



Meeting Minutes - Draft Planning Commission

Thursday, February 20, 2020

8:30 AM

Council Chambers

1. Call to Order

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

Absent: 1 - Commissioner Rhonda McDonald

2. Approval of the Minutes

2.A. [CPC 20-029](#) Minutes for the December 19, 2019 City Planning Commission Meeting

Presenter:
Reggie Graham, Chair

Motion by Commissioner Rickett, seconded by Commissioner Almy, to approve the December 19, 2019 City Planning Commission Minutes.

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

Absent: 1 - Commissioner McDonald

2.B. [CPC 20-074](#) Minutes for the January 16, 2020 City Planning Commission Meeting

Presenter:
Reggie Graham, Chair

Motion by Commissioner Rickett, seconded by Commissioner Almy, to approve the January 20, 2020 City Planning Commission Minutes.

Aye: 7 - Vice Chair Hente, Commissioner Raughton, Chair Graham, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 1 - Commissioner McDonald

Recused: 1 - Commissioner McMurray

3. Communications

Peter Wysocki - Director of Planning and Community Development

4. CONSENT CALENDAR

Motion by Commissioner Rickett, seconded by Vice Chair Hente, that all matters

on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 8:0:1:0

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

Absent: 1 - Commissioner McDonald

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.)

Cygnnet Heights

4.A. [CPC ZC 19-00106](#) Ordinance No. 20-16 amending the zoning map of the City of Colorado Springs pertaining to 25.8-acres located southwest of Fountain Boulevard and Aviation Way, from PBC/cr/AO and PIP-2/cr/AO (Planned Business Center and Planned Industrial Park with conditions of record and airport overlay to PIP-2/cr/AO (Planned Industrial Park with conditions of record and airport overlay).

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

A motion was made by Commissioner Rickett, seconded by Vice Chair Hente, to refer this Ordinance to the City Council for the 3/10/2020 regular meeting. The motion passed unanimously on the Consent Calendar.

4.B. [CPC CP 06-00085-A1 MJ19](#) The Cygnnet Heights Concept Plan for an office, warehouse and light industrial development located southwest of Fountain Boulevard and Aviation Way.

(Quasi-Judicial)

Related File: CPC ZC 19-00196, CPC CP 06-00085-A1MJ19

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

A motion was made by Commissioner Rickett, seconded by Vice Chair Hente, to refer this Planning Case to the City Council for the 3/10/2020 regular meeting. The motion passed unanimously on the Consent Calendar.

JL Ranch

- 4.C. [CPC MPA](#) [99-00208-A1](#) [MJ19](#) A resolution approving a major amendment to the JL Ranch Master Plan changing 14.6 acres from commercial to multi-family residential located southwest of Pine Oaks Road and Highway 115.

(Legislative)

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

A motion was made by Commissioner Rickett, seconded by Vice Chair Hente, to refer this Resolution to the City Council for approval on the 3/24/2020 regular meeting. The motion passed unanimously on the Consent Calendar.

Living Hope Church

- 4.D. [CPC UV](#) [20-00025](#) A use variance development plan for a daycare center at Living Hope Church in the R2 zone district at 640 Manitou Boulevard.

(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning & Community Development

A motion was made by Commissioner Rickett, seconded by Vice Chair Hente, to approve this Planning Case on the Consent Calendar. The motion carried unanimously.

Approval of the Consent Agenda

Motion by Commissioner Rickett, seconded by Vice Chair Hente, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 8:0:1:0

5. UNFINISHED BUSINESS - None

6. NEW BUSINESS CALENDAR

Greenways at Sand Creek

- 6.A. [CPC PUZ](#) [19-00118](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 170.6 acres located east of Tutt Boulevard and extending north and south of North Carefree Circle from A/PK/AO/SS (Agricultural and Public Parks with Airport and Streamside Overlay)

to PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlay).

(Quasi-judicial)

Related Files: CPC PUZ 19-00118, CPC ZC 19-00119, and CPC PUP 19-00120

Presenter:

Daniel Sexton, Principal Planner, Planning and Community Development

Peter Wysocki, Director Planning and Community Development

Staff presentation:

Ms. Thelen gave a presentation describing the intent and scope of the project.

Applicant Presentation:

Mike DeGrant with Shuck Communities and Chris Lieber with NES gave a presentation describing the scope and intent of the project.

Questions:

Commissioner Rickett asked if the storm pipe was new or existing. Mr. Lieber stated it was a new pipe.

