



City of Colorado Springs

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

Meeting Minutes - Draft Planning Commission

Thursday, February 15, 2018

8:30 AM

Council Chambers

1. Call to Order

Present: 6 - Reggie Graham , Vice Chair Carl Smith, Chairperson Rhonda McDonald, Jeff Markewich, Ray Walkowski and Jamie Fletcher

Absent: 3 - John Henninger, Samantha Satchell-Smith and Jim Raughton

2. Approval of the Minutes

Motion by Walkowski, seconded by Graham, that this be accepted 2. Approval of the Minutes. The motion passed by a vote of

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

[CPC 447](#) Planning Commission Minutes for the January 2018 meeting

Presenter:

Rhonda McDonald, City Planning Commission Chair

3. Communications

Peter Wysocki - Director of Planning & Development

4. CONSENT CALENDAR

CMRS

- 4.A. [CPC CM1](#)
[17-00118](#) A Conditional Use for a Commercial Mobile Radio Service (CMRS) installation of a 65-foot freestanding stealth tower telecommunications facility with associated supporting ground equipment located at 5370 Cracker Barrel Circle.

(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

Motion by Markewich, seconded by Fletcher, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 6:0:3

- 4.B. [CPC CM1
17-00119](#) A Conditional Use for a Commercial Mobile Radio Service (CMRS) installation of a 65-foot freestanding stealth tower telecommunications facility with associated supporting ground equipment located at 5119 Galley Road.

(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

Motion by Markewich, seconded by Fletcher, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 6:0:3

Federal Drive

- 4.C. [CPC CU
17-00149](#) Conditional Use to allow a religious institution in the PIP-1 (Planned Industrial Park) zone district located at 10285 Federal Drive.

(Quasi-Judicial)

Presenter:

Daniel Sexton, Senior Planner, Planning & Community Development Department

Motion by Markewich, seconded by Fletcher, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 6:0:3

- 4.D. [AR DPA
97-00400-A3
MJ17](#) A Major Development Plan Amendment to illustrate the proposed religious institution use and to reconfigure the existing parking and loading facilities on the property located at 10285 Federal Drive.

(Quasi-Judicial)

Presenter:

Daniel Sexton, Senior Planner, Planning & Community Development Department

Motion by Markewich, seconded by Fletcher, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 6:0:3

Approval of the Consent Agenda

Motion by Markewich, seconded by Fletcher, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

The Farm Filing No 5

- 4.E. [CPC MP 04-00254-A6 MN17](#) The Farm Master Plan minor amendment updating the street network and location and size of park sites, located west of Voyager Parkway off Ridgeline Drive.

(QUASI-JUDICIAL)

Presenter:

Daniel Sexton, Senior Planner, Planning & Community Development

Items pulled off Consent Calendar

4.E. CPC MP 04-00254-A6MN17: The Farm Master Plan minor amendment updating the street network and location and size of park sites, located west of Voyager Parkway off Ridgeline Drive.

4.F: CPC PUZ 17-00132: The Farm Filing 5 zone change of 28 acres of land from (A) Agricultural to (PUD) Planned Unit Development (Single-Family Detached Residential; Maximum Density of 3.29 dwelling units per acre; and Maximum Building Height of 35 feet), located west of the future alignment of Secretariat Drive.

4.G CPC PUD 17-00133: The Farm Filing 5 PUD Development Plan for 28 acres of land to be developed with a single-family residential development consisting of 93 single-family detached lots, located west of the future alignment of Secretariat Drive.

Staff presentation:

Dan Sexton, Senior Planner, gave a PowerPoint Presentation for the scope and intent of the project

Applicant Presentation:

La Plata gave a PowerPoint Presentation regarding the intent of the project.

Supporters:

None

Opponents:

Colonel Pat Carley, 10th Air Base Wing Vice-Commander from USAFA. They do not really oppose this development but have a couple of concerns. The current layout was seen November of 2017 and sent a letter regarding those concerns to City Planning in late November 2017. They met with Mr. Wysocki and Ms. Herington January 2018, to request they meet with the Planning Staff and the developer to come up with some mitigating measures in the current master plan to address their concerns. They're confident when they meet with the developer they believe they will come up with an agreement. He was there to request the items be tabled until the March meeting.

Commissioner Markewich asked if the items in the letter sent to planning had

been addressed to any extent. Colonel Carley stated the FAA was making sure the city is aware of their requirement but the other items need more clarification regarding their concerns.

Commissioner Markewich stated when the project was originally was master planned he didn't recall hearing anything about emergency landing concerns so are these new concerns. Colonel Carley stated the 2014 Master Plan had diagrams showing additional open park space for an emergency landing measures if needed. The current Master Plan does not show this and therefore they'd like some mitigating measure to be accommodated that previously existed in the 2014 Master Plan.

