should motioned and voted on
first.

Supporters of the application: None

Opponents of the application: None

DECISION OF THE PLANNING COMMISSION:

Passed 7-0

**Motion by Henninger, seconded by Markewich, Recommend approval to City
Council of the Colorado Springs Airport Annexation Filing #3, based upon the
finding that the annexation complies with all of the Conditions for Annexation
Criteria as set forth in City Code Section 7.6.203.. The motion passed by a vote of**

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

Absent 2 - Gibson and Walkowski

- 5.E.1 CPC ZC** Establishment of the APD/AO/APZ (Airport Planned District with
14-00132-1 Airport Overlay and Accident Potential Zone) for the Colorado Springs
Airport Annexation Filing #1.

Related File: CPC A 14-00131 (Airport Annexation Filing #1)
Legislative

Presenter:
Mike Schultz, Principal Planner, Planning and Community
Development Department

STAFF PRESENTATION:

Mike Schultz, Principal Planner gave a PowerPoint presentation of where all the annexation properties are located.

Questions of Staff:

Commissioner Shonkwiler asked a question about who would be responsible for maintenance or zoning violation of the properties once annexed into the city. Mr. Wysocki said it didn't matter because the city owns them and already maintaining them they just aren't within the city limits. Renee Congdon, City attorney reiterated the city already owns them the annexation will bring them within the city limits. Mr. Wysocki said to call the airport aviation director for questions about maintenance.

Commissioner Donley discussed how they would word items for a motion since there are 3 items for annexation and 3 items for zone changes. Mr. Schultz and Ms. Congdon said as long as the motions for the annexations are first that is how they should motioned and voted on first.

Supporters of the application: None

Opponents of the application: None

Discussion DECISION OF THE PLANNING COMMISSION:

Motion passed 7-0

Motion by Markewich, seconded by Henninger, Recommend approval to the City Council of the establishment of the APD/AO/APZ (Airport Planned District with Airport Overlay and Accident Potential Zone) zone district for the property designated as Colorado Springs Airport Filing Number 1, based upon the findings that the establishment of zoning request complies with the three (3) criteria for granting establishment of zone districts 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

- 5.E.2 CPC ZC** Establishment of the APD/AO/APZ (Airport Planned District with
14-00132-2 Airport Overlay and Accident Potential Zone) zone district for
Colorado Springs Airport Annexation Filing #2.

Related File: CPC A 14-00131 (Airport Annexation Filing) Legislative

Presenter:

Mike Schultz, Principal Planner, Planning and Community
Development

STAFF PRESENTATION:

Mike Schultz, Principal Planner gave a PowerPoint presentation of
where all the annexation properties are located.

Questions of Staff:

Commissioner Shonkwiler asked a question about who would be
responsible for maintenance or zoning violation of the properties once
annexed into the city. Mr. Wysocki said it didn't matter because the city
owns them and already maintaining them they just aren't within the city
limits. Renee Congdon, City attorney reiterated the city already owns
them the annexation will bring them within the city limits. Mr. Wysocki
said to call the airport aviation director for questions about maintenance.

Commissioner Donley discussed how they would word items for a
motion since there are 3 items for annexation and 3 items for zone
changes. Mr. Schultz and Ms. Congdon said as long as the motions for
the annexations are first that is how they should motioned and voted on
first.

Supporters of the application: None

Opponents of the application: None

DECISION OF THE PLANNING COMMISSION:

Motion passed 7-0

**Motion by Markewich, seconded by Henninger, Recommend approval to City
Council the establishment of the APD/AO/APZ (Airport Planned District with
Airport Overlay and Accident Potential Zone) zone district for the property
designated as Colorado Springs Airport Addition Filing #2, based upon the
findings that the establishment of zoning request complies with the three (3)
criteria for granting establishment of zone districts 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

5.E.3 CPC ZC 14-00132-3 Establishment of the APD/AO/APZ (Airport Planned District with Airport Overlay and Accident Potential Zone) zone district for the Colorado Springs Airport Annexation Filing #3.

Related File: CPC A 14-00131(Airport Annexation Filing) Legislative

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development Department

STAFF PRESENTATION:

Mike Schultz, Principal Planner gave a PowerPoint presentation of where all the annexation properties are located.

Questions of Staff:

Commissioner Shonkwiler asked a question about who would be responsible for maintenance or zoning violation of the properties once annexed into the city. Mr. Wysocki said it didn't matter because the city owns them and already maintaining them they just aren't within the city limits. Renee Congdon, City attorney reiterated the city already owns them the annexation will bring them within the city limits. Mr. Wysocki said to call the airport aviation director for questions about maintenance.

Commissioner Donley discussed how they would word items for a motion since there are 3 items for annexation and 3 items for zone changes. Mr. Schultz and Ms. Congdon said as long as the motions for the annexations are first that is how they should motioned and voted on first.

