



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, August 17, 2017

8:30 AM

Council Chambers

1. Call to Order

Rollcall

- Present:** 5 - John Henninger, Samantha Satchell-Smith, Chairperson Rhonda McDonald, Jeff Markewich and Jamie Fletcher
- Absent:** 4 - Reggie Graham, Vice Chair Carl Smith, Jim Raughton and Ray Walkowski

2. Approval of the Minutes

2.A. [CPC 291](#) Minutes for May 18, 2017 City Planning Commission Meeting

Presenter:

Rhonda McDonald, Chair, Planning Commission

A motion was made by Markewich, seconded by Henninger, for the Minutes to be approved. The motion carried by a vote of 5:0:4

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

2.B. [CPC 292](#) Minutes for the June 15, 2017 City Planning Commission meeting

Presenter:

Rhonda McDonald, Chair, Planning Commission

A motion was made by Henninger, seconded by Markewich, for the June 15 Minutes to be approved. The motion carried by a vote of 5:0:4

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

2.C. [CPC 320](#) Minutes for the July 20, 2017 City Planning Commission meeting

Presenter:

Rhonda McDonald, Chair, Planning Commission

Motion by Markewich, seconded by Satchell-Smith, to approve the July 20, 2017 meeting minutes. The motion passed by a vote of 5:0:4

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

3. Communications

Chair Rhonda McDonald

Peter Wysocki, Director, Planning & Community Development

CPC 324 Resolutions of Appreciation - For Eric Phillips and Robert Shonkwiler who both served six years on the City Planning Commission.

4. CONSENT CALENDAR

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

712 Clark Place

4.A. [CPC CU 17-00057](#) A conditional use development plan for a 24,000-square foot office/warehouse development on a 5.26-acre property zoned PIP1 (Planned Industrial Park) with Streamside Overlay, located at 712 Clark Place.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development

Motion by Markewich, seconded by Fletcher, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 5:0:4.

Cordera Commercial North

4.C.1. [CPC ZC 17-00078](#) Ordinance No. 17-90 amending the zoning map of the City of Colorado Springs pertaining to 17.99 acres located near the southeast corner of Powers Boulevard and Old Ranch Road from A (Agriculture) to PBC (Planned Business Center).

(Quasi-Judicial)

Related File: CPC CP 17-00079

Presenter:

Peter Wysocki, Director Planning and Community Development

Catherine Carleo, Principal Planner, Planning and Community Development

A motion was made by Markewich, seconded by Fletcher, to refer this Planning Case to the City Council. The motion passed unanimously on the Consent Calendar.

4.C.2. [CPC CP 17-00079](#)

Cordera Commercial North Concept Plan illustrating conceptual layout for the 17.99 acres as a proposed commercial center, located near the southeast corner of Powers Boulevard and Old Ranch Road.

(Quasi-Judicial)

Related File: CPC ZC 17-00078

Presenter:

Peter Wysocki, Director Planning and Community Development
Catherine Carleo, Principal Planner, Planning and Community Development

A motion was made by Markewich, seconded by Fletcher, to refer this Planning Case to the City Council. The motion passed unanimously on the Consent Calendar.

Parks Code Amendment

4.F.1. [CPC CA 17-00108](#)

An Ordinance Amending Section 402 (Purpose and Specific Requirements of the Special Purpose Zone Districts) of Part 4 (Special Purpose Districts), Section 717 (Mixed Use Pedestrian and Bicycle Access and Circulation) of Part 7 (Mixed Use Zone Districts) and Section 903 (Definitions) of Part 9 (Traditional Neighborhood Development) all of 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

(Legislative)

Presenter:

Britt Haley, Park Design and Development Manager, Parks, Recreation, and Cultural Services
Meggan Herington, Assistant Director, Planning & Community Development

A motion was made by Markewich, seconded by Fletcher, to refer this Planning Case to the City Council. The motion passed unanimously on the Consent Calendar.