Questions of Staff:

None

Rebuttal:

Mr. Humphrey from La Plata referenced the 2014 letter and there was no mention of a consideration of emergency landing at that time and nothing was brought up. The previous plan doesn't show much difference except for changes where Secretariat comes through. The park area between the two high density areas has shifted. At no point did they understand or have any communication where an emergency landing would be considered for this area.

Commissioner Walkowski stated it was awkward to vote on something with a meeting for after the fact. Why hasn't this been solved? What is your impression for the outcome of the meeting because the presentation says it's resolved and USAFA says it's not? Mr. Humphrey stated city staff recommended they continue to move forward but issued haven't been resolved.

Commissioner Walkowski asked Mr. Humphrey if he had any objections to postponing. Mr. Humphrey stated yes. Things are moving quickly and they want to stay ahead of the approvals. This is a huge constraint to Filing No. 5. So they'd object to tabling the item.

Peter Wysocki, Planning Director, stated they diligently tried getting the meeting scheduled which took about a month. If you look at the applications before you it will still be zoned single-family residential and almost the same density. The PUD Development Plan if there minor changes we could approve the project. If significant changes, it would be brought back to the Commission. The project meets City Code and we are going to try and resolve the issues. They felt the applications were complete enough for your review but ultimately it will go to City Council who will make the final approval. They hope to have the issues resolved by the council meeting.

City Attorney Marc Smith stated if an opponent requests postponement of an agenda item at the meeting the Commission shall consider the request and deem if the action seems fit. That should be the first issue to address.

Commissioner Smith asked for clarification of what was being requested.

Was it street widened, a dedicated street, and if landing an airplane on one of these streets how are residents notified. Mr. Humphrey deferred that to AFA. What they understand is a 50-ft wide paved road would be required, but he doesn't know the length but some of those details will be discussed at the meeting. But that would be a massive change to make that wide of road and have it'd have to be straight.

Commissioner McDonald confirmed most of what would be discussed today would also be discussed at the meeting and figured out at that time. Mr. Humphrey said yes.

Commissioner Markewich stated the Colonel mentioned the FAA approval process and if they went through that. Mr. Humphrey said they didn't nor have they done so with any of the earlier filings. Commissioner Markewich asked how far was 20,000 feet. Mr. Humphrey said it impacts a large portion of Colorado Springs like in North Fork and out to Pine Creek High School.

Commissioner Markewich asked if this was that brought to their attention for any of the other areas they've developed. Mr. Humphrey said no. Commissioner Markewich asked if they knew what it involves. Mr. Humphrey said they did not.

Mr. Wysocki stated no development in the Northgate, Briargate, or north Powers area has gone through that FAA process that we're aware of. It's not a city requirement. The letter was an FYI to the City and the applicant regarding the FAA standard.

Commissioner Markewich stated if it's a requirement the city would want to have the FAA review development plans, for a general finding from the FAA. Mr. Wysocki stated areas around the AFA do not have the Airport Overlay that's done around aviation easements. But La Plata has voluntarily agreed to plan their development with an aviation easement. That type of easement is done by the airport staff close to the airport. But we are evaluating this on a global scale and his understanding of the requirement is not for development but more for height.

Commissioner Markewich stated if the City was even vaguely aware of it, it presents a liability issue and if we approve something like this with this knowledge and the FAA says no you can't do that and he doesn't know if they have the ability to stop it but there's a liability question in his mind. Mr. Wysocki said we don't have the answer but they are researching it. Mr. Humphrey also stated this was the first time they were aware it.

Commissioner Fletcher he's confused about whether this project meets FAA requirements. Mr. Wysocki stated he didn't know how to answer because this isn't the first phase of a development or the only development in the area. His answer is the project meets city code. Previous projects have been approved with no issue and there's been no complaints filed by the FAA. Commissioner Fletcher stated he doesn't know if this project meets or doesn't meet FAA requirements.

City Attorney Smith interjected their decision is based on the city code review criteria and they didn't have authority to review FAA requirements. Commissioner Fletcher stated the development plan review criteria has safety of the citizens and that's what he's looking at.

Mr. Wysocki added this area is not in the Airport Overlay, it's not in the different levels of the airport protection zone. However we're aware now and what the city's role is. He echoed Mr. Smith's comment that they believe this meets City Code criteria and because of that they feel the project can move forward.

