



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, January 17, 2019

8:30 AM

Council Chambers

1. Call to Order

Present: 8 - Scott Hente, Jim Raughton, James McMurray, Vice Chair Reggie Graham ,
Chairperson Rhonda McDonald, Alison Eubanks, John Almy and Carl Smith

Excused: 1 - Samantha Satchell-Smith

2. Approval of the Minutes

2.A. [18-0377](#) Minutes for the July 19, 2018 Planning Commission Meeting

Presenter:

Rhonda McDonald, Chair, Planning Commission

**Motion by Smith, seconded by Raughton, to approve the July 19, 2018 Planning
Commission Meeting. The motion passed by a vote of 8:0:1**

Aye: 8 - Hente, Raughton, McMurray, Vice Chair Graham, Chairperson McDonald, Eubanks,
Almy and Smith

Absent: 1 - Satchell-Smith

3. Communications

Peter Wysocki - Director of Planning and Community Development

4. CONSENT CALENDAR

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

CMRS

- A. [CPC CM1
18-00105](#) A conditional use for a 100-foot monopine telecommunications
facility with ground equipment Commercial Mobile Radio Service
(CMRS) located at 2715 Mesa Road.

(Quasi-Judicial).

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

Motion by Hente, seconded by McMurray, to approve a conditional use for the CMRS at 2715 Mesa Road Conditional Use Development Plan, based upon the findings that the CMRS conditional use development plan meets the review criteria for granting a conditional use as set forth in City Code Section 7.5.704, and the CMRS location and design criteria as set forth in City Code Sections 7.4.607 and 7.4.608.

This item was passed on the Consent Calendar with a vote of 8:0:1

Approval of the Consent Agenda

Motion by Hente, seconded by McMurray, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present.

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

Aye: 8 - Hente, Raughton, McMurray, Vice Chair Graham, Chairperson McDonald, Eubanks, Almy and Smith

Absent: 1 - Satchell-Smith

5. UNFINISHED BUSINESS

- 5.A. [CPC DP 18-00151](#) A certificate of designation request for MVS Centennial to establish a long term landfill consolidation on a 38-acre property is located south of Van Buren Street, east and west of Centennial Boulevard.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development

Motion by Vice Chair Graham, seconded by Hente, to postpone the certificate of designation to the February 21, 2019 City Planning Commission meeting due to pending approval from Colorado Department of Public Health and Environment (CDPHE).

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

Aye: 8 - Hente, Raughton, McMurray, Vice Chair Graham, Chairperson McDonald, Eubanks, Almy and Smith

Absent: 1 - Satchell-Smith

6. NEW BUSINESS CALENDAR

Barnes & Medical View Apartments

- 6.A. [CPC CU 18-00146](#) A Conditional Use to allow a multi-family residential development consisting of 242 units in the PBC/AO (Planned Business Center with Airport Overlay) zone district located at the northwest corner of Barnes Road and Medical View.

(Quasi-Judicial)

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

Staff presentation:

Mr. Schultz passed out additional email comments he received for commissioners to review. Mr. Schultz also said he received one more email in support of the project from the properties owners directly across the street on the south side of Barnes. The Shops at the Ball Park commercial owners were in support of this project and wanted to verbally voice that support.

Mr. Schultz presented a PowerPoint detailing the scope and intent of the project.

Applicant Presentation:

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

Questions:

Commissioner Smith stated the roofs are flat on these units and asked if they would have been allowed additional height if they were pitched. Mr. Schultz said no, even with a pitched roof, it would still be below the maximum allowed height of 45-feet. Commissioner Smith then said a flat roof then was pretty much required. Mr. Schultz explained with a flat roof the measurement is taken to the roof itself and for non-hillside projects, it's based on the average first floor elevation.

Supporters:

None.

Opponents:

Linda Miller - Ms. Miller's was concerned that Comstock would be the exit and verified with Mr. Schultz that it would not be at this time. Ms. Miller said she was representing some of her neighbors who were unable to get off work and attend the meeting. Ms. Miller said they are concerned with the income guidelines of the apartments and said there is an income disparity from this project compared to other projects in the vicinity. Ms. Miller stated they are concerned about crime, discipline, and things that go on. Ms. Miller said housing projects

like these bring more discipline problems in the schools and more problems. Ms. Miller said that is what they are trying to avoid in their neighborhood.

Ms. Miller also had an issue with the two schools mentioned, Rudy Elementary and Doherty High School, which she said are across Powers and would need to be choiced into. Ms. Miller said that leaves the families to attend District 49, which is crowded at this point. Ms. Miller also said District 49 also charges for bus service.

