



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, June 15, 2017

8:30 AM

Council Chambers

1. Call to Order

Present: 8 - Reggie Graham , Rhonda McDonald, Jeff Markewich, John Henninger, Chairperson Eric Phillips, Robert Shonkwiler, Ray Walkowski and Vice Chair Carl Smith

2. Approval of the Minutes

Note

Approval of May Planning Commission minutes will be postponed until the July 20, 2017 Planning Commission meeting to give Commissioners time to review.

3. Communications

- 3.A. [CPC-038](#) Chair McDonald
- 3.B. [CPC-002](#) Director Updates, Peter Wysocki

Appointments

- 3.C.1. [CPC 280](#) Appointment of Planning Commission Chair

Presenter:

Peter Wysocki, Director, Planning and Development

Appointment of Chair and Vice-Chair

Procedures read by current chair. Discussion of procedures of voting and what should be done procedurally.

Commissioner Henninger stated they're electing leadership for the next session with three candidates for the Chair and two candidates for Vice-Chair. We're operating under a new City Council so this has to be done right. His point of order is that of the three, two are approved by Council to serve for the next session and one is not. In this light he cannot view that choice as viable and suggests the candidate wait until appointed by the City Council to be qualified for consideration. Also this is the annual meeting and members selecting the next leadership must be appointed members of the session and non-session members voting for the next leadership is an incorrect position to be in. Studying City Council procedures, State of Colorado procedures and the State of the

United States Congress procedures, leadership is never elected by past members but members of the period for which they are going to serve. In order to maintain the ethics of this Commission, especially since we serve the citizens and they look to us to make appropriate decisions doing otherwise for either of these issues would bring into question the ethics of this panel.

Commissioner Phillips provided feedback by stating they are all sitting member of the Commission until Council elects new members. Procedurally at the annual meeting sitting members, not going past the June meeting, will make the decision. He didn't think they'd be unethical by following the procedures of their annual meeting and at this point every member is still a member of the Commission no one is a past member. We can't skip past our procedures and wait until July to make the decision because the decision is made in June at the annual meeting.

Commissioner Henninger stated no, they could take the sitting members for the next session that are approved; make a vote which could be constituted by five members at this Commission, which would work. You could interpret the procedures as the general statement in the annual meeting and do an annual meeting, but voting for someone who is not going to be here or possibly not be here is the same as voting for someone who hasn't applied yet. It's normal parliamentary procedures and he thinks that would be in violation of that. It's not what's written in the statement you expressed. We can have five members vote for the qualified approved members for the next session and you'd comply with that paragraph.

City Attorney Marc Smith read the rules of procedure related to the annual meeting for the election of Chair and Vice Chair. "The annual meeting of the Planning Commission shall be in June of each year or at such time City Council has made the annual appointments to the Planning Commission."

So it can be either or if there's support of five Planning Commissioners to do this at a later time that's a possibility, but it's also a possibility if the election takes place now, that in a month have the majority of the Planning Commission at that time say they'd like to reconsider that. But the one thing he will say, the election of Chairman and Vice-Chair, at the annual meeting a Chairman and Vice-Chair shall be elected. A majority vote of the entire Commission, five members, shall be required for the election of the Chairman and the election of the Vice-Chairman. In the event there are more than two candidates for an office and no individual receives a majority five vote the candidate receiving the least amount of votes in each ballot shall withdraw until one candidate receives a majority." Essentially what that's saying is five Planning Commissioners have to vote for a candidate for election to Chair and Vice-Chair.

Commissioner Phillips confirmed its sitting members. City Attorney Marc Smith stated your sitting until you're replaced. So whether it takes place this month or next month, it can go either way. However there has to be five people that have to vote.

Commissioner Phillips stated we had this issue last year and hadn't heard anything about this point being brought up then but right now they have eight people that are Commissioners and until the new ones are appointed we are able to make the decision right now. Unless there is anyone else that opposes this he suggest they move forward to vote for the Chair and Vice-Chair.

Motion by Smith, seconded by Walkowski, that Commissioner Rhonda McDonald be appointed Chairperson. The motion passed by a vote of 7:1

Aye: 7 - Graham, McDonald, Markewich, Chairperson Phillips, Shonkwiler, Walkowski and Smith

No: 1 - Henninger

3.C.2. [CPC 281](#) Appointment of Planning Commission Vice-Chair

Presenter:

Peter Wysocki, Director, Planning and Development

Motion by Walkowski, seconded by Shonkwiler, that Commissioner Carl Smith be appointed as Vice-Chair. The motion passed by a vote of 7:1.

Aye: 7 - Graham, McDonald, Henninger, Chairperson Phillips, Shonkwiler, Walkowski and Smith

No: 1 - Markewich

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.)

4.A. [CPC CU 17-00044](#) A Conditional Use to allow a large daycare home for seven (7) to twelve (12) children at 623 Stevens Avenue.

(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

This Planning Case was approved on the Consent Calendar.

4.B. [CPC CU](#)
[17-00041](#)

A Conditional Use to allow for expansion of a licensed Medical Marijuana Off-Premises Cultivation (OPC) facility at 2211 East Boulder Street.

(Quasi-Judicial)

Presenter:

Michael Turisk, Planner II, Planning and Community Development

Motion by Walkowski, seconded by Vice Chair Henninger, that the Planning Case be postponed to a date certain July 20 meeting. The motion passed by a vote of 8:0.

Aye: 8 - Graham, McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski and Smith

4.C.1. [CPC ZC](#)
[17-00008](#)

Ordinance No. 17-63 amending the zoning map of the City of Colorado Springs pertaining to 1.61 acres located southwest of 1170 Kelly Johnson Boulevard from PIP-1 (Planned Industrial Park) to PBC (Planned Business Park)

(Quasi-Judicial)

Related File: CPC CP 17-00009

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development
Peter Wysocki, Director Planning and Community Development

This Planning Case was referred on the Consent Calendar to the City Council due back on 7/11/2017.