Ms. Meggan Herington stated staff met with Colorado Spring Airport when they received the comment and met with the Airport Planners to review their process. They look at building heights for penetration into the upper flight area and they do not do that much at the initial entitlement phase but they work with contractors in the vein of vertical height. Mr. Sexton added this is consistent with the City's Airport Planner's process in complying with FAA requirements. In the City's Airport Overlay we'd institute an avigation easement. The developer has willingly complied with that and in addition they've imposed as previously asked by AFA there be a notice be with the entitlement that would run with the land. That entitlement would go on everything including the final plat. This way any future owner would be aware of this avigation easement

Commissioner Graham wanted clarification of this emergency landing road being requested and if this is the first time this has been brought up to the City or the Developer. Colonel Carley stated previously they didn't feel there was a concern and they're not requesting a road surface. They are looking for an open relatively flat surface approximately 50-ft wide and with a long length to allow for a safe emergency landing. The development right now is directly underneath their primary take off area. Therefore for the safety of both the pilots and those on the ground that the open space needs to be there.

Commission Smith stated due to the location of the takeoff he's concerned about how an emergency landing situation will be a safe situation. Everyone in the community appreciates the AFA and what it does for Colorado Springs and he believes we need to accommodate the AFA in any way they can. But he's having a hard time understanding the safety they're after because it'll impact the safety of the residents. Colonel Carley stated the last course of action would be for a pilot to do an emergency landing. In this situation there'd be less than 500-ft. above ground and if they needed to go down whether to a designated area to go down or not they'd still go down. It's unlikely but still a possibility. The best case scenario for both the pilot and the residences would be to have an open area they could direct the plane to instead of a populated area.

Commission Fletcher asked if the Colonel aware if the Academy or Federal Government has filed any formal legal request for remedy or action against the City to require this open space legally. Colonel Carley stated he was not and this is the first time they've brought this issue up. Commission Fletcher asked City Attorney Smith if he was aware of any filings by the Academy or the Federal Government for requiring this safety zone. Mr. Smith he was not.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner McDonald stated the first thing would be to decide if we need to postpone. City Attorney Smith stated that was correct.

Commission Markewich stated based on the review criteria for master plans he felt it wasn't met it due to outstanding issues unresolved, the zone change has outstanding questions so that criteria wasn't met and the development plan review criteria discusses harmoniousness and that is in question. He doesn't feel comfortable voting on any of the items as presented. He'd prefer a postponement until after the meeting before he can make any decision on this.

Commission Graham stated he felt with what he had in front of him he felt it's ok to go forward given when the meeting happens if there are major changes it will come back before the Planning Commission. He doesn't see a need to delay moving forward with the recommendations.

Commission Walkowski stated he was also in agreement they move forward on these items. The developer has put the package together. There are a few missing pieces with the AFA. He thought the detail it will be will be discussed and worked out so he's willing to let staff work out those details. He'd propose moving forward and not postpone.

Commission Smith stated he agreed with Commission Graham and Commission Walkowski. There is the opportunity for this to come back if they are major changes and he's in favor for moving forward.

Commission McDonald stated she was in favor of moving forward. The meeting will happen and it will be worked out and if there are major changes it will come back to them.

Commission Walkowski stated since the consensus of the board is to move forward, then having reviewed the development plans, the master plan amendment and rezone he thinks it substantially meets the criteria for the City Code. He'd be in support of moving it forward with the understanding and appreciation of the AFA with their concerns and the meeting of the staff and is hopeful that City Staff would bring it back to the Planning Commission if there are substantial changes.

Commission Markewich stated based on the majority this will not be tabled. However, based on the review criteria they have the unresolved issues and he has a responsibility to the community as well as look at liability. He does not feel comfortable voting yes so he will vote no.

Commission Fletcher stated the meeting is coming up that should clarify any of remaining issues. He'd ask the Colonel, the AFA and the Federal Government to make legal requests of the City regarding any necessary changes. These are major requests to a developer that has been in progress for years so he recommends the AFA meet with their JAG officers and make

some legal request of the City if the FAA requires it. He'd be with Commissioner Markewich that their job and protecting the safety and welfare of the citizens of Colorado Springs. With meeting that's schedule March 2, he'd like the Air Force and the Federal Government to have legal input. If no legal request is made then he'd assume the FAA and Federal Government believe this development is consistent with the safety and welfare of the citizens.

Commissioner Smith stated making a request for someone for a legal issue is not in front of them. There are applications in front of them for three things and that's the only thing that should be considered.