John Brown - Mr. Brown said he has been here since 1988 and is familiar with the area. Mr. Brown's concern was traffic. Mr. Brown mentioned there have been five or six deaths on Powers in the last 30 years. Mr. Brown said Powers is a drag strip. Mr. Brown also said he does not see any sidewalks next to Barnes and is concerned about the traffic and speeding. Also, people make U-turns to get into the medical facility because the highway is divided. Getting onto Barnes from the complex is also a concern to Mr. Brown because of the traffic, the speed, and now more pedestrians.

Angie Johnson - Ms. Johnson has been a homeowner in the area for about twenty years. Her concerns are the crowding and the traffic. Ms. Johnson was concerned that this project would bring more crime to the area. She also said to relocate the project in a better place, maybe up north a little, but not where it will block the views of the homeowners in the area. Ms. Johnson wanted to know how it can be guaranteed that through the background checks and paperwork that the families moving into the apartments won't cause more crime. She was very concerned about overcrowding and traffic.

Questions of Staff:

None

Rebuttal:

Ms. Barlow wanted to address the Comstock access and pointed out a substantial grade and a retaining wall. Ms. Barlow said it would not be practical because of the significant grade to use Comstock. Ms. Barlow wanted to assure the neighbors that there was no intent to use Comstock as an access point now or in the future.

Casey Cameron with the developers addressed the longevity of the project. Mr. Cameron explained about having minimums and maximum rents and these tend to last better and longer than most projects. He also explained this is not Section 8. It is a federal subsidy but separate from HUD.

Commissioner Smith wanted Mr. Cameron to clarify some of the criteria for the income guidelines. Mr. Cameron also explained the criteria is very strict. Ms.

Cameron explained the units are all required to have washer and dryers, playground, community center and to help transition into future homeowners.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Smith addressed the comment about guaranteeing the families who are approved for this complex going to remain good citizens or something to that effect. Commissioner Smith then asked who could guarantee someone moving into a single family home would be a good citizen. Commissioner Smith said there are no guarantees that anybody would be a good citizen.

Commissioner Smith said the criteria for these applications on these projects are very strict, and they are stricter than you would see in privately funded apartment complexes. The families will also be apprised as to what schools are available to them. This is one of those projects that is taking care of infill. Commissioner Smith said he will be in support of this project.

Commissioner Graham said this is a project that is desperately needed in this City, which is affordable housing. There are so many people in the retail industry that cannot find a place to live that they could afford. This project satisfies some of those issues. Commissioner Graham addressed the issue of crime and said he was unaware of any data that says because you make a certain wage, you are more susceptible to being a criminal. Commissioner Graham said this project satisfies the Comprehensive Plan and is in full support.

Commissioner Eubanks said she concurs with the fellow commissioners and what Ms. Barlow stated about there not being any significant studies that exist correlating low income housing with increased crime rates. This project is desperately needed in the City and particularly in this area where there are a lot of retail jobs and not the housing to support those.

Motion by Smith, seconded by Raughton, to approve the Barnes and Medical View Apartments Conditional Use/Development Plan allowing a multi-family residential use within a PBC/AO (Planned Business Center with Airport Overlay) zone based upon the findings that the request complies with the three review criteria for granting a conditional use as set forth in City Code Section 7.5.704, and the development plan review criteria in City Code Section 7.5.502.E.

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

Aye: 8 - Hente, Raughton, McMurray, Vice Chair Graham, Chairperson McDonald, Eubanks, Almy and Smith

Absent: 1 - Satchell-Smith

USAFA Annexation

6.B. [CPC A
18-00124](#)

An ordinance annexing into the City of Colorado Springs an area known as the USAFA Addition No.1 Annexation of 85.23 acres located southwest of North Gate Boulevard and Interstate 25 along Interstate 25 west of existing City limits.

(Legislative)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:

Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Before the presentation began, Commissioner Hente publicly announced that he graduated from the United States Air Force Academy, he is a volunteer at the Academy and he is a contributor to various organization on the Academy. Commissioner Hente explained he is not in a decision making position for any of the organizations, nor does he have any financial interest in any of the projects being presented. Commissioner Hente gave full disclosure of his association with the Air Force Academy, and explained he would not be recusing himself.

Staff presentation:

Ms. Carleo presented a PowerPoint detailing the scope and intent of the project.

