



City of Colorado Springs

Due to COVID-19 Health Concerns, this meeting will be held remotely.

Meeting Minutes - Final Planning Commission

Those who wish to join/comment during the meeting by phone should wait to be admitted into the meeting after calling in.

For those who participate by calling in, you will be muted upon entry to the meeting.

Once an item has been heard, the Chair will open the public portion of the hearing for those who wish to comment. There is a three (3) minute time limit for each person.

*In order to speak, you must press *6 on your phone to unmute yourself.*

Thursday, September 17, 2020

8:30 AM

Remote Meeting

720-617-3426 Conference ID: 253 325 122#

How to Watch the Meeting...

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- CenturyLink Channel 18

How to Comment on Agenda Items

During the meeting, those who wish to comment should submit their name, telephone number, and the topic or agenda item for comment via elena.lobato@coloradosprings.gov in addition to calling 720-617-3426 and entering this Conference ID: 253 325 122#

1. Call to Order

Present: 8 - Commissioner Jim Raughton, Commissioner James McMurray, Commissioner Natalie Wilson, Vice Chair Scott Hente, Chair Reggie Graham, Commissioner Andrea Slattery, Commissioner John Almy and Commissioner Alison Eubanks

Absent: 1 - Commissioner Marty Rickett

2. Approval of the Minutes

2.A. [CPC 20-526](#) Minutes for the August 20, 2020 City Planning Commission Meeting

Presenter:

Reggie Graham, Chair of the City Planning Commission

The August 20, 2020 minutes were not completed.

3. Communications

Peter Wysocki - Director of Planning & Community Development

4. CONSENT CALENDAR

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

- 4.A. [CPC CU 20-00076](#) A conditional use development plan to allow automotive sales at 1839 Dublin Boulevard.

(Quasi-Judicial)

Presenter:

Gaby Serrano, Planner II, Planning & Community Development

Motion by Vice Chair Hente, seconded by Commissioner Raughton, 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

Approval of the Consent Agenda

Approval of the Consent Agenda

Motion by Vice Chair Hente, seconded by Commissioner Raughton, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of

Aye: 8 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

Absent: 1 - Commissioner Rickett

ITEMS CALLED OFF CONSENT

- 4.B. [CPC ZC 20-00008](#) Ordinance No. 20-80 amending the zoning map of the City of Colorado Springs pertaining to 0.73-acre from Intermediate Business with Planned Provisional Overlay (C5/P) to Intermediate Business (C5), located at 4430 Forrest Hill Road.

(Quasi-Judicial)

Related Files: CPC ZC 20-00008, CPC DP 20-00009, CPC NV 20-00069, and CPC NV 20-00070

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

This item was pulled from the Consent Calendar by Laurie Heidinger from Trend Commercial Real Estate located at 4250 and 4260 Buckingham Drive.

Staff presentation:

Daniel Sexton, City Planning, presented a PowerPoint with the scope and intent of this project.

Site Details:

- 0.73 acres
- Zoned C5/P (Intermediate Business with Planned Provisional Overlay)
- The project site is not part of a master planned area
- The project site is vacant and gradually slopes down to the south

Requests:

- A Zone Change request changing 0.73-acre from C5/P (Intermediate Business with Planned Provisional Overlay) to C5 (Intermediate Business). (Quasi-Judicial)
- A Development Plan for the 4430 Forrest Hill Road project illustrating an eight (8) unit residential project consisting of duplexes. (Quasi-Judicial)
- A Nonuse Variance request for the 4430 Forrest Hill Road project to allow for a reduction of the front setback to 16 feet where the required setback is 20 feet, per City Code Section 7.3.104(A).
- A Nonuse Variance request for the 4430 Forrest Hill Road project to allow for a reduction of the rear setback to 13 feet where the required setback is 25 feet, per City Code Section 7.3.104(A).

Land Use: Multi-Family Residential

Bldg. Setbacks:

- Front: 16' (20' req.)
- Rear: 13' (25' req.)
- Side: 5'

Bldg. Height:

- Max. Allowed: 45'
- Proposed: 30'

Public Comments:

The comments from the owners of 4250 and 4260 Buckingham Drive (south) included:

- Diminished commercial property value having a HIGH DENSITY residential project adjacent to Planned Industrial Park activities;
- Potential hazard for residents due to permitted oxygen storage and other stored chemical hazards. We have health care tenants who store oxygen on site and manufacturing tenants;
- Vandalism/ crime risk to commercial property; and

- Potential noise complaints from residents of the duplex homes that are a mere 30 feet from Industrial activities.