Supporters:

Edward Rivera stated his major concern is access through Canyon Wren. It's a small street. The access, volume and speed of traffic is a large concern for the Millers Crossing HOA. On pro side he likes how they'll extend the trails; the solar panel pilot project program is also good and the homeless camps will be cleaned up and eliminated which will not cause home values to depreciate. The stormwater improvement is also good along that area of Sand Creek.

Opponents:

Randel Byles owns Pikes Peak Travel and RV Dealer located at Platte Ave and Wooten Rd. He felt the applicant has done a lot of good work and the project is also good. His big concern is the traffic at Platte Avenue and Wooten Rd. Even with the signal during the morning rush hour traffic is lined up to almost to Powers. It can take 3-4 signal changes to get through the light. There accidents there at rush hour. The traffic is not from people living in the area, but it's it the commuters living east of the city. If he could

say approve the entire project without the extension of Wooten Rd he would sign on and so would Randy Cloud because they've had conversation about this.

Tim Kennedy asked how the dust from the contaminated soil will be mitigated. When storms happen Canyon Wren turns into a river and if the containment area overflows it will come down Canyon Wren. He's also concerned about traffic to Airport. Right now the neighborhood is used as a cut through from Frost Lane to Airport Road. They had speed bumps in the neighborhood making people slow down, but the city had them remove them. It's not safe for safe for kids. When this goes in the two main ways to get in will be Canyon Wren and Pikes Peak. Canyon Wren isn't designed like Pikes Peak, it's not as wide. If you open up Wooten traffic will zip form Platte down to Airport through their neighborhood. He's all for the cleanup. He's also worried about all the heavy equipment getting in and out of the site.

Eric Eaton agrees with applicant on one point. The site needs rezoned but it should be zoned as entirely open space. It could have been a landfill at one time but now it's a prairie. There's lots of animal life, natural plants as well as birds and insects. This site is already used recreationally. There are no other existing open spaces in southeast Colorado Springs that are easily accessible. This could be an open space that unites the community. He's in favor of affordable housing but not at this location. They're a diverse community with different ethnicities and possibly economically challenged but thinks they deserve the same amenities of open space as other neighborhoods. He agrees the site needs work but thinks it's worth investing in rehabilitation to help forward the designation for it to be a prairie. He wants an open space that benefits all.

Rebuttal:

Chris Lieber addressed concerns about Canyon Wren as well as cut through traffic and whether Wooten is opened or closed. They're keeping in mind the North/South streets or the extension of Wooten will be built to a residential standard. There's parking available on both sides of the street. The idea is to utilize that change in use and the narrowing of the street to

make that section as unattractive to cut through as possible.

Regarding access at Platte and Wooten they've talked with City Traffic about this. One of the complications with this intersection isn't the extension of Wooten. It has to do with the frontage road running just south of Platte. Which make stacking difficult and turning movements. But that's beyond the scope of this project. Their traffic engineer looked at it and evaluated it to understand what the impacts are and it is the current existing challenges not the new traffic.

Regarding the dust, the Materials Management Plan has a whole chapter how to address this. They are required to keep the dust down. One of the ways is with water trucks. If the wind picks up they have to stop if they are not able to handle the dust in a specific way.

Regarding the stormwater at Canyon Wren, one of the key pieces is there is an existing stormwater issue and this project will resolve that. This issue is more than what is on this particular piece of property. The area to the south will become a public stormwater pond. The reason for this full spectrum pond is it addresses the stormwater on this site but also on some of the adjacent off-sites.

From an open space perspective, this is very important and they tried to find some balance with the site. They looked at having connectivity and enjoying some open space. It may not be as much as Mr. Eaton would like to see but they are taking a significant step in a permanent way.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Rickett asked about the Wooten access piece. He read the Materials Management Plan and thought they did a very good job explaining how they have to treat this. For any citizen concerned about that he recommends you read the Materials Management Plan on what they have to do, what's required by the state and how they have to mitigate issues. It's a very detailed comprehensive plan.

Todd Frisbee with City Traffic addressed concerns about Wooten Rd and Platte Avenue. He stated Chris Lieber was correct about this intersection. One of the challenges is the frontage road on the east side. It is a known fact that traffic backs up on Platte. One of the things the City is looking at is

a corridor study for Platte Ave to address traffic from downtown to Powers Blvd. This will include looking at this intersection.