Key Points:

- This is a serial annexation, which means the overall portion did not meet contiguity, so it was broken up into two pieces, Filing No. 1 (85.23 acres) and Filing No. 2 (97.90 acres)
- Proposed zoning is Planned Unit Development, which allows Commercial, Office, Retail,, Institutional, Hospitality and Open Space
- The Master Plan outlines the developable area consisting of 57 acres
- 125 acres is dedicated open space
- The Preble's meadow jumping mouse is not located within the developable 57 acres
- Santa Fe Trail will remain and is under the jurisdiction of El Paso County; a proposal to relocate the trailhead to the USAFA Visitor Center which would provide additional parking with possible amenities
- Staff evaluated the annexation on the current Comprehensive Plan, as well as the oncoming PlanCOS

Applicant Presentation:

Dan Schnepf, Matrix Design Group and Blue & Silver Development Partners, LLC, presented a PowerPoint detailing the land plans, development components, environmental components, and scheduling.

Questions:

Commissioner Hente pointed out this is a unique property in that it will be located within the City but owned by the government. Commissioner Hente asked Ms. Carleo to talk about the response for police and fire who would be responding to emergencies.

Ms. Carleo stated City police and fire will respond. The police for the USAFA will also respond, but it will be the responsibility of the City since the property will be within the City. Commissioner Hente asked if the same applied for fire, and Ms. Carleo confirmed that it would apply.

Supporters:

Tim Mitros - Mr. Mitros manages the Copper Ridge Metro District, which is across the street from the USAFA Annexation. Mr. Mitros is in support of this project and said it would bring a lot of synergy to the area especially with the office complex provided. Mr. Mitros expressed they are excited about the project. Mr. Mitros also referred to an easement that needs to be expanded and is looking forward to working with the Air Force Academy.

Russ Laney - Mr. Laney shared that he is a 1976 Air Force Academy graduate. Mr. Laney said this projects plays right in to PlanCOS and can be an incredible resource. The project will make North Gate a gateway to Colorado Springs.

Opponents:

Fran Silva-Blaynney - Ms. Silva-Blaynney requested an extension on the public comment period for the annexation, the zone change and the master plan. The public comment period was only 10 days and Ms. Silva-Blaynney said it is only fair for all the materials to be available in order to make comments. Ms. Silva-Blaynney said to date, there has not been a completed environmental assessment, the biological assessment has not been completed, and there is no determination by US Fish and Wildlife as to the wetland permit being needed. Ms. Silva-Blaynney requested public comment period to be extended until after all environmental assessments have been completed.

Judith Rice-Jones - Ms. Rice-Jones shared she has been a 40-year resident and a lifelong Air Force dependent. Ms. Rice-Jones commented on the open space at the Air Force Academy and would like to keep that open space the way it is because it provides beautiful scenery. Ms. Rice-Jones was concerned the project would just become a tacky development along Interstate 25 and would not be an asset to the City.

Matt Oliver - Mr. Oliver is a cadet with the Air Force Academy. Mr. Oliver stated he was against the annexation due to the Academy being one of the few large preserves remaining in this area. He shared he has seen herds of elk,

deer, bears, and coyotes. Mr. Oliver spoke about what construction would do to Monument Creek. He gave an example of how on the Academy, the water is clear, and then turns brown and odorous further along the Santa Fe Trail due to construction. Mr. Oliver also said the open space is used for educational purposes for the cadets and does not want to lose that.

Juliet Parker - Ms. Parker stated it would be ridiculous to expect the public to make an appropriate decision, opinion or comment without all of the information. She mentioned concerns about Monument Creek and how development will affect it, as well as the wildlife on the Academy. She requested no decision be made until all the reports come in with how the environment will be impacted. Ms. Parker also wanted to know about gun carriers coming to the hotel, since it is owned by the government, it is illegal to have guns on the property. Ms. Parker also wanted to know how taxes work. Will people staying at the hotel pay taxes or will it be tax free. Ms. Parker said all of those things should be addressed before going through with this.

Bill Sulzman - Mr. Sulzman mentioned how North Gate Road would remain a private road leading into City property. Mr. Sulzman questioned how the taxes will be paid. Mr. Sulzman said he does not understand how things add up since North Gate Road would remain private.

Rebuttal:

Mr. Schnepf wanted to convey that the property that was selected for this project was selected by the Air Force. Mr. Schnepf reiterated that the developers have no stake or the ability to change the property and that they are only meeting the development requirements in the RFQ.

Mr. Schnepf said great care was taken with the selection of this property to lessen any impacts to the ecology, the Preble's jumping mouse, and Monument Creek, which is outside of the 100 year flood plain. This project also includes greater connectivity to the Santa Fe Trail with an interpretive area for both recreation and to be an entrance to the Santa Fe Trail.

