

# City of Colorado Springs

*Plaza of the Rockies  
South Tower, 5th Floor  
Blue River Board Room  
121 S Tejon St, Colorado Springs, CO 80901*



## Meeting Minutes - Final

Thursday, March 17, 2022

8:30 AM

Hybrid Meeting - Open to Public  
Call 720-617-3426 Conf ID: 785 230 166 #  
Blue River Board Room  
**Planning Commission**

**1. Call to Order and Roll Call**

- Present:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks
- Excused:** 2 - Commissioner Raughton and Commissioner Graham

**Rollcall**

- Present:** 8 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy, Commissioner Eubanks and Alternate Griggs
- Excused:** 2 - Commissioner Raughton and Commissioner Graham

**2. Changes to Agenda/Postponements**

- 2.A. [CPC CA 22-00016](#) Postpone an Ordinance creating new Part 19 (Community Development Impact Fees) of Article 5 (Administration and Procedures) of Chapter 7 (Planning Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Community Development Impact Fees

Presenter:  
 Charae McDaniel, Chief Financial Officer  
 Peter Wysocki, Planning and Community Development Director

**Motion by Commissioner Almy, seconded by Vice Chair McMurray, that this Ordinance be accepted Postpone this Ordinance indefinitely to allow further review. The motion passed by a vote of**

- Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks
- Absent:** 2 - Commissioner Raughton and Commissioner Graham

**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.)

**Minutes**

- 4.A. [CPC 22-155](#) Minutes for the January 20, 2022, City Planning Commission meeting.

Presenter:

Scott Hente, Chair of the City Planning Commission

**Attachments:** [CPC Minutes 01.20.22 draft](#)

**Motion by Commissioner Rickett, seconded by Commissioner Eubanks, to approve the minutes for the January 20, 2022, City Planning Commission hearing. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Commissioner Raughton and Commissioner Graham

**4.B.** [CPC 22-156](#) Minutes for the February 17, 2022, City Planning Commission meeting.

Presenter:  
Scott Hente, Chair of the City Planning Commission

**Attachments:** [CPC Minutes 02.17.22 draft](#)

**Motion by Commissioner Rickett, seconded by Commissioner Eubanks, to approve the minutes for the February 17, 2022, City Planning Commission hearing. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Commissioner Raughton and Commissioner Graham

**Cottages at Woodmen Heights**

**4.D.** [CPC PUZ 21-00175](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 38.5 acres generally located south of Woodmen Road and east of the Adventure Way and Nevada Lane intersection from PUD/SS/AO (Planned Unit Development: 45-foot maximum height; PBC land uses and residential; 9.14 dwelling units per acre with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: 38-foot maximum height; PBC land uses and residential; 8.8 dwelling units per acre with Streamside and Airport Overlays).

(Quasi-Judicial)

Presenter:  
Katelynn Wintz, Planning Supervisor, Planning & Community Development  
Peter Wysocki, Planning & Community Development Director

- Attachments:** [ORD\\_ZC\\_CottagesAtWoodmenHeights](#)  
[Exhibit A - Legal Desc](#)  
[Exhibit B - PUD Zone Change](#)  
[Cover MemoCottages\\_KAW](#)  
[Project Statement](#)  
[PlanCOS vision Map](#)  
[Development Plan](#)  
[Context Map](#)  
[CPC\\_Minutes\\_ConsentCalendar](#)  
[7.5.603.B Findings - ZC](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)

**This Ordinance was recommended for approval on the Consent Calendar to the City Council.**

- 4.E.** [CPC PUD 20-00054-A1 MN21](#) The Cottages at Woodmen Heights Development Plan for 38.5 acres containing a mix of commercial and multi-family land uses generally located south of Woodmen Road and east of the Adventure Way and Nevada Lane intersection.

(Quasi-Judicial)

Presenter:  
Katelynn Wintz, Planning Supervisor, Planning & Community Development  
Peter Wysocki, Planning & Community Development Director

- Attachments:** [Development Plan](#)  
[7.5.502.E Development Plan Review](#)  
[7.3.606 PUD Development Plan](#)

**This Planning Case was recommended for approval on the Consent Calendar to the City Council.**

**Ellston Park**

- 4.F.** [CPC PUZ 20-00084](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 29.375 acres located at 777 Vondelpark Drive from C6 (General Business) to PUD (Planned Unit Development: Single-Family Attached and Detached, 3.0-6.0 dwelling units per acre, and maximum building height of 35 feet).

(Quasi-Judicial)

Related File: CPC PUP 21-00186

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

- Attachments:** [ORD\\_ZC\\_EllstonPark](#)  
[EllstonPark\\_DJS\\_CC](#)  
[Ellston Park Applicant CC](#)  
[CPC Report\\_Ellston Park](#)  
[PUD Zone Change](#)  
[PUD Concept Plan](#)  
[Project Statement](#)  
[Vision Map](#)  
[Public Comments](#)  
[CGS Letter](#)  
[Context Map](#)  
[CPC Minutes ConsentCalendar](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)  
[7.5.603 Findings - ZC](#)

**This Planning Case was recommended for approval on the Consent Calendar to the City Council**

- 4.G.** [CPC PUP 21-00186](#) A Planned Unit Development Concept Plan for the Ellston Park project illustrating a single-family residential development on 29.375 acres, located at 777 Vondelpark Drive.

(Quasi-Judicial)

Related File: CPC PUZ 20-00084

Presenter:

Daniel Sexton, Planning Supervisor, Planning & Community Development

Peter Wysocki, Director, Planning & Community Development

- Attachments:** [PUD Concept Plan](#)  
[7.3.605 PUD Concept Plan](#)  
[7.5.501.E Concept Plans](#)

**This Planning Case was recommended for approval on the Consent Calendar to the City Council**

**Rio Vista**

- 4.H. [CPC ZC 21-00177](#) An ordinance amending the zoning map of the City of Colorado Springs from OC/cr/AO (Office Complex with conditions of record and Airport Overlay) and R5/cr/AO (Multi-family Residential with conditions of record and Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) on 1.279 acres located at 3611 Rio Vista Drive.

Related File: AR CP 11-00482-A3MN21

Presenter:

Tamara Baxter, Senior Planner with Central Team, Planning & Community Development

Peter Wysocki, Director of Planning and Community Development

- Attachments:** [ORD ZC 3611RioVistaDr](#)  
[Exhibit A - Legal Desc](#)  
[Exhibit B - Zone Change](#)  
[CC 3611 Rio Vista TPB](#)  
[3611 Rio Vista Staff Report TPB](#)  
[Concept Plan Minor Amendment](#)  
[Zone Change Exhibit](#)  
[Project Statement](#)  
[PlanCOS Vision Map](#)  
[Public Comments](#)  
[Public Comment Response](#)  
[O'Sullivan comments](#)  
[Cain comments](#)  
[Ordinance 16-91](#)  
[CPC Minutes ConsentCalendar](#)  
[7.5.603.B Findings - ZC](#)

**This Ordinance was recommended for approval on the Consent Calendar to the City Council**

- 4.I. [AR CP 11-00482-A3 MN21](#) A minor amendment to the Southwest Powers Boulevard and North Carefree concept plan allowing a car wash located at 3611 Rio Vista Drive.

