



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, June 21, 2018

8:30 AM

Council Chambers

1. Call to Order

Present: 9 - Jamie Fletcher, Scott Hente, Jim Raughton, Vice Chair Reggie Graham ,
Chairperson Rhonda McDonald, Samantha Satchell-Smith, James McMurray, John
Almy and Carl Smith

1.A. [18-0293](#) Election of Planning Commission Chair

Motion by Vice Chair Smith, seconded by Raughton, to re-appoint Rhonda McDonald as Planning Commission Chair. The motion passed by a vote of 9:0:0

Aye: 9 - Fletcher, Hente, Raughton, Vice Chair Graham, Chairperson McDonald,
Satchell-Smith, McMurray, Almy and Smith

1.B. [18-0294](#) Election of Planning Commission Vice-Chair

Motion by Vice Chair Smith, seconded by Satchell-Smith, to appoint Reggie Graham as Vice Chair. The motion passed by a vote of 9:0:0

Aye: 9 - Fletcher, Hente, Raughton, Vice Chair Graham, Chairperson McDonald,
Satchell-Smith, McMurray, Almy and Smith

2. Approval of the Minutes

2.A. [18-0292](#) May 17, 2018 Planning Commission Minutes

Motion by Fletcher, seconded by Satchell-Smith, to approve the May 17, 2018 Planning Commission Minutes. The motion passed by a vote of 9:0:0

Aye: 9 - Fletcher, Hente, Raughton, Vice Chair Graham, Chairperson McDonald,
Satchell-Smith, McMurray, Almy and Smith

3. Communications

Meggan Herington, Assistant Director of Planning and Development

4. CONSENT CALENDAR

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

Items 4.A. - 4.C. 20 Boulder Crescent

- 4.A. [CPC ZC 18-00041](#) Ordinance No. 18-76 amending the zoning map of the City of Colorado Springs pertaining to 0.51-acre of land from R-5 (Multi-Family Residential) to OR (Office Residential), located at 20 Boulder Crescent Street

(Quasi-Judicial)

Related Files: CPC DP 18-00042, CPC NV 18-00043

Presenter:

Peter Wysocki, Director, Planning and Community Development
 Matthew Fitzsimmons, Planner II, Urban Planning Division

A motion was made by Hente, seconded by Fletcher, to recommend approval to the City Council a zone change for 20 Boulder Crescent from the R-5 (Multi-family Residential) zoning district to the OR (Office Residential) zoning district, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.

The motion passed by a vote of 9:0:0

- 4.B. [CPC DP 18-00042](#) A development plan for a two story building addition with garages on 0.51-acre located at 20 Boulder Crescent

(Quasi-Judicial)

Related Files: CPC ZC 18-00041, CPC NV 18-00043

Presenter:

Peter Wysocki, Director, Planning and Community Development
 Matthew Fitzsimmons, Planner II, Urban Planning Division

Motion by Hente, seconded by Fletcher, to recommend approval to the City Council a development plan for 20 Boulder Crescent to add two additional floors and garages, based on the finding that the development plan complies with the review criteria in City Code Section 7.5.502.E, subject to technical and/or informational plan modifications listed below.

Technical and Informational Modifications to the Development Plan

1. Address all outstanding comments from the following city agencies:
 - a. City Surveyor: Discrepancies in the Legal description and all boundaries need to match the legal description
 - b. Landscape: Label existing turf to be removed and to remain
 - c. EDRD: Include plat name in title and include FEMA floodplain note
2. Indicate the location and type of exterior lighting to meet City lighting standards

The motion passed by a vote of 9:0:0

- 4.C. [CPC NV 18-00043](#) A Non-Use Variance to allow the height of a two story building addition to reach 49'-10", where 35 feet is maximum in the OR zoning district, on a 0.51 acre property located at 20 Boulder Crescent.

(Quasi-Judicial)

Related Files: CPC ZC 18-00041, CPC DP 18-00042

Presenter:

Peter Wysocki, Director, Planning and Community Development
 Matthew Fitzsimmons, Planner II, Urban Planning Division

Motion by Hente, seconded by Fletcher, to recommend approval to the City Council a non-use variance to allow 49'10" maximum building height where 35' is the standard in an OR zone, based upon the finding that the non-use variance complies with the review criteria in City Code Section 7.5.802.B.