Supporters of the application: None

Opponents of the application: None

DECISION OF THE PLANNING COMMISSION:

Motion passed 7-0

Motion by Markewich, seconded by McDonald, Recommend approval to City Council of the establishment of the APD/AO/APZ (Airport Planned District with Airport Overlay and Accident Potential Zone) zone district for the property designated as the Colorado Springs Airport Annexation Filing #3, based upon the findings that the establishment of zoning request complies with the three (3) criteria for granting establishment of zone districts 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

- 5.F [CPC CA 16-00044](#) A resolution adopting the North Nevada/University of Colorado, Colorado Springs Economic Opportunity Zone Task Force Findings and Recommendations, for strategic planning purposes.

(Legislative)

Presenter:

Peter Wysocki, Planning and Community Development Director
Carl Schueler, Comprehensive Planning Manager

STAFF PRESENTATION:

Carl Schueler, Comprehensive Planning Manager, gave a PowerPoint Presentation on the **North Nevada/University of Colorado, Colorado Springs Economic Opportunity Zone**

This is a resolution to go before council to recommend the findings in the report originally done in 2014.

It's in line with the city's Infill Plan, the Strategic Plan and in particular there is a lot going on in the UCCS North Nevada area. Its policy related guidance. It's not binding nor does it force the Planning Commission or City Council's hand to absolutely following through entirely with the recommendations as written.

Questions of Staff:

Commissioner Markewich said as a commission they have raised concerns about the lack of M-1/M-2 zoning districts. So is there anything in these documents encouraging industrial type uses along these corridors.

Mr. Schuler said along Academy Blvd in the far southwest quadrant is an M-2 area around Drennan and Las Vegas St. along I-25; it's the biggest area for most intense industrial uses. There is quite a space in that area for industrial use. The Academy plan says leave that area alone. Along the rest of Academy there is PIP areas. South of the Citadel Mall there are numerous M-1 properties this area as well has no recommended change. There are some areas that are over zone with commercial - PBC - and probably need to be changed to more multi-family or mixed use. The plan doesn't exactly have industrial areas identified but probably more multi-use or transitional use areas. Mr. Schueler gave examples of different type of uses that have been utilized along this area that have already been approved. Along Nevada there is the idea to take the M-1 areas immediately adjacent to Nevada and allow mixed uses on those properties. Most of the people who worked on this plan felt like those eclectic mixed uses is

necessary for the community.

There really is not any plan to zone more areas M-1. We don't use M-1/M-2 as a city. It's really almost an antiquated zone district even though it's really necessary for the community. It's a geographic issue. We have significant areas in the southern part of the city that are zoned pretty heavily industrial and as you go north it's really hard to come by. As they go through the comprehensive plan process he thought it would be a spatial issue and how it will be distributed across the community.

Commissioner Henninger said what drives M-1/M-2. You need transportation and material access and you need a lot of things this town doesn't have any more like railroad tracks. So we are going to what we're going to for what this town continues to do which are tourism, sports, and housing. Academy is a long transportation corridor and he didn't see industrial being a big deal with that. So he was at a loss as to what to stress and what they need to focus on as far as driving some of these corridors. The rejuvenation, the support, the desire to do things is good but they really need to look over what the primary drivers are in these areas.

Mr. Schueler said each of these areas has unique design challenges and opportunities and that was the theme he wanted to get across. Each area is very different.

Commissioner Shonkwiler said when talking about transitions and trying to bring them back to some type of higher level in the South Academy there is a lot of residential in the area that is underserved because so much of the area has been abandoned commercially so there are clusters in this area those areas that are available. Along the North Nevada area there is a real community benefit of redeveloping these areas one being the new cyber-security. The second is accommodating growth of UCCS it's projected to be 25-30,000 students and it will never get there without close-in residential housing for students that will be going to school there. That number of students could be a tremendous driver for the community and the region. We look at these things for a long term goal rather than just beautification it will be serving the needs of one of the industries major contributors. So he will support it.

Discussion DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said it was time these 2 items came before them. He would like to see in the future items like this come to them sooner rather than later.

Commissioner Donley said it is important to remember it's coming before them as a resolution rather than an ordinance. It's not a master plan. It's for strategic purposes and non-binding policy but it was done to

circumvent the planning commission and it's not how we want to get plans together and have a thoughtful and integrated through the land use parts of it. Deadline have been missed and have inconsistent results. So the clarify the Great Streets Plan for South Academy is the Master Plan and it's the one that takes precedence. These plans have value in terms of in terms of looking at them for strategic purposes, in terms of true master planning processes and so he thought it was appropriate they call them what they are and that is what this resolution will achieve. He is in support of it.

Motion by Markewich, seconded by Shonkwiler, to recommend approval to the City Council of a resolution adopting the North Nevada/University of Colorado, Colorado Springs Economic Opportunity Zone Task Force Findings and Recommendations, for strategic planning purposes.. The motion passed by a vote of

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

Absent 2 - Gibson and Walkowski

- 5.G [CPC CA 16-00043](#) A resolution adopting the South Academy Economic Opportunity Zone Action Plan for strategic planning purposes.