Motion by Vice Chair Smith, seconded by Graham, to Recommend approval to the City Council the minor amendment for The Farm Master Plan, based on the findings that the amendment request meets the review criteria for granting a master plan as set forth in City Code Section 7.5.408.. The motion passed by a vote of 4:2:3

Aye: 4 - Graham, Smith, Chairperson McDonald and Walkowski

No: 2 - Markewich and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

4.F. [CPC PUZ 17-00132](#)

The Farm Filing 5 zone change of 28 acres of land from (A) Agricultural to (PUD) Planned Unit Development (Single-Family Detached Residential; Maximum Density of 3.29 dwelling units per acre; and Maximum Building Height of 35 feet), located west of the future alignment of Secretariat Drive.

(QUASI-JUDICIAL)

Presenter:

Daniel Sexton, Senior Planner, Planning & Community Development

Motion by Vice Chair Smith, seconded by Graham, to Recommend approval to City Council the zone change of 28 acres from (A) Agricultural to (PUD) Planned Unit Development (single-family detached residential; Maximum Density of 3.29 dwelling units per acre; and Maximum Building Height of 35 feet), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603.. The motion passed by a vote of 4:2:3

Aye: 4 - Graham, Smith, Chairperson McDonald and Walkowski

No: 2 - Markewich and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

- 4.G. [CPC PUD 17-00133](#) The Farm Filing 5 PUD Development Plan for 28 acres of land to be developed with a single-family residential development consisting of 93 single-family detached lots, located west of the future alignment of Secretariat Drive.

(QUASI-JUDICIAL)

Presenter:

Daniel Sexton, Senior Planner, Planning & Community Development

Motion by Vice Chair Smith, seconded by Graham, to Recommend approval to City Council the PUD development plan for The Farm Filing 5, based upon the findings that the PUD development plan meets the review criteria for granting a PUD development plan as set forth in City Code Section 7.3.606 and meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E). The motion passed by a vote of 4:2:3

Aye: 4 - Graham, Smith, Chairperson McDonald and Walkowski

No: 2 - Markewich and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

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.)

5. UNFINISHED BUSINESS

Reagan Ranch

- 5.A. [CPC MP 87-00381-A2 0MJ17](#) Major amendment of the Banning Lewis Ranch Master Plan changing the land use of 162 acres from industrial park and retail to residential, office, industrial/research and development and neighborhood-scale commercial land uses located east of Marksheffel Boulevard, south of Space Village Avenue, and north and west of undeveloped property within the Banning Lewis Ranch.

(LEGISLATIVE)

Presenter:

Meggan Herington, Assistant Director, Planning and Community Development

Motion by Markewich, seconded by Fletcher, to Recommend postponement to the May 17, 2018 City Planning Commission hearing. The motion passed by a vote of 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

5.B. [CPC ZC 16-00152](#) Reagan Ranch zone change of 162 acres from PIP-2/PBC/AO/APZ-1 (Planned Industrial Park/Planned Business Center with Airport Overlay and Accident Potential Zone-1) to PUD/AO/APZ-1 (Planned Unit Development with Airport Overlay and Accident Potential Zone-1) located east of Marksheffel Boulevard, south of Space Village Avenue, and north and west of undeveloped property within the Banning Lewis Ranch.

(QUASI-JUDICIAL)

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

Motion by Markewich, seconded by Fletcher, to Recommend postponement to the May 17, 2018 City Planning Commission hearing. The motion passed by a vote of 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

5.C. [CPC CP 16-00153](#) A PUD Concept Plan illustrating the amendment of the existing industrial park land use type and eliminating the retail land use type in favor of residential, office, industrial/research and development and neighborhood-scale commercial land uses located east of Marksheffel Boulevard, south of Space Village Avenue, and north and west of undeveloped property within the Banning Lewis Ranch.

(QUASI-JUDICIAL)

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

Motion by Markewich, seconded by Fletcher, to Recommend postponement to the May 17, 2018 City Planning Commission hearing. The motion passed by a vote of 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

6. NEW BUSINESS CALENDAR

Appeal of Notice and Order to Abate

6.A. [CPC AP 18-00006](#) An appeal of Notice and Order to Abate Non-Compliance with development plan violation located at 2150 West Garden of the Gods Road.

(Quasi-Judicial)

Presenter:

Meggan Herington, Assistant Director, Planning and Community Development

Jeff Huddleston, Senior Code Enforcement Officer, Planning and Community Development

The appellant requested to withdraw his appeal for the Notice and Order to Abate at 2150 Garden of the Gods Road.

Motion by Vice Chair Smith, seconded by Graham, to accept the withdrawal of the appeal for the Notice and Order to Abate at 2150 Garden of the Gods Road. The motion passed by a vote of 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

CMRS

6.B. **CPC CM1 17-00141** Appeal of City Planning Commissions decision to approve a Conditional Use for a Commercial Mobile Radio Service (CMRS) installation of a 55-foot freestanding stealth tower telecommunications facility with associated supporting ground equipment located at 1225 North Circle Drive.