Applicant Presentation:

The applicant requested to hold their comments until after the public comments.

Supporters:

Carolyn Carter, emailed during the meeting:

- In favor of this project, approving C5 Zone change and building eight units.
- This residential project is needed in the community. There is not adequate housing available.

Opponents:

Richard Kelly, emailed during the meeting, as well as spoke during public comment:

- I'm writing to you in regards to our vehement opposition to the above referenced proposed high-density plan on Forest Hill Road.
- Owner of several properties adjoining this proposed development and operate legal, conforming, industrial uses at properties at 4250 and 4260 Buckingham Drive.
- The change of the subject property to a residential zoning is inappropriate and irresponsible community planning. It would be disastrous to have a residential development a mere 13 feet away from his industrial operations.
- This proposed development will certainly adversely affect the value of Mr. Kelly's properties, which we has been legally operating for the past 20 years.
- The thought of the city allowing a change to the setback from 25 feet to just a short 13 feet is preposterous.
- This is an ill-conceived proposed use for this Parcel of land, and certainly expect the city will recognize, acknowledge and not approve this proposed high-density disaster.
- Mr. Kelly's industrial property will be boxed in with residential property on all sides
- Have had a host of issues with the residential sites on both sides of his property
 - Trespassing
 - Shopping carts showing up from adjoining parking lot/shopping centers
 - Kids getting in the dumpsters
 - Several things being thrown over the fence because that seems to be an acceptable depository for people's trash

Laurie Heidinger, emailed during the meeting as well as spoke:

Owners of 4250/4260 Buckingham Drive and oppose this building project. It is irresponsible planning to have 16 new homes only 13 feet away from a legal

industrial use. Below are our specific reasons:

- Diminished commercial property value having a HIGH DENSITY residential project adjacent to Planned Industrial Park activities;
- Potential hazard for residents due to permitted oxygen storage and other stored chemical hazards. There are health care tenants who store oxygen on site and manufacturing tenants;
- Vandalism/ crime risk to commercial property;
- Potential noise complaints from residents of the duplex homes that are a mere 30 feet from Industrial activities.
- The well-established commercial buildings have been here since 2000. Respectfully ask that you keep the subject property zoned commercial as it has been for the past many years - it would be irresponsible for community planning to locate a residential use 30 feet from a conforming, legal industrial use.

Questions:

Rebuttal:

(Representative for the Applicant, Unknown Name)

Spoke to the concerns of Mr. Kelly:

- Site Layout Considerations:
 - Nearest duplex is 68-feet from the northeast corner of that commercial industrial building
 - Understood concerns about the wall behind the property and the north side of Mr. Kelly's property and that the wall deviates from anywhere from four to eight feet tall
 - Applicant is creating three barriers to the south side of the property and putting forth large landscape architecture
 - There are several plantings, mature trees that are proposed between the rear buildings and this commercial property, not just for screening, but as obstacles
 - There is a retaining wall behind the closest duplex unit and the industrial property
 - Will have a six foot cedar fence, not just for aesthetics, the screening and the difficulty for perhaps children to climb over
 - Also, there is the topography difference; the wall is there for a reason; Units on average are about 13-feet higher than the industrial property with proper screening between

Mr. Sexton added:

- PlanCOS - in accordance with PlanCOS and how we are looking at land use development and consideration of changes to various zoning districts under RetoolCOS is we are really looking at blending and

diversification of land uses throughout the city.

- With this residential product type, hopefully, it will bridge that divide of attainable housing for various segments of homeownership or rental groups

Questions:

Commissioner Hente pointed out Mr. Kelly made reference to a total of 16 units, but he thought there were only a total eight. The applicant clarified that there are only eight units.

Questions of Staff:

N/A

DISCUSSION AND DECISION OF PLANNING COMMISSION:

N/A

Motion by Vice Chair Hente, seconded by Commissioner McMurray, to recommend approval to City Council the zone change for 0.73-acre from Intermediate Business with Planned Provisional Overlay (C5/P) to Intermediate Business (C5), based upon the findings that the zone change meets the review criteria as set forth in City Code Section 7.5.603. The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

Absent: 1 - Commissioner Rickett

4.C. [CPC DP 20-00009](#) A Development Plan an eight (8) unit residential project located at 4430 Forrest Hill Road.