(Legislative)

Presenter:

Peter Wysocki, Planning and Community Development Director
Carl Schueler, Comprehensive Planning Manager

STAFF PRESENTATION:

Carl Schueler, Comprehensive Planning Manager, gave a PowerPoint Presentation on the **Academy Boulevard Economic Opportunity Zone**.

This is a resolution to go before council to recommend the findings in the report originally done in 2014.

This is also it's in line with the city's Infill Plan, the Strategic Plan. The difference with this is it follows from 2011 Academy Boulevard Corridor Great Street Plan that have maps associated with it. It's a little different in continuum in planning because there is a plan in place.

It's a non-binding policy

Area is very large so they said pick some of the areas to focus on - Rustic Hills, Citadel Mall, Fountain Blvd and Hancock Expressway. They support almost anything along this corridor as long as it doesn't interfere with that vision.

What you are being asked to approve today is an action plan

Questions of Staff:

Commissioner Markewich said as a commission they have raised concerns about the lack of M-1/M-2 zoning districts. So is there anything in these documents encouraging industrial type uses along these corridors.

Mr. Schuler said along Academy Blvd in the far southwest quadrant is an M-2 area around Drennan and Las Vegas St. along I-25; it's the biggest area for most intense industrial uses. There is quite a space in that area for industrial use. The Academy plan says leave that area alone. Along the rest of Academy there is PIP areas. South of the Citadel Mall there are numerous M-1 properties this area as well has no recommended change. There are some areas that are over zone with commercial - PBC - and probably need to be changed to more multi-family or mixed use. The plan doesn't exactly have industrial

areas identified but probably more multi-use or transitional use areas. Mr. Schueler gave examples of different type of uses that have been utilized along this area that have already been approved.

Along Nevada there is the idea to take the M-1 areas immediately adjacent to Nevada and allow mixed uses on those properties. Most of the people who worked on this plan felt like those eclectic mixed uses is necessary for the community.

There really is not any plan to zone more areas M-1. We don't use M-1/M-2 as a city. It's really almost an antiquated zone district even though it's really necessary for the community. It's a geographic issue. We have significant areas in the southern part of the city that are zoned pretty heavily industrial and as you go north it's really hard to come by. As they go through the comprehensive plan process he thought it would be a spatial issue and how it will be distributed across the community.

Commissioner Henninger said what drives M-1/M-2. You need transportation and material access and you need a lot of things this town doesn't have any more like railroad tracks. So we are going to what we're going to for what this town continues to do which are tourism, sports, and housing. Academy is a long transportation corridor and he didn't see industrial being a big deal with that. So he was at a loss as to what to stress and what they need to focus on as far as driving some of these corridors. The rejuvenation, the support, the desire to do things is good but they really need to look over what the primary drivers are in these areas.

Mr. Schueler said each of these areas has unique design challenges and opportunities and that was the theme he wanted to get across. Each area is very different.

Commissioner Shonkwiler said when talking about transitions and trying to bring them back to some type of higher level in the South Academy there is a lot of residential in the area that is underserved because so much of the area has been abandoned commercially so there are clusters in this area those areas that are available. Along the North Nevada area there is a real community benefit of redeveloping these areas one being the new cyber-security. The second is accommodating growth of UCCS it's projected to be 25-30,000 students and it will never get there without close-in residential housing for students that will be going to school there. That number of students could be a tremendous driver for the community and the region. We look at these things for a long term goal rather than just beautification it will be serving the needs of one of the industries major contributors. So he will support it.

Discussion DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said it was time these 2 items came before them. He would like to see in the future items like this come to them sooner rather than later.

Commissioner Donley said it is important to remember it's coming before them as a resolution rather than an ordinance. It's not a master plan. It's for strategic purposes and non-binding policy but it was done to circumvent the planning commission and it's not how we want to get plans together and have a thoughtful and integrated through the land use parts of it. Deadline have been missed and have inconsistent results. So the clarify the Great Streets Plan for South Academy is the Master Plan and it's the one that takes precedence. These plans have value in terms of in terms of looking at them for strategic purposes, in terms of true master planning processes and so he thought it was appropriate they call them what they are and that is what this resolution will achieve. He is in support of it.

Motion by Markewich, seconded by Smith, Move to recommend approval to the City Council of a resolution adopting the Academy Boulevard Economic Opportunity Zone Action Plan, for strategic planning purposes. The motion passed by a vote of

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

Absent 2 - Gibson and Walkowski

5.H.1 [16-275](#)

Ordinance No. 16-54 amending Section 205 (Additional Standards For Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development And Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Medical Marijuana Centers.

Presenter:

Peter Wysocki, Director of Planning and Community Development

STAFF PRESENTATION:

Peter Wysocki, Planning Director gave a PowerPoint Presentation.

Questions of Staff:

Commissioner Shonkwiler asked about marijuana facilities and if they met the all the requirements they've continued to operate after the moratorium was in place. Mr. Wysocki confirmed they did because they were a legal operating business and met all the requirements to be open before the moratorium was in place. The City Clerk's Office has a list of all the ones that met all the requirements prior to the moratorium.