4.C.2. [CPC CP](#)
[17-00009](#)

A Concept Plan for an 87-room hotel on 1.61 acres located at 1170 Kelly Johnson Boulevard

(Quasi-Judicial)

Related File: CPC ZC 17-00008

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development
Peter Wysocki, Director Planning and Community Development

This Planning Case was referred on the Consent Calendar to the City Council due back on 7/11/2017.

4.D. [CPC UV](#)
[17-00067](#)

A Use Variance to allow a duplex, single-family residence, and accessory dwelling unit on a 9,450 square foot property zoned C5 (Intermediate Business) located at 1907 West Colorado Avenue.

(QUASI-JUDICIAL)

Presenter:

Greg Sanders, Planner I, Planning & Community Development

Motion by Markewich, seconded by Vice Chair Henninger, that this Planning Case be approved . The motion passed by a vote of 8:0.

- 4.E.1. [CPC MP 87-00381-A1 7MN17](#) Minor Amendment to the Banning Lewis Ranch Master Plan changing the land use of 3.37 acres from Park to Residential-Medium (3.5-7.99 dwelling units per acre)

(Quasi-Judicial)

Related Files: CPC PUZ 17-00051, CPC PUP 07-00093-A6MN17

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

This Planning Case was referred to the City Council due back on 7/25/2017 on the Consent Calendar.

- 4.E.2. [CPC PUZ 17-00051](#) Ordinance No. 17-66 amending the zoning map of the City of Colorado Springs pertaining to 3.37 acres from PK/AO (Park with an Airport overlay) to PUD/AO (Planned Unit Development: Single-Family Detached, 35 foot maximum building height, and 6.37 dwelling units per acre with an Airport Overlay), located north of Dublin Boulevard and west of Banning Lewis Ranch Parkway

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A17MN17, CPC PUP 07-00093-A6MN17

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

This Planning Case was referred on the Consent Calendar to the City Council.

- 4.E.3 [CPC PUP 07-00093-A6 MN17](#) Minor Amendment to the Banning Lewis Ranch Concept Plan illustrating a change of use from parkland to single-family residential, located north of Dublin Boulevard and west of Banning Lewis Ranch Parkway

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A17MN17, CPC PUZ 17-00051

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

This Planning Case was referred on the Consent Calendar to the City Council.

4.F.1. [CPC ZC 17-00052](#)

Ordinance No. 17-62 amending the zoning map of the City of Colorado Springs pertaining to 40.82 acres from PIP2/CR/AO/APZ1/RPZ/SS (Planned Industrial Park with conditions of record, airport overlay, accident potential zone 1, runway protection zone and streamside overlay) to APD/AO/APZ1/RPZ (Airport Planned Development with airport overlay, accident potential zone 1, runway protection zone) and APD/AO/APZ1/RPZ/SS (Airport Planned Development with airport overlay, accident potential zone 1, runway protection zone and streamside overlay), located northeast of Stewart Avenue and Airport Road

(Quasi-Judicial)

Related File: CPC CP 17-00053

Presenter:

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

This Planning Case was referred on the Consent Calendar to the City Council due back on 7/11/2017

4.F.2. [CPC CP 17-00053](#)

A concept plan for a warehouse and distribution facility on a 40.82-acre parcel located northeast of Stewart Avenue and Airport Road

(Quasi-Judicial)

Related File: CPC ZC 17-00052

Presenter:

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

This Planning Case was referred on the Consent Calendar to the City Council due back on 7/11/2017.

Approval of the Consent Agenda

Motion by Markewich, seconded by Vice Chair Henninger, that all matters on

the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 8:0

Aye: 8 - Graham, McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski and Smith

ITEMS PULLED OFF THE CONSENT CALENDAR

- 4.G. [CPC UV 17-00073](#) A Use Variance to allow up to seven (7) beehives and the placement of two tiny homes and 1 recreational vehicle on 400 acres zoned A (Agricultural) and located east of Highway 83, south of Shoup Road and west of Howells Road.

(Quasi-Judicial)

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

This item was pulled off the Consent Calendar and heard as a public hearing

Staff presentation:

Meggan Herington gave a Power Point presentation

- I. Location of property
- II. Total Acreage of ownership of the property
 - a. Legal Description created on 35 acres tied to a residential water well
- III. Zone of the property
- IV. Proposed use of the property
- V. Proposed Development plan
 - a. Use Variance allows two tiny homes on the property
 - b. With application for a well permit the tiny home can be connect to the well and septic
 - c. Permit can be pulled for a waste water/septic permit from El Paso County Health Department
 - d. Request done in phases
- VI. Use Variance written to allow tiny homes to be allowed to remain on the property as ADU's when a permanent residence is constructed
- VII. Use of temporary RV to be removed when any permanent structure is built on the property
- VIII. Bee Hives
 - a. Seven planned
 - i. Located on the far southwest side of the property
- IX. Notes on the plan and conditions of approval for location of structures along with setback being met
 - a. Conditions specified on development plan

- X. Notification
 - a. Concerns received
 - i. Structures would be rented in the future
- XI. Rental condition not being added as a condition of approval
- XII. Fire department reviewed request
 - a. Request address be posted at the gate of the property
- XIII. Confirm well permit with CSU

Applicant:

Ms. Chelsea Samelson is the owner of the property. She has plans for one tiny home. With the placement of the tiny home in the trees neither neighbors nor motorist will be able see it. They've spent hours going door to door speaking with the neighbors sharing the thoughts and plans of the proposal. The vast majority had no objections.

Questions:

Commissioner Walkowski asked Ms. Samelson to address the rental issues. Ms. Samelson stated there had not been a plan to rent the tiny homes and that is still their intention. They will not be renting them.

Commissioner Walkowski stated Ms. Samelson wasn't willing for a condition to not rent them either. Ms. Samelson stated there are a variety of reasons why they don't want that condition. First she doesn't understand the equity to waive a basic property right that everyone else in the neighborhood has and that no one has offered to relinquish. They are amenable to considering a formal neighborhood-wide agreement of no renting that would equally apply to everyone. They are uncomfortable with waiving rights based on rumors. They're concerned if they waived rights due to every rumor, they'd run out of rights. They've been advised if they waived this particular right at this time it could set a damaging precedent for their family and their property.