The motion passed by a vote of 9:0:0

Items 4.D. - 4.E. Renaissance at Indigo Ridge South

- 4.D. [CPC PUZ 18-00017](#) Ordinance No. 18-74 changing the zoning of 20.01 acres from PUD/AO (PUD with Airport Overlay) and A/AO (Agriculture with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay) to allow single family development located southeast of the intersection of Dublin Boulevard and Mustang Rim Drive

(QUASI-JUDICIAL)

Related File: CPC PUD 18-00018

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development
 Peter Wysocki, Director Planning and Community Development

Motion by Hente, seconded by Fletcher, Recommend approval to City Council the zone change of 20.01 acres from A/AO (Agriculture and Airport Overlay) and PUD/AO (Planned Unit Development with Airport Overlay) to PUD/AO (Planned Unit Development: Single-Family Residential, 4.90 Dwelling Units per Acre, Maximum Building Height of 35 Feet) based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) and complies with City Code Section 7.3.603 for establishment of a PUD zone.

The motion passed by a vote of 9:0:0

- 4.E. [CPC PUD 18-00018](#) The Renaissance at Indigo South PUD Development Plan consisting of 98 single-family lots on 20.01 acres, 4.9 dwelling units per acre and a maximum building height of 35 feet located southeast of the intersection of Dublin Boulevard and Mustang Rim Drive.

(QUASI-JUDICIAL)

Related File: CPC PUZ 18-00017

Presenter:
 Mike Schultz, Principal Planner, Planning and Community Development
 Peter Wysocki, Director Planning and Community Development

Motion by Hente, seconded by Fletcher, Recommend approval to City Council the Renaissance at Indigo South PUD Development Plan, 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 9:0:0

Approval of the Consent Agenda

Motion by Hente, 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 9:0:0

Aye: 9 - Fletcher, Hente, Raughton, Vice Chair Graham, Chairperson McDonald, Satchell-Smith, McMurray, Almy and Smith

5. UNFINISHED BUSINESS

6. NEW BUSINESS CALENDAR

Items 6.A. - 6.C. Lil' Market

- 6.A. [CPC ZC 18-00050](#) Ordinance No. 18-75 amending the zoning map of the City of Colorado Springs pertaining to 4,590 square feet from R-2 (Two-family Residential) to C-5/CR (Intermediate Business with Conditions of Record).

(QUASI-JUDICIAL)

Presenter:
 Peter Wysocki, Director Planning and Community Development
 Mike Schultz, Principal Planner, Planning and Community Development

Staff presentation:

Mr. Mike Schultz gave a presentation on the scope and intent of this project.

Applicant Presentation:

Applicant Mr. Less Gruen gave a presentation on the scope and intent of this project.

Questions:

None

Supporters:

- Adds walkability
- Has been a market in the neighborhood for several years and would like to preserve it as being a market
- Bike-ability
- Supports the City's comprehensive plan
- Makes the neighborhood safer with "eyes on the street"
- Conserve the history of the property
- Supports urban infill, walkability and bike-ability
- Keep a store that is walkable to the neighborhood
- Property is designed to be a business and not a residence and should be zoned C-5 to maintain integrity

Opponents:

- Parking is an issue and at times families have to park blocks away with children and groceries
- Home values will decrease
- Want a more affordable market rather than the business that is there now
- Not in favor of a liquor license or restaurant
- Would like to see a more family friendly place
- Concerns that this business plan will greatly increase traffic and parking issues; curbs are too tall
- Some neighbors support the market, but not the liquor license or restaurant
- Noise could be a problem

- Health problems if there is smoking outside
- The new business would change the neighborhood negatively
- More consideration needs to be placed on parking and parking time limitations; work on incentives for biking to the business
- Increased crime due to liquor license and is not in favor of the zone change but supports the market
- Quality of life concern with the change in zoning and hours of operation; alcohol is a concern
- Masonic Lodge meetings already overburden the parking issue

Ms. Deborah Island spoke and is an attorney representing 20 clients in the area. She stated the proposals are not consistent with the zone change, development plan and use variance criteria and does not support all of the criteria required for the Commission to approve this development. Ms. Island stated the proposal is not consistent with the 2001 Comprehensive Plan and that Middle Shooks Run is a traditional mixed use neighborhood and in 2017 CONO named Middle Shooks Run Neighborhood of the Year. She continued to state that Middle Shooks Run for the past 120 years has been a residential neighborhood and should not have a restaurant and bar.

Ms. Island gave a presentation to the opposition of this development stating the criteria for approval is in conflict with 2001 Comprehensive Plan strategies, the Infill Supplement and the 2020 Land Use Map use for this development. Ms. Island continued stating the development and the zone change are not compatible with the Shooks Run Master Plan. Ms. Island stated a zone change is not necessary and the building is already legal in its current zone and the non-use variance should be denied as parking is a huge issue in this neighborhood.