(Quasi-Judicial)

Related Files: CPC ZC 20-00008, CPC DP 20-00009, CPC NV 20-00069, and CPC NV 20-00070

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

See Item 4.B. (CPC ZC 20-00008)

Motion by Vice Chair Hente, seconded by Commissioner Almy, to recommend approval to City Council the development plan for 4430 Forrest Hill Road, based upon the findings that the request meets the review criteria for establishing a development plan as set forth in City Code Section 7.5.502(E). The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

Absent: 1 - Commissioner Rickett

4.D. [CPC NV 20-00069](#) A Nonuse Variance from City Code Section 7.3.104(A), to allow the reduction of the front setback to 16 feet where the required setback is 20 feet for an 8-unit residential project located at 4430 Forrest Hill Road

(Quasi-Judicial)

Related Files: CPC ZC 20-00008, CPC DP 20-00009, CPC NV 20-00069, and CPC NV 20-00070

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

See Item 4.B. (CPC ZC 20-00008)

Motion by Vice Chair Hente, seconded by Commissioner Almy, to recommend approval to City Council the non-use variance City Code Section 7.3.104(A) for a 16-foot front setback where a 20-foot setback is required, based upon the findings that the request meets the review criteria for granting a nonuse variance, as set forth in City Code Section 7.5.802(B). The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

Absent: 1 - Commissioner Rickett

4.E. [CPC NV 20-00070](#) A Nonuse Variance from City Code Section 7.3.104(A), to allow the reduction of the rear setback to 13 feet where the required setback is 25 feet for an 8-unit residential project located at 4430 Forrest Hill Road.

(Quasi-Judicial)

Related Files: CPC ZC 20-00008, CPC DP 20-00009, CPC NV 20-00069, and CPC NV 20-00070

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development

See Item 4.B. (CPC ZC 20-00008)

Motion by Vice Chair Hente, seconded by Commissioner Almy, to recommend approval to City Council the non-use variance City Code Section 7.3.104(A) for a 13-foot rear setback where a 25-foot setback is required, based upon the findings that the request meets the review criteria for granting a nonuse variance, as set

forth in City Code Section 7.5.802(B). The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

Absent: 1 - Commissioner Rickett

4.F. [CPC CU 20-00101](#)

Conditional Use Development Plan for construction of a new manufacturing facility on 7.98 acres in the PIP2/CR/SS/AO (Planned Industrial Park/Condition of Record/Streamside Overlay/Airport Overlay) zone district located at 875 Vapor Trail.

(Quasi-Judicial)

Presenter:

Tasha Brackin, Senior Planner, Planning and Community Development

This Item was pulled from the Consent Calendar in order to be withdrawn per the applicant.

Motion by Vice Chair Hente, seconded by Commissioner Raughton, to withdraw the conditional use development plan for BIO 365, as they are looking at different sites for the project. The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

Absent: 1 - Commissioner Rickett

5. UNFINISHED BUSINESS

5.A. [CPC AP 20-00061](#)

An appeal of the administrative 2-year extension of the temporary use permit for the Flying W Ranch office located at 2870 Chuckwagon Road.

(Quasi-Judicial)

Presenter:

Peter Wysocki, Director, Planning & Community Development

Postponed to the October 15 City Planning Commission Meeting.

Motion by Commissioner McMurray, seconded by Commissioner Raughton, to postpone the appeal until the October 15 City Planning Commission meeting. The motion passed by a vote of 7:0:1:1

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

Absent: 1 - Commissioner Rickett

Recused: 1 - Vice Chair Hente

6. NEW BUSINESS CALENDAR

- 6.A. [CPC CU 20-00060](#) An appeal of the Planning Commission’s decision to approve the Sundance at Rock Creek Conditional Use Development plan for a 240 unit apartment complex located southwest of the intersection of Pine Oaks Road and Highway 115.

(Quasi-Judicial)

Presenter:

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

Staff Request for Postponement:

Lonna Thelen, City Planning, requested a postponement for this project because there was one outstanding item that had not been addressed. Ms. Thelen explained that the access point has not been resolved.

In order to get into the property, you have to go through a hatched area owned by the Colorado Department of Transportation (CDOT). There has been correspondence between the applicant and CDOT and CDOT emailed Ms. Thelen saying they would permit access to the site; however, it was unclear where that access was going to be. According to CDOT, there were other options for access to this site, and the applicant and CDOT were going to discuss that later in the day.