Supporters:

Hank Goldman lives adjacent to the Samelson property. At first his concerns were blocking his views and possible renting. After speaking with Ms. Chelsea Samelson and her mother he believes they will abide by the conditions being set. The structures will be in the trees and not block his views; they are not planning on renting the homes so he's amenable to approving the variance as requested.

Opponents: None**Questions of Staff:**

Commissioner Markewich asked since the County is working on part of their Code for tiny homes is the City also considering something similar. Ms. Herington stated she believed that as part of PlanCOS that's come

up in a larger discussion. It's on their radar but aren't actively looking at writing a code right now. They will see what the County comes up with, wait for PlanCOS be adopted and see what the goal for the community as a whole and then decide what's appropriate in an urban setting. The county's code is somewhat different. They are allowing it in zones that are the forested areas and the large agricultural zone districts. We struggle a bit in a urban environment how accommodate a tiny home on wheels, which is basically an RV. How do you balance the needs of property owners in a permanent residence for the need or want of a neighbor who want to live in a tiny home. There are differing views on this. Discussions have occurred with the tiny home manufactures and staff is looking at other codes but are not presently working on anything

Commissioner Markewich asked if we were currently treating it as an accessory structure or ADU. Ms. Herington stated if someone wanted a tiny home we'd say it's not permitted as an ADU because it's on wheels. If you wanted an ADU and it was allowed in the zone district it would have to be on a permanent foundation or come to the City Planning Commission and ask for a variance for an accessory structure on wheels. We'd also have to work with CSU to see how to deal with water and wastewater concerns.

Commissioner Markewich asked if there was a definition of tiny homes and are they restricted to a traditional size like an RV. Ms. Herington said there may be many definitions of what people consider tiny homes, the ones being discussed today, the ones on considered recreational vehicles are licensed and manufactured through someone that has an RV dealer and manufacturers license.

Commissioner Markewich said Ms. Herington referenced the fire department wanted an address posted. Does the fire department require a key to the gate if it's locked or it not be locked? Ms. Herington stated there are no requirements because it's basically a cattle guard. If it was concrete fencing with a larger gate they require a knock box but this isn't a security gate, there's no concern about the gate or people living out there. As long as the address is posted at the gate it would be in the data base and emergency services could go out there and find the property.

Commissioner Smith stated he asked at Informal for the definition of tiny homes and you said tiny homes were basically RV's. Under the technical conditions you indicate there is one RV and two tiny homes so he's curious why there aren't three RV's. Ms. Herington stated for the purposes of this variance she wanted to make a very distinctive line between what could potentially stay as a permanent residence if they were able to make water and wastewater work and what would truly be an RV or the owner pulling up in a 5th wheel that they wouldn't be

permitted after the single-family structure was built. Yes overall a tiny home is an RV but for this she wanted it to be clear that the tiny home was skirted would through this use variance would have the ability to remain as an ADU but the 5th wheel would not. Currently in city code you're allowed to store your 5th wheel on your property, but you couldn't have someone live in it. It was a way of separating the nomenclature for the purposes of this use variance.

Rebuttal: None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Shonkwiler stated he felt we should encourage the tiny homes movement. Having them in a more rural setting is fine but we should encourage them to be close to shopping and working enterprises. We should figure a way to work with this movement because they're a tremendous solution to housing costs. He'd like to have them in as close as possible. People from the tiny homes manufacturing companies state you can get certain certifications to allow them in more than just a rural setting. He hopes the staff will look at opportunities for this type of housing.

Commissioner Markewich stated he concurs with Commissioner Shonkwiler. He believes this movement is something important and would like to get ahead of it opposed to falling behind. He can see tiny homes being used as retail space. There are a lot of potential uses for this in the future. Base on the Use Variance Development Plan review criteria section 7.5.502 he believes this fits within all the review criteria and will be in support.

Commissioner Smith stated he thought Ms. Samelson gave a good argument for this application to not have a condition for no rental allowance and with regard to the others who've spoken he agrees with them and he be in favor of the application.

Commissioner Henninger stated he appreciate the request for this variance for the tiny home. Tiny homes have a place and in this situation it's very appropriate. Throughout the town he would consider it like a mobile home park. People can live in a mobile home park or a tiny home park but in individual residences he didn't think it would fit because it's too close to an RV, its moveable. We have to have some type of standard. He hoped PlanCOS will understand this but in this situation he's in full support.

Commissioner Walkowski stated the applicant did a good job explaining their position in addressing the objections of from the neighbors. It's a reasonable Use Variance approval process where there are exceptional circumstances due to the size of the property, your ability to use the

property, and there's no impingement on public welfare or convenience.

A motion was made by Walkowski, seconded by Shonkwiler, that this Planning Case be approved.. The motion carried by the following vote: 8:0

Aye: 8 - Graham, McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski and Smith

5. UNFINISHED BUSINESS

5.A.1. [CPC SWP 16-00155](#)

A request to postpone an appeal of the City Planning Commission's approval of a subdivision waiver to allow primary legal access via a public alley and associated preliminary and final plat applications re-platting the subject property from three lots into six lots

(Quasi-Judicial)

Related File: CPC PFP 16-00155, AR NV 17-00141

Motion by Vice Chair Henninger, seconded by Shonkwiler, that the Planning Case be postponed to a date certain; July 20, 2017. The motion passed by a vote of 8:0

Aye: 8 - Graham, McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski and Smith

5.A.2. [CPC PFP 16-00156](#)

A request to postpone an appeal of the City Planning Commission's approval of a preliminary and final plat and associated subdivision waiver to allow primary legal access via a public alley applications re-platting the subject property from three lots into six lots

(Quasi-Judicial)

Related File: CPC SWP 16-00155, AR NV 17-00141

Motion by Vice Chair Henninger, seconded by Shonkwiler, that the Planning Case be postponed to a date certain; July 20, 2017 meeting. The motion passed by a vote of 8:0

Aye: 8 - Graham, McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski and Smith

5.A.3. [AR NV 17-00141](#)

A request to postpone an appeal of the City Planning Commission's approval of a nonuse variance for lot width and associated subdivision waiver to allow primary legal access via a public alley and preliminary and final plat applications re-platting the subject property from three lots into six lots

(Quasi-Judicial)

Related File: CPC SWP 16-00155, CPC PFP 16-00156

Motion by Vice Chair Henninger, seconded by Shonkwiler, that the Planning Case be postponed to a date certain; July 20, 2017.. The motion passed by a vote of 8:0

Aye: 8 - Graham, McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski and Smith

6. NEW BUSINESS CALENDAR

6.A.1. [CPC CM1 17-00021](#) A Conditional Use for a 55-foot bell tower telecommunications facility with an equipment compound Commercial Mobile Radio Service (CMRS) located at 4280 Hopeful Drive

(Quasi-Judicial).

