

CITY OF COLORADO SPRINGS PLANNING COMMISSION

MINUTES / RECORD-OF-DECISION

**THURSDAY, August 18, 2016, CITY HALL COUNCIL CHAMBERS
107 NORTH NEVADA AVENUE, COLORADO SPRINGS, COLORADO 80903
CHAIRMAN PHILLIPS CALLED THE MEETING TO ORDER AT 8:36 A.M.
THE MEETING ADJOURNED AT 4:23 P.M.**

PRESENT:

Phillips, Henninger, Markewich, Shonkwiler, Walkowski, Smith

ABSENT:

McDonald, Gibson, Graham

ALSO IN ATTENDANCE:

Mr. Peter Wysocki, Planning and Development Director
Mr. Marc Smith, City Senior Corporate Attorney

RECORD OF DECISION:

Motion by Commissioner Smith, seconded by Commissioner Walkowski to approve the July 21, 2016, Meeting Minutes. Aye: Phillips, Henninger, Markewich, Shonkwiler, Walkowski, Smith. Excused: McDonald, Gibson, Graham No: None Motion Passed

COMMUNICATIONS:

Item 5.A – Geological Hazard Ordinance be postponed.

Motion by Commission Walkowski and seconded by Commissioner Henninger to postpone Item 5.A. Aye: Phillips, Henninger, Markewich, Shonkwiler, Walkowski, Smith. Excused: McDonald, Gibson, Graham No: None Motion Passed

CONSENT CALENDAR

4.A.1 CPC MP 06-00219-A7MN16: A minor amendment to the Flying Horse Master Plan changing 13.59 acres from Residential 2 - 3.5 dwelling units per acre to Residential 3.5 - 8 dwelling units per acre. **4.A.2 CPC PUZ 16-00074:** A zone change for Cortona at Flying Horse from A (Agricultural) to PUD (Planned Unit Development; single-family attached residential, 3.679 dwelling units per acre, 30-foot maximum building height), located southeast of the future extension of Hawk Stone Drive and Ridgeline Drive. **4.A.3 CPC PUD 16-00076:** A PUD Development Plan for Cortona at Flying Horse. The PUD Development Plan would allow development for single-family attached residential with 54 residential lots proposed at 3.679 DU/AC and a 30-foot maximum building height, located southeast of the future extension of Hawk Stone Drive and Ridgeline Drive. **PLANNER: KATIE CARLEO**

These items will be acted upon as a whole, unless a specific item is called for any discussion by Commissioner, Staff, or citizen. No items pulled off. Vote on consent calendar as a whole.

Motion by Commissioner Henninger and seconded by Commissioner Walkowski to approve the consent calendar. Aye: Phillips, Henninger, Markewich, Shonkwiler, Walkowski, Smith. Excused: McDonald, Gibson, Graham No: None Motion Passed

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NEW BUSINESS CALENDAR

DATE: August 18, 2016
ITEM: 6.A
FILE NO.: CPC CA 16-00086
PROJECT: Cottage Food Ordinance
STAFF: Peter Wysocki, Planning and Community Development Director

STAFF PRESENTATION:

Peter Wysocki, Planning and Community Development Director gave a Power Point presentation.

Questions:

Commissioner Shonkwiler asked for clarification on what staff was recommending. Mr. Wysocki said staff was not recommending approval right now.

Commissioner Walkowski asked about for the language in the draft ordinance.

Commissioner Markewich asked for clarification on the meaning of a stand and where it could be; signage at the home and HOA's approval. Mr. Wysocki gave clarification on all three items. Commissioner Markewich asked for clarification regards if an HOA is formed after this ordinance was adopted and says no stands can it be enforced. Both Mr. Wysocki and City Attorney Marc Smith stated what an HOA does is a private matter and the city doesn't get involved in those situations.

Commissioner Phillips asked about who would inspect these stands to ensure they're in compliance. Mr. Wysocki said Neighborhood Services would do that.

Commissioner Walkowski asked about parking along on the street.

APPLICANT PRESENTATION:

Meggan Andreozzi, Food Policy Advisory Board Chair, gave some history about the board and its purpose. CONO is in support of the ordinance. Tom Gonzales with El Paso County Public Health provided comment to Ms. Andreozzi that the ordinance does not conflict with any Colorado Board Health rules governing food safety. Colorado Springs has 18 farmers markets. There are out of state items sold at these farmers markets and the few farmers markets cannot grow their own food supply enough to support a city the size of Colorado Springs. So people will go and by large quantities produce from other stores and sell them at their own food stands. Local growers are minimal. The area has lost local growers. Growing and selling food in your own local area and neighborhood can build community connection.

Questions:

Commissioner Markewich asked if the Denver Ordinance is exactly the same. Ms. Andreozzi said yes, the only difference is the signage. Commissioner Markewich asked about the number of stands that have been approved in Denver. Ms. Andreozzi said a handful since 2014 less than 50. He also asked if there had been any code enforcement issues. Ms. Andreozzi said no. Commissioner Markewich commented about food not grown on site, but bought at a store, then sold it at a stand. Ms. Andreozzi said farmer's markets do that all the time. Commissioner Markewich asked where else this had been successful. Ms. Andreozzi said Wheatridge and Arvada.

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Commissioner Shonkwiler asked if Ms. Andreozzi knew El Paso County's policy was for selling foods and if sales tax was collected. Ms. Andreozzi said she didn't know the County's policy and no sales tax is collected because it's food.

Commissioner Phillips asked how many people had Ms. Andreozzi spoken to in the community. Ms. Andreozzi said they've not had town hall meetings but the board members all are affiliated with 25 other different food organizations in town and those were in favor of something like this. Commissioner Phillips asked how she knew that. Ms. Andreozzi said there's been conversation within the community and she's been involved in local food for eight years and there have not been any objections to something like this. Commissioner Phillips asked how they would get the word out if this passed. Ms. Andreozzi said there could be several avenues they could use.

Commissioner Smith asked if low income areas were a targeted group. Ms. Andreozzi said she'd like to see it start there because the need is there.

APPLICANT PRESENTATION:

Ms. Aikta Marcoulier, Small Business Development Center Executive Director in the Pikes Peak region gave a Power Point Presentation and spoke about the business side of the ordinance. They have collaboration with El Paso County Public Health and the CSU Extension office for expertise and education of those involved in the cottage food industry.

Access to locally grown food and supporting locally grown food businesses will create economic vitality and development. El Paso County Public Health does not have concerns about this moving forward. This will not disturb neighborhoods, is won't be like large farmers markets. It will be a few people selling from their homes. She agrees there needs to be more conversation about this. They want to work with CONO, El Paso County Public Health, CSU Extension and HOAs.

They are in support of creating new opportunities for employment and creating economic impact that includes being socially responsible and creating community.

Questions:

Commissioner Markewich said he didn't see language in the ordinance about food safety course. Ms. Marcoulier said it wasn't mandated.

Citizens in Support

Elise Rothman with Pikes Peak Small Farms is in support of the ordinance. Something like this would improve walkability in a neighborhood and shows social cohesion and economic vitality of the neighborhood.