(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

Staff presentation:

Rachel Teixeira, Planner II, gave a PowerPoint presentation for the intent and scope of the project.

Applicant Presentation:

Richard Gato with Selective Site Consultants gave a PowerPoint presentation

Questions:

Commissioner Markewich stated the codes allows use to review visual impact, height and type of cellular facility. The location chosen is as close to the neighborhood as possible. For the least amount of impact he would put it further south in the parking lot to get it away from the neighborhood and ask

for 65-ft. Why this site selection? Mr. Gato stated the site selection was because there is a slope where the grade changes dramatically and to have it where Commissioner Markewich suggested it would have to be an extremely tall tower, close to 100-ft. to get it above the ridge to address coverage concerns. Therefore it was more logical to use a monopine tower that blends in with the surrounding and addresses the issues of coverage. They've tried to identify the best opportunity. The site is away from the street and they went back as far as possible.

Commissioner Walkowski asked if the coverage map was AT&T. Mr. Gato said yes. Commissioner Walkowski asked if it was co-locatable. Mr. Gato said it was. Commissioner Walkowski stated the visual impact is good but not at other times of the year. Mr. Gato said they've tried to blend it the best they can.

Commissioner Walkowski asked if they'd looked at any other sites because the topography to the north goes uphill. You're halfway down a hill with a placement of the cell tower. Mr. Gato said they had and this was the most suitable location to address the coverage and the issues they're experiencing. Commissioner Walkowski stated he wanted to make sure you've looked at other locations that would be less impactful to the neighborhood. Mr. Gate said they did and each one had unique issues of their own and they felt this was the best opportunity

Supporters:

None

Opponents:

Robert Saft was representing the people in the neighborhoods and stated there is a hill to the north of the proposed site that's more dramatic in height. The proposed antenna doesn't look as if it uses tropo-scattering. There could be ongoing health concerns related to this. The visual issues are not a concern of the neighborhood, it's the health risks.

Lori Neives stated her concerns are also health concerns. She gave the commission a copy of their petition against this tower. The type of cell tower proposed is like a large microwave which will bombard the neighbors with EMF's coming from the tower. The number from the FCC about the EMF's is old data, approximately 20yrs old. AT&T said they'd have to build a higher tower to go over their homes and that would actually be better in their mind than have that 45-ft tower going directly through their homes. Signatures in the petition included a former AT&T worker and teachers and staff at Mark Twain Elementary. They didn't think this will help coverage since they have to go higher up hills in their neighborhoods.

Questions of Staff:

None

Rebuttal:

Mr. Gato stated the amount of power they'll be using is 1/10th of the power allowed by FCC. Those at the hearing do not represent the entire view of the

neighborhood. At the neighborhood meeting he explained in detail to aesthetically address some of their potential concerns. Aesthetic concerns were not raised as an issue what they were concerned about was it being a health hazard. The project is evaluated by whether or not it meets city code which it does. He'd like the Commission to review it based on those codes.

Commissioner Markewich stated they have no ability to control the amount of microwaves, the power, or the health impacts. Are decision is based on visual impacts, location, height and type of facility. Can you address the issue of this being a directional tower and not a refracting one? Mr. Gato stated he can't education them on RF signals. RF signals go up. They need to get up and go over the houses to make the signals viable. The idea the signals go right into the houses would be self-defeating on their part for the purpose of the cell tower

Commissioner Markewich stated visual problems are not the issue. If they could make something like a slick stick pole and put it away from the neighborhood, in the parking lot and make it taller it would make more sense. So is it purely cost difference from using what you have instead of putting what I mention in the parking lot and make it higher.

Mr. Gato stated the location was chosen for a number of reasons and it's not for cost. They don't want to come back in 6 months asking for another location down the road because we don't have enough coverage. We want to put in one tower in this location and solve the long-term coverage issues. We're trying to put in a tower that makes the most sense. They are trying to take advantage of the best location of what the needs are.

Commissioner Markewich stated if they moved the tower 100-ft. southeast and made the tower taller he didn't understand how that wouldn't meet the same objective to not have to continually come back. Having it move 100-ft away and have it be higher wouldn't that accomplish what they want? Mr. Gato stated this was the best opportunity for them.