Related File: CPC ZC 21-00177

Presenter:

Tamara Baxter, Senior Planner with Central Team, Planning & Community Development

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [Concept Plan Minor Amendment](#)  
[7.5.501.E Concept Plans](#)

**This Planning Case was recommended for approval on the Consent Calendar to the City Council**

**Shuga's Expansion**

**4.J.**     [CPC UV](#)           The Shuga's Use Variance Development Plan totaling 12,828 square feet on the southwest corner of S. Cascade Ave. and W. Rio Grande St.  
[21-00138](#)

(Quasi-Judicial)

Presenter:  
Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department

**Attachments:** [CPC Staff Report Shugas RBT](#)  
[FIGURE 1 - Shuga's Use Variance Development Plan](#)  
[FIGURE 2 - Shuga's Project Statement](#)  
[FIGURE 3 - Shuga's Zoning Exhibit](#)  
[FIGURE 4 - PlanCOS Vision Map](#)  
[FIGURE 5 - DP Letter of Support](#)  
[Additional Public Comments](#)  
[7.5.803.B Use Variance Review Criteria](#)  
[Shugas\\_ Additional Public Comments 031722](#)

**This Planning Case was approved on the Consent Calendar**

**4.K.**     [CPC NV](#)           The Shuga's Non-Use Variance to allow 1,100 square feet of expanded outdoor seating which requires 6 additional off-street parking stalls where 0 off-street parking stalls are provided.  
[21-00139](#)

(Quasi-Judicial)

Presenter:  
Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department

**Attachments:** [7.5.802.B Nonuse Variance Criteria](#)  
[7.5.802.D Parking & Storage](#)  
[7.5.802.E GuidelinesforReview\\_NonuseVariance](#)

**This Planning Case was approved on the Consent Calendar**

### Airport Creek Apartments

- 4.L. [CPC CU 21-00097](#) A conditional use development plan for the Airport Creek Apartments project illustrating a 134-unit multi-family development and ancillary public and private site improvements. The site is located southwest of the Airport Drive and South Powers Avenue intersection and consists of 5.78 acres.

(QUASI-JUDICIAL)

Presenter:  
Tasha Brackin, Senior Planner, Planning & Community Development

- Attachments:** [CPC Report Airport Creek Apts CUDP Development Plan](#)  
[Project Statement](#)  
[Plan COS Vibrant Neighborhoods Map](#)  
[PlanCOS Vision Map](#)  
[7.5.704 Conditional Use Review](#)  
[7.5.502.E Development Plan Review](#)

**This Planning Case was approved on the Consent Calendar**

Approval of the Consent Agenda

Approval of the Consent Agenda

**Motion by Commissioner Rickett, seconded by Commissioner Eubanks, 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**

**Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Commissioner Raughton and Commissioner Graham

### 5. ITEMS CALLED OFF CONSENT

#### American Medical Response

- 4.C. [CPC UV 22-00020](#) A Use Variance Development Plan for the American Medical Response project to permit an administrative and safety services use type in the PIP-2/HS (Planned Industrial Park with Hillside Overlay) zone district, located at 980 Elkton Drive.

(Quasi-Judicial)



**Presenter:**

William Gray, Senior Planner, Planning & Community Development Department

**Attachments:** [Staff Report AMR UV 02282022](#)[Use Variance Development Plan](#)[Project Statement](#)[Vicinity Map](#)[PlanCOS Vision Map](#)[Context Map](#)[Pinecliff HOA Concerns & Response](#)[980 Elkton Response to Public Comment v2](#)[7.5.803.B Use Variance Review Criteria](#)[7.5.502.E Development Plan Review](#)[7.5.801 Purpose - Variance](#)**Staff presentation:**

William Gray, City Planning, presented a PowerPoint with the scope and intent of this project.

**CPC CU 21-00032**

A Use Variance Development Plan for the AMR Elkton to convert a developed manufacturing/general office building into an administrative and safety services use in a PIP 2/HS (Planned Industrial Park with Hillside Overlay) zone district. (Quasi-Judicial)

**Site Details:**

- Zoned PIP2/HS (Planned Industrial Park with Hillside Overlay)
- The project site is not part of a master planned area
- The site is within the Planned Industrial Park are of Elkton Dr
- The project site is fully developed - improvements include existing building, asphalt paved parking, access drives and landscaping

**Public Notification and Involvement:**

- Public notice was mailed to 50 property owners, on two occasions: internal review and prior the Planning Commission hearing
- The site was also posted on the two occasions above
- City Planning staff received one (1) public comment on the project

PlanCOS Conformance:

**Ch. 3 - Unique Places**

- “*Embrace Creative Infill, Adaptation, and Land Use Change*”, has Goal UP-2 that states:

“Embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market.”

**Ch. 4 - Thriving Economy**

- “*Expand Our Base*”, also has Goal TE-4 that states:

*“Focus on productively developing and redeveloping areas already in, nearby, or surrounded by the city in order to preserve open spaces, maximize investments in existing infrastructure, limit future maintenance costs, and reduce the impacts of disinvestment in blighted areas.”*

Recommend approval to Planning Commission a Use Variance Development Plan for the American Medical Response project, based upon the findings that the Use Variance meets the review criteria for granting a use variance, as set forth in City Code Section 7.5.803(B) and the development plan review criteria, as set forth in City Code Section 7.5.502(E) with the following conditions of approval:

1. Drainage letter is approved by City’s Stormwater Enterprise.
2. Geologic Hazard Study Waiver approved by City’s Engineering Development Review and Planning and Community Development.

**Applicant Presentation:**

Theresa Wall, AMR

Scott Lynn, AMR

Justin Petersburg, Torgerson Design Partners, Architectural Consultant for AMR across the nation

Ms. Wall said that Mr. Gray represented the use of the building and had no further comments.

**Questions:**

N/A

**Supporters:**

N/A

**Opponents:**

Becky Fuller, Member of the Pinecliff HOA

- Ms. Fuller said she was not necessarily opposed to the project
- The concern is that the Pinon Glen HOA was notified, but the Pinecliff HOA was not notified
- Does not understand the lack of notification and has not had an opportunity to get questions fully answered
- Limited information available to the public prior to the Agenda being published
- Incomplete information due to failure of Planning to notify
  - 3/10/22 PHOA received notice from CONO about development.
  - Email sent 3/10/22 (Thursday) asking about traffic plan (indication in planner docs there in one in hard copy), noise and lights. Provided City created study of GOG from Nevada to Forge created in January 2022.
  - Requested a response 3/14/22 (Monday late afternoon) as one had not been received. Response: “A Traffic Report/Study was not required for the application, and I am working on getting answers regarding ambulance traffic and noise. The lighting of the site will not be changed with the proposed conditional use.”

Other questions were not answered.

- Further question asked 3/14 about number of employees, ambulances, and other traffic implications. Response received after 5 pm 3/16.
- Due to response time from Planning, PHOA is unable to review information or ask additional questions prior to this hearing.
- We appreciate the time, effort and cost undertaken for the applicant to get to this point. Because Planning failed to provide notice to our neighboring HOA, we have not had time to thoroughly understand the request and have our questions answered and concerns addressed.

**PHOA respectfully requests postponement to a date certain of this agenda item so we can accomplish what was missed due to lack of notice.**

- Approval criteria not met
  - 3. That such variance will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property.
  - The applicant just states in their application that it will not be injurious stating “The proposed use is consistent with the future land use and adjacent existing land uses.”
  - The planner notes an exception:
  - The exception to this is the parking of off-duty ambulances. However, these vehicles will be screened from the public street.
  - PHOA: The specific screening plan has not been disclosed. Our neighborhood is above this property and screening could be a significant challenge.
  - There is no discussion of traffic impacts of this project, just that the traffic department “had no issues or comment”. We do not know if traffic even read the application.
- Traffic
  - PHOA is grateful to COS Traffic Engineering for the Operations and Safety Audit of Existing Conditions referenced in the prior slide.
  - The report confirmed what we as neighborhood users already knew, the roads are overburdened as is and there are many dangerous access points; particularly between I25 and Chestnut. Many of the danger points could be remedied at relatively low cost, but this is not in the City’s budget or plan at this time.
  - These LOS are reported before the 1,000 Amazon facility car trips per day are added to the system, or this proposed project. The Amazon traffic study notes that they will access GOG from Chestnut (not Forge). It also rates the intersections at a higher letter grade LOS than the City does. The Elkton and Rusina intersection was not included in the study, but with the current LOS at Chestnut, it is inevitable traffic will divert to this intersection.
  - When the water main ruptured on EB GOG in July 2021 and the road was closed, diverted traffic had a significant impact on our neighborhood. We were mostly unable to leave the

neighborhood from Point of the Pines headed east primarily due to backed up traffic from Rusina and secondarily from lack of other driver courtesy.