Questions of Staff:

Commissioner Hente asked about clarification on the code for legal nonconforming. Mr. Shultz reiterated the criteria states that the legal conforming status is valid until the business ceases operation for one year then they would need to seek a use variance or rezoning. Currently the applicant does not have a liquor license and the zoning needs to be approved before appearing before the liquor board. Staff recommended the zone change to minimize the need to repeatedly update the variances.

Commissioner Raughton asked why staff recommended a zone change to

C-5 and not PBC with the smaller zone area minimums and is concerned about this choice? Mr. Shultz discussed the benefits of C-5 zoning for this item, and reiterated C-5 allows for less use variance and allows restrictions that mimic PBC. Ms. Herington also replied, we now have a clear zone size minimum, we should in the future with code updates have a neighborhood zone allowing and restricting further uses that would be best suited for this type of use. She confirmed that the C-5 zone change request is the best recommendation for this use at this time.

Commissioner Smith asked what happens if the tenant stops operation? And would the restrictions continue on this property? Mr. Shultz responded that the restrictions would continue, and we ask that the business owner keep the business plan on file outlining the restrictions. Commissioner Smith continued to address neighborhood concerns with the business plans possible change over time and pointed out the City's zoning code has no say over any of the financial liability. Commissioner Smith also asked for clarification on the patio location, and Mr. Shultz confirmed the patio is on the western side of the property.

Commissioner McMurray asked due to the proximity to Shooks Run trail, has there been a bike shed analysis done? Mr. Shultz suggested a half mile to a mile is a comfortable ride, but a bike shed analysis was not done but could be, and he supported the quarter mile walkability study was sufficient.

Commissioner Satchell-Smith asked the bike and walk predictions for building occupancy maximums? Mr. Shultz indicated that the fire code for maximum occupancy is unknown at this time and the fire department will be reviewing this during occupancy.

Mr. Shultz stated the other services that are nearby lead to downtown, Union Blvd. and Good Neighbors for example, but the proposal is needed for this area. He affirms the Good Neighbors meeting house business had similar opposing citizens and now has fewer concerns, and the applicant for the proposed development will encourage the bike-able and walkable transportation to this business.

Commissioner McDonald spoke to the operational restrictions and conditions of record that are there such as limited time of operation and no projected music.

Rebuttal:

Mr. Less Gruen stated that all the Comprehensive Plan criteria supports this development and neighborhoods in transition and this neighborhood is in transition. The project is in conformance with all approval criteria for the zone change, nonuse variance and the development plan. The parcel history has been continually used as commercial since 1909 before zoning was in place. The solution has been addressed as a rezone and the residential zoning is too restricting to be successful.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Raughton stated this is a difficult decision and we need to consider the neighborhood residents' concerns with discretion and affirms this development conforms with the new proposed Comprehensive Plan.

Commissioner Almy questioned the parking and traffic asking if there is any data on numbers of walking, biking or vehicular individuals currently to the market from neighborhood or outside of? Ms. Herington responded she does not have this kind of data and the planning process does not require a traffic study in this case. Mr. Gruen stated that most of the traffic is local and highly walkable and does not foresee this business to be a city wide destination.

Commissioner Smith confirmed this is a difficult planning case and he affirmed the operational restrictions and that smoking would not be permitted on the patio. He continued to respond to the comment about possible strangers in the neighborhood due to this development and does not see this as a problem. Commissioner Smith does not see the parking issues as a huge realistic concern.

Commissioner McMurray asked if there was a landscape plan required? Ms. Herington stated as an infill use there is some landscaping within this plan, but it does not require a landscape plan. Commissioner McMurray is concerned that the parking could be a problem and recommended to the Commission to require more standards for the non-motorized transportation, enable walking and biking and that landscape screening could be required for this development to minimize the impact of noise.

Commissioner Graham shared the concern for the parking issues but feels the review criteria has been met. He does not feel that the parking will increase so significantly and the zone change will be helpful for the applicant to not have to come back with each change. Commissioner Graham is in support of this to help keep the business successful.

Commissioner McDonald reiterated the hours of use and amplified music restrictions and will be in favor of the application. She continued to say the parking concerns are real and those frequenting the business will be forced to bike.

Commissioner Fletcher reiterated the three items and will support all three items. He supports these items due to all meeting the zoning criteria and are in line with the Shooks Run Master Plan and reviewed the 12 criteria and the conditions of record and explained the parking use variance criteria.

