



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, January 18, 2018

8:30 AM

Council Chambers

1. Call to Order

Roll Call

Present: 9 - John Henninger, Samantha Satchell-Smith, Reggie Graham, Vice Chair Carl Smith, Chairperson Rhonda McDonald, Jeff Markewich, Jim Raughton, Ray Walkowski and Jamie Fletcher

2. Approval of the Minutes

[18-0043](#) Minutes for December 21, 2017 Planning Commission Meeting

Presenter:

Rhonda McDonald, Chair, City Planning Commission

Motion by Walkowski, seconded by Henninger, that the Minutes be approved for the December 21, 2017 City Planning Commission. The motion passed by a vote of 9:0:0

Aye: 9 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher

3. Communications

Rhonda McDonald - Planning Commission Chair

Peter Wysocki - Planning and Community Development Director

4. CONSENT CALENDAR

- 4.A. [CPC CM1](#)
[17-00137](#) A Conditional Use for a Commercial Mobile Radio Service (CMRS) installation of a freestanding 50-foot tall clock tower for a concealed mobile telecommunications facility with associated supporting ground equipment located at 1602 South Murray Boulevard.

(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

Motion by Walkowski, seconded by Fletcher, to approve the conditional use for the CMRS at 1602 South Murray Boulevard 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 item was passed unanimously on the Consent Calendar by a vote of 9:0:0

- 4.B. [CPC CU 17-00140](#) A conditional use development plan for the Resort Lifestyle Communities retirement home facility consisting of 130 units on 8.112 acres located southeast of Duryea Drive and New Car Drive.

(Quasi-judicial)

Presenter:
Mike Schultz, Principal Planner

Motion by Walkowski, seconded by Fletcher, to approve the conditional use to allow a retirement home within a C-6 (General Commercial) zone district based upon the findings that the use meets the review criteria for conditional use as set forth in City Code Section 7.5.704 and that the Resort Lifestyle Community Development Plan meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E).

The item was passed unanimously on the consent calendar with a vote of 9:0:0

- 4.C. **CPC ZC 17-00135** An ordinance amending the zoning map of the City of Colorado Springs pertaining to 2.36 acres located southeast of Issaquah Drive and Sonesta Drive from R-1 6000/AO/DFOZ (Single-Family Residential with Airport and Design Flexibility Overlay Zone) to PK (Public Park).

(Quasi-Judicial)

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

Moved by Walkowski, seconded by Fletcher, to Recommend approval to City Council the zone change of 2.36 acres from R1-6000/AO/DFOZ (Single-Family Residential with Airport and Design Flexibility Overlay Zones) to PK (Public Parks), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603.

The motion passed unanimously on the Consent Calendar by a vote of 9:0:0

- 4.D.1. [CPC MP 87-00381-A1 9MN17](#) Banning Lewis Ranch minor master plan amendment to change the land use classification of 1.74 acres from RVL (Residential, Very Low) to PUB (Public/Institutional).

(QUASI-JUDICIAL)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Motion by Walkowski, seconded by Fletcher, to Recommend approval to City Council the minor master plan amendment to the Banning Lewis Ranch Master Plan, based upon the finding that the amendment meets the review criteria for granting a master plan amendment as set forth in City Code Section 7.5.408.

The motion passed unanimously on the Consent Calendar by a vote of 9:0:0

4.D.2. [CPC ZC 17-00094](#)

Falcon Park and Ride zone change of 1.74 acres from R/CR (Estate Residential with Conditions of Record) to PF (Public Facility) located south of the south corner of the Highway 24 and Meridian Road intersection.

(QUASI-JUDICIAL)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Motion by Walkowski, seconded by Fletcher, to Recommend approval to City Council the zone change of 1.74 acres from R/CR (Estate Residential with Conditions of Record) to PF (Public Facility), based upon the findings that the change of zone request complies with the review criteria for granting a zone change as set forth in City Code Section 7.5.603.B.

The motion passed unanimously on the Consent Calendar by a vote of 9:0:0

4.D.3. [CPC DP 17-00095](#)

Falcon Park and Ride development plan illustrating a 208 stall parking lot located south of the south corner of the Highway 24 and Meridian Road intersection.