- Pinecliff is undoubtedly negatively impacted by continued increase in vehicle count without any improvement to the system. Not addressing this significant issue is unjust to the neighbors and detrimental.
- We could go on about traffic, including the already too short turn lanes to I25 that cause GOG to be a two lane through road at several locations, but expect our point is taken.
- Automotive storage yard is not an allowed use in PIP-2
- Equipment storage yard is a conditional use
- As submitted, this plan does not meet the approval criteria and we respectfully request the application be denied.
- With our limited time to respond, we did not have an opportunity to fully vet approval criteria 1 regarding extraordinary circumstances or conditions.

Carl Peterson, Pine Cliff HOA

- Agrees fully with Becky Fuller's comments
- Need to discuss this further

Christine Thomas, current president of Pine Cliff HOA

- Pine Cliff HOA was not notified of this project until a few days ago
- It is frustrating when these things get pushed through and frustrated with the level of activity and the impact that is going to affect 650 homes that are trying to get out
- After Waldo Canyon fire, the neighborhood knows how difficult it is to get out and that needs to be addressed

**Questions of Staff:**

Chair Hente asked for Mr. Gray to specifically address the issue of notice for this HOA.

Mr. Gray explained that standard notification went to all property owners within 1000 feet. Also notified are any adjacent homeowner associations. Both the Pine Glen and Pinecliff HOAs were notified. The city also utilizes CONO who also sends out or reaches out further to provide notification to the adjacent neighborhoods. In the case of the Pinecliff HOA, an email was received with concerns on whether Pinecliff was getting notified of applications. Mr. Gray said he committed to making sure that if the city had an incorrect email, he would make sure our system was updated so in the future they would be included.

Mr. Gray added he believed notification did work because all of those HOAs were able to be notified and provide comment and input for this application.

Mike Tassi, Assistant Planning Director, added further clarification that the city does rely on CONO for the layer that includes all HOAs within the City of Colorado Springs. The city just received that updated layer this week, and so as staff merges our system with their system, it will provide some clarity at

least on the location of those HOAs. For this particular HOA, there were 5 or 6 homes that were touched in the 1000 foot buffer, and they did receive direct notification, including the sign that Bill (William Gray) had mentioned.

Chair Hente asked if this particular HOA was notified. Mr. Tassi said this HOA was notified by CONO. Mr. Tassi said he believed the concern was that they did not receive the 10 day notification. That notification is beyond what code requires. Code requires 1000 foot and the sign posted on the property; however, the city takes the extra step of coordinating with CONO to send those notifications to HOAs within that proximity.

Commissioner Almy said he was concerned about the notification and that there are some overlapping issues here. Commissioner Almy wanted to know when the homeowners association was officially notified. Mr. Tassi said that information might not be available as we do send this information to CONO and then they in turn notify those HOAs. Mr. Gray said the city cannot confirm if anyone gets notifications because notification is by First Class mail and poster. To get confirmation on notification, it would require certified mailings to people. This application was notified as it was required to be to meet the code requirements and staff also tried to notify beyond those code requirements. Mr. Gray said he apologizes to the HOA, as he stated in his email to her. The city is committed to making sure that notification is provided to these neighborhoods and staff is updating and merging our lists with CONO.

Commissioner McMurray asked for one final clarification, and that is the notifications to the HOAs are not part of that requirement per code. It is effectively a courtesy notification, a best practice. Mr. Gray said for example, staff pulls up CityView and turn on the layer list for HOAs. Mr. Gray said it is a difficult task to find the HOAs layers since they are private entities. They are not necessarily something that the local governments always keep track of, but in the City, we have done so, but yes, this is an additional notification above and beyond what is simply required by code.

Ms. Katie Carleo, Land Use Review Manager, clarified that City Code requires a poster on the property for 10 days. The next step that is beyond city code is that we buffer any property by 1000 feet and send postcards. Beyond that, we try our best to keep up an HOA layer that is provided from CONO and we take that next step and go and send information to CONO.

Commissioner Almy asked why there are two pending reviews that have not taken place and wanted to know the reason why those are delayed. Mr. Gray explained the GEO Hazard waiver and drainage letter were required before of the 3000 foot addition. Both Engineering and SWENT were comfortable moving this forward because with the 3000 square foot addition, there was not any significant changes to the drainage pattern. But with that additional and site disturbance, there is a requirement for an addendum to the existing drainage report. Since this is Hillside and west of I-25, a geohazard study is also required. However, this site qualified for a waiver, and it really is the timing of being able to get those professionals on board to complete those. There were no substantive comments to the application and saw no reason why it could staff could not make a recommendation to approve with these two conditions.

Commissioner Rickett asked Mr. Todd Frisbie, City Traffic Engineering, to address the neighborhood concerns on traffic. Mr. Frisbie said staff did not require a traffic study in this case because there were no changes in the access point. Staff felt that the potential trip generation for the use would be similar, possibly less, than what was at the site before.

Mr. Frisbie said they did an operational safety evaluation for specifically, Garden of the Gods corridor from Chestnut or Forge to I-25 to see what kind of changes we needed to do in the corridor to address primarily safety patterns, safety issues, and some operational issues related to queueing and vehicle spilling out of left turn bays. There were improvements identified and a grant application was submitted for safety funds to implement the recommendations.

**Rebuttal:**

Justin Petersburg, Torgerson Design Partners

- Complied with all of the requirements per the city use variance process, including notifications
- Sounds like the concerns are more with a different project, perhaps with traffic engineering concerns thrown in
- To fully address the use variance for this project, all information that was required for traffic, drainage, and the design have been provided
- This use is for administrative and safety service
- AMR will be dispatching throughout this community with safety services and providing that to the community directly

Theresa Hall, AMR

- Traffic is less than 10% of what has been cited for another project
- The administrative offices will not be located at this site

Scott Lenn, Vice President of Operations for AMR

- Employees will be coming in early in the morning to pick up their ambulance, and they will drive out into the community
- There will not be a lot of ambulance traffic
- This project will bring less traffic than the Amazon project, which is probably the issue
- AMR wants to be a good neighbor

Blake Polk, Director of Real Estate for AMR

- The site has been in existence before this project and has over 200 parking spots
- Whether AMR comes in or another company to occupy the building, it would still have the same traffic count more or less than what is currently being proposed

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

Commissioner Almy said he was in favor of overall but understood the concern about the Amazon facility disrupting the traffic patterns. This application should not be held up because of that, but the Amazon proposal needs to be well

looked at. The other issue is the concern of notification. Commissioner Almy said he understood what code says and what practices evolved to, but if we are going to evolve, should the code be updated, or should we just add to our procedures to try and make a better sweep to make sure that we get public input in a timely fashion in order to support these things?

Commissioner Rickett said he would second Commissioner Almy's concerns and opinions. He does believe this project should move forward. He understood the concerns of the neighborhoods as well on notification by City Code. He added that hopefully in the future, the neighborhood organizations and HOAs will have earlier notification based on the updated information in CONO. Commissioner Rickett said he did not believe this project would actually increase the traffic in the area.

Commissioner McMurray voice appreciation to the HOA for coming out. He said if he had any concerns about the traffic impacts, it would be a source of concern. Given that he believed the code was met and based on the valuation by the traffic engineers of this instance, he would be voting in support.

Chair Hente said he has issues with the notification of the HOAs. He urged the planning department to improve that notification. He said he understood staff was relying on CONO, but it seemed to him that we could do even more. He does not want to have other HOAs come to the planning commission and say they were not notified. He said he has no problems with the with this project or with the traffic but does have serious concerns about the notifications that go to the HOAs and wants to make sure that that process is cleaned up to the best extent possible.