Zac Chapman the Executive Director of the Colorado Springs Food Rescue and resident of the Venetian Village and lives on an urban homestead. He sees this as a positive for the community and a help revitalizing the local food economy and civic engagement in Colorado Springs. Commissioner Phillips asked how they focus these types of stands and get the product there in the lower income communities. Mr. Chapman said there are already local food growers in various areas.

Commissioner Shonkwiler asked if a church or group wanted to have a back yard garden and sell it from the parking lot, the way the ordinance is written says you have to live there. Mr. Chapman said he'd let Ms. Andreozzi answer that question. Commission Shonkwiler asked if they changed to ordinance to allow that then groups and other organizations could have that as well. Ms. Andreozzi said she didn't know the code for a community garden and what that looks like.

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Ruth Markwardt lives and works on Prospect Farm which is an urban tiny farm. Right now they are allowed to sell their produce but only two times a year under the garage sale laws and this isn't practical. She'd like them to approve this particularly since 98% of the food in Colorado comes from out-of-state. That's 98% of local dollars that could help with economic vitality in our communities.

Commissioner Markewich asked if their farm could apply to be a farmer's market. Ms. Markwardt said there are no farmer's markets in the neighborhood and to be a farmer's market requires a lot of restrictions. Ms. Markwardt explained she rents a home and the ordinance would directly affect her situation.

Commissioner Smith asked Ms. Markwardt to clarify what she does. Ms. Markwardt said her farm is project that's a partnership between Pikes Peak Small Farms and Pikes Peak Urban Gardens and UCCS. The idea is to have healthy fresh food along with educational programming in these areas. Ms. Markwardt said it was at the home she rented, it's a little less than one acre and located two blocks north of Fillmore on Prospect.

Elise Rothman explained these are not commercial farms they are just back yard farms. El Paso County's Health interpretive memo specifically addresses back yard farmers and private gardens.

Citizens in Opposition: NONE

Questions of Staff:

Commissioner Shonkwiler asked if there was a way to allow a church group or other community organizations to sell produce grown on their premises it's a potential additional benefit.

Mr. Wysocki said city code allows community gardens in the residential districts and most commercial / industrial districts with a couple of exceptions. They are talking about selling what you produce for cottage foods on your property. He wasn't sure how to include what Commissioner Shonkwiler is suggesting without going back and rethinking it. To switch to would require a completely different ordinance. Commissioner Shonkwiler said if possible he'd like to change it to say something to the effect that if it's grown on site, it can be sold on site.

City Attorney Marc Smith said the ordinance was drafted to be in the home occupation section of the code. To do what Commissioner Shonkwiler suggested would cause them to take a step back and rework it. This is to fix a specific issue and if they expand beyond that, it wasn't noticed that way for the public and he wasn't sure where something like that would be in the code.

Commissioner Shonkwiler said it might be a step to far but it seemed something like this could have positive community benefits but he didn't want to delay it based on his suggestion.

Commissioner Markewich said if HOAs would have to draft new language for the bylaws. Mr. Wysocki said it was up to the HOAs on how strict or specific they want their bylaws to be and the city wouldn't be involved in those suggestions.

Commissioner Markewich asked about adding a food safety course that prior to the home occupation permit. Mr. Wysocki said they're open to it but if added to leave it loosely so it's not restrictive to one agency or another.

Commissioner Smith said much of what was discussed is outside of what they were charged with regarding the ordinance. Mr. Wysocki said he was correct. The ordinance is very narrow and specific and regarding home occupations.

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Rebuttal:

Ms. Andreozzi liked what Commissioner Shonkwiler suggested about broadening the scope but this is more focused on the residential piece but it's the first step.

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Shonkwiler said he thought this was a great experiment and could be good for multiple things and cannot find any difficulty with it. It may not be perfect and may need some tweaking down the road but it is a first step and intends to support it.

Commissioner Markewich said he agrees for the need for something like this and it can be good for the community overall. He'd like something in the ordinance for some type of food safety course or certificate if that's not part of the ordinance, he will not support it.

Commissioner Henninger said he didn't see an issue with the ordinance or having a stand in the neighborhood. He doesn't think there would be a lot of traffic. This is a great opportunity for the community. His concern is they're doing an ordinance for a specific situation one that could possibly encourage something within the community. He doesn't want to expand it. He'd be in support.

Commissioner Smith said he's conflicted on the ordinance but understands children need healthy food. He thinks there needs to be more community input because some neighborhoods won't want this. He likes the whole idea of community gardens and a church group but that's a different situation. He doesn't like the idea of imposing a food safety course because it's just another regulation. So he hasn't completely made up his mind.

Commissioner Walkowski said supporters made compelling argument for access to local food and produce. He thought it was good for community building, neighborhood connections and that is a lot of what the comprehensive plan will focus on. There are possible unintended consequences but the scale will be limited and if it becomes an issue, there are ways to address them. He also believes the idea of community gardens and common gardens is something that should be looked at. The safety or health concerns, they could include that in the home occupation permit requirements without them having to detail that at the dais. So he will be in support.

Commissioner Phillips said at first he had several issues with this, but after reading through and listening to the comments he thinks this will be a good project. He thinks the chemical on the food in the grocery store will be worse than what's grown in people's back yards. He has a concern with Commissioner Markewich's proposal. He started with the garden down in the south part and it's still going 10 years later and it's growing. He believes parking will not be an issue and doesn't believe a lot of people will be doing this. He thinks there needs to be more outreach but he will be in support.

Motion by Commissioner Shonkwiler, seconded by Walkowski, to recommend adoption to City Council of an ordinance amending section 1503 (Home Occupation Permit Standards and Criteria of Part 15 (Home Occupations of Article 5 (Administration and Procedures of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, relating to the production and sales of plants fruits, vegetables and cottage foods.

Aye: Phillips, Henninger, Shonkwiler, Walkowski, Smith.

No: Markewich

Excused: McDonald, Gibson, Graham

Motion Passed

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NEW BUSINESS CALENDAR

DATE: August 18, 2016
ITEM: 6.B.1 – 6.B.2
FILE NO.: CPC ZC 16-00082, CPC CP 16-00083
PROJECT: Watermark at Briargate
STAFF: Katie Carleo

STAFF PRESENTATION:

Katie Carleo, Principal Planner gave a Power Point presentation

APPLICANT PRESENTATION:

Jose Kreutz with Watermark Development gave a Power Point presentation about the communities they build and amenities they provide. Communities are resort like.

Questions:

None

Citizens in Support:

Joe Berkhahn with Continental 140 LLC representing the owner and in support of the project. They've tried for more than ten years to market this site out to various retailers of all different types with no takers so having Watermark have an interest in the area and the development is a positive sign.

Citizens in Opposition:

Rhonda Lott is a neighbor in the Cordera area. The apartment complex adjacent to this has a high density and with this proposal it makes this area extremely dense. Why do they need another apartment complex right next to each other when there are other locations along Powers Corridor that are already earmarked for multi-family. She isn't opposed to apartments but just not in that location. She is also concerned about the parking. She is also opposed to the height.