The hope was the access point would have been resolved before the hearing, and although the Planning Department does not typically see that CDOT has approved an access permit prior to the planning commission hearing, we do have a recommendation that they will be going forward with the access. Unfortunately, that was not received. By postponing the hearing, that would give the applicant another month to figure out the access points.

Additionally, there is an issue with timing with a utility extension. There is a one-mile extension coming to this site through Cheyenne Mountain State Park property and there is a window from October to March to make that extension. The applicant is concerned that window is needed for the extension and that they need the development plan (DP) approval prior to getting that extension. CSU has approved the extension plans; however, there is another level of approval coming from the state park that is needed for the development plan approval.

Applicant Request for Item to be heard:

Kelly Nelson, Sundance at Rock Creek LLC, expressed appreciation to staff for the time that put in to get this item ready for the hearing. The urgency does

stem from a limited construction window for some major infrastructure improvements that are necessary for this project. There are over a mile long of water and wastewater lines to install through the state park but the time is limited between October and the end of February. There have already been two delays waiting for CDOT to respond on the submission for the access point and finalizing the details of the access permit and the design waivers. It is pertinent to be able to have the utilities in so that we can start future construction on the actual property. With that, Ms. Nelson requested that the item be heard with the consideration of approving it subject to no building permits being issued before a CDOT access permit is granted.

Commissioners Discussion:

Commissioner Hente asked why there was a limited window of construction time and why the cutoff date is at the end of February.

Ms. Nelson explained this was one of the agreements when getting the easements through the park for construction, for not only visitor numbers, but also wildlife. The dates are formal and are in the construction easement, but it is just to minimize the disturbance to the park.

Commissioner Hente asked if he understood correctly that there was no approval from the park even to proceed at this point. Ms. Nelson said that the state park is a reviewing agency and have approved for the construction of easements.

Commissioner Hente said he was confused by Lonna's earlier comment that the state park was in need of the development plan approval.

Ms. Thelen explained she spoke with Jason ????, who is a consultant on this project, who said that until the development plan was approved, the state parks would not allow the extension to be completed. Ms. Nelson said she had not heard that from the state park.

Ms. Thelen then said she was confused as to why Sundance needed the development plan approval at this time. Ms. Nelson explained that the cost of the main extensions were quite large and without the support of an approved development plan to support and ultimately pay for those extensions, they would not feel comfortable proceeding to spending the money to extend the mains.

Commissioner Hente asked if CDOT could potentially be changing the access point. Ms. Thelen said, as she understood it, there are potentially other options for access to this site. The applicant has provided rationale for why they believe that this is the best access point into the site, and from their perspective the only access point into the site. Ms. Thelen said she has not received a

recommendation from CDOT that they are confirming this.

Ms. Nelson said there is no other option as an access point. There is state park property to the west; on the southwest corner, there is property that is also state park that was purchased with trails and open space money (TOPS), which states there is no motor vehicle access across that property. On the east is State Highway 115 with no access directly onto the highway, and there is a privately owned and very small section that adjoins our property on top of the mesa. That section is extremely steep and an access point trying to come down that would be impossible.

Ms. Nelson explained in 2010, there was a condemnation where CDOT came and took some of the property on our northern side to realign Pine Oaks Road, and when they did that, we were granted an access permit. The access permit says when development takes place; it would be revisited to get a new access permit.

Commissioner Raughton said when visiting the site, Hwy 115 is one of the most hazardous highways he has ever seen and wanted to know if there was any discussion about the redesign of the acceleration lane on 115.

Ms. Thelen said there has been a traffic impact study as part of this review, which the City Engineering Department has reviewed and approved. This is a secondary portion of that review where we have identified this is a CDOT access way that we need proof they can get over in order to get to Hwy 115. It is a combination between both city traffic and CDOT in this review where the city portion has been completed and approved.

At this time, Mr. Peter Wysocki, Director of Planning and Community Development, explained to the commissioners that there are two options right now. One to postpone the hearing or to hear it and all of the things can be discussed with public comments. At that point, the commission can decide whether there is enough information to make a decision.

City attorney, Ben Bolinger, explained that if the commission approves or conditionally approves something today, based on the belief that CDOT will approve what is shown on the plan, and then CDOT does not approve it, then potentially, this might need to come back for amendments at this point.