Approval of the Consent Agenda

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

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

ITEMS CALLED OFF CONSENT

Bison Ridge at Kettle Creek

**4.B.1. [CPC PUZ
17-00013](#)**

Ordinance No. 17-89 amending the zoning map of the City of Colorado Springs pertaining to 44.71 acres located northwest of the Old Ranch Road and Chapel Ridge Drive intersection from A (Agricultural) and R1-6000 (Single-Family Residential) to PUD (Planned Unit Development: Single-Family Detached Residential; Maximum Density of 2.3 Dwelling Units per Acre; and Maximum Building Height of 35 feet)

(Quasi-Judicial)

Related File: CPC PUD 17-00014

Presenter:

Peter Wysocki, Director Planning and Community Development

Daniel Sexton, Senior Planner, Planning and Community Development

Items Pulled Off The CONSENT CALENDAR:

Project Name: Bison Ridge at Kettle Creek Filing 5 & 6

Planner: Dan Sexton

STAFF PRESENTATION:

Dan Sexton, gave a Power Point presentation detailing the project with all the specifics identified within the application.

Applicant Presentation:

John Maynard with NES gave a Power Point presentation providing historical information for the Briargate development, discussing the areas being preserved for the Mouse Habitat, what was done to ready the project for development, working with US Fish and Wildlife for the Habitat, consulted with the State Historical society to evaluate any historical resources within the site.

Questions of the Applicant:

Commissioner Markewich stated the historical information was very helpful, asked how boundaries were set for the different areas, the location of each area, who owned the different sites, how the Mouse Habitat was identified and areas of open space. Mr. Maynard provided

detailed information for each area and how decisions were reached and who were involved, and how the Mouse Habitat was identified and preserved and where open was located

Commissioner Markewich confirmed everyone involved has given approval. Mr. Maynard said yes.

Supporters: None

Opponents:

Jim Blair said his concerns were environmental impacts, communication with the public and traffic. The public needs to be better informed to understand what is being proposed. The traffic concerns are significant and will become worse. Their area is being encroached upon we're moving too fast.

Rebuttal: None

Questions of Staff:

Commissioner Markewich confirmed the building heights for this and surrounding sites and where the different building heights were located. City staff clarified how the height was measured per the code.

Commissioner Markewich commented environmental issues were neighbors' concerns and would've liked the information Mr. Maynard brought from the US Fish and Wildlife and the other consultants to have had the in their packets.

Commissioner Markewich discussed traffic and what were the future plans for Old Ranch Road Kathleen Krager, City Traffic Engineering Manager, explained the road's location and future plans for the road.

Commissioner Markewich asked about proposed light. Ms. Krager answered reference the criteria that is used and what they monitor, that they will continue monitoring volume to put in a signal.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

None

A motion was made by Fletcher, seconded by Henninger, to Recommend approval to City Council the zone change from (A) Agricultural and (R1-6000) Single-Family Residential to (PUD) Planned Unit Development (Single-Family Detached Residential; Maximum Density of 2.3 Dwelling Units per Acre; and Maximum Building Height of 35 feet), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603. The motion carried by a vote of 5:0:4.

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

4.B.2 [CPC PUD 17-00014](#)

Bison Ridge at Kettle Creek Filings 5 and 6 PUD Development Plan to subdivide 44.71 acres into 103 single-family detached residential lots, located northwest of the Old Ranch Road and Chapel Ridge Drive intersection

(Quasi-Judicial)

Related File: CPC PUZ 17-00013

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Motion by Fletcher, seconded by Henninger, to Recommend approval to City Council the PUD development plan for Bison Ridge at Kettle Creek Filings 5 and 6, based upon the findings that the PUD development plan meets the review criteria for granting a PUD development plan as set forth in City Code Section 7.3.606 and meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E). The motion passed by a vote of 5:0:4

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

Midtown Collection at Foothills Farm

4.D.1. [CPC PUZ 17-00071](#)

Ordinance No. 17-91 amending the zoning map of the City of Colorado Springs pertaining to 10.08 acres located northeast of the Federal Drive and New Life Drive intersection from A (Agricultural) and PUD (Planned Unit Development) to PUD (Planned Unit Development: Small Lot Single-Family Detached Residential; Maximum Density of 8.23 Dwelling Units per Acre; and Maximum Building Height of 35 feet)

(Quasi-Judicial)

Related File: CPC PUD 17-00072

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Items Pulled Off The CONSENT CALENDAR:

Project Name: Midtown Collection at Foothills Farm

Planner: Dan Sexton

Chairwomen McDonald asked how they should go forward procedurally. City Attorney Marc Smith stated a brief overview of the project then have

Commissioner Henninger who pulled the item off the Consent Calendar ask his questions but much more then it would need to opened for a full hearing.

STAFF PRESENTATION:

Dan Sexton gave a Power Point Presentation providing an overview of the proposed project and how the area would be developed.