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development Body

Proposed Motion:

CPC CM1 17-00021

Approve the conditional use for the CMRS at 4280 Hopeful Drive Conditional Use Development Plan, based upon the findings that the CMRS conditional use development plan meets the review criteria for granting a conditional use as set forth in City Code Section 7.5.704, and the CMRS location and design criteria as set forth in City Code Sections 7.4.607 and 7.4.608.

Staff presentation:

Rachel Teixeira gave a Power Point presentation

- I. Project for a 55-ft Stealth Bell Cell Tower
- II. Neighborhood process and involvement
- III. Areas of concern
- IV. Revised site plans and project statement sent to neighbors with concerns

Applicant Presentation:

Eugene Carroll with Advantage Engineers representing the applicant, Echo Site and T-Mobile discussed the project.

- I. Wireless Facility Siting Process
 - a. Develop a map outline geographic boundaries for ideal location
 - b. Conduct analysis of potential sites
 - c. Eliminate unsuitable site or sites not zone for wireless tower
 - d. Property owners' where site is determined suitable can be zoned to permit are contacted to see if they'd lease property to T-Mobile.
- II. Most don't have a land line only wireless devices
- III. Connectivity is good for neighborhood.
- IV. Signal strength is important
- V. Coverage
 - a. Facilities today are low power and cover small finite areas

- b. Subscribers demand greater access
- c. Providers must expand to meet demand
- VI. Wireless facilities require line-of-site between each other to maintain coverage
- VII. Emergency phone calls made from wireless devices
 - a. 75% of 911 call are from wireless devices
 - b. Emergency service provider rely on wireless providers
- VIII. Federal law of 1996 governs the rules of wireless service facilities for state and local areas
- IX. Radio frequencies operated within strict guideline established by FCC
 - a. Characteristics of radio frequencies
 - b. RF signals are everywhere
- X. Asked for 65-ft staff asked for reduction to 55-ft
- XI. Another carrier already asking to co-locate
- XII. Design harmonizes with the church.
- XIII. Concerns of health
 - a. Doherty High School has RF antennas on roof - 1000-ft from site
- XIV. Filling a gap in coverage and expanding capacity

Questions:

Commissioner Graham asked why pick this location. Mr. Carroll said there's a hole in the network. He looked at numerous properties within the need geographic area that could be zone for a cell tower. The lot was one of the few available and the church agreed to go forward on their property.

Commissioner Graham asked if their RF signals were stronger than what is at Doherty High School when talking about health concerns. Mr. Carroll said no it's all the same

Commissioner Shonkwiler asked if it will be an operational bell tower with bells ringing. Mr. Carroll said no, no bells, no lighting so at night you won't see it. It's for aesthetic purposes.

Commissioner Shonkwiler asked if they needed 65 why you didn't apply for what you need. Mr. Carroll said they applied for the 65-ft but staff said no, so we moved it down to 55-ft.

Supporters: None

Opponents:

Rita Wu lives 7 homes away from the church. Nice neighborhood that's been maintained.

There are lots of concerns with what businesses have been set up and those that have just left junk in the area. Her issues with the tower are

the encroachment, the health hazards and the long-term effects radio wave and long term affects. Where do you stop with the encroachment?

Questions of Staff:

Commissioner Shonkwiler verified that the trailers Ms. Wu spoke of were in the county. Ms. Teixeira verified it was.

Rebuttal:

Mr. Carroll said the health issues are controlled by federal law. Regarding the location the church is in the neighborhood and it's very nice and wanted design to meet with the church architecture. There will be no lights or sounds coming from the tower and it will be landscaped according to city standards and they believe it fits in the neighborhood.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Markewich said he wanted to make sure it's clear if you get cell phone reception now you have RF coming into the house now. The FCC has specific requirements on the maximum amount of emissions towers can have and according to the presentation this is well under the 1% maximum deemed safe by the FCC. We can only go by what the experts is the amount of emissions that is safe. We can't regulate placement. We have city codes that encourage use to have it meets some standards and they applicant is doing it this. Co-locating is a key because it somewhat diminishes the need for additional towners going up in neighborhoods. It meets our Conditional Review Criteria site selection and design criteria and he will be in support

Motion by Markewich, seconded by Shonkwiler, to approve the conditional use for the CMRS at 4280 Hopeful Drive Conditional Use Development Plan, based upon the findings that the CMRS conditional use development plan meets the review criteria for granting a conditional use as set forth in City Code Section 7.5.704, and the CMRS location and design criteria as set forth in City Code Sections 7.4.607 and 7.4.608.. The motion passed by a vote of 8:0:0

Aye: 8 - Graham, McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski and Smith

6.B.1. [CPC ZC 17-00033](#)

Ordinance No. 17-64 amending the zoning map of the City of Colorado Springs pertaining to 5.41 acres from PIP-2/CR/SS (Planned Industrial Park with Conditions of Record and Streamside Overlay) to OC/SS (Office Complex with Streamside Overlay), located south of the I-25/Mark Dabling Boulevard underpass

(Quasi-Judicial)

Related File: CPC CP 17-00070

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

Staff presentation:

Hannah gave a PP presentation

- I. Property location
 - a. Pikes Peak Greenway Trail and Monument Creek run through the property
- II. Surrounding Business types
- III. Discussed site details
 - a. Size
 - b. Current zone
 - c. Discussed site layout
 - d. Site currently is being use CSU contractor to store items being used for the Mark Dabling Culvert with the owner's permission
 - i. Contract will end in August 2017
 - e. Type of applications being requested
- IV. Notification area
 - a. One in support
 - i. Property uniqueness
 - ii. Preferred land use adjacent to the trail
 - b. One in opposition
 - c. Concerns
 - i. Incompatible land use
 - ii. Traffic congestion from insufficient of onsite parking and more intense land use
- V. Parking
 - a. Total parking requirements are accommodated on site.
- VI. Traffic
 - a. Two access points
 - b. No analysis required
- VII. Stream and Trail Dedication
 - a. A tract of Monument Creek and Pikes Peak Greenway Trail to be dedicated to the City
 - b. Parks Department and Stormwater in support of the city having control of the stream and trail
- VIII. Trail realignment
 - a. Lessen trails encroachment on the buildable area
 - b. Review by Parks
 - i. Parks Department agrees to work with the applicant to acquire a detour permit prior to any work.
 - ii. Work to coordinated with Special Events Office so no conflict during races or events
- IX. Easement encumbrances
 - a. Large utility, sanitary, and drainage easement
 - i. Leaves small area available for building location

- ii. Easements are not able to be vacated
 - b. CSU review the clubhouse and apartment building and conceptually approved the location
- X. Shows where Trail will be realigned
- XI. Displays building envelope
 - a. Fits within easements
- XII. What cannot be done due to easement encumbrances
 - a. Water quality and detention onsite
 - b. Underground features conceptually accepted by Water Resources Engineering Division
- XIII. Geohazard
 - a. Reviewed in 1980 with a previous project
 - b. Information with Geohazard Report
 - i. A small amount of fill along Monument Creek bank in the general area of the proposed project
 - ii. Site specific reports would be necessary to identify all potential hazards
 - iii. No issues precluding the site for development
 - iv. Update report will be completed and reviewed at the time of the development plan submittal
 - 1. Colorado Geological Survey will be consulted when updated report submitted
- XIV. Streamside overlay
 - a. Overlay places additional restrictions on land uses
 - b. Streamside manual
 - i. Discusses land use hierarchy for guidance for the best land uses next this type geography
 - ii. Top land uses desired
 - 1. Multi-family
 - iii. What OC zone district allows
 - 1. Allows the top four land uses
 - a. Multi-family residential
 - b. Restaurant
 - c. Interactive Commercial
 - d. Office
 - 2. Limits less desirable land uses
- XV. Recommend approve
 - a. All criteria met

Applicant Presentation:

Brian Flare CO President of America West Housing, 501 3C dedicated to affordable and workforce housing. They work extensively with CHAFFA. This project has funding from the El Paso County Housing Authority, Colorado Springs Housing Authority and Colorado Division of Housing. We need for affordable workforce housing. This project will serve a need but will not make a dent into what is needed. They talk exhaustively to everyone in this business park. They are in an

application with CHAFFA and will make presentations in August so the timeline is tight.

Questions:

Commissioner Shonkwiler verified this was on west side of Monument Creek and asked if it was in Urban Renewal area for University Village. Mr. Flare stated it was on the west side and didn't believe it was in the Urban Renewal area. Commissioner Shonkwiler ask if the trail being realigned, does it have an access cross the creek to get to the University Village and the campus. Mr. Flare stated it did.

Commissioner Shonkwiler asked if workforce housing or affordable housing had any prohibition with someone either working at or going UCCS living there. Mr. Flare stated as a strict student housing they could not live there. Commissioner Shonkwiler asked if a student worked full-time and was a full-time student could they live there. Mr. Flare stated a full-time student under the lighttech regulations couldn't live there. As a part-time student they would be eligible but must be the definition of a part-time student according to the university. That is how CHAFFA distinguishes part-time and full-time. UCCCS it could also have a credit distinction per semester. Commissioner Shonkwiler asked if someone attended on of the other colleges or trade schools within the city could they live there. Mr. Flare it would depend on their definition of a part-time or full-time student. Mr. Flare add there was a distinction for veterans and if you have a veteran's status there is no prohibition of living there even if a full-time student. The information from the Housing Authority was they wanted affordable housing in central north Colorado Springs. There is a void of any type of workforce housing. Considering the average rental price for a one bedroom apartment is \$1,000 a month and their rents will range from \$400-\$850 for their workforce housing

Commissioner Markewich asked who was responsible for private drive off Mark Dabling. Mr. Flare said the HOA however that HOA is basically inactive. There's been a friendly agreement between the co-property owners. What they like to do is make this a little more rigid maintenance plan for the drive. It's an emergency access so upkeep is important. Commissioner Markewich verified there is an HOA entity but it doesn't function. Mr. Flare said that was correct. Commissioner Markewich stated if it were to get back up and running you'd be a part of, Mr. Flare said it was correct. Commissioner Markewich asked if there would be 24/7 onsite management. Mr. Flare said yes.

Commissioner Walkowski stated the trail heavily used thus would there be separation between the apartment and the trail. Mr. Flare said they'd have some fence or landscaping some type of decorative wall or some type of combination of both. They will come up with a satisfactory fence.

Supporters:

George Christian owner of Colorado Constructors and owner of the site. Mr. Christian said he once belonged to the HOA but it hasn't been active for a long time. He discussed the uniqueness of the property and why it's a good place to have something like this built in this location.

John Adams owns a property across the road. Overall they're in support of development. The only concern is traffic. He asked if the city could take over the ownership of the private road for the maintenance. He's not sure it makes much difference if it's residential or just another commercial lot.

Opponents:

Cathy Archuletta is the property owner of 5385 Mark Dabling Blvd. The change zone is detrimental of the Class A environment of part of Pikes Peak Research Park was designed for and will have an adverse financial impact to them. The park was built and developed with the expectation the Class A Profession Level of Pikes Peak Research Park would continue to maintain the professional business environment, high tech companies and tenants of the same quality. There's no public transportation along Mark Dabling Blvd. This complex will be designed for families it will cause safety issues for children due to traffic, the creek and the railroad tracks on Mark Dabling that are not fenced. Their lot will have children playing there since that is the only place with grass. She has a tenant who's stated they will leave property if this is built resulting in a financial loss for her.