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to approve a Use Variance Development Plan for the American Medical Response project, based upon the findings that the Use Variance meets the review criteria for granting a use variance, as set forth in City Code Section 7.5.803(B) and the development plan review criteria, as set forth in City Code Section 7.5.502(E) with the following conditions of approval:**

- 1. Drainage letter is approved by City's Stormwater Enterprise.**
- 2. Geologic Hazard Study Waiver approved by City's Engineering Development Review and Planning and Community Development.**

**The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Commissioner Raughton and Commissioner Graham

**6. UNFINISHED BUSINESS None**

**7. NEW BUSINESS CALENDAR**

**Creekwalk North Appeal**

- 7.A. [AR DP 21-00551](#) An appeal of the Planning Commission's action to deny an appeal regarding the Creekwalk Filing 1 Development Plan which illustrates the construction of a new 23,175 square foot grocery store on a 2.7-acre site located on the southwestern corner of S. Nevada Ave. and E. Ramona Ave.

(Quasi-Judicial)

Related File: AR FP 21-00552

Presenter:

Ryan Tefertiller, Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning and Community Development Director, Planning and Community Development Department

**Attachments:** [Appeal Statement to City Council](#)  
[Creekwalk Appeal Council Presentation RBT 042622](#)  
[City Council Hearing - Creekwalk North Powerpoint for 4.26.2022](#)  
[KH Creekwalk North City Council Apr 26 2022](#)  
[stakeholder email](#)  
[CPC Minutes\\_CreewalkNorthAppeal\\_draft](#)  
[Creekwalk North Appeal CPC Staff Report 031722](#)  
[Creekwalk North Appeal to Planning Commission Application](#)  
[FIGURE 1 - Creekwalk North Appeal Statement](#)  
[FIGURE 2 - Creekwalk North Response letter](#)  
[FIGURE 3 - Creekwalk Filing 1 DP APPROVED 012022](#)  
[FIGURE 4 - Creekwalk Filing 1 plat APPROVED 012022](#)  
[FIGURE 5 - Creekwalk North Zoning Exhibit](#)  
[FIGURE 6 - Appellants Request for Postponement](#)  
[FIGURE 7 - Creekwalk Response to Postponement](#)  
[FIGURE 8 - Creekwalk BID Response to Postponement](#)  
[FIGURE 9 -](#)  
[Creekwalk North Filing No 1 2021.12.16 ApprovedDrainageRpt](#)  
[7.5.906 \(B\) Appeal of Commission-Board](#)  
[7.5.502.E Development Plan Review](#)

Mr. Ryan Tefertiller, Urban Planning Manager, relayed to the Planning Commissioners that the applicant conveyed that they would like to raise the issue of the appellant's standing on this project.

City Attorney, Lisa O'Boyle explained to the commission that while standing is an appropriate threshold consideration, the City Code does have a very liberal standing requirement, and that is any person aggrieved by the appealable



administrative decision. The commission is free to consider the issue of standing; however, the commission is also free to determine that standing is met without hearing it.

Mr. Tefertiller added that when the appeal was first filed, staff did review code regarding the issue of standing and felt that given the liberal language in the code, that standing was likely met.

Chair Hente said he would take city attorney Lisa O'Boyle's interpretation in that it is liberal and asked if any of the other commissioners had an objection to that. There was no objection and the hearing proceeded.

**Staff presentation:**

Ryan Tefertiller, City Planning, presented a PowerPoint with the scope and intent of this project.

**Appellant:**

Randall Weiner, representing Protect Colorado Springs, presented a PowerPoint with concerns regarding this project.

- Opposed to the private underground detention facility
  - Normally these kinds of detention facilities are meant to be surfaced detention facilities
  - Colorado Springs has a long history of reluctance to approve these underground detention facilities
    - They are hard to maintain and hard to make sure that they are not causing a problem in terms of water quantity or water quality pollution
    - Colorado Springs has historically outlawed these
- Water pollution potential created by the storm water chamber that is proposed beneath the expanded parking lot for this facility
- The underground detention facilities have been heavily regulated by the city historically and that regulation is through the Drainage Criteria Manual (DCM)
- Most developers would put a surface detention pond on their facility rather than try to put an underground chamber
- DCM states, "Publicly maintained underground control measures may only be installed on behalf of public projects," but the applicant plans to make its routine and annual maintenance the responsibility of the Creekwalk Business Improvement District, a public entity.
  - This violates the operating plan of the Business Improvement District that also makes the public responsible for the applicant's private decision to avoid having above ground detention or purchasing or leasing additional land for this purpose
  - The applicant has provided insufficient paperwork
    - The DCM prohibits underground detention except through a variance process, which requires detailed studies, plans, and calculations to determine if underground detention is appropriate
  - DCM requires volume reduction and only allows underground storage at select locations

- Concerned about the StormTech Chamber
  - Requirements
    - StormTech chamber keep captured organic material, dry and mitigate leaching of nutrients from leaves and grass clippings, have an approved monitoring inspection and maintenance program
      - The way this underground Stormtech chamber will be maintained is that every so often, a truck will come and stick a hose down a manhole cover and suck out any leaves that may have been accumulated over time. Mr. Weiner said they do not believe that meets the requirement to have dry materials and to have an improved monitoring inspection and maintenance program
      - It is practically impossible to maintain and inspect an underground chamber like this that is going to be under concrete
  - There is a new policy that allows these facilities somewhat reluctantly in other places, but it can only be done if a 5-step process has been completed.
    - Includes the BMP is designed to provide full releases in less than 12 hours
    - Certain requirements involving TSS
    - None appear to have been done
- Other concerns:
  - Cause more water pollution
  - Cause a problem as far as detaining water and flood which could have a problem for flood control in the future
  - The business improvement districts should not be allowed for private purpose
    - Problem that business districts have been utilized for development to the detriment of minority members of those business improvement districts
    - Why did not Sprouts or the developer at their own cost figure out a way to deal with detention?

**Applicant Presentation:**

Jim Houk, Kimley-Horn

Eric Gunderson, Kimley-Horn

Danny Mientka, The Equity Group/owner

Mr. Houk presented a PowerPoint with the intent and scope of the project, as well as response to the appellant's concerns.

- Zone Change
  - Zone change introduced a very small change in the overall existing area land use
  - The project opens the door for the first ever stormwater management tools to the neighborhood
  - Only 0.308 acres of land use change with this application
  - The treatment of site plans and technical aspects of stormwater

- and traffic are all consistent with what has already been done
- This is a very small change in zoning that will influence the overall plan moving forward
- Business Improvement District (BID) is taking on ownership of the property, the installation, the maintenance, and long term care of this facility
  - Also addressing some of the ills of this corridor with street improvements, signalization, and stream and creek improvements
- Stormwater aspects (Eric Gunderson, Engineer who provided the variance request and final drainage reports as part of the project)
  - City staff justified the application of the stormwater variance
  - The variance request was reviewed and approved by the City of Pueblo
  - The proposed StormTech underground detention system complies with many of the national standards, including those standards of the Mile High Food District and also with the city of Colorado Springs drainage criteria manual
  - Technology has been around for 20 plus years and is one of the more widely accepted underground detention systems used in Colorado
  - This is part of a two-phase project
    - The same exact system was designed, reviewed and approved as part of Creekwalk South and is currently in operation
    - Mr. Gunderson showed slides of the existing StormTech system to the south and explained how they worked and is best used for underneath parking lots
  - Maintenance of these systems is very easy
    - There are inspection ports in each of the chambers so that the level of sediment collected can be evaluated
    - When the chambers need to be cleaned out, they are cleaned out with a jet vac truck which can suck out the leaves or other materials that get caught in the chambers
    - A high pressure jet vac will flush out any remaining debris or at least flush it out towards the inspection ports that can then be sucked out of there and removed from the system
    - Manufacturers recommend inspecting the system on a six month basis for the first two years, and then the owner/operator can evaluate their inspection schedule moving forward
    - An inspection and maintenance plan is required by SWENT to be included with the project, which goes on file and is on record with the City of Colorado Springs
    - This underground detention system that is being