Motion by Vice Chair Smith, seconded by Graham, to Approve the conditional use for the CMRS at 1225 North Circle Drive 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. The motion passed by a vote of 5:1:0

Aye: 5 - Graham, Smith, Chairperson McDonald, Walkowski and Fletcher

No: 1 - Markewich

Absent: 3 - Henninger, Satchell-Smith and Raughton

The Sands Annexation

- 6.C. [CPC A](#)
[17-00004](#) The Sands Addition No.1 Annexation of 37.92 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Presenter:

Catherine Carleo, Principal Planner, Planning & Community Development

Staff presentation:

Katie Carleo, Principle Planner, gave a PowerPoint Presentation discussing the scope and intent of the project

Applicant Presentation:

Jeff Mark with the Land House Company and Jason Alwain with Thomas & Thomas gave a PowerPoint presentation regarding the project.

Questions:

Commissioner Walkowski asked if they were continuing the concrete channel to the south. Mr. Alwain said no. Their channel improvements are check dams and rip/wrap and not concrete. Commissioner Walkowski confirmed they will do channel improvements. Mr. Alwain said yes

Commissioner Walkowski asked if access to their land from Capital Drive would be an El Paso County decision Mr. Alwain said yes. That way they will have two ways in and two ways out.

Commissioner Walkowski confirmed the residential on the Marksheffel side have only one entrance to the north of the site. Mr. Alwain said Constitution is the main access to residential and commercial.

Commissioner Markewich asked about the access on Marksheffel to the north an if it's signalized. Mr. Alwain stated it does not require or warrant a signal. He couldn't answer about improvements to the north but their access will require some median improvements.

Commissioner Markewich asked about the creek infrastructure and the status of the concrete and if was it in good condition. Mr. Alwain said he couldn't say. It's in the county and runs the back of the industrial lots and doesn't know who's responsible for maintaining it. We're connecting at the northern tip and then at the southern tip. Mr. Mark stated the channel is in good condition. That section of the channel received its LOMAR years ago thus the reason for why that area is outside of the flood plain. It's 10-ft wide and about 5-ft deep. Commissioner Markewich confirmed they felt their connection would have good flow. Mr. Mark stated that portion of the channel very rarely sees water unless it's a significant rain event.

Commissioner Markewich asked about the trails and how they'll be accessed. Mr. Mark said the trail is immediately outside of their lot lines and in the open space tract. Commissioner Markewich asked if the trail went past

Constitution to the south. Mr. Alwain state it did not but that the current bridge doesn't allow for crossing or any grade separated crossing. Per the Parks Department's comments they were providing a Tier 2 12-ft Urban Trail across Constitution that eventually connects eastward to the Rock Island Trail. Mr. Alwain stated the trail will be mainly for internal residents. Commissioner Markewich asked about the trails to the north. Mr. Alwain thought there was another trail to the north possibly the Sand Creek Trail. However in the Parks Master Plan it wasn't identified there need to be a connection north on Marksheffel to that trail.

Commissioner Markewich confirmed the Parks Department will take care of and maintain any parks. Mr. Alwain said yes. Commissioner Markewich asked if there'd be any pocket parks or other open space. Mr. Alwain stated there would be other green spaces.

Commissioner Markewich asked about access from the east from people who work in the area. Mr. Alwain said that was discussed at the Parks Board and at their recommendation because this channel is so low flow so they'll provide a low water crossing also called a Texas Crossing. They also have to provide a maintenance road to the bottom of the creek so they are looking at that as a possibly secondary or unofficial pedestrian crossing to provide that immediate access.

Commissioner Fletcher asked if Parks recommend an open space along the creek from north to south beyond the proposed park. Mr. Alwain stated that was looked at but due to the narrowness of the creek it becomes a long linear park and because they're providing the trail corridor along the west side of the creek that's more of the district HOA the Park's Department was happy taking the east side of the creek.

Commissioner Fletcher asked if this meet the basic requirements for park percentage. Mr. Alwain said it meets the PODO requirements and didn't know if it was below or beyond.

Commissioner Fletcher asked if City Engineering has not approved the reduction in the flood plain. Ms. Carleo stated that wasn't a City process. What is in review is with FEMA. The applicant goes to FEMA and proposes those modifications and what is shown is the larger flood plain that exists now. They can work through the FEMA process as to what is needed on site. When they come in with a development plan and actual channel improvements they'd work with City Engineering at that time for the channel improvements.

Commissioner Fletcher asked about comingle access off Constitution and was that common. Kathleen Krager, Division Manager Traffic Engineering, stated it is fairly common. It's preferred that traffic go through commercial area before residential.