(QUASI-JUDICIAL)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Motion by Walkowski, seconded by Fletcher, to Recommend approval to City Council the Falcon Park and Ride development plan based upon the findings that the development plan complies with the review criteria as set forth in City Code Section 7.5.502.E.

The motion passed unanimously on the Consent Calendar by a vote of 9:0:0

Approval of the Consent Agenda

Motion by Walkowski, seconded by Fletcher, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9:0:0.

Aye: 9 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher

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

5. UNFINISHED BUSINESS

- 5.A.1. [CPC MP 87-00381-A2 0MJ17](#) Major amendment of the Banning Lewis Ranch Master Plan changing the land use of 162 acres from industrial park and retail to residential, office, industrial/research and development and neighborhood-scale commercial land uses located east of Marksheffel Boulevard, south of Space Village Avenue, and north and west of undeveloped property within the Banning Lewis Ranch.

(LEGISLATIVE)

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

Motion by Fletcher, seconded by Graham, that this Planning Case be postponed to a date certain for the February 15, 2018 City Planning Commission hearing.. The motion passed by a vote of 9:0:0

Aye: 9 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher

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

(QUASI-JUDICIAL)

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

Motion by Fletcher, seconded by Graham, that this Planning Case be postponed to a date certain To the February 15, 2018 City Planning Commission hearing..

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

Aye: 9 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher

5.A.3. [CPC CP 16-00153](#)

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

(QUASI-JUDICIAL)

Presenter:

Meggan Herington, Assistant Director, Planning and Community Development

Motion by Fletcher, seconded by Graham, that this Planning Case be postponed to a date certain to the February 15, 2018 City Planning Commission hearing..

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

Aye: 9 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher

6. NEW BUSINESS CALENDAR

6.A.1. AR DP 17-00039

An appeal of an approved development plan for The Ridge illustrating a 60-unit multi-family development on 3.72 acres located at 4375 Broadmoor Bluffs Drive and zoned R-5/HS (Multi-Family Residential with a Hillside Overlay).

(QUASI-JUDICIAL)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Staff presentation:

Ms. Van Nimwegen gave a PowerPoint presentation discussing the range and scope of the project.

Appellant Presentation:

Mr. Dan Martin Broadmoor Bluffs Neighborhood Assoc. gave a PowerPoint presentation. Cindy Grey with the Las Casas Condo Owners Association gave a PowerPoint presentation.

Applicant Presentation:

Mr. Daryn Murphy with Commonwealth Development gave a PowerPoint presentation discussing the scope and plans for the project. Mr. Murphy

stated there were members of his engineering team and general counsel for Commonwealth Development also present for the hearing.

Mr. Murphy introduced Lee Patke, Executive Director of Greccio Housing who gave a brief statement

Questions:

Commissioner Graham asked the applicant about the stability of site and the height of the retaining walls. Mr. Murphy stated exhaustive research and testing were done and due to not knowing when the walls were built they decided to tear down and rebuild them. Engineer Carl Henderson discussed the specifics of the analysis done for the site and all the testing showed the site was stable, the redesigned walls were stable, and there was no movement of the slope.

Commissioner Roughton asked if this project will be part of the HOA. Mr. Murphy stated it wouldn't. Commissioner Roughton asked their site will have their own liability insurance? Mr. Murphy said yes.

Commissioner Roughton asked about a sidewalk to Broadmoor Bluffs Drive. Mr. Murphy said this was one shortfall of the site, and that a sidewalk to Broadmoor Bluffs Drive couldn't be done. The road is a 60-ft private access drive aisle and is the main ingress and egress for the condos and the multi-family. If it's safe for the condos residents it will be safe for their residents.

Commissioner Satchell-Smith confirmed all the land suitability analysis information was present within the plans and to combining the information onto one document wasn't necessary. Ms. Van Nimwegen said yes, all information is found within the preliminary grading plan, the preliminary utility plan, and the geologic hazard report. The title "land suitability analysis" is what's different. No additional information would be gained with that type of drawing with all that information that already exists on other pages wasn't needed in a separate page.