- proposed for the Sprouts site only and not for a larger development area, which was misstated earlier by the appellant
  - This is not the first ADS StormTech system to be proposed or approved within the city. These are installed in multiple sites across the city
  - The site today does not have any water quality treatment or any flood control, so this is an improvement in both of those areas
- Development Criteria (Jim Houk)
  - Improving the neighborhood
    - Creek and Habitat improvements
    - Streetscape upgrades
    - Pedestrian safety improvements
    - Driveway closures and improved compacity of Nevada
    - Champion for signalization and lane improvements along Cheyenne Rd and Nevada Ave
- Danny Mientka
  - The appellant's challenges were first submitted on the eve of City Council's review of the Creekwalk North Commercial concept plan
  - Senior staff thoroughly addressed the complaint before City Council unanimously approved the plan
  - Despite this, the appellant monitored the administrative approval process of the development plan and the final plat and then strategically appealed at the last moment, which pushed this matter to the March Planning Commission, maximizing the delay of these approvals
  - Despite eight offers to meet with the appellant's Boulder based law firm and their clients, not one meeting or call to discuss our design, their grievances, or concerns were accepted
  - This appeal required financial support and does not ring of local community members that object to our revitalization of Cheyenne Creek
  - There have been zero complaints about the Sprouts development, only excitement that real change is happening in this urban renewal plan
  - Sprouts Corporate chose the South Nevada Avenue corridor over another competing city based upon assurances that the store could be opened by Thanksgiving 2022
  - The appeal has frustrated our commitment and has frustrated the City's Rapid Response program that was implemented in support of bringing important developments to market timely like Sprouts in an Urban Renewal plan
  - This has caused a full stop on the building plan review, execution and recordation of the final plat, and the approved development plan has been suspended
  - The review of the appellant's complaint should be respected

so that our development process in El Paso County is predictable and fairly administered

- Protect Colorado Springs does not appear to be organized with the Colorado Secretary of State, nor can we find any presence on the internet of this aggrieved organization
- The appellant must have standing
- Given the lack of transparency and strategic actions to frustrate development within the community, it is reasonable to understand who is behind the curtain
- Mr. Mientka requests the Planning Commission establish the individuals and their addresses before this appeal hearing so that we can be confident that the policies relating to appeals is respected and not abused

**Questions:**

Commissioner Wilson asked why this specific underground system chosen versus above ground option? Mr. Mientka said these systems are really today's best practices. They are the best utilization of real property. South Nevada is extraordinarily expensive to redevelop so in order to make economic sense of these developments, undergrounding the detention allows us to utilize the property in two ways. The detention and treatment is provided, and parking on top of it is also supported. It helps with the economics and it also provides the ability to see more development as we better utilize that real property.

Mr. Houk added the key to that as the developable area results in the benefits that the Business Improvement District and the Urban Renewal Authority has over approving the corridor and the area as a whole. It's through the TIF. It's not a statewide or citywide tax that is funding these improvements, it's a localized tax system.

Commissioner Slattery said she was not opposed to an underground system and understood they were used in Colorado Springs previously. They are pretty expensive overall and they are for urban development. Commissioner Slattery asked in regards to the maintenance and upkeep of the system, how was that being paid for, as the BIDs are a quasi-governmental entity. How does that law relate? Another question was is this detention system size for the entire north development or will we see other needs for stormwater control as the rest of that northern portion is built out?

Mr. Mientka said the Creekwalk Marketplace Business Improvement District owns the parking lot area. They will install the detention and the district will maintain that facility. The cost of maintaining that will be borne by the retailer Sprouts. It is only sized for the Sprouts development. The operating agreement for the BID does allow stormwater management and stormwater facilities. It is an allowable operation of that district.

Commissioner Rickett commented that he has built one of these underground systems in Pueblo and found that they actually produce better water quality through the underground detention and release than what he has seen with surface detention. Commissioner Rickett's asked how long does the district stay in existence and if the district eventually went away, does that responsibility

of maintenance go back to the city. Mr. Mientka explained that the district has an endless life effectively, it will continue on. As it grows throughout the south Nevada corridor, the tenants can become board members, property owners can become board members, and it will continue with its maintenance responsibilities and its debt service responsibilities.

Ms. Erin Powers, compliance program manager with Stormwater Enterprise, explained the issue of public versus private in our criteria. For the purposes of stormwater criteria, staff considers anything that is maintained by the City or by an enterprise of this city as being public, and anything that is not maintained by the city is private. That is how we delineate between those two. So, under stormwater criteria, this is a private system. Ms. Powers also clarified that for every permanent control measure, like this one, the city requires a maintenance agreement to be recorded with the property, so if the property is ever sold, the requirement for maintaining it and annual reporting stays with the property.

Commissioner McMurray asked for someone to elaborate on the drainage criteria for the variance in the DCM. Mr. Gunderson said he did not have the criteria in front of him but stated it includes high level project information, calculations about the proposed detention system, and alternatives evaluated as part of that. He added the city reviewed the variance letter per code, as well as the City of Pueblo. Ms. Powers said this is a sedimentation based facility, not a filtration based facility, and so the requirement for that is that the minimum water quality volume drain time is 40 hours. This particular facility is designed to drain in 42 hours, so it is exceeding the minimum. In the city's criteria, meeting the drain time is considered to meet the requirements for adequate pollutant removal.

Commissioner Rickett asked Ms. Powers to address the appellant's comment on the 5-step process. Ms. Powers said the city has a policy clarification posted online for the approval of the underground facilities, and it states that a variance allowing for the use of an underground BMP may only be granted if the design engineer can effectively defend the need for nontraditional BMP's, and so the variance committee considered that to be met. The underground facility is designed to provide full release of the water quality volume in no less than 12 hours if using filtration based process. The underground BMP is designed to provide full release of the water quality volume in no less than 40 hours if utilizing a sedimentation based process, which is the standard that this particular facility meets. Also, as a requirement for filtration based facilities, that does not apply to this facility, adequate and sound engineering analysis showing that the downstream conveyance systems are adequately sized to handle the receiving flows has been provided. Staff determined that was provided in the drainage report. The last one is that adequate and sound engineering analysis has been provided showing that the policies regarding requirements for detention as described in Chapter 3, Section 6 of the DCM are fulfilled and that was also part of the variance approval process.

Peter Wysocki, Director of Planning & Community Development, asked Ms. Powers to brief the Planning Commission on the variance process itself, like who approves the variance and when the application is provided. Ms. Powers said a when a variance is filed, it is reviewed by the city's Stormwater Variance

Committee, unless it is routine. Once the Stormwater Variance Committee approves the variance, the city's intergovernmental agreement with Pueblo County requires the city to give Pueblo County the opportunity to review and comment on variances. The variance committee approved it, and then the variance was sent to Pueblo County, and the county indicated they had no comments on this variance.

**Supporters:**

N/A

**Opponents:**

N/A

**Questions of Staff:****Rebuttal:****Mr. Weiner:**

- Public funding of a private stormwater facility is unlawful:
  - All routine and annual maintenance will be the responsibility of the Creekwalk Business Improvement District. Mr. Weiner said he was confused because the BID attorney confirmed that under city law, this is considered to be private. How can a private improvement legally be paid for by a public entity?
  - Publicly maintained control measures may only be installed on behalf of public projects or programs so that seems to be an illegality there
- Treatment:
  - One method of treating is allowing for sedimentation when sediment falls out of water down to the bottom, but the reality is if it falls out to the bottom, but the reality is if it falls out to the bottom, it goes somewhere, and where it goes is into those tubes. It's not going to be possible to inspect those tubes in case there's a tear except perhaps in those small places where there's an ability to see how much settlement has been created. Overall, it's a hard system to detect a problem if it occurs.
  - The developer said that this is the cheaper way to do things in that the land would be used for future development instead of a detention pond. Certainly from a developer 's point of view, it's a wise approach to put this kind of detention facility underground but cost should not be guiding your determinations. Is it wise in the long term to have such detention facilities?
  - Mr. Weiner said he still has not seen the figures for the variance letter outlining the 4-step program, even though staff said it was completed

**Applicant:****Eric Gunderson, Kimley-Horn**

- Clarifications:
  - The chambers are not small and are actually quite large. They

range on sites from 2 to 4 feet in diameter. Their inspection ports (or cleanouts) that allow visual inspection of the chambers by use of a common video snake. You can definitely see inside the chambers to determine the level of maintenance that will be required in the long term.