Commissioner Hente that was where his first focus was and even though the possibility might be low, he was concerned that the commission would approve something and then it would have to come back as something different and get approval again.

Mr. Wysocki said there are cases where you hear items and approve them conditionally. So this really depends on how significant of a modification would be needed. If it is minimal, then it could be approved administratively, but if it is a completely different location, you should feel comfortable approving if you choose to approve subject to CDOT approval and authorize staff to administratively amend or modify the site plan you approved.

Mr. Wysocki further explained that CDOT must provide access to private property somehow, so access will be provided. It is really up to the comfort level of the commission to hold the public hearing, conditionally approving this design, with the understanding that it might change.

Commissioner Hente asked if it did change, would it have to come before the commission.

Mr. Wysocki explained conditional approval is not approval. They would have to submit evidence to staff that CDOT approved the driveway, and that is when we officially stamp the development plan as approved. If it is approved with the condition that approval is not necessary until issuance of the building permit, then you are kind of deferring the CDOT approval even later. They would have an approved development plan with a sort of movable access. Mr. Wysocki said it was a minor difference but important difference, particularly when it comes to financing the project. It is approved versus conditionally approved, because until the conditions are met, it is not approved.

Commissioner Hente said this was a business decision that they could make, they could still proceed with infrastructure costs, like putting the water and sewer in.

Mr. Wysocki said they were working with CSU to allow all of that to occur. He said it sounds like there was conflicting information with State Parks, but yes, utility installation from a city's perspective and CSU perspective could proceed.

Commissioner Almy said looking forward to public comments that have been reviewed so far, it seemed like it is under the presumption that there will be an access as described. Commissioner Almy said it would not be subject too much for little marginal changes here or there, but in fact, the whole concept of the hazard of that area would not change regardless of what CDOT comes up with if they approve it. Commissioner Almy said hearing it today would be of minimal risk if we make a conditional approval or not, and it would not change much.

Chair Graham asked each commissioner if it would be okay to move forward hearing this item. All the commissioners agreed to move forward with the

hearing.

Staff presentation:

Lonna Thelen, City Planning, presented a PowerPoint with the scope and intent of this project.

- Existing Property
 - Zoned PBC
 - Master Planned for Multi-family
 - Currently vacant property
- Application:
 - Conditional Use Development Plan
 - 240 unit apartment complex

The Geologic Hazard Report identified soft soils, shallow groundwater, expansive soils, bedrock and erosion.

- The hazards that were identified were mitigated through the geologic hazard report.
- The Geologic Hazard report has been approved.

A Traffic Impact Analysis was submitted and reviewed with this application and identified that the intersection of Hwy 115 and Pine Oaks Road would operate at a level of service C or better.

- The access from Pine Oaks Road to Highway 115 was reviewed by CDOT.
 - CDOT is reviewing a Colorado State Highway Access Permit and a State Highway Access Code Design Waiver for the access point.
- Neighborhood concerns included speeding cars, children being hit by cars, and additional traffic. These concerns were analyzed with the Traffic Impact Analysis and the current roadways will address the capacity needs.

A 5,100 sf sanitary sewer lift station will be provided as part of this site. The lift station will serve this project and adjacent residential south of the site.

- As part of this project, a 1-mile water utility extension will be brought through Cheyenne Mountain State Park for water to this site and the adjacent residential to the south.
- A number of easement run throughout this site to accommodate the sewer and water.

Recommendations:

Ms. Thelen reiterated there were two very different scenario. In the scenario Ms. Thelen asked for, she would not approve the plans until CDOT approval was provided. The scenario that the applicant may request is that they would like a note placed on the plans that they would not get approval of any building

permits, until CDOT approval was granted. In that scenario, the note would be placed on the plan, Ms. Thelen would approve the plans, and then it would await any building permit approval until that had been complied with. Those are two very different requests Ms. Thelen wanted to make sure were clear as far as which condition the commission placed on the plan.

Applicant Presentation:

Ms. Kelly Nelson, Sundance at Rock Creek LLC, presented a PowerPoint with the scope and intent of this project.