Commissioner Satchell-Smith confirmed the site was ADA compliance Ms. Van Nimwegen stated City Planning reviews for the accessible parking stalls, the routes from the stalls, and considers whether there is a route from the public right-of-way. Mr. Wysocki, Planning Director, stated the City's Title II ADA Coordinator along with the City Attorney's Office evaluated this project for ADA Compliance and both the City Attorney and the Title II ADA Coordinator agreed the project sufficiently conforms.

Commissioner Markewich had several areas of concern that staff had not adequately address or didn't answer:

1. Staff ignored Hillside Overlay guidelines
2. Allowing an exemption by the applicant and ignoring the rules required with an exemption.
3. Not completing a Land Suitability Analysis
4. The cut and fill along with the height and breadth of the retaining walls were in contradiction between appellants' information and Staff's information
5. Access to the site, safety of the access, and ADA compliance
6. This site is not in an area which needs low-income housing, and how the access will limit people in wheelchairs or who have to walk and felt the project would be better suited for south Academy or The Citadel area.
7. The area is in the susceptibility area that Colorado Geologic Survey (CGS) is studying for suitability
8. A letter from July 2017 from CGS stating geologic hazard report was insufficient and what was needed to bring it into compliance. Then the letter from November 2017 where CGS stated the applicant satisfactorily resolved previous concerns. What was done for compliance?

Ms. Van Nimwegen addressed question of the hillside by stating the Hillside Development Design Manual has guidelines that aren't codified, what codified is the Hillside Overlay Zone in City Code. She referenced the key components for the codified is the Hillside Overlay Zone and that the plan followed all those requirements and was in compliance

Ms. Meggan Herington, Assistant Planning Director, clarified the applicant had not asked for an exemption to the hillside. She added the parts of the Land Suitability Analysis were completed but were packaged differently so all the information was there and that was how Ms. Van Nimwegen completed her analysis based on the information.

Ms. Meggan Herington refuted the statement of cut and fill and quoting from City Code Section 7.3.504.D about the requirements focusing on Street type and Placement along with cut and fill discussing height limitations and how cut and fill are related to streets.

Ms. Van Nimwegen addressed the access and deferred to the applicant for specifics.

Mr. Murphy discussed access from Broadmoor Bluffs is owned by Safeway shopping center, the condos, and their development. The condos refuse to give up their easement for that access. Thus they repositioned their building and built a parallel access to reach northern access to their site. Mr. Murphy restated if the access was safe for the

condo residents it would be safe for their residents.

Mr. Wysocki addressed the concerns raised about the appropriateness of the location of the development and that the Commission was to base their decision only on what was in the review criteria. He also stated the access will be used by all types of individuals and the development was approved with this access.

Kathleen Krager, Division Manager for Traffic Engineering, provided clarification about the access for the site stating a full traffic impact analysis was conducted, and there are alternative access points through the Safeway. They didn't find there'd be any problems with traffic.

Ms. Krager added the question of the safety of the access by stating as long as everything in their development plan accommodates access the criteria is met.

Mr. Wysocki addressed the concern of being in the susceptibility zone and confirmed CGS is completing a study. Mr. Wysocki stated there is not a moratorium on development in the susceptibility zone prohibiting applications from being filed, and Planning from processing them. With this application the applicant followed code and submitted everything; they complied with the new geohazard ordinance; CGS will continue to be a review agency throughout the remainder of the approval process. Mr. Wysocki stated we've taken care of every detail, even minor ones, and been very meticulous on this project.

Mr. Wysocki described the overall CGS review of applications. Regarding the July 17, 2017 CGS review letter, his thought was the areas of concern in the letter were shared with the applicant, and they were able to bring all of the deficient areas of the geologic hazard report up to compliance. Mr. Wysocki stated we want the building to be safe. A corporation will own this and take care of it instead of like a single family home. But any changes will be reviewed by the city. But there's a different context between single family homes and projects like this.

Ms. Van Nimwegen further addressed the July 17, 2017 CGS review letter, and what was done to have an approval letter from November 13, 2017-the following review. She stated the consultant for the geotechnical report is not local, and every jurisdiction is different on what is required in their reports. The applicant was not provided a checklist for geotechnical or geohazard reports like other applications. This was the problem here. The geotechnical engineer was unfamiliar with what we needed to see. Once he had that information he was able to provide all the information requested by CGS. Mr. Murphy with Commonwealth also gave further

comment that there'd been meticulous investigation of this site.