Commissioner Rickett asked about those living off Canyon Wren, would there be a way to add speed bumps feasibly down the road? Mr. Frisbee stated, as a general rule they don't do speed bumps because they're not as effective as they once were. The fire department is not a fan of them. They have a neighborhood traffic management program if there's a speeding or cut through problem and residents can contact them.

Motion by Vice Chair Hente, seconded by Commissioner Eubanks, to recommend approval to City Council the zone change for 170 acres from Agricultural and Public Parks with an Airport and Streamside Overlays (A/PK/AO/SS) to Planned Unit Development with Airport and Streamside Overlays (PUD/AO/SS), based upon the findings that the request meets the review criteria for establishing a PUD zone, as set forth in City Code Section 7.3.603, and the review criteria for a zone change, as set forth in City Code Section 7.5.603. The land use, density/intensity and maximum building height controls for the Planned Unit Development zone district are as follows for each subarea

Project Subarea	Land Use Types	Density/Intensity	Max. Building Heights
Residential Medium (RM)	Residential Uses	3-5.5 du/ac	25 feet
Residential High (RH)	Residential Uses	6-12 du/ac	35 feet
Residential High with Streamside Overlay (RHSS)	Residential Uses		6-12 du/ac 35 feet
Residential Very High (RVH) and commercial use limited to 20% of subarea	Residential & Commercial Uses		18-25 du/ac 50 feet
Community Commercial (CC)	Commercial Uses	20,000 max. building square footage	45 feet

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

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

Absent: 1 - Commissioner McDonald

Recused: 1 - Commissioner Rickett

6.B. [CPC ZC 19-00119](#)

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 23.5 acres located east of Tutt Boulevard and extending north of North Carefree Circle from A/PK/AO/SS (Agricultural and Public Parks with Airport and Streamside Overlay) to PK/AO/SS (Public Parks with Airport and Streamside Overlay).

(Quasi-judicial)

Related Files: CPC PUZ 19-00118, CPC ZC 19-00119, and CPC PUP 19-00120

Presenter:

Daniel Sexton, Principal Planner, Planning and Community Development

Peter Wysocki, Director Planning and Community Development

See Item 6.A. (CPC PUZ 19-00118)

Motion by Vice Chair Hente, seconded by Commissioner Eubanks, to recommend approval to City Council the zone change for 23.5 acres from Agricultural and Public Parks with an Airport and Streamside Overlays (A/PK/AO/SS) to Public Parks with Airport and Streamside Overlays (PK/AO/SS), based upon the findings that the request meets the review criteria for a zone change, as set forth in City Code Section 7.5.603. The motion passed by a vote of 7:0:1:1

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

Absent: 1 - Commissioner McDonald

Recused: 1 - Commissioner Rickett

6.C. [CPC PUP 19-00120](#) A PUD concept plan for the Greenways at Sand Creek project illustrating residential, commercial, and civic uses and ancillary public improvements.

(Quasi-judicial)

Related Files: CPC PUZ 19-00118, CPC ZC 19-00119, and CPC PUP 19-00120

Presenter:

Daniel Sexton, Principal Planner, Planning and Community Development

Peter Wysocki, Director Planning and Community Development

See Item 6.A. (CPC PUZ 19-00118)

Motion by Vice Chair Hente, seconded by Commissioner Eubanks, to recommend approval to City Council the concept plan for the Greenways at Sand Creek project, based upon the findings that the request meets the review criteria for establishing a PUD concept plan, as set forth in City Code Section 7.3.605, and the review criteria for establishing a concept plan, as set forth in City Code Section 7.5.501(E). The motion passed by a vote of 7:0:1:1

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

Absent: 1 - Commissioner McDonald

Recused: 1 - Commissioner Rickett

Pikes Peak Heights

- 6.D. [CPC MP 85-217-A7MJ18](#) A resolution for a major amendment to The Towne East Master Plan changing the land use classification of 23.9 acres from Research and Development to Residential 3.5-7.99 dwelling units per acre, located on Pikes Peak Avenue, east of Academy Boulevard.

(Legislative)

Related Files: CPC MP 85-217-A7MJ18, CPC PUZ 18-00089, CPC PUD 18-00091

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Staff presentation:

Ms. Thelen gave a presentation describing the intent and scope of the project.

Applicant Presentation:

Mike DeGrant with Shuck Communities and Chris Lieber with NES gave a presentation describing the scope and intent of the project.