Dwayne Harley is concerned about parking, pets, cleaning up after pets and schools that are already at capacity. His other concern is traffic. The traffic studies have not taken into consideration those apartments and the traffic from all the ones in the area that are being built.

Beth Hays is opposed because she and her husband believe it will hurt their home value. She's also concerned about the apartment complexes that are already being built. Apartments can be built fairly quickly which doesn't give the school district time to plan for the influx of students and all schools at all levels are already over capacity. She's also concerned about the parking and the stress it will put fire and police response.

David McCullum just moved into Cordera this week and his biggest concern is the amount of the multiple complexes in the area. The single-family homes are being built at a tremendous rate in this area and to stack multiple complexes in the area is not doing the area justice. To have multi-family complex stacked on top of one another didn't make sense.

Daniel Lee is concerned about the school capacity. If more kids come into the area they would have to overflow to one of the nearby schools and still more single-family homes to be built. Families that move into the area and have kids, cannot go to the school right in their neighborhood because of overcrowding right now.

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Questions of Staff:

Commissioner Markewich stated that information in their packet says District 20 didn't have any objections to this use. Mr. Smith who's contracted with District 20 spoke in regards to when they receive buckslips they limit their comments to the direct effect on the school district. They look at the number of students to be generated by the project, traffic issues and if it is an objectionable business next to a school. This property has been vacant for a long time. This project should generate 36 students (19 would be in the elementary, 5 in middle school and 9 in high school).

Commissioner Markewich asked when analysis is done did they look at the district as a whole because neighbors have mentioned the elementary school is already overcrowded. Mr. Smith said they look at the specific location where the development will occur. The east side of the district is looking at alternatives due to growth. A bond issue will be brought forward to the ballot to build two new elementary schools, additions at the high schools and a new middle school. Right now they don't have the capacity to keep up with the growth.

Commissioner Markewich said they've seen several projects in and around this area that already have land dedicated for schools. Are there areas that have been designated for elementary schools that haven't been built yet? Mr. Smith said yes they have several sites.

Commissioner Henninger asked if the number of students on the west side of Powers for District 20 has stabilized. Mr. Smith said in the existing older areas of Briargate there is some stabilization and decline. They are moving some of the modular trailers from those schools to the east side of the district. West of I-25 is stabilized and in the future they may face what D-11 is facing with declining enrollment. Commissioner Henninger said that's why he asked about the projections of when and where to build for the future.

Commissioner Shonkwiler asked if District 20 has a plan 30-40 years from now for the schools that are being built now that would have to be closed as it happens when areas are older and more established. Mr. Smith said for something that far out – no. But that issue will be there but as we will have some vacancy on the west side of I-25 but it's inefficient and costly to bus kids from the east side to the west side. Commissioner Shonkwiler asked how many of the students at Chinook Elementary are residents to that area and how many are choice students. Mr. Smith said he didn't have those exact numbers because it's outside his job description. District 20 offers a choice program so there as long as there is room students can move to different schools. The problem happens that students are coming in faster than seats can be made available.

Commissioner Phillips asked Kathleen Krager, Transportation Manager, what traffic will look like with the apartments and with the growth in the future. Ms. Krager said a traffic impact study was done in 2005 as part of the master plan. It looked at total development for the future as well as traffic projections. Some changes in development can cause an updated trip generation report. These apartments were compared to retail uses which is what was proposed in the conceptplan and the apartments would generate about 1,600 trips per day and the shopping center would generate about 4,000 trips per day.

Commissioner Markewich asked about parking around the area and what is the situation, from an overflow standpoint. Ms. Krager said parking requirements are usually adequate for apartment buildings unless there is a specific use, like student housing, then they ask for more. When apartments have people parking on the street, it's usually because parking on the street is closer to where they're going. Commissioner Markewich asked if all the streets, with the exception of Union, would have on street parking. Ms. Krager said yes.

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Commissioner Shonkwiler stated there wasn't an access point from Union into that neighborhood so it would be impossible for anyone in the apartment project to access that neighborhood without going down the street and coming back. Ms. Krager said that was correct.

Commissioner Markewich asked Ms. Carleo to describe the parking requirements. Ms. Carleo said they are meeting the requirement per the code regarding all parking.

Commissioner Smith asked about police and fire response and what their comments were about this project. Ms. Carleo said there were no concerned comments from either department.

Rebuttal:

Jose Kreutz said they have 421 parking stalls proposed, 68 of those are garages. Regarding school age children they expect 19 children from their development. Why apartments – there has been a move with people going back to live in apartments in the last 10 years. He has the data to show why peoples are choosing that if the Commissioners' want it.

Commissioner Smith asked what would be the demographics of people in the apartments. Mr. Kreutz said there would be a very wide demographic of all kinds. Their development is for a more established renter rather than a first time renter. Rents are \$1600-1800 a month, 82% of their units will be a 1 and 2 bedroom units divided equally and the balance being 3 bedrooms.

Commissioner Phillips asked Kyle Campbell about the value of the surrounding homes in relation to the apartments or commercial property. Mr. Campbell said he was probably not the correct person to ask that on this project. Mr. Kreutz said his information would be anecdotal. They are building units to about \$200,000 and building 240 units. So the value on a square foot basis they're high and that's how an appraiser would look at it as well.

Mr. Wysocki stated comments can be raised when there are zone changes from commercial to multi-family that the change could affect property values negatively. Literature in their profession states there is virtually no impact to property values. The north and northeast part of the city is seeing a healthy appreciation to home values and there is a mix of housing choices in this area. However what affects property values are dilapidated and underutilized vacant properties.

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich said he supports the zone change. We look at the comprehensive plan and the city codes and they cannot tell the developer whether it's good to build something similar right next to each other. A large concern was the school situation and the district answered his questions regarding overcrowding. The project complies with the city code, the codes for rezoning as well as with the comprehensive plan and will be in support.

Commissioner Henninger said he looked at the benefits to the community and people; then looked at the criteria they have to review for concept plans. There are eight criteria to see if it impacts the surrounding area or not. Criteria five asks, "if the development will overburden streets, utilities, parks, schools and other public facilities." He focused on schools. District 20 is going to build additional schools due to the growth in the area and this will be on the ballot this year, so there should be relief in the near future. If it wasn't for that, he could see not supporting it, but there is relief that will happen shortly. As far as the project, overall it's a good project; it's compatible with the area, so he'll be supporting the project.

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Commissioner Smith concurs with what Commissioner Henninger said. In addition to the change of zone, we're in compliance with the criteria for a zone change, therefore he will be in support of the project.

Commissioner Walkowski said he thanked everyone for coming out and voicing their concerns. They listened to all of those concerns and the testimony was that traffic will be less; schools we can't do anything about that, so he suggested talking to the school district about the overcrowding. As far as retail, retail usually follows density, and regarding fire and safety an infill site provides better support. The criteria for the zone change are met along with the criteria for concept plans, so he will be in support.

Motion by Commissioner Markewich, seconded by Commissioner Smith, to recommend approval to City Council the zone change from PBC (Planned Business Center) to OC (Office Commercial), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

Aye: Phillips, Henninger, Shonkwiler, Walkowski, Smith, Markewich.