Commissioner Walkowski had several areas of questions for the appellant, the applicant and their engineer:

1. The soils stability and a possible tension crack and how to mitigate the crack
2. Were there any other visible signs of cracks
3. The stability of the slope and what testing was done
4. The type of wall
5. Excavating affecting upper slopes
6. The drainage plan

The appellant, Mr. Martin, addressed the tension crack by stating he called his geotech engineer who stated there wasn't a way to say it was or was not a tension crack. The engineer recommended put clay in the crack once it warmed up. Mr. Martin stated there no other visible cracks in the area due to the dense vegetation but didn't mean they weren't there.

Mr. Henderson, Commonwealth Engineer, confirmed he was comfortable with the slope stability of the site. They completed a global stability analysis of the wall, including proposed grading in front of the wall, and looked at the overall factor of safety and that the wall would be an engineered wall. Mr. Henderson also stated any work wouldn't affect the slope behind it. But he hadn't seen any plans for utilities trenches cut in front of it that would compromise the toe stability.

Mr. Murphy addressed the question of the drainage report not being for this project stated there may have been an erroneous label on the plan. Their drainage plan is labeled The Ridge, it's been reviewed and approved. They'll have catch basins and the runoff will not be more than historic flows.

Commissioner McDonald stated the plat for Cheyenne Montana Lodges dated May 14, 2001, had six buildings three built, three not built. The plan for The Ridge is very similar, but if the original development had been built out they wouldn't be here today. Ms. Van Nimwegen stated yes.

Commissioner McDonald confirmed there's a new owner with a new plat. Ms. Van Nimwegen said yes. When the condo plat was done it left a remnant of land, and in order to build new structures a new plat was required.

Commissioner McDonald reiterated if the plat from 2001 had been completed there'd be no discussion about this today at all. Ms. Van

Nimwegen stated it could depend on several things that could have been done, and how it would've played out. Commissioner McDonald confirmed it's the same amount of land and similar to what was proposed previously. Ms. Van Nimwegen said yes.

Supporters:

Gail Homier is a resident of Broadmoor Bluffs and attended most of the meetings. She doesn't believe people are not in support because it's on an unsafe site. This is a worthwhile project. People want affordable housing in safe and good areas and want their children to attend good schools. She believed the development has met all the requirements and it would be an asset to their community.

Opponents:

Rich Martin said his biggest concern is for the amount of kids there could. The truck route, the parking lot, and the retaining walls are where they'll play. Many may be unsupervised. The Safeway will be used as a way into the area. He is for low-income housing because he grew up in low-income housing and he knows we need it. He doesn't see the area being the right area for this.

Jana Blanter she's resident above the site. Greccio is important to our community and providing an excellent service. However this project will cost more than the entire portfolio that Greccio currently operates. It's not cost effective. No other site was looked at although the property next to Bentley Commons could've accommodated more than 60 units. She didn't believe it was an economical decision.

Wanda Smith stated she's in property management and operates some affordable apartment housing complexes. She opposed because she feels there's safety risks for the future tenants. There's no walkability. Transportation is a key. The closest bus route is over a mile away and some would have to walk across HWY 115 where there are no sidewalks and the speed limit is 50mph. There's no busing to school. There's no onsite manager. This won't benefit anyone in the community because they don't qualify.

Fred Boettcher, he's speaking as a resident. He and his wife have had a life of service in the military and they understand what it means to follow rules and there's different guidance for different areas. He didn't believe all the issues have been fully addressed. All the questions raised by everyone today indicate there's some unresolved issues. Traffic, safety, suitability as well as some of the federal laws need to be address in the future.

Suzanne Boettcher stated they tried hard to stay within the issues that pertain to code, have a building that's safe place to live, that's accessible, that serves the purpose and complies with the rules that were established in the City is what we expect. They feel most of the code wasn't followed or it was ignored on multiple levels. She's offended about letters written to council members, articles were printed in the newspaper, and that ill-informed presentations were made on TV represent the people of who Broadmoor Bluffs area. She has an expectation that the area she lives in is an area that abides by codes, regulations and all the laws of the City.