Questions:

Commissioner Rickett asked if the storm pipe was new or existing. Mr. Lieber stated it was a new pipe.

Supporters:

Edward Rivera stated his major concern is access through Canyon Wren. It's a small street. The access, volume and speed of traffic is a large concern for the Millers Crossing HOA. On pro side he likes how they'll extend the trails; the solar panel pilot project program is also good and the homeless camps will be cleaned up and eliminated which will not cause home values to depreciate. The stormwater improvement is also good along that area of Sand Creek.

Opponents:

Randel Byles owns Pikes Peak Travel and RV Dealer located at Platte Ave and Wooten Rd. He felt the applicant has done a lot of good work and the project is also good. His big concern is the traffic at Platte Avenue and Wooten Rd. Even with the signal during the morning rush hour traffic is lined up to almost to Powers. It can take 3-4 signal changes to get through the light. There accidents there at rush hour. The traffic is not from people living in the area, but it's it the commuters living east of the city. If he could say approve the entire project without the extension of Wooten Rd he would sign on and so would Randy Cloud because they've had conversation about this.

Tim Kennedy asked how the dust from the contaminated soil will be mitigated. When storms happen Canyon Wren turns into a river and if the containment area overflows it will come down Canyon Wren. He's also concerned about traffic to Airport. Right now the neighborhood is used as a cut through from Frost Lane to Airport Road. They had speed bumps in the neighborhood making people slow down, but the city had them remove them. It's not safe for safe for kids. When this goes in the two main ways to get in will be Canyon Wren and Pikes Peak. Canyon Wren isn't designed like Pikes Peak, it's not as wide. If you open up Wooten traffic will zip form Platte down to Airport through their neighborhood. He's all for the cleanup. He's also worried about all the heavy equipment getting in and out of the site.

Eric Eaton agrees with applicant on one point. The site needs rezoned but it should be zoned as entirely open space. It could have been a landfill at one time but now it's a prairie. There's lots of animal life, natural plants as well as birds and insects. This site is already used recreationally. There are no other existing open spaces in southeast Colorado Springs that are easily accessible. This could be an open space that unites the community. He's in favor of affordable housing but not at this location. They're a diverse community with different ethnicities and possibly economically challenged but thinks they deserve the same amenities of open space as other neighborhoods. He agrees the site needs work but thinks it's worth investing in rehabilitation to help forward the designation for it to be a prairie. He wants an open space that benefits all.

Rebuttal:

Chris Lieber addressed concerns about Canyon Wren as well as cut through traffic and whether Wooten is opened or closed. They're keeping in mind the North/South streets or the extension of Wooten will be built to a residential standard. There's parking available on both sides of the street. The idea is to utilize that change in use and the narrowing of the street to make that section as unattractive to cut through as possible.

Regarding access at Platte and Wooten they've talked with City Traffic about this. One of the complications with this intersection isn't the extension of Wooten. It has to do with the frontage road running just south of Platte. Which make stacking difficult and turning movements. But that's beyond the scope of this project. Their traffic engineer looked at it and evaluated it to understand what the impacts are and it is the current existing challenges not the new traffic.

Regarding the dust, the Materials Management Plan has a whole chapter how to address this. They are required to keep the dust down. One of the ways is with water trucks. If the wind picks up they have to stop if they are not able to handle the dust in a specific way.

Regarding the stormwater at Canyon Wren, one of the key pieces is there is an existing stormwater issue and this project will resolve that. This issue is more than what is on this particular piece of property. The area to the south will become a public stormwater pond. The reason for this full spectrum pond is it addresses the stormwater on this site but also on some of the adjacent off-sites.

From an open space perspective, this is very important and they tried to find some balance with the site. They looked at having connectivity and enjoying some open space. It may not be as much as Mr. Eaton would like to see but they are taking a significant step in a permanent way.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Rickett asked about the Wooten access piece. He read the Materials Management Plan and thought they did a very good job explaining how they have to treat this. For any citizen concerned about that he recommends you read the Materials Management Plan on what they have to do, what's required by the state and how they have to mitigate

issues. It's a very detailed comprehensive plan.

Todd Frisbee with City Traffic addressed concerns about Wooten Rd and Platte Avenue. He stated Chris Lieber was correct about this intersection. One of the challenges is the frontage road on the east side. It is a known fact that traffic backs up on Platte. One of the things the City is looking at is a corridor study for Platte Ave to address traffic from downtown to Powers Blvd. This will include looking at this intersection.