Commissioner Shonkwiler asked how many there were. Mr. Wysocki said that Colorado Springs has about 25% of all facilities in the state. About 130 dispensaries, 90 grow operations and a little less of MIPS.

Commissioner Shonkwiler said what concerned him is the concentration in the older neighborhoods especially at the entryway points.

Commissioner Markewich asked a question about the legal nonconforming and legal conforming uses. Commissioner Markewich said when the number of plants are limited for personal use there is no legal conforming/legal nonconforming related to the citizens growing their own. Mr. Wysocki said that was correct.

Commissioner Markewich also asked if there was a timetable for compliance. Mr. Wysocki said if the ordinance passes if someone had more plants than they should and if there was a complaint filed at some time in the future they would have to reduce that plant count to 12. There could be a combination of how the complaint is processed either civil or criminal or a combination. There are state constitutional differences for growing medical marijuana versus growing personal consumption / recreational use marijuana.

Commissioner Markewich ask how do you determine if a compliant is processed either civil or criminally. If they are only 1 or 2 plants over are they immediately charged criminally or given a warning, is there something in what they were seeing that had that language? Mr. Wysocki said not in the ordinances they were seeing. In medical marijuana residential grow if you are growing more than 12 plants there

would more likely be a criminal path for compliance. If it's non-medical marijuana they would pursue a more of the civil actions with an informal notice first stating they were not in compliance and they had to bring it into compliance. Re-inspection, still not in compliance an Notice and Order would be completed and it would go through the civil process. So it really depends on the investigation on whether is medical marijuana or recreational marijuana.

Commissioner Markewich asked if the recreational automatically fall in the recreational path. Mr. Wysocki said no. Commissioner Markewich said he was concerned there wasn't enough distinction between when the city uses either a criminal or civil ways to make someone comply.

Renee Congdon City Attorney said under Amendment 20 which is the medical marijuana cities were given the opportunity to have more robust regulations when it comes to plant count and other time place management regulations whereas under Amendment 64 it wasn't as clear. That is why the criminal change to the code is tied to the medical marijuana plants opposed to medical and recreational. The presentations they've seen so far, the goal in dealing with enforcement is compliance. When VNI presented at Council they said they were dealing with the small grows. Commissioner Markewich said so civil compliance. Ms. Congdon said compliance in general; brining the plant count down to 12. This gives them another tool. The goal would be to work with the residences to get them into compliance.

Commissioner Markewich asked about specific times to comply for the non-commercial grows. He would like to have a 3 or 6 month time frame for the word to get out they have that time to comply. Mr. Wysocki explained how the complaint process works and that many of the complaints do not get to court because people come into compliance.

Commissioner Markewich asked in ordinances before them, if they had language regarding the personal grow as opposed to the commercial growing would all the rules be in one of the items or dispersed among the three items. Mr. Wysocki asked for clarification if he meant they were in the ordinances they had before them. Commissioner Markewich said what if they wanted to add something about the 3 or 6 months for them to get in compliance; where would he insert that. Ms. Congdon said it would be the Ordinance amending Section 105 -Additional Standards for specific Land Uses (**5.H.2 in the Agenda**). Ms. Congdon said in the Ordinance where it discusses personal cultivation of marijuana and medical marijuana.

Supporters of the application:

Pamela Bennett representing neighborhoods and is the designee for the group. She gave an example that happened in her neighborhood and

stated that according to DEA presentation to the City Council there have been over 400 house in Colorado Springs that have been taken over for drug production for out of state.

She is not against people who have a legitimate need for medical marijuana she is against what is happening in the city. There are other cities in the state that started out with a maximum total of plants allowed being six. She would support six, but she is in support of what the planning department has come up with including the 1000 feet away from residential areas.

Commissioner Shonkwiler asked Ms. Bennett if she was in support of the ordinance or against it. Ms. Bennett said she was in support of the ordinance.

Opponents of the application: None

Additional Questions of Staff:

Commissioner Donley asked in terms of the 1000 foot buffer he thought he saw there were 46 within that current buffer and are they suggesting there is a period where they can stay since they are already there and it's just the future ones that can't be located in those areas. Mr. Wysocki said the 46 would be able to stay.

Commissioner Donley said just to understand the pedestrian walking distance - if you are in the middle of a big block and you don't have crosswalks you could walk along the whole length of that street before getting to a crosswalk and then cross there so the boundaries may get pulled in - crossing Powers or I-25 would be an example. Mr. Wysocki said that was correct.

Commissioner Donley said the 12 point plants was a little confusing because it seems like the state rules say six per person. This rule is about dwelling units not people each person could have six plants. Mr. Wysocki said it is 12 plants period. Commissioner Donley said was there square footage limitation. Mr. Wysocki said 150 sq. ft.

Commissioner Donley said his final thing is use of the M-2 for this zone purpose.