Commissioner Graham asked about the intersection just north of Constitution was it a $\frac{3}{4}$ movement? Ms. Krager said it was. There is no left turn out of the site to southbound Marksheffel. Left turn lanes from $\frac{3}{4}$ movements have

better safety records. This helps with traffic flow, and helps with capacity problem and south bound Marksheffel can make a left turn into the commercial site. Commissioner Graham stated there was a lot of traffic on this road in the morning and in the afternoon which Ms. Krager confirmed. Mr. Krager also stated the left turn gets help from other signalized intersections so there are automatic gaps

Commissioner Markewich stated he spoke with Kathleen earlier where the project was tried to be done in the county and the main problem was the $\frac{3}{4}$ movement. Ms. Krager confirmed that was what the discussion was about. She stated she review the basic same traffic impact study that was prepared for the county. The $\frac{3}{4}$ movement operates at a good level of service.

Commissioner Markewich asked how Ms. Krager looked at it so differently from the county's perspective. Ms. Krager thought it could be based on the difference in personnel. The county doesn't have a traffic engineering section that regularly reviews operational analysis they are highway engineers and so they are not as used to this regular review. The county is more prepared for rural development this area is becoming more urbanized and 20 years from now Marksheffel will be an urban street so that's how the city reviews it now.

Commissioner Markewich asked about the access to the residential and in the analysis do you think most people will access on Marksheffel. Ms. Krager stated the use of the access point on Marksheffel compared to the access on Constitution will depend on the time of day. If this access only services basically this development it more than likely won't warrant a signal. As traffic increases on Marksheffel and this intersection doesn't work as smoothly as it does now the can look at other options at that time

Commissioner Walkowski confirmed the City and Traffic Engineering are comfortable with the annexation? Ms. Krager said yes. This area is split between the County as the City as to what will be maintained. The City owns Constitution east of here with only a small portion in the county, so consistency of ownership is important.

Commissioner Walkowski asked if there was enough stacking for left turn onto Constitution. Ms. Krager confirmed there was. This is designed good. Commissioner Walkowski asked about a deceleration on Marksheffel and Ms. Krager stated there was a continuous right turn lane there. Because of the speed on Marksheffel they will have decel lanes at all of the access points. At the new King Soopers there isn't a left turn signal and won't be one until it's warranted.

Supporters:

None

Opponents:

Kurt Schlagle - General Manager of Cherokee Metro District. When they received notice of the annexation last year they sent in a letter of opposition. Mr. Mark came to the district and asked to exclude from the district late in 2017 and the board of directors denied that petition to exclude. Mr. Mark took

the request to the Board of County Commissioners and they approved that exclusion. The District has filed a general appeal with District Court. No court dates are set.

Commissioner McDonald stated the packet shows CSU as the supplier of the water and your statement is Cherokee is in disagreement with that. Mr. Schlagle stated that was correct. Cherokee has infrastructure in place to serve that and is part of the district which has been part of the District's Master Plan all along. They met with the developer and stated they didn't have a problem with the annexation as long as Cherokee can provide the potable water and wastewater. CSU stated that wasn't how they work once a property is annexed.

Commissioner Markewich confirmed the reason for their opposition. Mr. Schlagle said it was the loss of potential revenue. Commissioner Markewich asked the location of their infrastructure which Mr. Schlagle said it ran right through the property.

Questions of Staff:

None

Rebuttal:

Mr. Mark stated they have a good working relationship with Mr. Schlagle. They are following a statutory requirement and because they're annexing CSU mandates they go on CSU utilities.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Markewich stated based on the review criteria for Annexations, Master Plans, Zone Change and Concept Plan there is no reason to object to anything and all his questions have been answered and is in full support of the project.

Commissioner Walkowski agrees with Commissioner Markewich. The applicant went in great detail and thought it all very well. The design is consistent to what the City would be looking for. It meets the Annexation criteria, regarding zoning and the concept plan it meets the City's criteria and will be in support

Motion by Markewich, seconded by Fletcher, to Recommend approval to City Council the annexation of The Sands 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 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

6.D. [CPC A](#)
[17-00005](#)

The Sands Addition No.2 Annexation of 24.66 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Presenter:
Catherine Carleo, Principal Planner, Planning & Community
Development

Motion by Markewich, seconded by Fletcher, to Recommend approval to City Council the annexation of The Sands 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 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

- 6.E.** [CPC A](#) The Sands Addition No.3 Annexation of 24.74 acres located northeast of
[17-00006](#) the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Presenter:
Catherine Carleo, Principal Planner, Planning & Community
Development

Motion by Markewich, seconded by Fletcher, to Recommend approval to City Council the annexation of The Sands Addition No.3 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 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

- 6.F.** [CPC A](#) The Sands Addition No.4 Annexation of 49.90 acres located northeast of
[17-00007](#) the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Presenter:
Catherine Carleo, Principal Planner, Planning & Community
Development

Motion by Markewich, seconded by Fletcher, to Recommend approval to City

Council the annexation of The Sands Addition No.4 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 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

6.G. [CPC MP 17-00080](#)

The Sands Master Plan illustrating future development of 140.61 acres including 10.79 acres commercial, 17.58 acres industrial, 77.94 acres residential, 8.00 acres public park and 26.30 acres future right-of-way located northeast of the intersection of Marksheffel road and Constitution Avenue.