Commissioner Rickett asked about those living off Canyon Wren, would there be a way to add speed bumps feasibly down the road? Mr. Frisbee stated, as a general rule they don't do speed bumps because they're not as effective as they once were. The fire department is not a fan of them. They have a neighborhood traffic management program if there's a speeding or cut through problem and residents can contact them.

Motion by Vice Chair Hente, seconded by Commissioner Eubanks, to recommend approval to City Council the master plan amendment to change 23.9-acres of research and development residential, based upon the findings that the master plan amendment request complies with the criteria for granting of master plan amendment as set forth in City Code Section 7.5.408. The motion passed by a vote of 7:0:2:0

Aye: 7 - Vice Chair Hente, Commissioner Raughton, Chair Graham, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 2 - Commissioner McMurray and Commissioner McDonald

- 6.E. [CPC PUZ 18-00089](#) Ordinance No. 20-18 amending the zoning map of the City of Colorado Springs pertaining to 42.9-acres located on Pikes Peak Avenue, east of Academy Boulevard, from PIP-2, M-1 and R1-6 DF to PUD (35 feet maximum height, 3.5-7.99 dwelling units per acre, single-family attached and detached units).

(Quasi-judicial)

Related Files: CPC MP 85-217-A7MJ18, CPC PUZ 18-00089, CPC PUD 18-00091

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

See Item 6.D. (CPC MP 85-217-A7MJ18)

Motion by Vice Chair Hente, seconded by Commissioner Rickett, to

recommend approval to City Council the rezone of 42.9 acres from R1-6/DF/AO (Single-family residential with design flexibility and airport overlay) and M-1/PIP-2/AO/APZ1 (Light industrial with airport overlay and accident potential zone 1) to PUD/AO/APZ1 (Planned Unit Development: 35 feet maximum height, 3.5-7.99 dwelling units per acre, single-family attached and detached units with airport overlay and accident potential zone 1), 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), as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603. The motion passed by a vote of 7:0:2:0

Aye: 7 - Vice Chair Hente, Commissioner Raughton, Chair Graham, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 2 - Commissioner McMurray and Commissioner McDonald

6.F. [CPC PUD 18-00091](#) The Pikes Peak Heights Development Plan for a development of a 42.9-acre site for 74 single-family attached and 120 single-family detached units located on Pikes Peak Avenue, east of Academy Boulevard.

(Quasi-judicial)

Related Files: CPC MP 85-217-A7MJ18, CPC PUZ 18-00089, CPC PUD 18-00091

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

See Item 6.D. (CPC MP 85-217-A7MJ18)

Motion by Vice Chair Hente, seconded by Commissioner Rickett, to recommend approval to the City Council the development plan for 120 single-family detached and 74 single-family attached units based upon the findings proposal meets the review criteria for development plans as set forth in City Code Section 7.5.502(E) and criteria for PUD development plans set forth in City Code Section 7.3.606 subject to the following technical modifications:

1. Receive approval of the MDDP by City Stormwater Engineering.
2. Rename the 30-ft easement to "Public Drainage Easement"
3. Show the proposed public EDB maintenance access road a minimum of 15-ft wide.
4. Ensure Tract J is large enough to encompass the entire EDB and associated appurtenances.
5. Finalize developer built scope of trail construction on the plans to show the beginning and ending point.
6. Include a note that states "The ownership of Karr Road and additional easements was granted with Reception number 205200433 to the of Debarbet, LLC."

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

Aye: 7 - Vice Chair Hente, Commissioner Raughton, Chair Graham, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 2 - Commissioner McMurray and Commissioner McDonald

6.G. [CPC DP 19-00085](#) A Certificate of Designation for a long-term non-hazardous landfill located at the terminus of Pikes Peak Avenue, east of Academy Boulevard.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development

See Item 6.D. (CPC MP 85-217-A7MJ18)

Motion by Vice Chair Hente, seconded by Commissioner Rickett, to approve a Certificate of Designation for a long-term landfill consolidation for the Pikes Peak Heights property located at the terminus of Pikes Peak Avenue, east of Academy Boulevard, based on the finding that the Certificate of Designation request complies with the review criteria for a Certificate of Designation set forth in City Code Section 6.3.106.