No: NONE

Excused: McDonald, Gibson, Graham

Motion Passed

Motion by Markewich, seconded by Smith, to Recommend approval to City Council the Watermark at Briargate Concept Plan, based upon the findings that the concept plan meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E)..

Aye: Phillips, Henninger, Shonkwiler, Walkowski, Smith, Markewich.

No: NONE

Excused: McDonald, Gibson, Graham

Motion Passed

NEW BUSINESS CALENDAR

DATE: August 18, 2016

ITEM: 6.C.

FILE NO.: CPC SWP 16-00057

PROJECT: 543 Robbin Place

STAFF: Michael Turisk, Planner II

STAFF PRESENTATION:

Michael Turisk, Planner II gave a Power Point presentation. He discussed where the property is located, what it's zoned, surrounding zones, what is the type of homes in the area, as well as the west side overall plan. He has spoken with city traffic about the alley and they will make the alley a One-Way access. City fire has also recommended mitigation of the potholes for the entire length of the alley. In a recent conversation with city fire they are "OK" with the alley. Initially there was a suggestion to widen the alley but from a practical standpoint that would be difficult. The access point from west Boulder must be mitigated or enlarged for fire apparatus. The final suggestion from city fire is the applicant would be required to install sprinkler systems in the units. A neighborhood meeting was done in June and they received 13 letters of opposition. We've encouraged the applicant to work with the neighbors which he's done.

APPLICANT PRESENTATION:

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Paul Risen with Terra Custom Homes and owner of the property. He's owned the property for about 13 years. His plan is to build nice duplexes and comply with all ordinances and code and submit plans in the next few weeks.

Questions:

Commissioner Shonkwiler asked if Mr. Risen had any problems with the requirements for repaving the alley and putting in sprinkler systems. Mr. Risen said no.

Commissioner Smith asked repaving the entire alley not just fill the potholes. Mr. Risen said he's would comply with what the fire department request to fill the potholes and improve both ends of the alley. Commissioner Smith verified there'd be no building in the preservation easement.

Commissioner Smith asked if Mr. Risen would try to level out where they'd build the duplexes and what the depth of the duplexes would be. Mr. Risen described how the duplexes would be situated and said the depth was about 40-feet. Commissioner Smith referenced the geological information about the piers drilled and how would that be done. Mr. Risen described how it would be done and what the size of the pillars would be and how far down they'd go. Commissioner Smith verified the types of soil the piers will bear on which is, Pierre Shale. Commissioner Smith asked if there would be a type of retaining wall. Mr. Risen said no.

Commissioner Walkowski commented about parking and how far the driveway was setback from the alleyway? Mr. Risen said 25-feet from the alley and the driveway is 20-feet wide.

Commissioner Walkowski asked where drainage flowed from this development. Mr. Risen said to the alley and all downspouts and underground drainage to the alley and tie into the city system. Mr. Risen said the down spouts are along an underground drainage to the alley. Commissioner Walkowski asked if he had an engineering report for that. Mr. Risen said yes.

Commissioner Walkowski said the Geotechnical Report from Colorado Geological Survey says the area is susceptible to future landslide activity but you're going to try and mitigate that with pillars, correct. Mr. Risen said he was complying with everything Entech has designed.

Commissioner Walkowski said as he read the report and was trying to make sure if what is being done doesn't affect the neighbors. Mr. Risen said he understood and the submittal from Entech to Colorado Geohazard has all been reviewed and approved city staff and they plan to comply. Commissioner Walkowski said staff recommends plat notes regarding the Geotech hazards regarding the site. Mr. Risen said yes and Entech will submit a letter after they're done stating they're satisfied with all they've done. Commissioner Markewich said in the Geohazard report it stated there is the concern about slippage. So from a drainage standpoint are there any special notes about this due to how the property is situated. Mr. Risen said the drainage plan and the engineering has been done and stipulated on the drainage plan what has to be done. Commissioner Markewich asked if there were plans to divert drainage before it comes to the duplexes. Mr. Risen said yes.

Commissioner Markewich said information at the Informal meeting and in their packets it said the 12-foot alley would become a 20-foot wide and be improved. That's different from what Mr. Turisk said today. Mr. Risen said a 20-foot alley is impossible they'd only do improvements.

Commissioner Markewich asked how tall the duplexes would be. Mr. Risen said three-stories with a flat top roof and 32-feet high building.

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City Attorney Marc Smith gave some clarification to narrow the issues. They are looking at a very narrow portion of the project related strictly to access. A project has to have access off a street. Due to topography of the area that is not possible; so the question is if the Planning Commission will grant access in the alley. Geotechnical and drainage issues will be reviewed administratively. The focus needs to be on the specific subdivision waiver and the review criteria under the subdivision code.

Commissioner Shonkwiler stated correspondence in their packet from Steve Smith with City Fire stated, "The alley must be paved with all potholes repaired." That it doesn't say it's in front of your property or the entire length of the alley. Mr. Risen said Steve Smith was at his property and said a couple of times, "all you need to do is repair the potholes and improvements to each side of the alley." Mr. Turisk said per Steve Smith with city fire, Mr. Smith recommended a plat note stating, "All pot holes on Robbin Place will be repaired prior to building permit," thus to Mr. Turisk it meant the entire alley. Commissioner Shonkwiler reiterated he was making sure that everyone knew exactly what was expected. Mr. Turisk said Mr. Risen's property is some of the worst. There are specifics that discuss Entech's, Colorado Geological Survey's and city staff's concerns. Thus the reason for the plat notes and they want to make sure that any buyer has as much disclosure as possible before they purchase.

Commissioner Smith he understands what their focus should be but he's concerned about how this will be built. Mr. Turisk said if approved the applicant would only need to submit a building permit. However, oversight would continue by him and other reviewing experts. Commissioner Smith said he wanted the development plan come back to them. Mr. Turisk said there wouldn't be a development plan for something like this. Meggan Herrington, Planning Manager, stated they wouldn't see it again because each zone district is treated differently regarding development. In this situation this would come in with a final plat and move straight to building permit. If you're uncomfortable just having potholes repaired and not paved you can put conditions on the approval.

Citizens in Support: None

Citizens in Opposition:

Sarah Poe lives in the neighborhood and is speaking on behalf of several them. They aren't opposed to development but want to make sure what is developed is safe. She understands this is just about the waiver but in the code the waiver states, "The development needs to have a benefit that will outweigh the harm to property owners under A2. Under B1 it states, "The development will not be detrimental to the public good." They think there will be increased hazards to the neighborhood which include land slippage and the access and want to voice all their concerns. The Geological Survey says, "The slope as it is today is marginally stable and susceptible to future landslide activity." They feel this is unsuited for safe development because this hillside could end up in their backyards. Regarding a disclosure statement to future homeowners this alone will lower their property values. Widening at the entrance and exit ways could impede on homes on the corner. Not only is the access difficult for a firetruck and emergency vehicles but for day to day traffic. Fixing potholes before construction doesn't make since. The storm water issues are significant because right now all the water from the hill comes down the alley and into their back yards. They feel this development is not compatible and harmonious with their neighborhood because a three-story high duplex doesn't make since in a single-family area. Welling Clark with the Organization for the Westside Neighbors, the HOA for this area said in a letter, "If the alley access is the only hurdle to construction intended by the property owner, OWN, the Organization for Westside Neighbors recommends the request for the alley access be denied."