Questions of Staff:

Commissioner Raughton asked Mr. Schnepf about the Tax Increment Financing (TIF) and how it benefits the City and City for Champions.

Mr. Schnepf explained the property currently is not being taxed by the government and the City receives no benefit. After the development occurs, that will no longer be the case. There will be tax increment from the lease hold improvements, the land, and also the physical improvements that are made. Without the TIF, this project wouldn't work.

Mr. Wysocki clarified that the property will not be owned by the City. The property is being annexed into the City limits, but the ownership will remain with the Air Force Academy. Through the enhanced use lease that is being negotiated, private businesses will pay City property taxes, sales taxes, including the lodging tax. The required fiscal impact analysis ensures that any land annexed into the corporate City limits will pay for itself and/or does not create an additional burden onto the existing tax payers.

Mr. Wysocki asked Katie Carleo to speak about the public notice process and that this process actually started months ago. He also explained this is not the last opportunity the City or any concerned will have an opportunity to comment on. Even projects that are reviewed administratively require public notification and notice. Mr. Wysocki further explained that with this annexation there is a master plan and a concept plan, but it is conceptual. The details come later when the developers prepare the final development plans where we can have specific delineations where buildings will be located, drainage facilities, traffic and so on.

Ms. Carleo explained the annexation petition was first heard at City Council on October 23, 2018, and there was a notice for that petition to be heard. After that, the land use items were submitted to the City. Standard City Code was followed by posting on the property as well as postcards being mailed, which was completed on October 29, 2018. From that time, the project has been out in the community with opportunity for anyone to reach out and provide comments. The Mining Museum responded and there was a conversation with them, and since that time, the public hearing moved forward with the posting of the property and mailing to the buffered property owners. Ms. Carleo explained that as this moves forward, any development plan or final plat that show all of the details for the specific development would again go through the same City process for publicly noticing the neighbors and posting the site.

Commissioner McMurray asked when the detailed information is submitted, would the Planning Commission be involved in that process. Ms. Carleo stated the development plans and plats will not be seen by this body and will be approved administratively. It will follow the same public notice process so the public can comment to staff and be part of the process.

Commissioner McMurray said he was interested to know more about the collaboration that's taking place between the developer, the City, and the County on the Santa Fe Trail integration. Mr. Schnepf answered that it is still in the conceptual phase but they are looking at a 2400 square foot area at the trailhead to be improved with some athletic activity, and also having that connectivity from the north to the south. There are also historic elements that will be protected and earmarked, as well as vegetation and landscaping. The

parking is also being accommodated in the parking plan for the entire property.

Ms. Carleo also explained the partnership with the Santa Fe Trail has to do with the physicality of the trail. The majority of the trail is in El Paso County, a piece of it will be within City limits with the annexation, and the trailhead will be at the Visitor Center.

Commissioner McMurray asked why this project was before them without the Environmental Assessment. Ms. Carleo explained that an EA is not required at an annexation or master plan level. When this project goes to the development stage, the EA will be required at that level.

Commissioner Almy asked what the risk was to the City if one of the environmental comes back requiring a major rework or revisualization of the whole project. Ms. Carleo explained that any of the environmental that are happening now will have mitigation measures. Those mitigation measure would need to be completed prior to the development plan. There may not be a risk to the City, but potentially, the developer and the developable area. Ms. Carleo shared that the City has seen information on the EA as it sits right now, with preliminary input from Fish and Wildlife, Army Corp of Engineers, and others. With that information, the City felt comfortable moving forward.

Mr. Schnepf added that the EA is quite advanced and he had someone present to answer any specific questions. Mr. Schnepf also said that it is a requirement of the Air Force contract enhanced use lease to complete the EA.

Mr. Wysocki said that the environmental assessment is actually a requirement of USAFA for the lease. Mr. Wysocki explained the City annexes land frequently and an environmental assessment is not required. In this case, the environmental assessment is part of the negotiation between the private party and the federal government. Mr. Wysocki clarified to the commissioners that their role in the annexation is to recommend to City Council whether or not the annexation meets the City's Comprehensive Plan. This annexation is virtually the same as with any private developer wanting to annex land into the City. They are subject to police and fire fees, drainage fees, and are subject to meet all the applicable City development standards.

Commissioner Graham asked if the trailhead parking was part of the parking for the Visitor's Center or if it had its own parking.

Ms. Carleo said this is still conceptual, but in general, the trailhead would be located near the Visitor's Center and have the resource of the parking that will be there. Mr. Schnepf explained that all of the parking analysis and traffic studies have included parking for the trailhead at the Visitor's Center.