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

Aye: 7 - Vice Chair Hente, Commissioner Raughton, Chair Graham, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 2 - Commissioner McMurray and Commissioner McDonald

Appeal for 100 S Marland

6.H. [CPC AP 20-00021](#) An appeal of a hillside site plan allowing a garage addition 12-feet 3-inches from the southern side yard property boundary, located west of Marland Road, south of the Broadmoor Golf Course at 100 South Marland Road.

(Quasi-Judicial)

Presenter:

Kerri Schott, Planner I, Planning & Community Development

Staff presentation:

Kerri Schott, City Planning, presented a PowerPoint with the scope and intent of this project.

Appellant Presentation:

Bruce Wright, representing Fairway Estates Homeowners Association

April 1998 approval for a previous addition to this property required completion and finalization of a plat for the property as a condition to any improvements. This requirement was never satisfied. No further improvements should be allowed until this plat requirement has been satisfied.

Violates Hillside Overlay Zone (City Code 7.3.504(H)(2))

- Terrain disturbance has not been minimized
- Existing scrub oak and pine trees have not been preserved significantly and adversely impacting the appearance of the streetscape and character of the neighborhood
- Visual impacts upon offsite areas have not been reasonably mitigated and existing vegetation has not been preserved to soften the structural mass of the proposed building in a highly visible area

There are multiple alternative sites on this parcel which would have little or no impact on adjoining properties due to the existing vegetation and topography.

Applicant Presentation:

Christine Riggs, Architect for the project, presented a PowerPoint with the scope and intent of this project.

Ms. Riggs showed in detail what vegetation would be removed and what would be left and new vegetation planted.

Theresa Lux, Owner of the Property, gave a history of the property and what the project entailed by bumping the garage out at the rear.

Questions:

Commissioner Rickett asked if the applicant was going to demolish the existing garage? Ms. Schott confirmed that were going to demo the garage but utilize the existing foundation.

Chair Graham asked what the height of the newly planted trees would be that will be? Ms. Riggs said they would meet the City standard for replacing landscaping. Ms. Lonna Thelen said it would be the caliper of the tree and not the height, and the trees would not be full grown when they go in for initial planting.

Chair Graham asked why evergreens were being removed with replacement of deciduous trees. Ms. Riggs explained they went off the fire wise list of recommendations from the fire department. Many pine trees are not

considered fire wise to go near structures and the fire department actually recommended clearing considerably more vegetation around the home to meet those hillside guidelines.

Commissioner Eubanks asked for clarifications on which trees would stay, and the applicant was able to show which ones were staying.

Supporters of the Appeal:

Skeet Dodder,

- General Contractor who completed the garage in 1998
- Spoke of what was done in 1998
- No other comments

Ted Rubley, representing three homeowners within the Fairway Estates

- Opposed to garage being built within 10 feet from neighbor's landline
- 1998 agreement included the property be subdivided and garage built 35 -feet from property line
- Ms. Lux asked for the garage to expand 10 feet from Mr. Rubley's property line which encroaches into the 35-foot non-disturb area as described in the 1998 plan
- The condition in 1998 required the property to be platted, which would have solidified the 35-foot rear yard setback, and if that had been done, this project would not be heard today
- Mr. Rubley gave the dimensions of the proposed garage and said the three Aspen and three lilac trees that were to be planted would not cover the garage
- Said the slides provided by the applicant were incorrect and that their slides are the true depiction

Janet Champion Schlom

- The proposed garage wall will be right at the end of Ms. Schlom's driveway and is supportive of the appeal

Nan Rubley

- Is in support of the appeal

Opponents:

None

Questions of Staff:

Rebuttal:

Mr. Wright:

- Mr. Wright said the evergreens that will be removed are the ones they have to because the garage is going to be built where they are located
- The evergreens that are to remain won't survive because the dig will be too close to the root system and will damage them

Clay Turner/Terry Lux

- Clarified that the setback is 12-feet 3-inches from the property line, not 10-feet
- Said the appellant's drawings were incorrect and that their drawings were from CAD drawings from the architect.
- Ms. Lux said she was willing to work with neighbors and plant whatever trees they desired

Commissioner Raughton asked how high the stem wall (or foundation wall) extends above the ground. Ms. Riggs said on the south side, it's about an eight-inch difference from the grade to the top of the demo.

Commissioner Raughton asked Ms. Riggs if they considered extending north instead of south. Ms. Riggs said they had considered that but it would block part of the entry into the home.