Questions of Staff: No additional comments

Applicant Rebuttal:

Mr. Murphy stated they could debate the merits of safety, green space, everything discussed during the public comment. They've done a lot of work and research on this site, weighed the pros and cons, and their experts have done a significant amount of work on the site. All they are asking for is the same treatment as any other multi-family development in this development zone. The Ridge is similar to the existing condos, and they want to be held to the same standard as they were. The package they have in front of them speaks to the adherence to the code and all the requirements.

Appellant Rebuttal:

Mr. Martin urged them to apply the same standards, the same city codes, the same rules and treatment that are applied to any other building project in the Hillside Overlay. Regarding the delivery lane, it was suggested there was a second way out through the Safeway parking lot but the shopping center owners are considering prohibiting pedestrian activity along the truck route and are also considering putting up barrier poles so you can't drive into the shopping center. The parking lot is not set up to handle that kind of traffic so they want to protect themselves and discourage that kind of traffic.

Applicant Final Rebuttal: No additional comments

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Henninger stated there's been a lot of information from everyone. Addressing low income housing is very important. He commends those pursuing this. He's looked at several things.

We're repurposing condos with almost the same footprint for apartments. The communication between parties is poor and confusing so he encourages the parties to work on that. The amount of people could be significant so he's concerned about the care and feeding those people

will receive. He's concerned about access. He didn't think it was a good plan. The neighborhood uses the same access as the trucks and it's not laid out appropriately to handle the additional housing. Considering the lack of transportation and the location he has grave concerns the way this is set up. There are better places for this. Because of these things he's not decided which way he'll he'd vote. But agrees it's very important to have affordable housing.

Commissioner Markewich stated the need for housing is a necessity in all of Colorado Springs. He appreciates Greccio Housing and what they do and all the support of service agencies that help low income people or disabled people. With so much assistance in the community it's frustrating we can't get ahead of this. He hopes with the new comprehensive plan and some of the other things being done will help this problem. He believes the development review criteria is very black and white. His decision isn't based on this being a low income facility or a high income facility. It doesn't matter to him and has no bearing on his decision. He looks at walkability, access to public transportation, and access to health care. None of which this site provides. Those are important considerations for anyone regardless of their income. Putting these residents here is putting them on an island without access to public transportation, a park or playground for their children, and 1,000 sq. ft of dedicated playground for potentially 150 children is insane. They'll play in the traffic and in the parking lot regardless of the lifestyle or economic situation of those living here. He believes the Planning Department was loose on their Hillside Overlay requirements. Regarding ADA, because the primary access point is jointly owned, he's considering that access point as part of the development plan. He doesn't see how you could reasonable say this project is compliant with ADA although we don't enforce ADA as a Planning Commission, but he wanted that as part of the record. The development review criteria 7.5.502.E numbers 1, 2, 6, 9 and 11 have not been met at all nor has the subdivision plat review criteria that is very similar to the development review been met at all. So no matter if this project is low income housing or high income housing he doesn't believe it meets the criteria. He will be voting to uphold the appeal.

City Attorney Marc Smith stated there's been a lot of talk about children and 100 kids in the complex. Familial status is protected under the Fair Housing Act. He wants the Commissioners to be very cautious relating to that particular topic-there could be no kids in this complex.

Commissioner Roughton complements the tenor and thoroughness of the Broadmoor Bluffs Neighborhood, the applicant's presentation and staff presentation. This is a transitional site and as such it's an appropriate

multi-family site. He sees this as workforce housing. The references to low income housing are not fully descriptive of what he sees this type of housing being. We need to accommodate employment levels with appropriate housing and this could fall into that category. Proximity to amenities is positive, as far as he's concerned, in that it's close to shopping and although it doesn't have a bus route right now it potentially could in the future. It is an infill development-one of our goals of our overall planning. He will support staff's position and deny the appeal.