Commissioner Graham asked how much of the 181 acres is left as open space, and Mr. Schnepf said about 125 acres.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Hente said he was prepared to make motions and said this project is long overdue. There have been security concerns since on the Air Force Academy since 9/11, but it is an aggravation to get onto the Academy's grounds even under the best of terms. This project would alleviate the security concerns and the traffic in and out of the gates. Commissioner Hente also said this project is not without precedence. The United States Naval Academy is in a unique position as it is shoehorned into the City of Annapolis. He explained their visitor center is located right inside of the pedestrian gate for the entrance into the Naval Academy and the visitor center at West Point is located outside of the gate so visitors can enjoy the center without having to go through the security concerns that are present there. This project will allow basically what the other academies are doing and enhancing the visitor experience.

Motion by Hente, seconded by Raughton, to recommend approval to City Council the annexation of the USAFA Addition No.1 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

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

Aye: 8 - Hente, Raughton, McMurray, Vice Chair Graham, Chairperson McDonald, Eubanks, Almy and Smith

Absent: 1 - Satchell-Smith

- 6.C. [CPC A 18-00125](#) An ordinance annexing into the City of Colorado Springs an area known as the USAFA Addition No.2 Annexation of 97.90 acres west of Interstate 25 along North Gate Boulevard.
(Legislative)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:
Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

See Item 6.B.

Motion by Hente, seconded by Raughton, to recommend approval to City Council the annexation of the USAFA Addition No.2 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

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

Aye: 8 - Hente, Raughton, McMurray, Vice Chair Graham, Chairperson McDonald, Eubanks, Almy and Smith

Absent: 1 - Satchell-Smith

- 6.D.** [CPC MP 18-00138](#) A resolution for The True North Commons Master Plan illustrating future development of 57.84 acres and 125.30 acres open space located southwest of North Gate Boulevard and Interstate 25. (Legislative)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:
Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

See Item 6.B.

Motion by Hente, seconded by Smith, that this Resolution be referred to the Council Work Session. The motion passed by a vote of

Aye: 8 - Hente, Raughton, McMurray, Vice Chair Graham, Chairperson McDonald, Eubanks, Almy and Smith

Absent: 1 - Satchell-Smith

- 6.E.** [CPC PUZ 18-00137](#) An ordinance establishing the PUD (Planned Unit Development; Commercial, Office, Retail, Institutional, Hospitality, Open Space) zone district pertaining to 183.14 acres located southwest of North Gate Boulevard and Interstate 25. (Legislative)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:
Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

See Item 6.B.

Motion by Hente, seconded by Smith, to recommend approval to City Council the establishment of the PUD (Planned Unit Development; Commercial, Office, Retail, Institutional, Hospitality, Open Space) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603.

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

Aye: 8 - Hente, Raughton, McMurray, Vice Chair Graham, Chairperson McDonald, Eubanks, Almy and Smith

Absent: 1 - Satchell-Smith

- 6.F.** [CPC PUP 18-00177](#) The True North Commons Concept Plan illustrating future development of 57.84 acres of commercial, office, retail, institutional, and hospitality located southwest of North Gate Boulevard and Interstate 25.
(Quasi-Judicial)

Related Files: CPC A 18-00124, CPC A 18-00125, CPC MP 18-00138, CPC PUZ 18-00137, CPC PUP 18-00177

Presenter:
Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

See Item 6.B.

Motion by Hente, seconded by Smith, to recommend approval to City Council the True North Commons PUD Concept Plan, based upon the findings that the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605.

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

Aye: 8 - Hente, Raughton, McMurray, Vice Chair Graham, Chairperson McDonald, Eubanks, Almy and Smith

Absent: 1 - Satchell-Smith

28 Polo

- 6.G.** [AR PFP 18-00678](#) An appeal of City Planning Commission’s decision to deny a preliminary and final plat for 28 Polo to subdivide one 38,460 square foot lot into two single-family lots located at 28 Polo Drive.

(Quasi-Judicial)

Related Files: AR NV 17-00123, AR NV 17-00124, AR PFP 17-00122

Presenter:
Peter Wysocki, Director Planning and Community Development
Lonna Thelen, Principal Planner, Planning and Community Development

Before the presentation, City Attorney Ben Bolinger reminded the

commissioners this is a new hearing on a new application and that any past similar applications that had been voted on should not influence the new application being presented.

Staff presentation:

Lonna Thelen presented a PowerPoint detailing the scope and intent of the project.

Applicant Presentation:

David McConkie presented a PowerPoint detailing the intent and scope of the project.