(Legislative)

Presenter:
Catherine Carleo, Principal Planner, Planning & Community Development

Motion by Markewich, seconded by Fletcher, to Recommend approval to the City Council The Sands Master Plan, based upon the findings that the proposal meets the review criteria for master plans as set forth in City Code Section 7.5.408. The motion passed by a vote of 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

6.H. [CPC ZC 17-00081](#)

Establishment of the M-1/AO/SS (Light Industrial with Airport Overlay and Streamside Overlay) zone district pertaining to 17.58 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Presenter:
Catherine Carleo, Principal Planner, Planning & Community Development

Motion by Markewich, seconded by Fletcher, to Recommend approval to City Council the establishment of the M-1/AO/SS (Light Industrial with Airport Overlay and Streamside Overlay) 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). The motion passed by a vote

of 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

- 6.I. [CPC ZC 17-00082](#) Establishment of the R1-6000/DFOZ/AO/SS (Single-Family Residential with Design Flexibility Overlay, Airport Overlay and Streamside Overlay) zone district pertaining to 85.94 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Presenter:
Catherine Carleo, Principal Planner, Planning & Community Development

Motion by Markewich, seconded by Fletcher, to Recommend approval to City Council the establishment of the R1-6000/DFOZ/AO/SS (Single-family Residential with Design Flexibility Overlay, Airport Overlay and Streamside Overlay) 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). The motion passed by a vote of 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

- 6.J. [CPC ZC 17-00083](#) Establishment of the PBC/AO/SS (Planned Business Center with Airport Overlay and Streamside Overlay) zone district pertaining to 10.79 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Legislative)

Presenter:
Catherine Carleo, Principal Planner, Planning & Community Development

Motion by Markewich, seconded by Fletcher, to Recommend approval to City Council the establishment of the PBC/AO/SS (Planned Business Center with Airport Overlay and Streamside Overlay) 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). The motion passed by a vote of 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

- 6.K. [CPC CP 17-00084](#) The Sands Concept Plan illustrating future development of 140.61 acres of commercial, industrial, residential, and park land located northeast of the intersection of Marksheffel Road and Constitution Avenue.

(Quasi-Judicial)

Presenter:
 Catherine Carleo, Principal Planner, Planning & Community Development

Motion by Markewich, seconded by Fletcher, to Recommend approval to City Council The Sands 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).. The motion passed by a vote of 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

BikeCOS! Master Plan

- 6.L. **CPC MPA 02-00101-A9 MJ18** Major Amendment to the 2001 City of Colorado Springs Intermodal Transportation Plan (ITP) adopting BikeCOS! A Citywide Bicycle Master Plan

Presenter:
 Kate Brady, Senior Bicycle Planner

Staff presentation:
 Kate Brady, Bike Planner for the City gave a PowerPoint discussing the project for the City

Questions:
 Commissioner Markewich asked what happens first you bike and then build the infrastructure or build the infrastructure and then they bike. Ms. Brady said this country has designed infrastructure for people who are already riding. Right now the best practice is to give bicycles their own space.

Commissioner Fletcher thanked all involved and having a bike friendly city changes the culture of a city.
 Commissioner Walkowski thanked everyone for their work on the project. All of the master plans that have come out stress this idea of connectivity and intermodal transportation. This plan accomplishes that. He looks forward to this being implemented.

Supporters:

Carlos Perez is speaking in support of the plan is also speaking on behalf of Bike Colorado Springs (BCS) who is also in support. BCS is a good balance between the visionary and the practical and has had a lot of input from everyone involved which make it a good plan. Now is the time to address the need for bicycling in the City. This plan harmonizes with other transportation plans.

Jerry White lives downtown and is in support. The public input process has been great and suggestions were listened to. The quality of the plan is excellent. He's travel by bicycles throughout the United States, Canada and Europe and is excited to have this in Colorado Springs.

Opponents:

None

Motion by Walkowski, seconded by Fletcher, to Recommend approval to City Council an ordinance adopting a Major Master Plan Amendment to the Intermodal Transportation Plan by approving and incorporating BikeCOS! A Citywide Bicycle Master Plan. The motion passed by a vote of 6:0:3

Aye: 6 - Graham, Smith, Chairperson McDonald, Markewich, Walkowski and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

7. Adjourn