Commissioner Walkowski echoed Commissioner Raughton's comments. He thanked the neighborhood for a very detailed and thorough examination of the process. The applicant did a good job of vetting the project beyond what would be needed for other projects. If he had to vote only on the affordable house issue it'd be an easy vote. But that's not what we're doing here. We have to determine if City Planning Staff made a decision against the language or purpose of the zoning code, if they're erroneous in their decision or unreasonable, or contrary to law. He thought planning staff addressed all the issues that the appellant brought up as far as ADA, drainage, Hillside Overlay, retaining walls, building height, and even the access with the traffic study. He thought that the staff decision was appropriate in his mind. His big concern is the public safety and welfare of the subsidence issues with this site. Slope stability to the north with the evidence as far as the cracking above, the site being in a landslide area, the retaining walls collapsing, sink holes are all good indications that something is going on with that land. However, it's been studied by engineers, geotechs and the site has been designed to take this all into account. He's hopeful the engineering and CGS study will provide all the remedies and mitigation that need to happen for the site.

Commissioner Fletcher thanked planning for an exceptional job and thoroughly reviewing all aspects of this complicated project. He thanked the people from Broadmoor Bluffs and those who came in to let them know their positions and the great presentation. To Greccio housing, it's important and honorable work. In terms of the two motions before them there are some drawbacks. This is an infill project. It's far from perfect but he agrees with Commissioner Raughton and Walkowski the planning department convinced me in both their report and comments today that the issues meet the review criteria for both the development plan and the final plat and he will be in support of those motions.

Commissioner Graham stated this has been a very spirited discussion. He applauds both sides for putting a lot of time and effort into this. But as a commissioner, we are responsible looking at whether or not the staff as met all criteria and in his opinion they have. We've heard talk about

whether or not this is the right spot or not. That is not within our purview as commissioners to determine whether or not an applicant should build on a certain spot. If they had met the criteria that are laid out by code then it's up to us as commissioners to follow what staff has presented. He doesn't believe this is a perfect site, but he does believe it's met all of the criteria. He's in favor of denying the appeal.

Commissioner Satchell-Smith thanked both sides for their time. We hear everyone loud and clear and the thoughtful presentations on both sides. Her job is to look at the development plan criteria and compare it to what City Staff has presented to us and the effort they put forth. Initially when she read the packet, her concerns included drainage, geological hazard, ADA and emergency. She listened to City Staff and in her opinion those criteria and those concerns have been looked into appropriately. She has to rely on City Staff and she's confident in their ability to come to the appropriate conclusions. In regards to Greccio and what they're doing for affordable housing this puts a new face on affordable housing and she appreciates that effort.

Commissioner McDonald stated she felt all involved in this project on both sides are trying to do the right thing. She doesn't believe anyone is trying to create a problem. She really appreciates what everyone is trying to do on behalf of the City of Colorado Springs to have such great citizens and people coming in, Greccio Housing, and Commonwealth Development to step in and do some of these infill projects. This plan has been in place for a very long time, technically. She's familiar with the site and spent a lot of time there and she thinks there have been several things put in place to avoid any future problems with the geological hazards or sliding or any of those concerns. We have CGS checking everything every step of the way now and that has been very beneficial to avoid future problems like we've had in the past. As a commission, it's not our job to consider whether or not Commonwealth is making a good investment or a bad one, or what type of project they put there. As long as it meets the code criteria then we're satisfied that it meets all those guidelines that's our job here. We don't decide the rent that's charged, who's going to live there that's not something we do. She will be voting to deny the appeal and in favor of the project going forward.

Motion by Graham, seconded by Fletcher, to Deny the appeal and uphold Planning Staff's administrative approval, based on the finding that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906(A)(4), and that the development plan application meets the review criteria in City Code Section 7.5.502.E.

The motion passed by a vote of 6:2:0:1

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

No: 2 - Henninger and Markewich

Recused: 1 - Smith

**6.A.2. AR FP
17-00040**

An appeal of an approved final plat for The Ridge Subdivision illustrating one lot on 3.72 acres located at 4375 Broadmoor Bluffs Drive and zoned R-5/HS (Multi-family Residential with a Hillside Overlay).

(QUASI-JUDICIAL)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

See Notes on associated Item 6.A.1., File ID AR DP 17-00039

Motion by Fletcher, seconded by Satchell-Smith, to Deny the appeal and uphold the administrative approval of the final plat for The Ridge Subdivision, based on the finding that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906(A)(4), and that the final plat complies with the review criteria in City Code Section 7.7.102 and City Code Section 7.7.303.