Questions:

Commissioner Raughton asked if the issuing of the permit for the now new house on the site was based on the entire lot because the new proposed lot would be insufficient in terms of square footage by a few hundred square feet. Ms. Thelen said that was correct and a building permit was approved based on the fact that it is currently one lot.

Commissioner McMurray wanted confirmation as far as the review criteria was concerned that it has to satisfy all three and not just one or two. Ms. Thelen confirmed that all three must be met.

Commissioner Eubanks asked Ms. Thelen if she had the lot square footage with the preservation area taken out. Ms. Thelen said she did not have that calculation.

Commissioner Hente asked when the new house was built, if the criteria had been applied for the new lot, would it have met all the City's standards as far as setbacks and lot coverage. Ms. Thelen explained that it does meet all setbacks, it does meet lot coverage and height for the site. It is just deficient in lot size for the new proposal.

Commissioner Hente then stated if the lot was approved the way it is shown with the two lots, would hit have still met the criteria in regards to the one-half of the theoretical lot that would exist. Ms. Thelen said yes it was designed to meet that criteria.

Commissioner Hente asked Mr. McConkie if the overhead picture he showed of a house with a tarp on it was the previous home and not the one that is there now. Mr. McConkie said that was correct. Commissioner Hente said that when Mr. McConkie addressed the driveway, but that the problem was alleviated with the construction of the new home. Mr. McConkie said that was correct.

Commissioner Eubanks thanked Mr. McConkie for getting the lot sizes for the preservation areas. Commissioner Eubanks calculated that the west lot would have about 10,700 square feet of buildable space, and the east lot would have about 16,700 square feet of buildable space presuming the preservation area is on a steep slope and wouldn't be considered to be buildable. Mr. McConkie agreed with that assessment.

Commissioner Eubanks asked if the west lot (10,700 sq. ft.) would be one of the smallest lots in the area. Mr. McConkie responded that it would be, but that you don't subtract the preservation area from the lot. He further added the preservation area adds quality to the lot with the green space. Mr. McConkie said the current structure is just under 2,500 square foot, so it is pretty small in terms of its footprint, but the home that is being proposed is also around that 2,500 square foot footprint.

Commissioner Eubanks asked if the house for the other lot would be similar to the house at 28 Polo. Mr. McConkie said the intent is to build a similar sized house on the lot. Commissioner Eubanks asked for clarification on if they were counting 26 Polo Drive's extra green space as their own green space. Mr. McConkie said as a technical matter no, but said that there is a beauty there in that space, which ought to appease some of the concerns that the neighbors have.

Commissioner McDonald asked Mr. McConkie for clarification that all of the lots sizes that were looked at probably have some preservation area or non-buildable area included in the lot sizes. Mr. McConkie said that was the only one he was aware of, he could not speak to the other lots.

Supporters:

Jen O'Neal - neighbor on Oak Avenue

- Supports the application
- Old house that was on the lot prior required significant investment to be brought to livable standards

Scott Brown- known Bruce for about 10 years

- Said he did not know a lot about the property but saw the condition of the property before the new house was built and it is significantly improved
- Has been familiar with Bruce's designs and gets the job done quickly

Chris Herbster - lives a half mile from the property

- Likes the house Bruce built
- Increases property value
- Improves the infrastructure with the sewers
- Happy that it has a preservation area, more animals, more beauty
- Thinks the variances are minimal

Opponents:**Audrey Mathieu** - lived in Broadmoor area for 5 years and lives on Polo Pony

- Not in support of subdividing the lot
- 2 of the criteria are not being met
- Lot is very awkward in size and adding a home will make it more awkward
- Does not want the nature of the neighborhood to be changed
- Additional traffic

Steve Draper - neighbor on Polo

- The property with the new house will be one of the smaller lots and pushed up next to the street
- Said it would look like apartment buildings

Marlo Garvens - lives on Polo Circle

- Loves the historic nature of the neighborhood and doesn't want to see it changed
- Does not want the subdivision to happen

Jay Garvens -

- Historic neighborhood is important for the neighborhood
- Does not like the new house that was built and said was not a high end construction
- The quality of the proper is not that of the surrounding neighborhood
- Gate on Polo Drive and danger with traffic
- Will interrupt the root grown of 100 year old trees
- Precedence will open doors for developers to subdivide lots and build apartments

Tom Perkins - lives in the neighborhood

- The three criteria are not being met
- Should not change the requirements to fit the project because requirements were put in for a purpose
- Precedence always makes a difference