- The chambers do collect the sediment at the base of these chambers. There is nonwoven geotextile fabric, which the sediment will land and collect, and that's part of the maintenance by getting a Vac truck in there and pulling that sediment out so it does not get into the public storm system
- 4-Step Process
  - The four step process is addressed in the final drainage report, which was approved

#### **Danny Mientka, The Equity Group**

- It is a little confusing when the criteria describe anything not constructed or maintained by the City or a related enterprise as being private. In this case, it is a public parking lot that a government agency, Creekwalk Metro District, will own. So, it is public. It is legally able to be paid for by the district.
- The concern is that this will be appealed to City Council
  - The cost and damage involved due to the appeal
    - The level of monitoring on this project
    - The amount of staff time that has been invested in this project
    - The response at City Council who thoroughly vetted this issue in September of 2021
    - For it to be appealed to the Planning Commission, is it not reasonable to ask the aggrieved party to identify themselves?
      - Are they local? Do they have standing? What is their address?
      - It is critical for this Planning Commission to have that information from the appellant, so that City Council is clear this was discussed and made aware to City Council if this is appealed again

#### **DISCUSSION AND DECISION OF PLANNING COMMISSION:**

Commissioner Almy said we've heard a lot about the merits of the project, and he did not want to undersell those at all. He believed this whole development is beneficial to the city and to the populace. The real question regarding the appeal is all technical and engineering specs. As such, he believed all the comments the appellant had as been addressed well by the program manager and by city staff. Commissioner Almy said he would be voting to deny the appeal.

Commissioner Almy asked if the commission wanted to get the appellants contact information and who Mr. Weiner was representing to put that on the record. Chair Hente asked for Lisa O'Boyle, city attorney to address that.



Ms. O’Boyle said the requirement for standing is merely an aggrieved party. There is no requirement to provide any information on who is being represented, and so that probably would not be appropriate in this setting. It is pretty broad as to who can be an aggrieved party.

**Motion by Commissioner Eubanks, seconded by Commissioner Almy, to denial of the appeal, upholding Staff’s administrative approval of the Creekwalk Filing 1 Development Plan, based upon the finding that the application complies with the review criteria in City Code Section 7.5.502.E, and that the appeal criteria found in City Code Section 7.5.906.A.4. are not met.**

**The motion passed by a vote of 7:0:2:0**

- Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks
- Absent:** 2 - Commissioner Raughton and Commissioner Graham

- 7.B. [AR FP 21-00552](#) An appeal of the Planning Commission’s action to deny an appeal regarding the Creekwalk Filing 1 subdivision plat which created one lot and one tract on a 2.7-acre site located on the southwestern corner of S. Nevada Ave. and E. Ramona Ave.

(Quasi-Judicial)

Related File: AR DP 21-00551

Presenter:  
 Ryan Tefertiller, Planning Manager, Planning and Community Development Department  
 Peter Wysocki, Planning and Community Development Director, Planning and Community Development Department

- Attachments:** [7.5.906 \(A\)\(4\) Administrative Appeal](#)  
[7.5.906 \(B\) Appeal of Commission-Board](#)

**Motion by Commissioner Eubanks, seconded by Commissioner Almy, to deny the appeal, upholding Staff’s administrative approval of the Creekwalk Filing 1 Subdivision Plat, based upon the finding that the application complies with all standards and procedures within Article 7 (Subdivision Regulations), of Chapter 7 of City Code, and that the appeal criteria found in City Code Section 7.5.906.A.4. are not met.**

**The motion passed by a vote of 7:0:2:0**

- Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks
- Absent:** 2 - Commissioner Raughton and Commissioner Graham

**Overlook at Spring Creek**

- 7.C. [CPC V 21-00213](#) An ordinance vacating portions of a public right-of-way along Springs Vista Street consisting of 0.131 acres.

(LEGISLATIVE)

Related Files: CPC PUZ 21-00081, CPC PUP 05-00176-A1MJ21, CPC PUD 21-00080

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development  
 Peter Wysocki, Director of Planning and Community Development

- Attachments:** [ORD\\_VROW\\_SpringsVistaStreet](#)  
[Exhibit A - Legal Description Vacation](#)  
[Exhibit B - Vacation Plat](#)  
[7.7.402.C Vacation Procedures](#)

Scott Hente, Chair of the Planning Commission, disclosed that he had a private business relationship with Mr. Jim Byers (applicant) several years ago. Chair Hente stressed he had nothing to do with Challenger Homes and did not believe his prior business arrangement with Mr. Byers would influence his decision on this project.

**Staff presentation:**

Tasha Brackin, City Planning, presented a PowerPoint with the scope and intent of this project.

General Information:

**Site Details**

- Existing Zone/Use: 2.97 acres; Zoned PUD-Commercial; Vacant
- Proposed Zone: PUD-Residential, 11.79 units per acre, maximum height 36 feet
- Proposed Land Use: Residential, density of just under 12 units per acre
- Proposed Development: 35 single-family residential units
- Proposed ROW Vacation: Sliver of Springs Vista Street (planned for angled commercial parking)

**Public Notification and Involvement** - Seven written comments received upon initial notification; no follow-up comments upon public hearing notification

**Proposed Zone: PUD (Residential)**

- Consistent with concurrent amended concept plan application
  - Allows small-lot single-family residential use
- Adjacent to Multi-family residential development to west and north

(townhomes and small-lot single-family)  
 - Spring Creek Master Plan (Implemented)

**Proposed Use:**

35 Single-Family small lot units  
 Density:  
 11.79 units per acre  
 Maximum height:  
 36 feet  
 Parking:  
     129 total spaces provided  
     13 guest spaces provided  
     46 driveway spaces provided  
     70 garage spaces provided  
     3.7 spaces provided/unit

**PlanCOS Conformance:**

- Chapter 2 - Vibrant Neighborhood: “Embrace Creative Infill, Adaptation, and Land Use Change”
- **Goal UP-2:** *“Embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market.”*
    - **Policy UP-2.A:** *“Support infill and land use investment throughout the mature and developed areas of the city.”*
  - Chapter 5 - Strong Connections: “Maximize Existing Capacity”
    - **Policy SC-1.D** - *Establish and Maintain multimodal connections between neighborhoods, local destinations, employment and activity centers, and Downtown*
  - Chapter 4 - Thriving Economy: “Embrace Sustainability”
    - **Policy TE-4.A** *“Prioritize development within the existing City boundaries and built environment (not in the periphery).”*
  - **Goal TE-1 and Strategy TE-1.C-3** *“Ensure an adequate supply of attainable housing for the workforce across all industries, and that it is conveniently located near hubs of employment and/or public transportation.”*

**Applicant Presentation:**

Phil Stuepfert with HR Green  
 Jim Byers, Challenger Homes  
 Erin Ganaway, Challenger Homes

Mr. Stuepfert spoke to the zone change and thought their proposal fits very well with the surrounding uses.