Bob Collaun owns property at the end of the street. He agrees with Ms. Archuletta. This is incompatible with the existing use. There are only six properties affected by this proposal and three of the six are opposed to this project. It will change the nature of the park. He has tenants that will leave if this is built which will cause him extreme financial loss. This use is inconsistent with this site. He agrees we need moderate income properties but this is the wrong place for this. There is been issues of homeless people setting up camps in the creek area.

David Kumstole is the attorney for Roy Kermer who is the owner of Lot 3 in the subdivision. The rezone will cause disharmony within the park. Right now there is harmonious use. What is allowed in a PIP-2 zone are not allowed in an OC zone. The current proposal is for multi-family, but if it's not developed and the rezone happens any of those allowed uses in an OC zone could be allowed to be developed and they are inconsistent with what exists right now. Consistency is part of the requirements for a rezone. Covenants have been brought up and the Planning Commission doesn't deal with covenant however they don't think it's been resolved. Office park has been developed based on these covenants. Zone change will make lot 6 inconsistent with

surrounding properties.

Questions of Staff: None

Rebuttal:

Mr. Flare stated they'd spoken to all 13 property owners and felt they successfully amended the covenants, even though that isn't under the Planning Commission's purview. He had submitted a document that had 10 of the 13 property owners agreed that show the covenants were amended. The comprehensive plan supports this project. This is an infill as well and they will not to go above certain number of units. Hundreds of users cross the property to the trail and they want to accentuate the use of the adjoining trail. Office use generates more traffic than apartments. They will be part of any maintenance agreements. Transients' use of creek is well known but with their staff onsite they will tighten security in the area. It will be a quite setting and fit in nicely and be compatible.

Commissioner Markewich asked about the easement under the parking lot and if utilities need access how would that be addressed if repairs are needed. Mr. Flare said they will have a plan for what would need to be done and they will follow it and any requirements per CSU's review.

Commissioner Markewich asked about the private road regarding maintenance. Mr. Flare said they will do the right thing and won't leave the road in disrepair. They intend to have good communication with all the other property owners. There are three property owners here today in opposition and they will reach out to them to work together. Commissioner Markewich asked if the aforementioned covenants contain the maintenance agreement. The owner stated the covenants do not address anything to do with maintenance. The HOA never was established and no dues collected. The association would be responsible to maintain that road. But since the HOA doesn't exist and the corporation doesn't exist there's no authority to do any type of maintenance. He stated the area is zone PIP-2 and if he doesn't change the zone and redevelop this he has someone willing to put in a construction yard which is allowed by the code.

Commissioner Markewich asked if they approve the zone change there are other uses that's acceptable so would the owner be amenable to a condition of record that multi-family be the only thing allowed on the property if the zone change is approved. The owner said no.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Smith said this is an unusable property for the most part. There aren't many uses for this site and could not be used for an office complex. They have approval from parks department, it's a good infill

plan and we need affordable housing and this is a place that can help with that. The Comp Plan supports it and encourages uses and design for infill project and this does that. We desperately need workforce and affordable housing in our community so he will be in support.

Commissioner Shonkwiler said this project checks off every box of Infill and Redevelopment which is part of the Comprehensive Plan. Providing workforce housing next to office is ideal. It meets the zone change criteria, the criteria in the Comprehensive Plan so he will be in support.

Commissioner Henninger said he was impressed with the concept of the proposal of having housing at this site. All the amenities that are available at this site could allow you to ask for higher rent. Mixing uses in this way in this area is appropriate. The opportunities for the residences are good. This complies with infill, it meets with the criteria of the comprehensive plan and he will be in support.

Commissioner Markewich said he concurs with the other commissioners. He thinks it's a very creative use. This property is vacant and we are very interested in infill. The use will be beneficial to the area. There is a mobile home park a little way away so it isn't as though there isn't any residential around the area. He didn't believe the multi-family use will change the character neighborhood but will actually enhance the area. This could be a very different plan because there are things allow in the current zone that could be much worse. Changing the zone is a good plan. It meets the criteria for a zone change and concept plan as well as infill and comprehensive plan.

Motion by Smith, seconded by Graham, to recommend approval to City Council the rezoning of 5.41 acres from PIP-2/CR/SS (Planned Industrial Park with Conditions of Record and a Streamside Overlay) to OC/SS (Office Complex with Streamside Overlay), based upon the findings that the zoning request complies with the review criteria set forth in City Code Section 7.5.603.B.. The motion passed by a vote of 8:0:0

Aye: 8 - Graham, McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski and Smith

6.B.2. [CPC CP 17-00070](#)

A Concept Plan for the Monument Creek Apartments illustrating the development of a 5.41-acre property into a single, 4-story, 48-unit apartment complex located south of the I-25/Mark Dabbling Boulevard underpass

(Quasi-Judicial)

Related File: CPC ZC 17-00033

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Motion by Smith, seconded by Graham, to recommend approval to City Council the Monument Creek Apartments Concept Plan based upon the findings that the concept plan meets the review criteria for granting approval of a concept plan as set forth in City Code Section 7.5.501.E.. The motion passed by a vote of 8:0:0

Aye: 8 - Graham, McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski and Smith

6.C.1. [CPC ZC 17-00059](#)

An appeal of the Planning Commission's decision to approve an Ordinance amending the zoning map of the City of Colorado Springs pertaining to 4,000 square feet at 315 E. Dale Street from R5 (Multi-Family Residential) to OR (Office Residential)

(Quasi-Judicial)

Related Files: CPC DP 17-00058, CPC NV 17-00060

Presenter:

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

Peter Wysocki, Planning and Community Development Director

Staff presentation:

Ryan Tefertiller gave a Power Point presentation

- I. Property location
- II. Site details
- III. Type of applications for the project
- IV. Mixed Zoning surrounding the immediate couple of blocks
 - a. West along Nevada corridor is C-5, OC
 - b. North of Cache La Poudre is SU zone which by definition is mixed use zone allowing a range of uses
 - c. East of the alley running parallel to and between Weber and Wahsatch is R-2 zone
 - i. Alley creates a division line
 1. Office and commercial to the west
 2. Higher density residential to the west
 3. Lower density residential to the east
 - ii. Some non-conforming properties east of alley in the R-2 zone
- V. Close to Colorado College
- VI. Land uses surrounding site
 - a. Non-residential uses
 - b. Higher density residential uses
 - i. Could be single-family on very small lots, multi-family, or apartments
 - c. Parcel next to the site is a parking lot associated with the

- office on the corner
- VII. History of this site.
 - a. Prior to 1994 all zoning maps showed site as R-5
 - b. Zone change on the immediate adjacent site to OR in 1994 removing some conditions of record on that OR zone district
 - c. When ordinance was incorporated into the zoning maps staff believes an error made the eastern boundary of that district was accidentally extended to the alley to include subject property.
 - d. Zoning maps from 1994-2012 showed site zoned OR
 - e. 2006 current owner purchased property thinking site was zone OR
 - i. Current owner was to live and have business on the site.
 - f. 2013 owner contacted city regarding use of the property for her Office Use; error was found at this time
 - g. Remodeling work done before home occupation permit
 - i. Removed first floor kitchen and relocated to upper level
 - ii. Location of kitchen makes it difficult to market for selling as a single-family residential property
 - h. 2014 Home Occupation Permit issued for a counseling service
 - i. Home Occupation Permit limits the extent of the office use
 - 1. No outside employees
 - 2. Constraints on the number of customers/clients at the property at one time.
 - 3. Constraints on signage
 - i. 2017 owner reengaged staff with the desire to sell property with use flexibility via OR zone
 - i. Residential, Office or mixed office-residential
- VIII. Notification
 - a. Received considerable input from surround property owners
 - i. Parking along Dale Street
 - ii. Real or perceived issues with office uses
 - 1. Noise
 - 2. Lights
 - 3. Traffic
 - 4. Crime
 - 5. Property values
- IX. Development Plan required to establish OR zone
 - a. No actual changes to the site
 - i. Development plan based on an ILC showing size and location of the home and the three (3) onsite

parking stalls

- X. Parking
 - a. Requirement for parking Office use
 - i. One (1) per 400 sq. ft.
 - b. Home slightly smaller than county assessor's record
 - i. Reduced size of the home lowered the number of required stalls to 5
 - ii. Looked at newly adopted reduction factors
 - 1. Allowed for on-street stall adjacent to the site count for off-street requirements making the variance to be 3 stalls where 4 are required
- XI. Staff visited site during several different time periods
 - a. Able to find parking at the different times on Dale
 - i. Not always right in front of site but within half a block either direction
- XII. Analysis
 - a. Site is within a mixed use area
 - b. OR zone exists adjacent to the west and the south
 - c. Consistent with Master Plans
 - d. Consistent with Comprehensive Plan
 - e. All criteria met
 - f. Two (2) technical modifications for the development plan

Questions of Staff:

Commissioner Shonkwiler asked if the zoning was changed would there be anything to prevent the current or future owner to use it as a residence or possibly a duplex. Mr. Tefertiller stated no but there's a slight qualifier given that single-family residential is permitted in the OR zone. The development plan lists the use of the property as general office. If bought as a single-family home we'd process a minor modification to cross off the use as general office and change it to single-family and approve it administratively.

Commissioner Shonkwiler asked if not restricted as office space would the OR zone allow approval without further review to put one apartment upstairs and one downstairs. Mr. Tefertiller stated within the neighborhood discussions there is a table of all the conditional uses within the OR zone. Single-family and two-family are permitted in the OR Zone. Multi-family - more than two units would require a conditional use. The code requires a development plan or an amended plan to change use types. With an approved office use type for this site and no development plan but had been using it for office and want to change it to residential, it would require a development plan under current code or vice versa.

Commissioner Shonkwiler stated having to go back and forth through this is unfortunate and other than making sure you comply with the

building codes is an undue burden on property owners. Mr. Tefertiller said others share that opinion but the minor modification process to change from one use type to another is straightforward once the development plan is in place.

Commissioner Walkowski discussed the parking and said it was calculated roughly on a 2,000 sq. ft. of office space. And there is 2,000 sq. ft. of residential so is that 4,000 total. Mr. Tefertiller said no, the structure is just under the 2,000 sq. ft. total. The proposed development has the entire structure as office. But a mixed use of office/residential is permitted.

Commissioner Markewich asked if the home occupation permit goes with the current owner or does it stay with the property. Mr. Tefertiller said he thought it went with the user of the home occupation permit and didn't believe it ran with the land. Commissioner Markewich asked if the home occupation permit was specific to her counseling business. Mr. Tefertiller said yes. If someone wanted to operate some other type of business they'd need a new home occupation permit.

Commissioner Markewich said we're not changing the use we're memorializing it as it is now. It's currently being used in the way we're proposing but because of the mistakes they always thought it was zoned OR and use it as office space. We're only changing the parking stall. Mr. Tefertiller said to some extent that is true. Right now it's being used as a mixed use unit. The development plan is illustrating office use throughout the entire structure and no residential unit upstairs. Commissioner Markewich said then it couldn't be allowed anymore. Mr. Tefertiller said it could through a minor modification. But the development plan only shows office use which is allowed in the OR zone but not in the R-5 zone.

City Attorney Marc Smith - from his research, home occupation permits are not typically recorded against the property. Permits are generally individual in nature. Without knowing the specifics the exact permit says in this situation he's hesitant to make a guarantee one way or another.

Commissioner Markewich said once we know definitively could we notify the owner.

Mr. Tefertiller said the current owner is in the process of trying to sell the property.

Ms. Connie Fairchild stated how she acquired the property with the idea the site was zone OR and what she saw the property could be used for. But then she learned the site was zone R-5 and let go of the idea of making it what she envisioned and got the home occupation permit.

She has now closed her practice and would like to leave the site open to the new buyer to design it as they'd want it. But she's done a lot already to the site. It's a great mixed use site and would like to market it to the broader spectrum of clients.