The motion passed by a vote of 6:2:0:1

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

No: 2 - Henninger and Markewich

Recused: 1 - Smith

**6.B. [CPC CA
17-00144](#)**

An ordinance amending Section 705 (Right of Way Dedication and Street Improvements) of Part 7 (Streets in Subdivisions), Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements), and repealing Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements), all of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Banning Lewis Ranch Regulations

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Development

Staff presentation:

Mr. Wysocki gave a PowerPoint presentation discussing the scope and

intent of the ordinance and changes contained within the ordinance.

City Attorney Marc Smith referenced areas within the ordinance that could need changed but that it wasn't substantive.

Questions:

Commissioner Markewich asked regarding the zoning, the owners can keep the current zoning or request a rezone, but it must rezone to a PUD. Why is that? Mr. Wysocki stated we want to have the ability to see a larger area of master planning. The city may wave that or may not require PUD zoning if beneficial in the future. The City Staff has the discretion to allow other zoning districts, or rezone it not through the PUD process.

Commissioner Markewich asked about the drainage and the closed basins and if the property has historic flows running across the property, will you require that property owner to restrain the historic flows in addition to any other flows that their development is creating? Mr. Wysocki stated currently the development must address post development stormwater, and allow for historic flows to go through. Commissioner Markewich stated when the statement of "closed basins" it only refers to present time, correct. Mr. Wysocki stated that was correct. Commissioner Markewich thought should be clarified.

Commissioner Markewich stated he's concerned the changes would make it would make Banning Lewis Ranch more favorable than the rest of the City but reviewing it seems it equalizes Banning Lewis Ranch to the rest of the City.

Mr. Wysocki stated that was accurate. It's not relaxing standards in Banning Lewis Ranch compared to other annexations and other developments. Commissioner Markewich stated it seems it is taking some of the restrictions on Banning Lewis Ranch and moving them in line with the city. Mr. Wysocki stated in some instances, yes. He would say equalizing and achieving the same infrastructure improvements, just in a different method. It is really just modernizing, but by no means is it relaxing or reducing city code.

Commissioner Graham asked about fire protection and police service; the new ordinance determines \$677.00/acre which seems to relieve the developer of a great deal of expense. How was that number determined? What was it based on? Mr. Wysocki stated Police and Fire Administration adjust the fees and they base it on the projected cost of construction of a facility. The City then has to look at how many stations are needed because not only do we have to build them, but then we have to staff them. Commissioner Graham stated he wasn't sure where the

number four came from but we are already short staffed when it comes to police and fire protection so I am trying to see if that \$677.00 is an adequate number. Mr. Wysocki stated there is a methodology behind it on how they determine that fee.

Commissioner Henninger stated this is the first time Banning Lewis Ranch is being talked about as a whole in the last five and a half years. We've been focusing and discussing infill. If this eases development in Banning Lewis Ranch and we also have the new Comprehensive Plan along with the neighborhood development plans will this override a lot of that effort because now we are emphasizing Banning Lewis Ranch and giving permission for the City to move east. What is the summary of all this?

Mr. Wysocki stated that was a very valid question. Infill will not accommodate growth; we will grow in or out of the city limits. Nothing in the annexation agreement precludes any developer or the city in the future, to implement a denser development in Banning Lewis Ranch. Future development will be guided by future comprehensive plans, future markets, and future city land use policies. The question is what happens if Banning Lewis Ranch isn't available for development there will still be a need and demand and consumer desire to have a single-family newer home somewhere. We can only absorb so much growth. People want new development. There will be growth and it will make it more favorable in Banning Lewis Ranch. We will continue to promote infill development and redevelopment. Infill and redevelopment is hard but there will be a need for newer development.

Commissioner Smith asked about utilities and the first portion will be about 6,000 acres. Will that be for development? Mr. Wysocki stated there is 6,000 acres of vacant land within city limits right now, excluding Banning Lewis Ranch. Reports anticipate approximately 6,000 acres of Banning Lewis Ranch development will happen over the next three decades.