Mr. Wysocki said there were lengthy discussions about what is the right zoning district. The task force highly recommended to allow for the commercial districts under the conditional use permit process and allows citizens to speak either to the Planning Commission or City Council and review each application on a case by case basis.

Mr. Wysocki said regarding the suggested three month period said they can forward it to Council verbally what some of your comments were. If you vote to modify any of the ordinances they would have to prepare it

and get it to council between then and Tuesday. But because they do not have a registry for these residential grows he is not sure how that three month would help or hinder. It has not been a concern of the task force that once they become effective, they are in effect. There was a discussion of going down to six but they left it at 12.

Commissioner Phillips said that from what Ms. Bennett stated these residential grows are aware of what is happening so the word gets out. Mr. Wysocki said the word is definitely out.

Discussion DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said he wanted a feeling of how the Commissioner felt about the personal grow - non-commercial - to give some sort of buffer of time before the enforcement actually happens. Otherwise he is voting against item 5.H.2. if there is not time to enforce and he also agrees with Commission Donley, he doesn't understand the reason for pushing it to the M-1/ M-2. He felt it limits the industries they need to have in these areas. PIP-1 and PIP-2 might be a good compromise expansion he understands not wanting to have it in a shopping center or strip mall.

Commissioner Shonkwiler said he didn't feel they needed to extend it by three months. It's been well publicized everywhere as well as on front page newspapers. The solution is simple. If you have more than 12 plants, you throw the rest out.

Commissioner Smith said the more strict you can be the better. It's about public safety issues. The logo of Colorado Springs with the mountain and all the colors of the Olympic Flag; we tout ourselves as being healthy and say the city is one of the healthiest cities in the country. We have all the outdoor things to do. But there is a big black asterisk that will be below the logo that says we are coming to known as marijuana capital of world with all the crime that goes with it. He would like to see it stricter but is in favor of the ordinances as written.

Commissioner Phillips said he thought they would cover the time frame issue. The task forces consists of people that have equal representatives from each part affected.

Mr. Wysocki confirmed this. What worried him was if there is any type of deadline of three or so months what if there is instances of 200, 300, 400 plants and there are those instances we want those to have immediate compliance. So if there is a time frame it could really limit the ability to enforce compliance in some of the extreme cases.

Commissioner Phillips said there is a line from people who need it and people who make money off it. He was against the M-1/M-2 but he

believed they needed to start somewhere. He's in agreement with it. Mr. Wysocki said they were still permitted in commercial districts with a conditional use permit.

Yes M-1 / M-2 was their initial proposal but if it's conditional use they will see it and it will be treated as similar uses.

Commissioner McDonald said this is a ever evolving product that has come into the community that was not here before and you have to start somewhere. You have to try and put ordinances in place. This may not be perfect but the task force has worked hard on it. It will go to council and they can make the changes they will and that isn't to say that ordinance can't be changed later down the road fi it doesn't work the way it written. She will voting in favor of recommending this to Council and it may be several times before it's written and it gets this industry in control the way it needs to be within our community.

Commissioner Donley said he thought they needed to give enforcement all the tools they need and so he didn't think the three months makes a lot of sense. There are so many tools out there of what they are doing here to do enforcement. The 1000 ft. buffer map is helpful, it's better than he thought. They've eliminated the residential restriction which makes things a lot more viable and he thought that was positive and doesn't have a problem with grandfathering in the existing ones. The 12 plants make sense, the 150 feet make sense, it may need to be more restrictive at some point it's something that can be concretely enforced. He comes back to the industrial zoning and the use by right, he has a problem with it, but he is inclined to respect what the task force decided as long as they can communicate to Council that it's a concern. Across the board you have an M-2 zoning problem and that needs to be deal with in several areas. The only reason he's supporting in terms of the M-2 is because the task force recommended it.

Motion by Smith, seconded by McDonald, Recommend approval to the City Council of an ordinance amending Section 205 (Additional Standards For Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development And Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Medical Marijuana Centers.. The motion passed by a vote of

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

Absent 2 - Gibson and Walkowski

5.H.2 [16-277](#)

Ordinance No. 16-52 amending Section 105 (Additional Standards For Specific Land Uses Allowed In Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) Of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Personal Cultivation of Marijuana and Medical Marijuana.

Presenter:

Peter Wysocki, Director of Planning and Community Development

STAFF PRESENTATION:

Peter Wysocki, Planning Director gave a PowerPoint Presentation.

Questions of Staff:

Commissioner Shonkwiler asked about marijuana facilities and if they met the all the requirements they've continued to operate after the moratorium was in place. Mr. Wysocki confirmed they did because they were a legal operating business and met all the requirements to be open before the moratorium was in place. The City Clerk's Office has a list of all the ones that met all the requirements prior to the moratorium.

Commissioner Shonkwiler asked how many there were. Mr. Wysocki said that Colorado Springs has about 25% of all facilities in the state. About 130 dispensaries, 90 grow operations and a little less of MIPS.