Ms. Herington also explained the availability of Neighborhood Services to the citizens for concerns with compliance with the Conditions of Record.

Commissioner McMurray proposed to add two additions to the Conditions of Record by adding a bike rack for the capacity of twelve bikes rather than six and to add vegetative screening to minimize lighting and noise impact.

Motion by Hente, seconded by Satchell-Smith, Recommend approval to City Council the zone change from R-2 (Two-Family Residential) to C-5/CR (Intermediate Business with conditions of record), based on the findings that the zone change request complies with the three (3) review criteria for granting a zone change in City Code Section 7.5.603(B), subject to the Conditions of Record listed in Figure 10, attached hereto.

The motion passed by a vote of 9:0:0

Aye: 9 - Fletcher, Hente, Raughton, Vice Chair Graham, Chairperson McDonald, Satchell-Smith, McMurray, Almy and Smith

6.B. [CPC DP 18-00051](#)

A development plan for the Lil' Market (Willamette Market & Deli) demonstrating the existing building footprint and the proposed patio located on the west side of the building.

(QUASI-JUDICIAL)

Related Files: CPC NV 18-00052, CPC ZC 18-00050

Presenter:

Peter Wysocki, Director Planning and Community Development
 Mike Schultz, Principal Planner, Planning and Community Development

See Item 6.A.

Motion by Hente, seconded by Satchell-Smith, Recommend approval to City Council the Lil' Market Development Plan located at 749 East Willamette Avenue subject to the below operational notes; this recommendation is based on the findings that this project meets the development plan review criteria in City Code Section 7.5.502(E), subject to the following conditions:

1. **Hours of Operation:**
 - a. **Sunday - Thursday: No earlier than 6 a.m. / no later than 8 p.m.**
 - b. **Friday and Saturday: No earlier than 6 a.m. / no later than 10 p.m.**
 - i. **(Note: Closing hours should not imply that customers would not be permitted to finish meal/drink and have vacated the building by that time. Service to customers should end at or before required closing time; the owner/tenant should make efforts to ensure customers are off the premises within a reasonable amount of time after closing).**
2. **Outdoor Seating: Outdoor patio seating is limited to the west patio only. The existing picnic tables located within the boulevard/tree lawn may remain.**
3. **Music: No amplified music, including speakers, may be used on the patio.**
4. **Smoking: No smoking allowed on the patio.**
5. **Signage: Illuminated signage is limited to backlit or internally lit signage. Any exposed neon or excessively bright signage is prohibited anywhere on the building or displayed within a window.**
6. **Employee Parking: Employees should be encouraged to either use alternative transportation (i.e. walking, biking, motorcycle, moped, mass transit, etc.) or encouraged to park west along Willamette Ave. (Note: Staff and the owner understand that the enforceability of this provision may be difficult; owner and tenant(s) should work with their staff and the neighborhood regarding on-street parking).**
7. **Amendments: Amendments to these provisions may be administratively reviewed and amended at any time, however, notification to property owners within 1,000-feet of the property and to the neighborhood organization must be given to allow citizen comment.**

Commissioner James McMurray requested two additions to the Proposed Motion as follows:

- Addition 1: For Item # 6, add a statement at the end that says biking will be enabled by providing a bike rack with the capacity for at least 12 bikes**
Addition 2: Add an 8th condition adding that vegetative screening shall be provided around the patio area to eliminate impacts to the neighboring properties

The motion passed by a vote of 9:0:0

Aye: 9 - Fletcher, Hente, Raughton, Vice Chair Graham, Chairperson McDonald, Satchell-Smith, McMurray, Almy and Smith

- 6.C.** [CPC NV 18-00052](#) A non-use variance to allow zero (0) parking stalls where sixteen (16) parking stalls are required.

(QUASI-JUDICIAL)

Related Files: CPC DP 18-00051, CPC ZC 18-00050

Presenter:

Peter Wysocki, Director Planning and Community Development
Mike Schultz, Principal Planner, Planning and Community Development

See Item 6.A.

**Motion by Hente, seconded by Satchell-Smith,
Recommend approval to City Council the non-use variance request based on the findings that the property meets the non-use variance review criteria in City Code Section 7.5.802(B).**

The motion passed by a vote of 9:0:0

Aye: 9 - Fletcher, Hente, Raughton, Vice Chair Graham, Chairperson McDonald, Satchell-Smith, McMurray, Almy and Smith

Item 6.D. Appeal of Notice and Order to Abate

- 6.D.** [CPC AP 18-00065](#) An appeal of a Notice and Order to Abate for violation of an illegal use of a residentially zoned property located at 2814 Bluebell Hill Drive.