Commissioner Smith confirmed 6,000 acres, over the several decades, in Banning Lewis Ranch, correct? Mr. Wysocki stated yes. Will the entire 20,000 acres in Banning Lewis Ranch be developed? He was not sure. Commissioner Smith asked where it would start. Mr. Wysocki stated the north will continue to grow. It will grow closer to available infrastructure.

Commissioner Smith asked how infrastructure will be developed with new developments and projects coming in the north and even the south end, how will utilities bring water to both places and how does it get paid for?

Bethany Burgess with the City Attorney's Office, Utilities Division, stated with the development of the SDS Project, there is water infrastructure closer to the ranch than we would have, say 30 years ago. For the north part of the ranch, we have some infrastructure already in place that is serving the Oakwood Development in the very north. We expect that those pipes will be able to serve additional growth in the north part of the ranch in the future. In respect to the south side of the ranch, in the short term we will probably be using resources from the Colorado Center Metropolitan District. Over time, as will all other annexations, the property owners will have to extend water mains and wastewater collection improvements needed to serve those parts of the ranch.

The only big change from the old agreement to the new agreement is that under the old agreement, in addition to all of the collection improvement to the wastewater side, and the distribution improvements to the water side, they were also responsible for constructing a new wastewater treatment plant. If you look at the ranch today, some things have changed over the last 30 years.

The north part of the ranch can be served through existing capacity that we have at the Las Vegas Wastewater Treatment Plant. To serve the south part of the ranch, we would've had to construct a series of lift stations to pump wastewater flows from the south part of the ranch, all the way to the Las Vegas plant. As a utility you don't want to have to do that as you would rather have a system that operates using gravity. CSU has been working with members of the lower Fountain Metropolitan Sewage Disposal District to potential buy capacity in their plant. We have an agreement in place today that allows us to purchase capacity which would serve potentially the next 10-20 years' worth of growth in the south but that is paid by developers. They will renegotiate that agreement.

Commissioner Smith asked about the electrical service? Ms. Burgess stated it was almost the same as the water. We already have infrastructure in the north. Under our electric tariffs, depending on the type of facility developers would have to pay some contribution to the cost of the electric infrastructure. Depending on the revenues from a particular development some of the cost will get offset by utilities. It would be the same way it's handle everywhere else in the City and the same would be true of gas.

Commissioner Smith stated outside of utilities, what about roadways and how connections happen?

Mr. Wysocki stated they will be evaluated based on grid systems, and the basic alignment of roadways. With the provision in the new agreement of having larger development coming in with larger tracts of land for

rezoning and master plan purposes, we feel confident we will be able to address that as development moves forward over the decades. We generally know where Banning Lewis Ranch Parkway will go and we know that Marksheffel, which is not part of the annexation agreement, needs to be widened. It is a separate project that Kathleen Krager, Division Manager for Traffic Engineering, is working on with El Paso County and PPRTA.

Ms. Krager stated what they are doing with this is the same as all developments, being that they are responsible for infrastructure within the development. Outside of the development, like Marksheffel is a need that we have today, regardless of whether Banning Lewis Ranch develops or not. It is outside of the Banning Lewis Ranch and funding will need to be found for that road. The only problem that we have funding that road is the fact that we looked for the funding for that road. The county put it on the PPRTA-1 list in 2005 and received money for it and only received money for parts of the road, and not the entire road. However because it was on the PPRTA-1 list development wasn't asked to participate and they were not looking for other type of funding and then it was not improved. Now, the City has taken over the funding efforts for that road and they are looking for funding anew to get the road complete. It will be improved from its 2-lane road to 4-lanes with turn lanes in minor sections.

Supporters: None

Opponents: None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Motion by Commissioner Markewich and seconded by Commissioner Henninger to recommend to City Council adoption of an ordinance amending Section 705 (Right of Way Dedication and Street Improvements) of Part 7 (Streets in Subdivisions), Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements), and repealing Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements), all of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Banning Lewis Ranch Regulations

Motion by Markewich, seconded by Henninger, to recommend to City Council adoption of an ordinance amending Section 705 (Right of Way Dedication and Street Improvements) of Part 7 (Streets in Subdivisions), Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements), and repealing Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements), all of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Banning Lewis

Ranch Regulations.

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

Aye: 9 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher

7. Adjourn