Commissioner Raughton asked if the appellant's rendering of the wall at 18-feet 7-inches was correct or if it was the 16-feet and some inches. Ms. Riggs stated it was 16-feet nine-inches to the grade.

Commissioner Rickett asked for more information on the approved plans from 1998 and the platting?

Ms. Meggan Herington, Assistant Director of Planning and Community Development, said she did not know what happened in 1998, or why at that time, Planning would have required platting. Platting would not show a line of disturbance, it would not show setbacks, but it would show building platting related and property related information. With that said, the owners own one parcel number, but a parcel number is very different than a piece of property. The piece of property the applicant is building on is in the same configuration, untouched as it was when the original home was built.

Later on down the line, the property owner purchased property off of the Broadmoor golf course and just added that into their legal description. If they had been building on the piece of land they added in after the fact, Planning

would have said yes, you need to plat. Being that they meet our setbacks, lot coverage, and all of the zoning requirements on the piece of property that was the original configuration from the construction of the home, we would consider that a lot of record. Because they do not need that extra property in any way, shape or form to meet zoning requirements, we now do not think platting should be a requirement.

Ms. Schott added with any hillside submittal, the limit of disturbance is a boundary 10 to 15 feet from the perimeter of the built structure, basically outlining where the construction is occurring and it won't go beyond. That is not a recorded boundary with planning and it changes with each new submittal.

Ms. Schott explained as far as setbacks go, the house is facing north to the golf course; however, Marlin road is considered the front. That is where the driveway access is, so that's the front setback. Therefore, the opposite of the front, the western boundary is the rear and then that makes the north and south the side setbacks.

Commissioner Almy clarified that the front of the house was not the front setback, but that Marland Road would be considered the front. Commissioner Almy said the scaling depictions submitted by the appellant were not believable and tended to lean towards the architect's depictions.

Commissioner Rickett added that the limit is actually 30 feet, so the applicant could have made the garage much taller than what they submitted today and still be within City Code. Commissioner Rickett commented the applicant for keeping it at the same elevation.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

None

Motion by Commissioner Eubanks, seconded by Commissioner Rickett, to Deny the appeal and uphold the administrative approval of the hillside site plan, based on the finding that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.906.A.4, and that the hillside site plan meets the review criteria for the hillside overlay in City Code Section 7.3.504.D.3 and the R Estate development standards as outlined in City Code Section 7.3.104.A.

The motion passed by a vote of 6:0:3:0

Aye: 6 - Commissioner Raughton, Chair Graham, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 3 - Vice Chair Hente, Commissioner McMurray and Commissioner McDonald

Code Amendments

- 6.I. [CPC CA 20-00019](#) An ordinance amending Chapter 7 (Planning, Development and Building) of City Code establishing standards for Wireless Communication Facilities (WCF), including Small Cell Facilities

Presenter:
 Morgan Hester, Principal Planner
 Peter Wysocki, Director of Planning and Community Development

Staff presentation:

Joshua Pace, Senior Contracting Specialist with Office of Sustainability, explained the changes in the code for Wireless Cell Facilities (WCF), Small Cell Facilities, the background, FCC and State requirements.

Morgan Hester, City Planning, presented a PowerPoint with the scope and intent of these code amendments.

The code amendments will address:

CPC CA 20-00019 (CMRS to WCF -Wireless Communication Facilities and Small Cell Regulations)

- Updated definitions and references to include more current technology
- Modifications requirements
- Application Process
- Inventory mapping
- Design Standards
- Setbacks
- Affidavits

CPC CA 20-00020 (Eligible Facilities Requests)

- Modifications to non-small cell facility sites
- Define “Substantial Change”
- Establish submittal requirements in the review process
- Establishes shot clocks

CPC CA 20-00023

- Clean up all land use tables and all references to CMRS

Questions:

Commissioner Rickett mentioned with the alternative structure, the height could be either 40-feet or 5-feet taller than any existing utility or traffic pole within 600 feet and asked if that was either/or.? Ms. Hester said they could pick either/or.

Commissioner Rickett said it was interesting on the tower itself that no tower shall exceed 15-feet in height above the maximum structure height within the applicable zoning district. Commissioner Rickett asked what the definition was

for maximum structure height? Is that an existing structure? Is that the allowable height within that zone?

Ms. Hester clarified that it was the maximum height of the district. Commissioner Rickett asked then if there is a 45-foot maximum height, the tower could go 15 feet higher than that? Ms. Hester said that was correct.