Presenter:

Tom Wasinger, Code Enforcement Supervisor, Planning and Community Development

Staff presentation:

Mr. Tom Wasinger, Neighborhood Services Supervisor gave a presentation of the Notice and Order to Abate.

Appellant Presentation:

Ms. Jackie Haag gave a presentation of an Appeal of the Notice and Order to Abate.

Opponents:

A citizen who lives in Columbine Estates concurred with the Code Enforcement decisions for abatement and would like the property cleaned up.

Questions of Staff:

Commissioner Raughton asked Mr. Wasinger if he is allowing the appellant more time to remove the items in violation from the property and Mr. Wasinger confirmed he was. Mr. Wasinger stated that ninety percent of the items in violation have been removed and is allowing more time for

the additional ten percent.

Mr. Wasinger clarified that firewood stacked on the property is not a violation of code and is an allowed use, however distinguishing between firewood belonging to the property owner and what wood is part of the friend's business is hard to determine.

Commissioner Smith said he visited the site on June 20th and wondered about the fork lift, the fencing, the wood and the new date in which the property owner has to abate. Mr. Wasinger is concerned about the equipment and that the property was being used as a staging for a tree service business, which the property is not zoned for. The owner of the business was contacted and the wood he is responsible for was removed. Firewood can be stored on the property according to zoning laws, just not in the front of the home. Mr. Bollinger clarified to Commissioners that the question of the appeal is "was this violation issued properly?" and the decision on the date for abatement is made by Code Enforcement.

Commissioner Graham questioned about the wood, how much of the wood is personal? Mr. Wasinger explained it was not the wood he was concerned about but the equipment and the property being used as a staging for a tree service, which is a zoning violation. The owner of the business was contacted and the wood he was responsible for was removed.

Commissioner Hente stated that the Commission can make a motion or deny the appeal and hold the abatement in advance to allow for the violations to come into compliance. Mr. Wasinger wanted to give the appellant time to come into compliance.

Rebuttal:

Ms. Haag refuted the violation and stated the wood will be removed entirely. Ms. Haag said there is no business on this property.

**Motion by Hente, seconded by Fletcher,
To Deny the appeal and uphold the Notice and Order to Abate the land use code violation issued at 2814 Bluebell Hill Drive on May 16, 2018, based on the finding that the appeal does not meet the criteria for granting an appeal as outlined in City Code Section 7.5.906 and 7.5.1007.**

The motion passed by a vote of 9:0:0

Aye: 9 - Fletcher, Hente, Raughton, Vice Chair Graham, Chairperson McDonald, Satchell-Smith, McMurray, Almy and Smith

Item 6.E. Short Term Vacation Rental

6.E. [CPC CA 18-00063](#) An Ordinance amending Chapter 7 (Planning, Development and Building) of City Code defining and establishing standards for short term rental units

(Legislative)

Presenter:

Meggan Herington, Assistant Planning Director
 Peter Wysocki, Director of Planning and Community Development

Ms. Meggan Herington request a postponement of this item to the July 19th, 2018, Planning Commission date.

Motion by Hente, seconded by Fletcher, that this Ordinance be postponed to a date certain to the Planning Commission. The motion passed by a vote of 9:0:0

Aye: 9 - Fletcher, Hente, Raughton, Vice Chair Graham, Chairperson McDonald, Satchell-Smith, McMurray, Almy and Smith

Item 6.F. Hillside Single-Family Grading

6.F. [CPC CA 18-00062](#) An Ordinance amending Section 1503 (Grading Plans) of Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended pertaining to single family and duplex grading plan exemption.

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
 Meggan Herington, Assistant Planning Director
 Steve Rossoll, Public Works Department

Mr. Steve Rossoll the Engineering and Development Review representative gave a presentation on the intent of the Ordinance for Grading Plans and Erosion and Stormwater Quality Control Plans.

Motion by Hente, seconded by Raughton, Recommend adoption to City Council an Ordinance amending Section 1503 (Grading Plans) of Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as

amended, pertaining to single family and duplex grading plan exemption.

The motion passed by a vote of 9:0:0

Aye: 9 - Fletcher, Hente, Raughton, Vice Chair Graham, Chairperson McDonald, Satchell-Smith, McMurray, Almy and Smith

7. Adjourn