Commissioner Markewich asked if Ms. Poe's home back up to the alley, she said it did. Commissioner Markewich asked about traffic in the alley.

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Don Hargrove lives on Cooper on the east side of the alley at the very south end of this property. The alley has been raised twice that he knows of but due to the runoff from Chestnut after they built on top of that hill all the water comes down the alley. The alley was chip sealed three years ago and they have potholes because of the runoff from this property. The trash trucks have a hard time in this alley. Since the alley has been raised he's had to put a lip in his garage to keep the water from running into the garage. A chip seal won't last. If they build these units there will have to be a new water and sewer line. The neighbors aren't against building but want it within reason but understands they are talking about the alley and not the building area.

QUESTIONS OF STAFF:

Commissioner Markewich asked for clarification about the alley. At Informal he heard the 12-foot alley was not sufficient and a quote from city fire says, "the alley was measured approximately 12-feet and fire code requires fire lanes to be 20-feet minimum." Mr. Turisk said in the initial review city fire provided broad statements regarding the project and viability regarding emergency services access and said widening the alley. Mr. Risen met with city fire staff on two occasions and per the formal comments provided by city fire they have indicated widening of the alley wouldn't be necessary but to help mitigate concerns the applicant would be compelled to install city approved sprinkler systems in the units, repair the pot holes, and mitigate entrances to the alley from Boulder and St. Vrain.

Commissioner Markewich asked if that information was in their packet. Mr. Turisk said he didn't know it could've come in after the packet was completed. Commissioner Markewich said this was a significant change and that was disturbing that it was changing on the fly. Commissioner Markewich quoted from an email where it says, "The alley is a mixture of decomposed pavement as well as some intact pavement with potholes throughout. The alley must be paved with all potholes repaired." So it sounds like pothole repair is not sufficient. Mr. Turisk said per city fire's recent comments they recommend notes on the plat that read, "All potholes on Robbin Place shall be repaired prior to building permit application." Commissioner Markewich said this also that had changed since Informal. Mr. Turisk said it seemed that way.

Meggan Herington, Planning Manager, stated as part of the review of the subdivision waiver while unclear on what fire recommended the Planning Commission could change that condition to say that it be has to be paved because it's directly related to access of the alley.

Commissioner Markewich asked if they have the ability to require widening. Ms. Herington said she didn't know if that was possible. The right-of-way for the alley is 20-feet. The pavement mat is 12-feet. Theoretically you could expand the alley within that right-of-way but there are overhead utility lines that will prevent that. Some of the confusion may be from what's the right-of-way, what's the alley, versus what is the actual drivable width of the alley. Mr. Turisk said he indicated earlier widening the alley is not doable because of the overhead utility lines and other infrastructure as well as private structures close to the pavement mat.

Commissioner Markewich said the other issue is the drainage. The applicant wasn't exactly clear on where the water is going and what the requirement will be. There's the runoff from the slope and having an impervious surface will increase the flow from the slope. He didn't see anything that would channel flow in the alley to keep water from going into backyards, garages and homes for the people to the east. He'd like some clarification on that. Steve Kuehster with City Engineering Development Review said they had a professional engineer look at the drainage report and reviewed it since it was less than one acre of improvements it wasn't enough of an impact to warrant or cause a rationale for access to the storm sewer system. The drainage flows off the site like all of the other houses along that area.

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Commissioner Markewich said that's not the only drainage its' from above and the slope. With the entire impervious surface at the bottom that will cause more water to come off the property to the alley, but you're saying it was examined. Mr. Kuehster said there wasn't that much detail in the drainage report but he'd heard testimony stating some water already flows off the east side and that wasn't expressed much in the drainage report.

Commissioner Markewich asked if Mr. Kuehster had been to the site. Mr. Kuehster said yes but he didn't he was looking more at geological. Commissioner Markewich said he made one visit to the site and putting impervious adjacent to the alley is going to cause more run off from the slope. Mr. Kuehster said that was correct. When they ask for improvements they will ask for some type of inverted crown or whatever is necessary to get that water to flow to the south and not the east. Commissioner Markewich said he didn't think filling potholes would be sufficient to bring the alley up to specs it will have to be filled along with some type of swale along the east side to make sure everything stays in the alley. Mr. Kuehster said that was correct.

Commissioner Markewich said if you're increasing the water the connection from the alley to Boulder Street it must be done properly so water doesn't come into Mr. Hardgrove's garage. Mr. Kuehster said he'd have to see where Mr. Hardgrove's property was located.

Mr. Kuehster said rebuilding the two entrances off the street for the fire truck will require them to provide lighting of the alley aprons which is what the fire department was also recommending.

Commissioner Markewich said what if the alley has to be rebuilt could drainage be underneath the alley and connect it to city sewer system. Mr. Kuehster said he didn't look at the sewer system.

Commissioner Phillips said these were great ideas and he'd like to hear something like this from the applicant.

Rebuttal:

Mr. Risen said this was a small development. He thinks water and sewer are in the alley but doesn't know where the taps are but he was planning on paving from Boulder or St. Vrain past his development anyway because they will dig up an alley to put in the infrastructure. So if they have to put some soil in alley to accommodate drainage, but he relies on Colorado Geotech and his engineers in the drainage department to advise him and they will follow all the requirements necessary to take care of drainage for each unit but all down the hillside.

This alley is no different for other alleys in southern Colorado. He'd like to improve it and control drainage that's his first concern because they could be units he keeps as investment property. He's built on the west side with alley access and this alley is in better shape than most. But if they to pave the entire alley they'll do it because they are tearing up 2/3rds of it.

Commissioner Smith said in the packet where it said potholes have to be done prior to building permit he thought repaving should be done at the end of the project not at the beginning. Mr. Risen said they'd improve the alley as much as possible before construction and then pave when everything is done.

Commissioner Markewich asked what point would you decide a tap into the city sewer, utilities and how to redirect drainage. Mr. Risen said before they break ground. Mr. Risen said the alley would be paved in a V for a swale in the middle but he defers to his drainage engineer. Commissioner Markewich asked if Mr. Risen would be willing to pave the alley from top to bottom. Mr. Risen said yes.

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Meggan Herington said there was no other place the utilities could be other than in the alley. City specs require to not have a patch. So she could see where public works would require the entire alley be paved. Regarding the drainage report, she believes it's already been approved and has all the specific requirements per the engineering criteria manual for the development of this size. So we may have a technical glitch if you determine you want to attempt to put some requirements on the drainage report that's already been reviewed and approved.

Commissioner Markewich said he wants to make sure that additional runoff from the slope or from possible build are done so people on the east side aren't adversely affected. Mr. Risen said the drainage report addresses all that and he defers to that.