Commissioner Shonkwiler said what concerned him is the concentration in the older neighborhoods especially at the entryway points.

Commissioner Markewich asked a question about the legal nonconforming and legal conforming uses. Commissioner Markewich said when the number of plants are limited for personal use there is no legal conforming/legal nonconforming related to the citizens growing their own. Mr. Wysocki said that was correct.

Commissioner Markewich also asked if there was a timetable for compliance. Mr. Wysocki said if the ordinance passes if someone had more plants than they should and if there was a complaint filed at some time in the future they would have to reduce that plant count to 12. There could be a combination of how the complaint is processed either civil or criminal or a combination. There are state constitutional differences for growing medical marijuana versus growing personal consumption / recreational use marijuana.

Commissioner Markewich ask how do you determine if a compliant is processed either civil or criminally. If they are only 1 or 2 plants over are they immediately charged criminally or given a warning, is there something in what they were seeing that had that language? Mr. Wysocki said not in the ordinances they were seeing. In medical

marijuana residential grow if you are growing more than 12 plants there would more likely be a criminal path for compliance. If it's non-medical marijuana they would pursue a more of the civil actions with an informal notice first stating they were not in compliance and they had to bring it into compliance. Re-inspection, still not in compliance an Notice and Order would be completed and it would go through the civil process. So it really depends on the investigation on whether is medical marijuana or recreational marijuana.

Commissioner Markewich asked if the recreational automatically fall in the recreational path. Mr. Wysocki said no. Commissioner Markewich said he was concerned there wasn't enough distinction between when the city uses either a criminal or civil ways to make someone comply.

Renee Congdon City Attorney said under Amendment 20 which is the medical marijuana cities were given the opportunity to have more robust regulations when it comes to plant count and other time place management regulations whereas under Amendment 64 it wasn't as clear. That is why the criminal change to the code is tied to the medical marijuana plants opposed to medical and recreational. The presentations they've seen so far, the goal in dealing with enforcement is compliance. When VNI presented at Council they said they were dealing with the small grows. Commissioner Markewich said so civil compliance. Ms. Congdon said compliance in general; brining the plant count down to 12. This gives them another tool. The goal would be to work with the residences to get them into compliance.

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Commissioner Markewich asked in ordinances before them, if they had language regarding the personal grow as opposed to the commercial growing would all the rules be in one of the items or dispersed among the three items. Mr. Wysocki asked for clarification if he meant they were in the ordinances they had before them. Commissioner Markewich said what if they wanted to add something about the 3 or 6 months for them to get in compliance; where would he insert that. Ms. Congdon said it would be the Ordinance amending Section 105 -Additional Standards for specific Land Uses (**5.H.2 in the Agenda**). Ms. Congdon said in the Ordinance where it discusses personal cultivation of marijuana and medical marijuana.

Supporters of the application:

Pamela Bennett representing neighborhoods and is the designee for the

group. She gave an example that happened in her neighborhood and stated that according to DEA presentation to the City Council there have been over 400 house in Colorado Springs that have been taken over for drug production for out of state.

She is not against people who have a legitimate need for medical marijuana she is against what is happening in the city. There are other cities in the state that started out with a maximum total of plants allowed being six. She would support six, but she is in support of what the planning department has come up with including the 1000 feet away from residential areas.

Commissioner Shonkwiler asked Ms. Bennett if she was in support of the ordinance or against it. Ms. Bennett said she was in support of the ordinance.

Opponents of the application: None

Additional Questions of Staff:

Commissioner Donley asked in terms of the 1000 foot buffer he thought he saw there were 46 within that current buffer and are they suggesting there is a period where they can stay since they are already there and it's just the future ones that can't be located in those areas. Mr. Wysocki said the 46 would be able to stay.

Commissioner Donley said just to understand the pedestrian walking distance - if you are in the middle of a big block and you don't have crosswalks you could walk along the whole length of that street before getting to a crosswalk and then cross there so the boundaries may get pulled in - crossing Powers or I-25 would be an example. Mr. Wysocki said that was correct.

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Mr. Wysocki said there were lengthy discussions about what is the right zoning district. The task force highly recommended to allow for the commercial districts under the conditional use permit process and allows citizens to speak either to the Planning Commission or City Council and review each application on a case by case basis.

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you vote to modify any of the ordinances they would have to prepare it and get it to council between then and Tuesday. But because they do not have a registry for these residential grows he is not sure how that three month would help or hinder. It has not been a concern of the task force that once they become effective, they are in effect. There was a discussion of going down to six but they left it at 12.

Commissioner Phillips said that from what Ms. Bennett stated these residential grows are aware of what is happening so the word gets out. Mr. Wysocki said the word is definitely out.

Discussion DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said he wanted a feeling of how the Commissioner felt about the personal grow - non-commercial - to give some sort of buffer of time before the enforcement actually happens. Otherwise he is voting against item 5.H.2. if there is not time to enforce and he also agrees with Commission Donley, he doesn't understand the reason for pushing it to the M-1/ M-2. He felt it limits the industries they need to have in these areas. PIP-1 and PIP-2 might be a good compromise expansion he understands not wanting to have it in a shopping center or strip mall.