Supporters:

None

Opponents:

Melody Griffin a homeowner on the block of East Dale. There are three single-family residences on that side. She's concerned about parking. She's owned her property seven or eight years has been able to park in front of her property five times so there's no parking on Dale. There is parking on Dale from CC and several times her driveway's been blocked because there is no parking on that street. There may be parking during the day at different time but not at night. Dale becomes an overflow area when there are events downtown. The commercial creep is a serious thing. She's saved for a long time to make her home what she's wanted and to have the commercial continue to push in has made this become less of a residential area. This will affect the character of the neighborhood.

Cheryl Brown and she owns the property next to 315 East Dale. Ms. Brown had a document of all the 12 neighbors surrounding Ms. Fairchild's house saying they don't want this change mainly because of parking and also the zoning creep. There is trash, broken glass in front of her house and people aren't caring for the area. There are multiple houses that have only on-street parking. The parking profile Mr. Tefertiller showed isn't accurate. She showed pictures of cars parked up and down the street during the day. The reason they have such a parking problem is the three commercial buildings at the corner. If there are four different counselors with clients, where are they going to park when we already have no place to park. Four on-site spaces will not be enough. They corrected the zoning in 2012 and would never have bought it if she knew she'd have an office next to her. She doesn't want to have an office next to her home. OR zoning allows for a lot of different type of businesses and finds it scary for herself as a single mother with a teenage daughter. Also the value of the residential homes would go down next to an office and that's why they're all fighting this. We need more mixed use and residential in this area.

Commissioner Smith said a business would run 8-5 and the type of business that could use this setting may not open until 9 or 10 and be gone by 4. He went and walked the area and there was plenty of parking on the street during the day. If this was an office it wouldn't be used at night. So he doesn't see why there's a parking issue. He also noticed about the area to the east and across the street from the site are

yards that are completely unkempt and the yard at this property has been well done. His point is in that block there's a good number of properties that the yards are not taken care of.

Ms. Brown said in terms of the parking during the evening, you won't see it now, but it will be there when the students return they will take up all the parking. So if it's not parking from the offices it is parking from the students. It was risky buying there but it's risky to rezone it as office because it compromises the neighborhood itself. You see the bad yards because of all the office. She doesn't believe they should give up on it because of a few unkempt yards. Stop zoning it commercial and the houses will come up.

Questions of Staff:

Commissioner Henninger regarding the parking, this area is impacted by businesses, college, residential and rental units. There is no ordinance to say certain areas for parking should go to the owners of the residents. However what is a true assessment of the parking, as you presented or as the occupants presented.

Mr. Tefertiller said he'd respond by saying the findings in the staff report are true. He believes two things. The parking stalls on Dale Street between Weber and Wahsatch are well utilized especially at certain times of day. He reference the times in his report but there was two on-street stalls available on the block. He never went there and saw every stall on the block was occupied. The yoga studio referenced was granted a variance for zero on-site stalls where 15 or 20 were required. He'd also agree with some of the comments for the office on the northeast corner of Dale and Weber; there are a number of different office uses that have only 3-4 off street stalls as well as some single-family homes in the area that have no off-street parking. So the uses and demand create demand on Weber and Dale but doesn't think the requested variance is out of line or unusual given the other uses and parking demands in the area.

While the zone and approved use correlate with parking demand and the time that demand is present the individual tenants and users have a stronger correlation. Ms. Fairchild and her one car and her client and their one car may be there, conversely, this same structure could be rented to 4-5 college students with one kitchen as a single-family home and you could have 4-6 cars that are there all the time utilizing that on-street parking supply. So it's dependent more on the tenant than on the zone.

Commissioner Smith said the three stalls are in the back of the house. And do they include in front of the garage or are the three stalls from the north side of the garage to the south side of the house? The three

stalls on the parking analysis exhibit are all on private property behind the house and the southern of the three stalls blocks entry into the garage which is called a tandem space. You could actually fit four cars on the site; one in the garage and three in the parking area behind the house. But you can't count all four because one is a tandem stall

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Shonkwiler said he's interested in preserving our neighborhoods and introducing new uses in a neighborhood could affect an urban neighborhood that is not already zoned for that use. This one is complicated due to different aspects. On balance he's mostly in favor of it. He thinks the use being proposed is relatively benign. He felt the health of the neighborhood deals with people living there and taking care of the property who have some investment in the property. On balance he didn't believe this will change the situation that's been in place for about 10-12 years. It will have a minimum effect on the neighborhood. It's never perfect in these situations. So he will be in support.

Motion by Smith, seconded by Vice Chair Henninger, to recommend approval to City Council a zone change application for 315 E. Dale St. submitted by the City of Colorado Springs on behalf of Connie Fairchild to rezone the subject property from R5 (Multi-Family Residential) to OR (Office Residential). The motion passed by a vote of 8:0:0

Aye: 8 - Graham, McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski and Smith

6.C.2. [CPC DP 17-00058](#) An appeal of a Development Plan for 4,000 square feet at 315 E. Dale Street. to support the proposed OR zone (Quasi-Judicial)

Presenter:

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

Peter Wysocki, Planning and Community Development Director

Motion by Smith, seconded by Vice Chair Henninger, to recommend approval to City Council a development plan application for 315 E. Dale St. submitted by the City of Colorado Springs on behalf of Connie Fairchild. The motion passed by a vote of 8:0:0

Aye: 8 - Graham, McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski and Smith

6.C.3. [CPC NV 17-00060](#) An appeal of a non-use variance to allow 3 on-site parking stalls where 4 are required for a general office use at 315 E. Dale Street

(Quasi-Judicial)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community

Development Department

Peter Wysocki, Planning and Community Development Director

Motion by Smith, seconded by Vice Chair Henninger, to recommend approval to City Council a non-use variance for 315 E. Dale St. submitted by the City of Colorado Springs on behalf of Connie Fairchild to allow three on-site parking stalls where 4 on-site stalls are necessary for office use. The motion passed by a vote of 8:0:0

Aye: 8 - Graham, McDonald, Markewich, Henninger, Chairperson Phillips, Shonkwiler, Walkowski and Smith

7. Adjourn