Commissioner Markewich said they discussed at Informal backing into alleys and needing a special variance would we need a special variance this. Mr. Turisk said he doesn't think that would apply based on what Mr. Risen has said. Ms. Herington said that provision applies more so to when you pull off the right-of-way into a parking space while not having a parking lot that has internal access and then you back out to the right-of-way. This is a driveway just like any other driveway you back out of, so the variance doesn't apply in this situation.

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Shonkwiler said to stop urban sprawl we must redevelop and reengineer difficult sites. This site is more difficult than others but properly engineered you can build it. This issue before us is all other access points are closed off. You have a right to use the public rights-of-way. The streets to this property should've never been closed off with vacations years ago. We've had testimony that it will be engineered properly before it's built. He will support this project. It's compatible with the neighborhood so as long as engineered properly and believes it will be so he will support it.

Commissioner Markewich said he was frustrated that major changes were made since the packet was given to them at Informal and they never received any information with those changes. He understands some of them are clarification in definitions but there were things introduced that weren't discussed before. So he'd like a condition of record requiring the repaving and proper construction be up to engineering requirements for the whole alley. Infill is a priority and something like this is exactly why it's so difficult. He appreciates Mr. Risen's willingness to spend a lot of extra money to get this done. It's a difficult site with unique challenges. He'd encouraged Mr. Risen to be careful and conscientious regarding the people on the east side and the drainage. If the alley is done properly it will solve a lot of the problems. It's hard for him to make a decision when they don't have all the facts in front of them. So if they can get that condition of record he'll be in full support.

Commissioner Henninger said he appreciates the effort to try and redevelop this property. The question is access to the property and that has to be within the alley. He has a concern about the alley as far as fire access and a concern about moving people into these properties. It will be tight and difficult. But if the builder takes the proper approach with what needs to be done it can be done.

Commissioner Walkowski said even though he has reservations about the whole project, the stability of the soil, the compatibility and the height that is not what we are charged with. They have to determine the access. Looking through the criteria for granting a subdivision waiver the project meets those. It was mention that a couple of those may not be met but if we improve the alley it's no longer a detriment and could actually be a little bit of improvement. He'd be in favor of the project if they can get a repaving of the alley and is in agreement with Commissioner Markewich about the condition of record.

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Commissioner Shonkwiler said there are 13-15 other houses in front of this alley and requiring this developer to repave the entire alley seems unreasonable. If the condition is put in he'd like it to be narrowed by saying where it's been disturbed by the developer or utilities that it'd be completely repaved. He's concerned they might be overreaching.

Commissioner Walkowski agrees with Commissioner Shonkwiler about overreaching but the whole alley will be used by the additional cars especially since it's one way. The fire department is requesting the entire length of the alley be improved.

Commissioner Markewich concurs with Commissioner Walkowski especially because the applicant has said he already agreed to that. He doesn't know if the whole alley needs to be engineered but repaving, yes, especially with it being a one-way along with the improvement to Boulder and St. Vrain per the Fire Department, so he doesn't feel it's putting undue burden on the applicant.

Commissioner Phillips says if the applicant agrees to pave it and do the work why are they making it a condition of record? Mr. Turisk said it would be to memorialize it for a measure of assurance

Motion by Commissioner Markewich, seconded by Commissioner Walkowski, to approve the request for a subdivision waiver of design standards for the property located at 543 Robbin Place based on the finding the subdivision waiver request complies with the review criteria in City Code Section 7.7.1302, with a condition of record that the applicant complete the repaving of the alley per the fire department's recommendation and properly engineer the southern part of the alley to accommodate storm water runoff as to not affect the neighbors to the east.

Aye: Phillips, Shonkwiler, Walkowski, Smith, Markewich.

No: Henninger

Excused: McDonald, Gibson, Graham

Motion Passed

NEW BUSINESS CALENDAR

DATE: August 18, 2016

ITEM: 6.D.1 – 6.D.4

FILE NO.: CPC ZC 16-00061, CPC DP 16-00060, CPC DP 16-00062, CPC DP 16-00068

PROJECT: Maizeland and Academy

STAFF: Mike Schultz, Principal Planner

STAFF PRESENTATION:

Mike Schultz, Principal Planner gave a Power Point presentation.

Applicant:

Tom Dermity a commercial real estate developer. The property was owned by Mr. and Mrs. Brooks and passed to their children who were raised in Colorado Springs and now live in Denver. They would like the property rezoned. The property has sat vacant for the last 30 years. After the death of Mr. and Mrs. Brooks he discussed with the owners the idea to rezone and change the conditions of records. A hybrid approach was discussed because of the conditions of record. After discussing with this with several other people a profile of the type of development emerged and but they wouldn't get an upscale types like Whole Foods or King Soopers you could get a Wal-Mart Neighborhood Grocer or a pawn shop and these weren't wanted by the neighborhood.

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The three uses came to be by wanting to have something that was in high demand and a transitional use to the neighborhood. So that's how the self-storage came about. It will be a higher scale design and a low traffic generator, light impact is minimal, noise is minimal, building size is smaller. The developer of the storage offered to make it look more residential. The self-storage also said they could live without ingress and egress to the side streets and they could make a wall to create a high degree of security to the neighbors. They worked with the neighbors to find a solution. They put together three uses that worked for many but not everyone. They were able to balance the most ardent concerns of the stakeholders. We listened to the concerns noted by all. The development will help cut down on the constant noise from Academy Blvd. The self-storage will be very secure and safe.

Regarding repositioning the Kum & Go store hadn't been thought about it thought it would make the light go more toward the neighbors and that isn't the best idea.

The development will capture traffic that is already going along this way. What happens with property values when next to a development of this type? Homes next to this area have sold over list price. People in this area want something to happen with this site.

They are asking for four conditions of records be removed and add ones the neighborhood has concerns about. They will meet all the requirements under the code for the zoning. They've tried to come up with a blending. He can't think of any recent development along Academy that meets the Great Streets Scape.

He appreciates the neighborhoods concerns. This doesn't break the neighborhood and it could be a step in the right direction.

Questions

Commissioner Markewich asked about the improvements along Sussex and Alpine, is there a wall there? Mr. Dermity said there will not be a wall in between the developments just on the south side. Commissioner Markewich said it'd start at the corner of Alpine and Sussex and go all the way to the Carl's Jr. site because there are some residents there. Mr. Dermity said it could go a little further but the house on the corner of Alpine Place is a commercial use. There should be some view corridor and the wall could probably come down to the residential property line.

Commissioner Markewich discussed the reorientation of the buildings particularly the Kum & Go so there'd be more access to pedestrians. Mr. Shultz said staff supports the project for the Kum & Go. But because the EOZ and the Great Streets Plan are guiding documents and suggest better pedestrian orientation and orientation toward Academy they asked for possible repositioning of the building. If the Commission is fine with the orientation that is ok but they can also provide some ideas and guidance for any future development along Academy. Commissioner Markewich asked if Mr. Dermity had an opinion for repositioning of the building. Mr. Dermity said he'd object for two reasons. The unconventional nature isn't ideal for the Kum & Go and the second is the front of the Kum & Go store will be well lit as well as the canopy and the back of the store will not. Also there would be more activity and light spillage into the neighbor. Commissioner Markewich said Mr. Dermity felt the current position better protects the neighborhood and Mr. Dermity said it did.