**Questions:**

None

**Supporters:**

None

**Opponents:**

None

**Questions of Staff:**

None

**Rebuttal:**

None

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

None

**Motion by Vice Chair McMurray, seconded by Commissioner Eubanks, to recommend approval to City Council a vacation of public right-of-way for Springs Vista Street, retaining public utility and public access easements, consisting of 0.131 acres or 5,724 square feet., based upon the finding that the application complies with the review criteria in City Code Section 7.7.402.C. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Commissioner Raughton and Commissioner Graham

- 7.D. [CPC PUZ 21-00081](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 2.97 acres located at the northwest corner of South Union Boulevard and Hancock Expressway from PUD (Planned Unit Development: Commercial) to PUD (Planned Unit Development: Residential, 11.79 dwelling units per acre with a maximum building height of 36 feet).

(QUASI-JUDICIAL)

Related Files: CPC PUP 05-00176-A1MJ21, CPC PUD 21-00080, CPC V 21-00213

**Presenter:**

Tasha Brackin, Senior Planner, Planning & Community Development  
Peter Wysocki, Director of Planning and Community Development

- Attachments:** [ORD\\_ZC\\_OverlookAtSpringCreek](#)  
[Exhibit A - Legal Rezone](#)  
[Exhibit B Rezone](#)  
[Overlook at spring creek- staff presentation](#)  
[APPLICANT PRESENTATION Overlook at SC - PC meeting 3-17-22](#)  
[HR Green](#)  
[CPC Staff Report Overlook](#)  
[Development Plan](#)  
[Project Statement](#)  
[Public Comments](#)  
[Zone Change Exhibit](#)  
[Concept Plan Amendment](#)  
[Parking-Exhibit](#)  
[Vacation Plat](#)  
[CPC\\_Minutes\\_OverlookAtSpringCreekI\\_draft](#)  
[7.5.603.B Findings - ZC](#)  
[7.5.603 Findings - ZC](#)

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council the PUD zone change of 2.97 acres from PUD (Planned Unit Development - Commercial) to PUD (Planned Unit Development - Residential, 11.79 units/acre, maximum height of 36 feet), based upon the findings that the change of zone request complies with the zone change criteria as set forth in City Code Section 7.5.603.B. and the review criteria for establishment of a PUD zone district as set forth in Section 7.3.603. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Commissioner Raughton and Commissioner Graham

- 7.E.** [CPC PUP 05-00176-A1 MJ21](#) A Major Amendment to the Overlook at Spring Creek Planned Unit Development Concept Plan to allow a 35-unit single-family residential development, located at the northwest corner of South Union Boulevard and Hancock Expressway.

(QUASI-JUDICIAL)

Related Files: CPC PUZ 21-00081, CPC PUD 21-00080, CPC V 21-00213

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development  
 Peter Wysocki, Director of Planning and Community Development

**Attachments:** [Concept Plan Amendment](#)  
[7.5.501.E Concept Plans](#)  
[7.3.605 PUD Concept Plan](#)

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council the amended PUD concept plan for Overlook at Spring Creek, based upon the findings that the concept plan meets the review criteria as set forth in Section 7.5.501.E. as well as the review criteria for a PUD concept plan as set forth in Section 7.3.605. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Commissioner Raughton and Commissioner Graham

**7.F. [CPC PUD 21-00080](#)** A Planned Unit Development Plan for the Overlook at Spring Creek project to allow a 35-unit single-family detached small-lot residential development, located at the northwest corner of South Union Boulevard and Hancock Expressway.

(QUASI-JUDICIAL)

Related Files: CPC PUZ 21-00081, CPC PUP 05-00176-A1MJ21, CPC V 21-00213

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development  
 Peter Wysocki, Director of Planning and Community Development

**Attachments:** [PUD Development Plan ltr](#)  
[7.3.606 PUD Development Plan](#)  
[7.5.502.E Development Plan Review](#)

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council the Overlook at Spring Creek PUD development plan, based upon the findings that the development plan meets the development plan review criteria as set forth in Section 7.3.606. as well as the review criteria for a PUD development plan as set forth in Section 7.5.502E with a condition of approval for a final drainage report to be approved by City SWENT. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Commissioner Raughton and Commissioner Graham

**Space Village Addition No. 1 Annexation**

**7.G.**    [CPC A](#)                      Space Village Addition No. 1 Annexation located northeast of the  
           [21-00153](#)                      Space Village Avenue and Marksheffel Road intersection consisting  
     of 21.82 acres.  
     (Legislative)

    Presenter:  
     Gabe Sevigny, Planning Supervisor, Planning & Community  
     Development

- Attachments:**    [CPC Staff Report Space Village Addition No. 1 final](#)  
     [Project Statement](#)  
     [Enclave 2020](#)  
     [Exhibit A - Legal Description Annexation Reagan Ranch](#)  
     [Exhibit B - Annexation Plat](#)  
     [FIA Memo](#)  
     [Annexation Agreement Draft](#)  
     [Reagan Ranch Concept Plan](#)  
     [Airport Advisory Commission](#)  
     [Aerial](#)  
     [Context Map](#)  
     [Exhibit A - ZC Legal Desc](#)  
     [Exhibit B - Zone Depiction](#)  
     [7.6.203-Annexation Conditions](#)

**Staff presentation:**

Gabe Sevigny, City Planning, presented a PowerPoint with the scope and intent of this project.

**CURRENTLY UNINCORPORATED**

**EL PASO COUNTY**

- Partially Vacant, Partial uses of contractor’s equipment yard

**PROPOSED APPLICATIONS**

Annexation: Voluntary Annexation by property owner  
 Zone Change: PIP-2/APZ2/AO (Planned Industrial Park/Accident Potential Subzone 2 with Airport Overlay)

**ANNEXATION**

- Proposed 21.82 acre annexation
- Remnant CDOT ROW to Air Lane and remnant piece owned by the City of Colorado Springs
  - Zone establishment concurrent review, the zone change only accounts for 14.6 acres of the overall annexation.
  - An amendment to the Reagan Ranch Master plan is also concurrent with this proposal that would include areas that are already within City boundaries and the proposed zone change.

- Use if for an office/industrial

**PUBLIC POSTING AND NOTIFICATION**

- Postcards sent to 11 property owners within 1000-foot buffer
  - Internal review and prior to public hearing

**PUBLIC PARTICIPATION COMMENTS**

No comments received

**CPC A 21-00153 - ANNEXATION**

Recommend approval to City Council the annexation of 21.82 acres as the Space Village 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.

**CPC ZC 21-00165 - ESTABLISHMENT OF ZONING**

Recommend approval to City Council the establishment of 21.82 acres as PIP2/APZ2/AO (Planned Industrial Park/Accident Potential Zone 2/Airport Overlay) zoned district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

**CPC CP 20-00137-A1MJ21 - CONCEPT PLAN**

Recommend approval to City Council Reagan Ranch Concept Plan, based upon the findings that the Concept Plan Amendment meets the review criteria for a Concept Plan Amendment as set forth in City Code Section 7.5.503.C and the Concept Plan criteria as set forth in City Code Section 7.5.501.E.

**Applicant Presentation:**

Jason Alwine with Matrix Design Group presented a PowerPoint with the scope and intent of this project.

**Questions:**

Commissioner Rickett asked if Space Village would be entirely within the City or would it go back and forth between the City and County like Marksheffel Road? Mr. Alwine said it would bring a portion of Space Village into the city. It cleans up the intersection of Space Village and Marksheffel, brings into the city westward to Air Lane, and then there will still be a gap from Air Lane west until it hits city limits again. So, it partially brings Space Village into the city.

Katie Carleo, Land Use Review Manager, added the city is working to clean up some of those roadways and asked the applicant to be a party to bringing in this portion of Space Village Road. Then Traffic and Planning and other city departments are working on cleaning p other areas.

Commissioner Slattery asked if the goal was to annex the entire development into the city limits. Mr. Sevigny said currently, all annexations are on the property owner. The initial comments from Traffic were that they wanted to see all of Space Village from Peterson to Marksheffel; however, it was better for the applicant to go to Air Lane. As future property owners in the area approach the city for their self-imposed annexations, city staff would request that additional right of way on Space Village until it does all come into the city on that portion.