- Total Site Area: 14.63 Acres
- Current Zone: PBC (Planned Business Center)
- Multi-Family is a permitted Conditional Use within the PBC Zone District
- 1,600 Acre Master Plan
- 660 Acres of Open Space
- 691 Acres of Residential
 - 3,318 DUs
- 145 Acres of Commercial, Office, R&D

*Sundance at Rock Creek site originally identified as 10-acre commercial parcel as part of the 1987 Approval

2020 JL Ranch Master Plan Amendment

- 14.63 Acre Land Use change from Commercial to Multi-Family
- Proposed Density of 12-24.99 DU/ Acre
- PBC Zone to Remain as originally approved in 1987
- Multi-Family is a permitted Conditional Use within the PBC Zone District
- Parcel was not acquired as part of the Cheyenne Mountain State Park

Master Plan Amendment and Land Use change approved by City Council on April 28, 2020 (CPC MPA 99-00208-A1MJ19)

Sight Plan Highlights:

- 240 Multi-Family Units
- Clubhouse and Amenity Area
- Fenced Dog Run Area
- Buffering and Ornamental Fencing Along State Park Boundary

Questions:

Commissioner Hente asked if the Colorado Springs Fire Department (CSFD) addressed the issue of only one entrance/exit to the project in terms for that many units. Ms. Thelen said the CSFD did review the project and saw the same layout seen today and they did not have any concerns that were not addressed.

Chair Graham asked City Traffic to address concerns since that seemed to be the biggest concern from public comments.

Todd Frisbie, City Traffic Engineering, said they did ask for a traffic study and it was reviewed. The main question was the access to Pine Oaks and its proximity to Highway 115. The concern traffic was looking at was the staking of vehicles at the signalized intersection potentially blocking the site access to Pine Oak. Based on the analysis done in the study, and based on future traffic projections, the queue lengths were just short of the site access. The plan shows a left turn pocket going westbound into the site, and there is not a lot of posing traffic, so that those vehicles will not stack up in that lane and block westbound traffic trying to enter the park. With the study and the analysis, traffic engineering felt comfortable with where the access is located knowing that there really was not any other option and that it would not present a significant safety or operational issue.

Commissioner Raughton asked Mr. Frisbie if though his conversations with the State Highway Department if there had been discussion of improving through acceleration and deceleration lanes for that lighted intersection to provide some merging traffic coming off Pine Oak.

Mr. Frisbie said he has not had specific discussions with CDOT in that regard. He did mention that CDOT recently improved this section of Hwy 115 with the widening project that extends both north and south of the intersection. Going southbound out of the Pine Oaks intersection there is no acceleration lane, but that traffic is fairly, low and probably does not meet CDOT's warrants for acceleration going south. Mr. Frisbie said from his perspective, the intersection has adequate turn lanes and deceleration/acceleration lanes for the traffic volumes projected to be at that intersection.

Commissioner Raughton expressed his concerns about the speeding on Hwy 115 with semis traveling above the speed limit, cresting over those hills. That was a core concern from the communications from public comments.

Mr. Frisbie said it was a CDOT highway and would know more about those kinds of patterns. When they redesigned the highway through that section, presumably they accounted for speed. In terms of speeding, that would be a question for State Patrol.

Commissioner Raughton asked if the lighted intersection was triggered by the traffic on Pine Oaks Road and will it recognize a stacking of cars.

Mr. Frisbie said it is a signalized intersection, which is primarily, because of the Fort Carson Gate 6. That is the majority of traffic coming in and in and out. There is vehicle detection, and it would detect vehicles on the Pine Oaks Road approach. Within the operation of the signal, it would provide green time to allow

that cue to clear. Commissioner Raughton asked if that trigger was also on the west side of 115, as well as on the east side. Mr. Frisbie said there were vehicle detections on both the east and west sides.

Supporters:

Opponents:

Bill Palmer, resident at 690 Pine Oaks Road since 1981

Primary concerns is safety:

- For the residents of the proposed development
- The users of Cheyenne Mountain State Park archery range
- All of the residents of Pine Oaks Road, which according to the traffic study is only 24-feet wide
- Access point on Pine Oaks from the Cheyenne Mountain State Park archery range parking area is within 1560 feet of the proposed access point
- Archery range was not included in the traffic study
- Traffic study does not mention how many homes exist on Pine Oaks
- The residents on Pine Oaks only have one way out to get to Hwy 115, which is the Pine Oaks/Hwy 115 intersection
- Issue of whether CDOT is going to give another option on the south end of the property to modify the access to 115 is critical
- Might be far safer to explore the option of a different access point
- The complete reconsideration of the safety of this intersection of 115 and Pine Oaks has to include the archery range and the residents of Pine Oaks
- The community has been evacuated twice in the last few years for fire
- If project is approved at its present density of 240 units, no reasonable person could possibly conclude that a 24 foot wide road could safely accommodate the traffic impact during a fire evacuation

Rebuttal:

Ms. Nelson pointed out there is a traffic light at the intersection. CDOT is evaluating what, if any, additional improvements need to be made that is part of the review process. The city traffic engineer agreed with the Traffic Impact Analysis' (TIA) recommendations and findings. The residents that leave the multifamily community do not drive west on Pine Oaks Road and through a neighborhood, they will be accessing 115 directly because Pine Oaks is a dead end road.