Paul O'Brien - lives on Polo Drive

- Property has been in use for years as a single-family lot and can continue to do that
- Setting a precedence on subdividing lots in the area
- Driveway and safety with traffic
- Views between the homes were originally between a one-story home and a two-story home...now it is between 2 two-story homes
- Lot size - all lots that were smaller were annexed in and grandfathered

Aaron Johnson - lives across the street

- Explained they put a lot of money into their house because it had a lot of

character and wanted to keep with the character of the neighborhood

- Opposed to this project
- The driveway at Polo Circle is still there and it was noted that it was not being used, but is untrue as Bruce uses every time he comes to the house. The driveway on Polo is not being used
- The community meeting had 39 opposers and one supporter

Gerry McLaughlin - 27 Polo across the street from 28 Polo

- Lived in Colorado Springs 72 years, lives on the smallest lot on the list
- The neighborhood does not want this to happen
- Bruce is trying to change the neighborhood and bring density into the neighborhood. That's not what we want

Questions of Staff:

Commissioner Graham -

- Asked if this process could have gone through the administrative process and not come to Planning Commission.
- Ms. Thelen explained that was correct and City Code states preliminary and final plats and non-use variances are applications that staff can act on administratively.
- Commissioner Graham asked if the appeal process would be the same.
- Ms. Thelen stated that is correct and that they could have appealed the administrative decision which would require it be heard at Planning Commission.

Rebuttal:

Lonna Thelen commented on the preservation area on the lot. Ms. Thelen explained the area was annexed in 1980 and the lots were already platted so there would not be any preservation areas. If the any of the lots were replatted or platted today, we would look to put preservation areas on those properties. There are some properties that could benefit from preservation areas. Preservation areas are meant to preserve parts of properties that may need preservation and it is not meant to be taken out of the entire lot size, so they are still counted towards that lot size and that happens all across town.

Commissioner McDonald clarified that when you calculate the lot square footage and the percentage of coverage the entire lot is taken into consideration.

Ms. Thelen said that was correct and that the lot is 19,230 square feet is the lot size, and there is a preservation area on that lot, but that does not deduct from the total lot size of the lot, which is standard across the City.

Mr. McConkie on rebuttal

- What has changed with this application

- It has improved making the property more beautiful by removing the septic system, the overgrowth, and removed the leaky, vacant structure
- The lot size proposed is 19,230 square feet and the preservation easement does not reduce that lot size
- The weight of the professional studies that have been done ought to bear significant sway in the decision

Commissioner Smith said there were several comments of Mr. FallHowe using the driveway that was going to be abandoned and would like clarification of why the existing driveway is not locked up and not used, and he uses the one that is supposedly going to be used. And that there would be another driveway for the new house.

Mr. McConkie

- There is one driveway that is at the apex (the driveway for the old house that was there). That driveway is still being used because a new driveway has not been constructed until the subdivision is approved.
- This will make it safer having one point of egress on an open road with no blind spots, and the other on Polo Circle where there are no blind spots.

Commissioner Smith asked if this was approved, the existing driveway will be closed off. Mr. McConkie said that was correct.

Commissioner Smith stated to Mr. McConkie that he mentioned Mr. McLaughlin having benefited from a non-use variance, but the correct way to describe that when the Broadmoor was annexed into the City, Mr. McLaughlin's property was grandfathered in and did not get a variance.

Commissioner Hente asked if the correct driveway was being used according to the approved site plan. Mr. FallHowe explained which driveway was being used and that permission was granted by the city to use that driveway temporarily.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Hente said he is very mindful of the instructions given by the City Attorney at the beginning of the hearing and that only the new information and project is to be considered. Commissioner Hente added he was not on the Planning Commission when the previous application was heard.

Commissioner Hente said though part of the package includes the minutes from the prior hearing and since it is part of the package it can be used as part of the rationale to make a decision on what to do.

Commissioner Hente said he was particularly persuaded by Councilmembers Pico and Knight's comments concerning the comparison of the small lots to

this one since the others are all legal non-conforming with the annexation. Commissioner Hente said based on that and other comments he read in the minutes that he would not be supporting this.

Commissioner Smith said he spent quite a bit of time driving around the neighborhood. Commissioner Smith said the homes in that neighborhood are so diverse with 50 year-old homes, homes that have been remodeled, all kinds to shapes and sizes. Commissioner Smith gave a personal example of how neighborhoods change and how some people will love everything and other that will hate everything. Commissioner Smith said he does not think a precedence would be set if this project is approved. Commissioner Smith believed this project meets the criteria presented by staff and will be in support of the application.

Commissioner Raughton said some of these variances are from self-composed conditions and he believed the character of the neighborhood is important to the long term view of the area. Commissioner Raughton said he will not be in support of this application.