Commissioner Shonkwiler said he didn't feel they needed to extend it by three months. It's been well publicized everywhere as well as on front page newspapers. The solution is simple. If you have more than 12 plants, you throw the rest out.

Commissioner Smith said the more strict you can be the better. It's about public safety issues. The logo of Colorado Springs with the mountain and all the colors of the Olympic Flag; we tout ourselves as being healthy and say the city is one of the healthiest cities in the country. We have all the outdoor things to do. But there is a big black asterisk that will be below the logo that says we are coming to known as marijuana capital of world with all the crime that goes with it. He would like to see it stricter but is in favor of the ordinances as written.

Commissioner Phillips said he thought they would cover the time frame issue. The task forces consists of people that have equal representatives from each part affected.

Mr. Wysocki confirmed this. What worried him was if there is any type of deadline of three or so months what if there is instances of 200, 300, 400 plants and there are those instances we want those to have immediate compliance. So if there is a time frame it could really limit the ability to enforce compliance in some of the extreme cases.

Commissioner Phillips said there is a line from people who need it and

people who make money off it. He was against the M-1/M-2 but he believed they needed to start somewhere. He's in agreement with it. Mr. Wysocki said they were still permitted in commercial districts with a conditional use permit.

Yes M-1 / M-2 was their initial proposal but if it's conditional use they will see it and it will be treated as similar uses.

Commissioner McDonald said this is a ever evolving product that has come into the community that was not here before and you have to start somewhere. You have to try and put ordinances in place. This may not be perfect but the task force has worked hard on it. It will go to council and they can make the changes they will and that isn't to say that ordinance can't be changed later down the road fi it doesn't work the way it written. She will voting in favor of recommending this to Council and it may be several times before it's written and it gets this industry in control the way it needs to be within our community.

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Motion by Smith, seconded by McDonald, Recommend approval to the City Council of an ordinance amending Section 105 (Additional Standards For Specific Land Uses Allowed In Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) Of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Personal Cultivation of Marijuana and Medical Marijuana.. The motion passed by a vote of

Aye 6 - Donley, McDonald, Chairperson Phillips, Shonkwiler, Smith and Henninger

No 1 - Markewich

Absent 2 - Gibson and Walkowski

5.H.3 [16-291](#)

Ordinance No. 16-53 amending Section 302 (Definitions Of Use Types) of Part 3 (Land Use Types And Classifications) of Article 2 (Basic Provisions, Definitions And Land Use Types And Classifications) and Sections 203 (Permitted, Conditional And Accessory Uses) and 205 (Additional Standards For Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Medical Marijuana Facilities.

Presenter:

Peter Wysocki, Director of Planning and Community Development

STAFF PRESENTATION:

Peter Wysocki, Planning Director gave a PowerPoint Presentation.

Questions of Staff:

Commissioner Shonkwiler asked about marijuana facilities and if they met the all the requirements they've continued to operate after the moratorium was in place. Mr. Wysocki confirmed they did because they were a legal operating business and met all the requirements to be open before the moratorium was in place. The City Clerk's Office has a list of all the ones that met all the requirements prior to the moratorium.

Commissioner Shonkwiler asked how many there were. Mr. Wysocki said that Colorado Springs has about 25% of all facilities in the state. About 130 dispensaries, 90 grow operations and a little less of MIPS.

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Commissioner Markewich asked a question about the legal nonconforming and legal conforming uses. Commissioner Markewich said when the number of plants are limited for personal use there is no legal conforming/legal nonconforming related to the citizens growing their own. Mr. Wysocki said that was correct.

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they immediately charged criminally or given a warning, is there something in what they were seeing that had that language? Mr. Wysocki said not in the ordinances they were seeing. In medical marijuana residential grow if you are growing more than 12 plants there would more likely be a criminal path for compliance. If it's non-medical marijuana they would pursue a more of the civil actions with an informal notice first stating they were not in compliance and they had to bring it into compliance. Re-inspection, still not in compliance an Notice and Order would be completed and it would go through the civil process. So it really depends on the investigation on whether is medical marijuana or recreational marijuana.

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Supporters of the application:

Pamela Bennett representing neighborhoods and is the designee for the group. She gave an example that happened in her neighborhood and stated that according to DEA presentation to the City Council there have been over 400 house in Colorado Springs that have been taken over for drug production for out of state.

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Commissioner Shonkwiler asked Ms. Bennett if she was in support of the ordinance or against it. Ms. Bennett said she was in support of the ordinance.

Opponents of the application: None

Additional Questions of Staff:

Commissioner Donley asked in terms of the 1000 foot buffer he thought he saw there were 46 within that current buffer and are they suggesting there is a period where they can stay since they are already there and it's just the future ones that can't be located in those areas. Mr. Wysocki said the 46 would be able to stay.