With the property's zoning as PBC, it provides for other uses that could potentially have higher traffic counts. A positive is the entire site is being utilized

with this project, so the traffic counts will be as they are stated with no potential for increases.

Commissioner Slattery asked Ms. Nelson if the commission moves forward with staff's recommendation on a conditional use, would they be comfortable enough to move forward with the utility infrastructure.

Ms. Nelson said she is unsure of how the wording is with the conditional use and explained that the access permit was the only thing needed, which they are actively working through, but because a certainty is needed in order to get financing to move forward with the infrastructure.

Ms. Thelen explained that the motion, essentially says from a planning commission perspective that the planning commission has approved this application as long as the required permits from CDOT acquired.

Questions of Staff:

Chair Graham asked Mr. Frisbie if all residents currently living on Pine Oaks and the participants of the archery range were taken into account in the traffic study.

Mr. Frisbie explained the existing traffic study included a.m. and p.m. peak hour traffic at the intersection of Hwy 115 and Pine Oak. The traffic study also looked 20 years ahead and increased that background traffic to account for growth that might occur in the area during those peak hours. Additionally, Mr. Frisbie explained the peak hour of the archery did not correspond to the peak hour generator of this development because it is residential. The archery range is probably more private, primarily used on weekends, and that would be their higher generator. Typically, in these analyses, we look at the peak hour for the weekday.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Hente gave the following input:

Commissioner Hente said he had some real problems with this. Back when the State Park was coming before City Council in 2010/2011 timeframe, Commissioner Hente said he spoke against it because he was concerned from a wildfire perspective, particularly with the fact that they were going to open campfires in there. Commissioner Hente said he still had those concerns, and they have only been magnified. Commissioner Hente shared a significant thing has happened to him personally, since that timeframe, as he had to participate in a mass evacuation during a wildfire. That happened during daylight with multiple avenues of access or egress, and saw multiple problems associated with that.

Commissioner Hente explained in his mind, with a significantly higher risk of

wildfire with only one exit, he has some very real concerns due to personally knowing what happens when you try to egress during the time of mass panic. Commissioner Hente said those were his significant issues with this project based on the fact there are serious issues with regards to wildfires and egress from there, and based on that, he was probably going to vote no.

Commissioner Almy gave the following input:

Commissioner Almy shared the concerns about fire access egress based on previous history within the city, but this one's pretty close to 115. Consideration should be made to have some sort of a fire emergency access put through an area of the project that would not be a traffic pattern, but could alleviate some of the problems.

Commissioner Almy expressed that he does listen to the public comment on traffic in general and 115, and this has been discussed at length to how that is a hazardous road, but the fact is there is a lighted access at 115 for Pine Oaks Road. With Fort Carson already providing a pretty, heavy traffic pattern at that intersection, this should not really be a yes or no consideration, but more of a, how will that intersection get redesigned, based on this project, and there's a lot of time to accommodate that. Commissioner Almy said he will be in favor of this, but expressed the concerns about fire access/egress.

Mr. Raughton gave the following input:

Commissioner Raughton said he shares the concerns of Commissioner Almy and Commissioner Hente regarding the second access. In certain conditions, a fire access would certainly be valuable there, given the number of units on the site. Commissioner Raughton said having looked at the site, he did not know exactly how it would be accomplished on 115, but even if it is just an emergency access, which would certainly, help.

At the same time, Commissioner Raughton said he would hope for consideration by the State Highway Department to redesign that intersection and the way it is configured to accommodate traffic going north and south, as well as the fire access that might proceed with 115. Commissioner Raughton extended his trust to the city's transportation department and state highway department he could support this project. However, Commissioner Raughton does think the developer has to recognize that there may be additional development cost and creating appropriate access and fire protection to the site.