Commissioner Shonkwiler said what is different from what Mr. Dermity is proposing and what is already proposed. Mr. Schultz explained his reasoning and said it wasn't unusual to turn these stores perpendicular to the roadways.

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Meggan Herrington said in Mr. Schultz's staff report it has one of the conditions for approval is not to move the Kum & Go building. Mr. Schultz verified that was correct. Ms. Herrington said the motion as based on the staff report with the conditions and technical modifications isn't listed. So you're making a statement that one of the design. Mr. Schultz clarified it's in the staff report, but they are still in support of the project and if Planning Commission wants to move forward as presented staff is fine with that. There is no specific code criteria that would require the repositioning of the building. Ms. Herrington said she wanted Commissioner Phillips to make sure he understood what Mr. Schultz was saying when explaining that.

Applicant:

Mike Humphrey with Your Storage Centers. This has been a slow process but they wanted to make sure they got it right and listened to the neighbors' concerns. Self-storage is very different today than in the 1980's. Regarding traffic - this store will generate about 10.8 cars per day. They have low noise and low light. The architecture will be a more residential look with an opaque screen, a landscape berm with a six-foot high wall. They'll have more cameras, more security and two access gates. Transitional use is why he thinks they're a good fit. They've taken slow methodical steps. They are certain things they can't address but felt they've brought forward a good product.

Commissioner Markewich asked about RV or boat storage. Mr. Humphrey's said there's no outdoor door facility but there is one potential indoor one.

Applicant:

Ron Holder with Kum & Go. The big thing is the orientation of the building that Mr. Schultz presented and they've reviewed his request and Kum & Go's concerns are regarding visibility. If they reposition the building they block visibility to their store front and their pumps. Kum & Go uses passerby traffic to generate business for their store. They believe they've addressed Mr. Schultz's request for more pedestrian access with the bus stop. Yes it passes close to the canopy but they've agreed to stripe that and add signage for ease of walking to the front door.

Commissioner Walkowski said they would stripe that like a crosswalk or sidewalk. Mr. Holder said yes.

Applicant:

Jay Hoffmeister with Carl's Jr. He's a second generation in Colorado Springs with Carl's Jr. They've tried to make as many design changes to move closer to Academy. The speaker box faces more toward Academy, they've added noise, and they've done side shields for the lights, and put in a catalytic converter to reduce smells. They believe the wall constructed on Alpine will significantly reduce car headlights. But have agreed to put a secondary landscape fence along the drive thru for light mitigation if necessary. The design is more contemporary. They are trying to invest in their community, invest in infill along Academy and invest in the neighborhood as a whole.

Commissioner Smith asked where the secondary fence would be. Mr. Hoffmeister said an additional landscape screening fence would be by the drive-thru. Commissioner Smith said that property was commercial and they don't operate at night. Mr. Hoffmeister said that was correct.

Commissioner Markewich asked if the additional wall is it planned. Mr. Hoffmeister said if Planning Commission wants them to put it in they will and if it will help reduce noise they'd also put it in.

Citizens in Support:

Michelle Wright and she lives up from the development. She drives this area every day. She's been to the all the neighborhood meeting. She has a background in planning and she's concerned about the

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neighborhood. It needs help. Retail stores are vacant. Apartment buildings wouldn't be a good idea. So what is left to put there? Unwelcome types of development. The plan fits well with the neighborhood. She likes plan with the green area, she likes the safety and they've been very responsive to the neighborhoods concerns. She believes this is an excellent plan. She has no objections. She thanks the developers for going beyond their questions and concerns.

Mr. William Mashburn is the owner. The developers have been having neighborhood meetings for over 2 ½ years. They've worked to push the buildings as close to Academy as possible. They've worked well with them and he doesn't believe this development will substantially increase traffic. They support it and think it's a good proposal.

Jonny Garcia it's a good project and they need something like this in the neighborhood like this for a long time. All three are appropriate for the area.

Citizen in Opposition:

Susan Foth and lives out of the 750 foot notification area. The owners have the right to develop this property and the applicants have tried to make this development as palatable as possible. However it doesn't conform to the condition of record or the higher type of development the neighborhood was looking for. The conditions of record were to protect the integrity of the neighborhood and by default Palmer Park. Regarding infill there are other areas along Academy that are more suitable. When she looked at the review criteria the first five are not met. It's not compatible or harmonious with Palmer Park. This type of proposal introduces an entirely different type of business along the west side of Academy. Businesses that border the park are hardly noticeable and no amount of camouflage can hide this is a gas station, a mini-storage or a fast food restaurant. Traffic on Maizeland and Academy can be backed up 25 cars all the way to Sussex. If approved the constraints will be passed to the neighborhood with unwanted noise 24-7, light pollution, and increased and risky traffic patterns.

Dense Philpot said he lives about two blocks to the west and he found out about this because of his neighbor. There are a dozens of convenience stores and gas stations at every intersection to the north and the south along Academy for over a mile both ways. Kum & Go doesn't build gas stations they build truck stops along the interstate and Powers which is appropriate. But along a high residential area, it's not. Kum & Go and puts everyone else out of business then they hike up their prices and gas. There are plenty of fast food restaurants. The playground at Palmer Park is about the only playground for little kids. There will really be only one ingress to this site and that's off Academy because you can't enter across Maizeland because you can't cross a double yellow line the turn would be illegal. People will use the light at Alpine as a go around.

Natalie Morin said her property is in the middle of Alpine directly adjacent from the site. Her parents were part of the original group that set up the conditions of record. She appreciates the work and thought that went into the design but there are lots of concerns that haven't been address. The fast food restaurant will be right across from the residents on Alpine Pl and the wall won't go all the way down. In addition to that, this Carl's Jr's can't guarantee it won't be open 24-hrs. We don't want a 24-hr drive thru across from their homes. The gas station will be too much traffic for this area. Maizeland and Academy are already backed up as it is. People will get impatient and go through their neighborhood to go west. These types of businesses generate too many cars and we don't need another gas station or another fast food restaurant.

Cathy Smith said they just moved in May of 2016 and had no idea this would be built in the empty lot. She hopes it will be developed with the thought in mind of the quiet and peaceful nature of this

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established neighborhood. We are supposed to be the Olympic City and to put a fast food restaurant right next to Palmer Park is extremely counter intuitive.

Angela Waalkes said they're further out than anyone that has spoken. They are on a cul-de-sac and very aware of the cut through traffic. The applicant has done a great job with their plans. But these are "proposed" plans; we've seen two plans from the Kum & Go just today. The church up the street promised not to go over two-stories so the view of Pikes Peak would not be impeded but went ahead and put on the second story so neighbors who bought for the view were lied to. The church said they'd pave their roads, it took them 25-years to do it. She's leery of people who bring a proposed plan designs and aren't sure which way they'll go. The applicant says they've taken great effort to speak and work with the neighborhood. I'm in that neighborhood and found out about this through a flyer in my door. Then there's the issue that we need a name for our neighborhood? The applicant says the lack of development shows the area is struggling. How does a gas station and a Carl's Jr prove we are not struggling as opposed to that beautiful field that in the spring is full of wild flowers. They say office development has slowed down in the area and is no longer in demand and there is tiredness and blight. What about the strip malls have been abandoned and moved out to Powers what about redeveloping those. A Kum & Go and fast food is not something we need. There are tons of gas stations everywhere. Not every piece of land or field needs to be developed.