Commissioner Donley said just to understand the pedestrian walking distance - if you are in the middle of a big block and you don't have crosswalks you could walk along the whole length of that street before getting to a crosswalk and then cross there so the boundaries may get pulled in - crossing Powers or I-25 would be an example. Mr. Wysocki said that was correct.

Commissioner Donley said the 12 point plants was a little confusing because it seems like the state rules say six per person. This rule is about dwelling units not people each person could have six plants. Mr. Wysocki said it is 12 plants period. Commissioner Donley said was there square footage limitation. Mr. Wysocki said 150 sq. ft. Commissioner Donley said his final thing is use of the M-2 for this zone purpose.

Mr. Wysocki said there were lengthy discussions about what is the right zoning district. The task force highly recommended to allow for the commercial districts under the conditional use permit process and allows citizens to speak either to the Planning Commission or City Council and review each application on a case by case basis.

Mr. Wysocki said regarding the suggested three month period said they can forward it to Council verbally what some of your comments were. If you vote to modify any of the ordinances they would have to prepare it and get it to council between then and Tuesday. But because they do not have a registry for these residential grows he is not sure how that three month would help or hinder. It has not been a concern of the task force that once they become effective, they are in effect. There was a discussion of going down to six but they left it at 12.

Commissioner Phillips said that from what Ms. Bennett stated these residential grows are aware of what is happening so the word gets out. Mr. Wysocki said the word is definitely out.

Discussion DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said he wanted a feeling of how the Commissioner felt about the personal grow - non-commercial - to give some sort of buffer of time before the enforcement actually happens. Otherwise he is voting against item 5.H.2. if there is not time to enforce and he also agrees with Commission Donley, he doesn't understand the reason for pushing it to the M-1/ M-2. He felt it limits the industries they need to have in these areas. PIP-1 and PIP-2 might be a good compromise expansion he understands not wanting to have it in a shopping center or strip mall.

Commissioner Shonkwiler said he didn't feel they needed to extend it by three months. It's been well publicized everywhere as well as on front page newspapers. The solution is simple. If you have more than 12 plants, you throw the rest out.

Commissioner Smith said the more strict you can be the better. It's about public safety issues. The logo of Colorado Springs with the mountain and all the colors of the Olympic Flag; we tout ourselves as being healthy and say the city is one of the healthiest cities in the country. We have all the outdoor things to do. But there is a big black asterisk that will be below the logo that says we are coming to known as marijuana capital of world with all the crime that goes with it. He would like to see it stricter but is in favor of the ordinances as written.

Commissioner Phillips said he thought they would cover the time frame issue. The task forces consists of people that have equal representatives from each part affected.

Mr. Wysocki confirmed this. What worried him was if there is any type of deadline of three or so months what if there is instances of 200, 300, 400 plants and there are those instances we want those to have immediate compliance. So if there is a time frame it could really limit the

ability to enforce compliance in some of the extreme cases.

Commissioner Phillips said there is a line from people who need it and people who make money off it. He was against the M-1/M-2 but he believed they needed to start somewhere. He's in agreement with it. Mr. Wysocki said they were still permitted in commercial districts with a conditional use permit.

Yes M-1 / M-2 was their initial proposal but if it's conditional use they will see it and it will be treated as similar uses.

Commissioner McDonald said this is a ever evolving product that has come into the community that was not here before and you have to start somewhere. You have to try and put ordinances in place. This may not be perfect but the task force has worked hard on it. It will go to council and they can make the changes they will and that isn't to say that ordinance can't be changed later down the road fi it doesn't work the way it written. She will voting in favor of recommending this to Council and it may be several times before it's written and it gets this industry in control the way it needs to be within our community.

Commissioner Donley said he thought they needed to give enforcement all the tools they need and so he didn't think the three months makes a lot of sense. There are so many tools out there of what they are doing here to do enforcement. The 1000 ft. buffer map is helpful, it's better than he thought. They've eliminated the residential restriction which makes things a lot more viable and he thought that was positive and doesn't have a problem with grandfathering in the existing ones. The 12 plants make sense, the 150 feet make sense, it may need to be more restrictive at some point it's something that can be concretely enforced. He comes back to the industrial zoning and the use by right, he has a problem with it, but he is inclined to respect what the task force decided as long as they can communicate to Council that it's a concern. Across the board you have an M-2 zoning problem and that needs to be deal with in several areas. The only reason he's supporting in terms of the M-2 is because the task force recommended it.

Motion by Smith, seconded by McDonald, Recommend approval to the City Council of an ordinance amending Section 302 (Definitions Of Use Types) of Part 3 (Land Use Types And Classifications) of Article 2 (Basic Provisions, Definitions And Land Use Types And Classifications) and Sections 203 (Permitted, Conditional And Accessory Uses) and 205 (Additional Standards For Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development And Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Medical Marijuana Centers.. The motion passed by a vote of

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

Absent 2 - Gibson and Walkowski

6. Adjourn