Chair Graham gave the following input:

Chair Graham said he shares some of the concerns of his fellow commissioners and that it would be great if the applicant could provide emergency access, though that is asking a lot because the south end of the

property is so steep. Chair Graham said he shares Commissioner Hente’s concerns about trying to evacuate that many people through one access point and that it could get very difficult.

Chair Graham said he was hoping that the CDOT will improve that intersection when they grant this access point to have better flow, but that is probably a stretch. With that being said, Chair Graham said he is in favor of the project moving forward.

Motion by Commissioner Slattery, seconded by Commissioner Almy, approve the conditional use development plan for 240 apartment units, based upon the findings that the request complies with the conditional use review criteria set forth in City Code Section 7.5.704 and the development plan review criteria set forth in City Code Section 7.5.502(E), subject to the following technical modification:

- 1. Provide a reception number for the vacation of the Former Canon City Highway right-of-way on the development plan drawing.**
- 2. Provide proof of CDOT approval for the Colorado State Highway Access Permit and the Colorado State Highway Access Code Design Waiver.**

The motion passed by a vote of 7:1:1:0

Aye: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Chair Graham, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

No: 1 - Vice Chair Hente

Absent: 1 - Commissioner Rickett

7. PRESENTATIONS/UPDATES

7.A. [20-508](#) Public Art Master Plan

Presenter:

Matt Mayberry, Cultural Services Manager, Parks, Recreation and Cultural Services

Staff presentation:

Matt Mayberry, Cultural Services Manager for the City, presented a PowerPoint with the scope and intent of the Public Art Master Plan.

Questions:

Commissioner Hente said he was a great supporter of this and it is a great part of the community. Commissioner Hente mentioned the deer that was vandalized and asked if they were having any success at preventing any of that.

Mr. Mayberry said they continue to be pleasantly surprised how well respected public art is. He said it was not without vandalism, but most of what happens is tagging with a sharpie, paint or stickers. Mr. Mayberry said they were able to

take care of that through preventive maintenance. Somebody did vandalize the deer some time after the bars let out, who then climbed up on the antlers and damaging them. The city had to bring the artist here from South Korea to repair that piece and it did cost quite a bit of money. Overall, there has been good luck in terms of people respecting the art though.

Commissioner Raughton spoke of the very rich history advanced by the arts going back to General Palmer's original dedication of the Ring of Pearls. Commissioner Raughton said this is a wonderful step and gladly offered his endorsement.

Commissioner Slattery thanked Mr. Mayberry for his hard work on this over the last year. She agreed with the finding on the plan to bring art throughout the city. She noted on the survey that 86.8% of respondents said that art adds value to our community, and that 68.9% were in favor of creating a sustainable source of funding for the arts.

- Challenge City Council and the city's budget office on moving forward creating a full time employee, the Public Art Expert, who is paramount in achieving the goals set forth in this master plan
- This employee should be a catalyst for reimagining the roles or responsibilities of the public art commissions as it exists today
- Challenge ourselves (Planning Commission, as well as Planning Staff) to uphold what has already been created through the renowned arts on PlanCOS like incorporating public art into the development checklist as something we consider before approving
- Commissioner Slattery endorses the plan personally, as well as recommends City Council adopt this plan

Commissioner Eubanks said she likes the goals and this is a good start. Commissioner Eubanks wanted to know if the public arts work was mapped out somewhere because the public would be very interested to see that. Mr. Mayberry said there were a couple of different mapping tools that exist. One is available through Peak Radar, where you can look at not only City on Public Art, but also other entities that own art around the community. There is also a mapping tool through the Pioneer's Museum. Mr. Mayberry added the consultants said we needed to do a better job marketing and getting it out to the public.

Commissioner McMurray said we need to make sure we do not fall into the trap of having all of this nice public art be auto oriented, but human oriented public art, which will have a stronger net benefit to the community in terms of creating vibrant neighborhoods and unique places in PlanCOS. We want something that brings people together and strengthens the community.

Motion by Commissioner Raughton, seconded by Vice Chair Hente, to endorse the Public Art Master Plan to City Council. The motion passed by a vote of 8:0:1:0

Aye: 8 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Slattery, Commissioner Almy and Commissioner Eubanks

Absent: 1 - Commissioner Rickett

7.B. [CPC CA 20-00005](#) Update on the amendment of City Code Chapter 7 (Zoning and Subdivision Regulations)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

Morgan Hester, Principal Planner, gave an update on RetoolCOS and went over how Flex Districts work.

8. Adjourn