**Supporters:**

None

**Opponents:**

None

**Questions of Staff:**

None

**Rebuttal:**

None

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

Chair Hente commented that several months ago, a project within Reagan Ranch was heard by the Planning Commission for which he voted against due to aircraft and the accident potential. He did not have that problem with this project specifically due to the use of industrial and not residential, as the other was.

Commissioner Eubanks said had the same comment as Chair Hente but agreed with the new use as it seems to be a better fit with the area.

**Motion by Vice Chair McMurray, seconded by Commissioner Almy, to recommend approval to City Council the annexation of 21.82 acres as the Space Village 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 7:0:2:0**

**Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Commissioner Raughton and Commissioner Graham

- 7.H. [CPC ZC 21-00165](#) Space Village zone change establishing the PIP-2/APZ2/AO (Planned Industrial Park / Accident Potential Subzone 2 with Airport Overlay) zone district located northeast of the Space Village Avenue and Marksheffel Road intersection consisting of 14.665 acres. (Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, Planning & Community Development

**Attachments:** [Exhibit A - Legal Desc ZC](#)  
[Exhibit B - Zone Depiction](#)  
[7.5.603.B Findings - ZC](#)

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council the establishment of 14.665 acres as PIP2/APZ2/AO (Planned Industrial Park/Accident Potential Zone 2/Airport**

**Overlay) zoned district, based upon the findings that the change of zone 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 7:0:2:0**

**Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Commissioner Raughton and Commissioner Graham

- 7.I. [CPC CP 20-00137-A1 MJ21](#) The Reagan Ranch Concept Plan Amendment to amend the concept plan adding the proposed area as office/industrial use, located northeast of the Space Village Avenue and Marksheffel Road intersection consisting of 28.08 acres.  
(Quasi-Judicial)

Presenter:  
Gabe Sevigny, Planning Supervisor, Planning & Community Development

**Attachments:** [Reagan Ranch Concept Plan](#)  
[7.5.501.E Concept Plans](#)  
[7.5.503.C Concept & Development Plan App Rev Procedures](#)

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend approval to City Council Reagan Ranch Concept Plan, based upon the findings that the Concept Plan Amendment meets the review criteria for a Concept Plan Amendment as set forth in City Code Section 7.5.503.C and the Concept Plan criteria as set forth in City Code Section 7.5.501.E. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Commissioner Raughton and Commissioner Graham

**PlanCOS & Master Plan Updates**

- 7.J. [22-094](#) An informational presentation for the 2021 PlanCOS Annual Report  
  
Presenter:  
Hannah Van Nimwegen, Senior Planner, Planning & Community Development  
Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

**Attachments:** [2021 PlanCOS Annual Report](#)

Hannah Van Nimwegen-McGuire presented the PlanCOS Annual Report for 2020.

- 7.K. [22-126](#) A resolution updating and confirming the legislative status of the City of Colorado Springs' adopted privately-initiated land use master plans

(Legislative)

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development Department

Peter Wysocki, Planning & Community Development Director

**Attachments:** [Resolution](#)

[Exhibit A](#)

[CPC Staff Report](#)

[Master Plan Status Updates Attachment](#)

[Master Plan Status Updates - Staff presentation](#)

[Signed Resolution No. 43-22.pdf](#)

**Staff presentation:**

Hannah Van Nimwegen-McGuire, City Planning, presented a PowerPoint with the scope and intent of this request.

Types of Master Plans

- Citywide System Plans (Parks Master Plan)
- Facility Master Plans (Airport Master Plan)
- Land Use Master Plans specific to geographic areas and provide information about land use, transportation, parks, and schools.
  - Land Use Master Plans for undeveloped land are most frequently prepared by the private sector (privately-initiated)
  - Plans for established areas prepared by neighborhood organizations and/or the City (publicly-initiated)

Summary:

- Code Section 7.5.402.B outlines a requirement for the City Planning Commission to recommend a status, and for City Council to decide on the status, of privately-initiated land use master plans
  - Operative, implemented, or out-of-date
  - Implemented master plans are 85% built out & all properties zoned according to the master plan
- 12 master plans now meet the implemented definition

History and Context:

- 104 total privately-initiated land use master plans
- 2001 Comprehensive Plan called for an annual report that would determine status of each master plan each year
  - Last "Colorado Springs Comprehensive Plan Monitoring and Evaluation Report" was published in 2008
  - Replaced by PlanCOS and PlanCOS Annual Report

Subject Master Plans:

	<b>Master Plan Name</b>	<b>Current Status</b>	<b>Proposed Status</b>
1	Austin Heights	Operative	Implemented
2	Briargate	Operative	Implemented
3	Centre In Gateway Park	Operative	Implemented
4	Drennan Industrial Park	Operative	Implemented
5	East Creek	Operative	Implemented
6	Falcon Estates Number Two West	Operative	Implemented
7	High Chapparel	Operative	Implemented
8	Houck Estate Tract C	Operative	Implemented
9	Industrial Park South	Operative	Implemented
10	Powerwood 3-6	Operative	Implemented
11	Spring Creek	Operative	Implemented
12	Stetson Ridge	Operative	Implemented

Subject Master Plans:

	<b>Master Plan Name</b>	<b>Year Adopted</b>		<b>Year of Last Amendment</b>		<b>Built Out (%)</b>
	<b>Temporary Zone?</b>					
1	Austin Heights	1986	2002	100%	No	
2	Briargate	1980	2016	96%	No	
3	Centre In Gateway Park	1981	1997	89%	No	
4	Drennan Industrial Park	1975	1977	89%	No	
5	East Creek	1984	2003	100%	No	
6	Falcon Estates No. 2 West		1991	1995	100%	No
7	High Chapparel	1983	2031	97%	No	
8	Houck Estate Tract C	1983	1995	92%	No	
9	Industrial Park South		1993	None	96%	No
10	Powerwood 3-6	2005	2013	100%	No	
11	Spring Creek	1984	2019	90%	No	
12	Stetson Ridge	1984	2007	100%	No	

PlanCOS:

- Objective of the PlanCOS Annual Report is to update PlanCOS as needed so that it remains up-to-date and relevant.
- Includes updating the appendices where much of the information regarding implementation lives.
  - Appendix D lists all plans that are considered to be component elements of the Comprehensive Plan and includes all adopted privately-initiated land use master plans. This appendix recognizes the different statuses privately-initiated master plans can have, and recommends this list is maintained and updated.

Recommendation:

- Staff recommends the City Planning Commission recommend approval to the City Council of a resolution updating twelve master plan's legislative status from "operative" to "implemented" as listed below:
  1. Austin Heights
  2. Briargate
  3. Centre In Gateway Park
  4. Drennan Industrial Park

5. East Creek
6. Falcon Estates Number Two West
7. High Chapparel
8. Houck Estate Tract C
9. Industrial Park South
10. Powerwood 3-6
11. Spring Creek
12. Stetson Ridge

**Motion by Commissioner Rickett, seconded by Commissioner Almy, to recommend to the City Council adoption of a resolution updating twelve master plan's legislative status from "operative" to "implemented" as listed below:**

- 1. Austin Heights**
- 2. Briargate**
- 3. Centre In Gateway Park**
- 4. Drennan Industrial Park**
- 5. East Creek**
- 6. Falcon Estates Number Two West**
- 7. High Chapparel**
- 8. Houck Estate Tract C**
- 9. Industrial Park South**
- 10. Powerwood 3-6**
- 11. Spring Creek**
- 12. Stetson Ridge**

**The motion passed by a vote of 7:0:3:0**

**Aye:** 7 - Vice Chair McMurray, Commissioner Wilson, Chair Hente, Commissioner Slattery, Commissioner Rickett, Commissioner Almy and Commissioner Eubanks

**Absent:** 2 - Commissioner Raughton and Commissioner Graham

## **8. PRESENTATIONS/UPDATES None**

## **9. Adjourn**