Loretta said she's in the neighborhood and her parents were part of the group that help put in place the conditions of record. The intent was for office spaces. There are enough gas stations and convenience stores up and down Academy but there are also many vacancies up and down along Academy. She's not against Kum & Go or Carl's Jr it just doesn't need to be on that corner. She'd rather have the city buy the property and turn it into tennis court or something that would complement the park.

Charley Bobbitt lives in the neighborhood and he has to say that at the first meeting with Tom Dermity he said if they didn't do this he's make sure they got a Wal-Mart put in there and that felt like a threat. He objects to the development. One thing was no 24-hr businesses. All these business are replicated within a mile of the area. But his main objection is the traffic. The light at Maizeland and Academy can back up to Sussex and it can take up to three lights to get through that intersection. Kum & Go and Carl's Jr are heavily advertised. They want to drive people to their locations so for them to say it will not affect traffic is unreasonable. This Kum & Go is a super-size store a 24-hr operation. Turning out and into the property off Maizeland will be awful without any type of light. He doesn't know of anywhere else in the city that traffic engineering doesn't allow a right-turn-in and a right-turn-out. At this location you'll have traffic turning in from the turn left along with the big trucks. Impact will be big. If you approve this at least ask the traffic engineer to do a real study.

Questions of Staff:

Commissioner Walkowski asked for an explanation about the movement restrictions being adequate or not met. What does that mean? Mr. Schultz said he'd defer to Ms. Krager. Ms. Krager said that is a line-of-sight and it's not shown correctly on the plan so until its shown correctly she wants the note.

Regarding the concerns the neighbors have brought up. Gas stations and fast food generate the highest trip generations but are also two of their higher pass-by uses. Gas stations and fast food will gear where they want to be based on if they want are for people on the way to work or coming home. The vast majority of traffic for this site will be on Academy or Maizeland and not new traffic. We like gas stations to have as much convenience access as possible. Many times with infill a street is half residential and half commercial and it causes problems. Access from east bound Maizeland to north bound Academy had a double left turn lanes. She knew this could be a problem area so she asked for a traffic study to look at the left turn traffic. She doesn't mind left turns stacking on Maizeland. If this area becomes a problem she can do several things. One is return the dual left turn lane going from

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eastbound Maizeland onto northbound Academy. But that gives preference to one side of Maizeland over another and they have equal volume. The other is she can restrict turning movements on Maizeland. She's not done that right now because there is no median across Maizeland

Commissioner Smith said most of the comments from the people say there is already a problem at Maizeland. So what percentage of increase to that left turn lane will happen with this development? Ms. Krager said no increase. You don't see people turning left turn from a gas station to a major arterial. That left turn is has a lot of traffic from Circle because Circle turns into Fillmore and Maizeland is the last street that connects to Academy. .

Commissioner Markewich asked if a U-turn is allowable at Maizeland. Mr. Krager said yes. Commissioner Markewich asked if she had a problem with people doing a U-turn to get into a right-in/right-out. Ms. Krager said no. If going south on Academy and turn right on Maizeland and then turn left into the site would that happen? Ms. Krager said there will be a percentage of people who do that. But they will probably only do it once. Commissioner Markewich asked about the cut through traffic on Alpine. Ms. Krager said that type of cut through would seem difficult to her. Instead she would turn right on Academy go down to Constitution and turn right instead of going down Maizeland to go west because Constitution goes the same places as Maizeland but just a little farther.

Rebuttal:

A couple of notes about the 24-hr accessibility; there is a section of the community that works at different times and needs 24-hr access. Also the perception there is not market demand however that's not correct there is market demand for this. Finally about the property remaining open space – it's been open space since its inception but the owners have the right to develop it; keeping it as open space is not what is needed.

Mike Humphrey with Your Storage Centers said as part of the development team he wanted to say for people who are opposed to something and still come up and say they applaud the time and effort they've put into the project is great. He also wanted to be sure the neighbors knew there had been three notifications about the project. Regarding Griffith Blessing doing a development, he spoke with them and they've had a "Coming Soon" sign on the corner for three years and nothing has happened. Lastly self-storage offers a tremendous noise buffer and that will help with all the traffic sounds coming from Academy.

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Smith said when he was out at the site the weeds were the first thing he noticed. The place hasn't been kept up or mowed. Whether there should be more fast food or gas stations is not in their purview. Regarding noise – there is already noise from Academy. Smells won't be a concern with the converters that will eliminate smells. This is a good development site and its an infill project and he will be in support of the project.

Commissioner Markewich echoes Commissioner's Smith statement about developing more gas stations or fast food. Remaining open space wasn't really a viable option. It's privately owned so it can be developed. Regarding notification – he's doesn't like how we notify but even if we notify from 500, 1000, or 1500 there will still be people who do not receive notification. The proposal meets the four criteria for a change of zone district and the 12 development review criteria listed in city code. Lastly traffic there is like traffic everywhere and it's always a problem and there is only so much we can do to limit traffic problems and I feel we have done as good a job as possible for this site. So he will be in support of the project.

CITY OF COLORADO SPRINGS PLANNING COMMISSION

MINUTES / RECORD-OF-DECISION

Commissioner Walkowski agrees with the previous commissioners comments. He'll specifically address Mr. Schultz's comments about repositioning the Kum & Go. For the future establishing pedestrian access and walkability is a great idea and he'd would've liked to have seen it here, but to move the building would have cause more light on the neighbors and that was something that isn't acceptable. So the way the Kum & Go is oriented outweighs the connectivity. But in the future keep that idea in mind. So he will be in support of the project.

Motion by Commissioner Markewich, seconded by Commissioner Smith, to recommend approval to City Council the zone change from PBC/CR (Planned Business Center with Conditions of Record) to PBC/CR (Planned Business Center with Conditions of Record), amending conditions of record originally approved in 1988, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

Aye: Markewich, Henninger, Phillips, Walkowski, Smith

Absent: Graham, McDonald, Shonkwiler, Gibson

No: None

Motion passed.

Motion by Commissioner Markewich, seconded by Commissioner Smith, to recommend approval to City Council the Kum & Go Store #686 development plan based upon the findings that the development plan meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E), subject to the following technical and/or informational plan modifications listed in their packets

Aye: Markewich, Henninger, Phillips, Walkowski, Smith

Absent: Graham, McDonald, Shonkwiler, Gibson

No: None

Motion passed.

Motion Commissioner Markewich, seconded by Commissioner Smith, to recommend approval to City Council the Development Plan (Your Storage Center) based upon the findings that the development plan meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E), subject to the following technical and/or informational plan modifications listed in their packets

Aye: Markewich, Henninger, Phillips, Walkowski, Smith

Absent: Graham, McDonald, Shonkwiler, Gibson

No: None

Motion passed.