Commissioner Eubanks said her main concern is the precedence of subdividing the lot and will use that to make her decision.

Commissioner McMurray said conceptually he sees no trouble with this project, however, criteria 2 (no reasonable use of property). Commissioner McMurray said there is something on the property that is tangible reasonable use of this property, which is a single-family home that has been on the property for decades and now recently reconstructed. Based strictly on that criteria, Commissioner McMurray will not be in support of the application.

Commissioner Almy said when he drove by the property, he was taken aback of the size of the lot and tried to visualize the second home on that small footprint. Commissioner Almy said two buildings in his mind did not seemed to be further out of character of the neighborhood, and he will not be in support of this application.

Commissioner McDonald said she feels this application has met all of the criteria for this property. She also feels there are other homes in the area that will be torn down and replaced. Commissioner McDonald said there are a lot of communities that deal with this as the product ages, as the population changes, and as the market changes based on what the population wants. Commissioner McDonald is in favor of preserving large lots and this application does preserve the large lot area. Commissioner McDonald said she would be voting in favor of this and can totally see why this makes sense and adds value to the neighborhood.

Motion by Smith, seconded by Eubanks, to approve the preliminary and final plat for 28 Polo, based upon the finding that the preliminary and final plat complies with the review criteria in City Code Sections 7.7.102, 7.7.204, and 7.7.303 subject to the following technical modifications:

Final plat technical modifications:

- 1. Revise Note 5 (FEMA Floodplain) to the recently approved revision to the effective date and panel number.
- 2. Add "a Colorado Limited Liability Company" following 28 Polo under Notarial.
- 3. Include the specific geologic hazards identified in the approved geologic hazard report in the Geologic Hazard Statement.
- 4. Revise all dates to "2019".

Preliminary plat technical modifications:

- 1. Revise Note 5 (FEMA Floodplain) to the recently approved revision to the effective date and panel number.
- 2. Include the specific geologic hazards identified in the approved geologic hazard report in the Geologic Hazard Statement.
- 3. Include the correct file numbers in the lower right hand corner.
- 4. Provide all quoted paragraphs from the Fire Department review as notes. See previously disapproved comment and provide all quoted paragraphs as notes on the plans.
- 5. Switch the file numbers for the nonuse variances, AR NV 18-00679 is for lot width and AR NV 18-00680 is for lot size.

The motion failed with a vote of 2:6:1

Aye: 2 - Chairperson McDonald and Smith

No: 6 - Hente, Raughton, McMurray, Vice Chair Graham, Eubanks and Almy

Absent: 1 - Satchell-Smith

6.H. [AR NV 18-00679](#)

An appeal of City Planning Commission’s decision to deny a nonuse variance for 28 Polo to allow a 67 foot lot width at the rear setback line for Lot 1 and a 59 foot lot width at the rear setback line for Lot 2 where 100 feet of lot width is required at the front and rear setback line located at 28 Polo Drive.

(Quasi-Judicial)

Related Files: AR NV 17-00123, AR NV 17-00124, AR PFP 17-00122

Presenter:

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

See Item 6.G.

Motion by Smith, seconded by Vice Chair Graham, to approve the nonuse variance to allow a 67 foot rear yard lot width for Lot 1 and a 59 foot rear yard lot width for Lot 2 where 100 feet is required, based upon the finding that the nonuse variance complies with the review criteria in City Code Section 7.5.802.B.

The motion failed by a vote of 2:6:1

Aye: 2 - Chairperson McDonald and Smith

No: 6 - Hente, Raughton, McMurray, Vice Chair Graham, Eubanks and Almy

Absent: 1 - Satchell-Smith

6.I. [AR NV 18-00680](#)

An appeal of City Planning Commission’s decision to deny a nonuse variance for 28 Polo to allow two 19,230 square foot lots where 20,000 square feet is required in the R zoned district located at 28 Polo Drive.

(Quasi-Judicial)

Related Files: AR NV 17-00123, AR NV 17-00124, AR PFP 17-00122

Presenter:

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

See Item 6.G.

Motion by Smith, seconded by Vice Chair Graham, to approve the nonuse variance to allow two 19,230 square foot lots where 20,000 square feet is required, based upon the finding that the nonuse variance complies with the review criteria in City Code Section 7.5.802.B.

The motion failed by a vote of 2:6:1

Aye: 2 - Chairperson McDonald and Smith

No: 6 - Hente, Raughton, McMurray, Vice Chair Graham, Eubanks and Almy

Absent: 1 - Satchell-Smith

7. Adjourn