Commissioner Rickett said he was concerned with that because further on, it allows you to add to those as well, so you can start out with 15-feet above the allowable, and then add either 10 or 20 feet for a next section of 10. It will just continue to grow.

Ben Bolinger, City Attorney, pointed out the definition of alternative towers structures that were part of the reason why the height is four feet higher than surrounding utility infrastructures, as that part of the definition of a small cell facility that we are required to allow. Mr. Bolinger said it doesn't matter what we set our height, we could set our height at 50-feet, we'd have to allow them 70-feet. At 100-feet, we'd have to allow them 120. That's what the FCC created.

Commissioner Rickett said his point was if we are already setting the height 15-feet higher than what's allowed in that zoning district, that tower is going to continue to grow with new service.

Attorney Bolinger explained that you get eligible facility requests once. If the max height is 100-feet, then they only get to go to 120-feet. You can't go to 140-feet.

Commissioner Raughton asked if screening, architectural integration and landscaping around the towers was considered. Ms. Hester said we have what is in the code currently, but there isn't much that touches on it. In the new ordinance, we have provided more regulations, but at the same time there more flexibility. Commissioner Raughton asked if we were encouraging clock towers, steeples, landscaping on those that are freestanding? Ms. Hester said the ordinance has stronger definitions for stealth and camouflage towers.

Commissioner Rickett asked if the zoning heights apply to right-of-ways? Ms. Hester explained that WCF's would most likely be located on private property and small cell is most likely going to be in right-of-ways. There are height requirements in the design standards for the small cell facilities.

Mr. Bolinger clarified that under this ordinance, only small cells are allowed in the right-of-way. The height is 40 feet, but we have to allow up to four feet tall than the surrounding things.

Commissioner Raughton asked about language to be added to the online standards.

Ms. Meggan Herington, Assistant Director of Planning & Community Development, explained that stealth was defined with the WCF. The WCF code talks about when we are going to ask for stealth and what stealth is. There is also language in there about fencing and about landscaping specifically in the code and then we reference out to the design standards. Ms. Herington asked Ms. Hester to point on in the ordinances where that language was located.

Ms. Hester referenced the ordinance and showed where the language could be found and commented that the design standards that have been established are specific to small cell facilities and would not apply to a tower.

Supporters:

N/A

Opponents:

N/A

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Motion by Commissioner Rickett, seconded by Commissioner Eubanks, to recommend to the City Council adoption of an ordinance amending Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions, and Land Use Types and Classifications) and repealing and reordaining Part 6 (Commercial Mobile Radio Service (CMRS) Regulations) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Wireless Communication Facilities.

The motion passed by a vote of 6:0:3:0

Aye: 6 - Commissioner Raughton, Chair Graham, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 3 - Vice Chair Hente, Commissioner McMurray and Commissioner McDonald

- 6.J. [CPC CA 20-00020](#) An ordinance amending Chapter 7 (Planning, Development and Building) of City Code establishing standards specific to modifications of macro cellular communication sites on private property, in accordance with Federal regulations

Presenter:
Morgan Hester, Principal Planner
Peter Wysocki, Director of Planning and Community Development

See Item 6.I. (CPC CA 20-00019)

Motion by Commissioner Eubanks, seconded by Commissioner Rickett, to recommend to the City Council adoption of an ordinance creating Part 7 (Eligible Facilities Requests) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Eligible Facilities Requests.

The motion passed by a vote of 6:0:3:0

Aye: 6 - Commissioner Raughton, Chair Graham, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 3 - Vice Chair Hente, Commissioner McMurray and Commissioner McDonald

- 6.K.** [CPC CA 20-00023](#) An ordinance amending Chapter 7 (Planning, Development and Building) of City Code revising all references to include Small Cell Facilities and Wireless Communication Facilities (WCF) from Commercial Mobile Radio Service (CMRS)

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

See Item 6.I. (CPC CA 20-00019)

Motion by Commissioner Rickett, seconded by Commissioner Eubanks, to recommend to the City Council adoption of an ordinance amending Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Wireless Communication Facilities and Eligible Facilities Requests.

The motion passed by a vote of 6:0:3:0

Aye: 6 - Commissioner Raughton, Chair Graham, Commissioner Eubanks, Commissioner Almy, Commissioner Rickett and Commissioner Wilson

Absent: 3 - Vice Chair Hente, Commissioner McMurray and Commissioner McDonald

7. Adjourn