Commissioner Henninger stated there were similar type areas in the city with this design but this is more like a townhouse. There might be a demand for this tiny house but the development doesn't make sense. He couldn't picture this type of house for that area. Density isn't the problem it's the proposed structure design and isn't sure of the value is to the City. He's not impressed with it; it's inappropriate for area and doesn't match anywhere else in town. He didn't think Colorado Springs is appropriate for this type of dwelling. He's not in favor of this at all. Commissioner McDonald appreciated his concerns and comments but they're being asked to approve the development in general.

Commissioner Markewich stated he appreciated Commissioner Henninger's concerns but we can't tell landowner what to put on a site. We have the review criteria that gives us 12 items to review to. The harmonious surrounding land uses and neighborhood could possibly apply. Even though it's a new type of item it's consistent with the development criteria and he thought all our codes have been met and he'll be supporting the item.

Commissioner Fletcher said he appreciated Commissioner Henninger's concerns about density, but he agrees with the proposed plan, it conforms to the Comprehensive Plan to meet housing needs, it follows the small lot PUD development review criteria, it conforms to the area's Master Plan and he appreciated developer decision to minimize the intensity by using the required design elements. He's in favor of the project in terms of development, design and affordability.

Mr. Wysocki, Planning Director emphasized these are not "tiny homes". They're modern architecture with 2,000 up to 3,000 sq. ft. homes. It's a different product type, with smaller setbacks and more common open area, on smaller lots in a denser single family detached context.

Commissioner Henninger stated the criteria he didn't agree with were 1, 2, 6, 7, 8, and 12. He has a concern. He felt it's just not appropriate for this town with the existing space we have.

Applicant Presentation:

Kyle Campbell with Classic Consulting Engineering and Surveyors on behalf of Classic Homes gave a brief presentation outlining the idea of this type of home and how they reached their design. He referenced other areas of the city that has similar types of development.

Questions of the Applicant:

Commissioner Henninger stated he appreciated Mr. Campbell's comments and he's seen the other homes with this type of development as

in Banning Lewis Ranch. It seems like this is a major shift from older homes and their type of footprint and design and the shift worries him. This is the tightest, smallest development with a 29' wide lot and about 70' deep. It's a major shift.

Supporters: None

Opponents: None

Rebuttal: None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Markewich stated he appreciated Mr. Campbell's comments highlighting the issues that we're confronting builders that they'd have to deal with.

Motion by Markewich, seconded by Satchell-Smith, to Recommend approval to City Council the zone change from A (Agricultural) and PUD (Planned Unit Development) to PUD (Planned Unit Development: Small Lot Single-Family Detached Residential; Maximum Density of 8.23 Dwelling Units per Acre; and Maximum Building Height of 35 feet), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603. The motion passed by a vote of 5:0:4

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

4.D.2. [CPC PUD 17-00072](#)

Midtown Collection at Foothills Farm PUD Development Plan for 10.08 acres to be developed as a small lot single-family residential development consisting of 83 single family detached lots, located northeast of the Federal Drive and New Life Drive intersection.

(Quasi-Judicial)

Related File: CPC PUZ 17-00071

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Motion by Markewich, seconded by Satchell-Smith, to Recommend approval to City Council the PUD development plan for the Midtown Collection at Foothills Farm, based upon the findings that the PUD development plan meets the review criteria for granting a PUD development plan as set forth in City Code Section 7.3.606 and meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E). The motion passed by a vote of 4:1:4

Aye: 4 - Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

No: 1 - Henninger

Absent: 4 - Graham, Smith, Raughton and Walkowski

Midtown Collections at Cottonwood Creek

4.E.1. [CPC LUM 17-00064](#)

Ordinance No. 17-92 amending the 2020 Land Use Map of the City of Colorado Springs pertaining to 20.9281 acres from “Employment Center” to “General Residential”.

(Legislative)

Related Files: CPC PUZ 17-00065, CPC PUP 17-00066

Presenter:

Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Items Pulled Off The CONSENT CALENDAR:

Project Name: Midtown Collection at Cottonwood Creek

Planner: Mike Schultz

Commissioner Henninger stated he took this off the Consent Calendar for the same concerns he had on the previous item. He didn't have a problem with recalling that for this particular item since his points have been discussed and the issues are exactly the same.

Commissioner McDonald stated a presentation isn't necessary.

City Attorney Marc Smith stated since the item will be forward to City Council something needs to be on the record as to what Commissioner Henninger's objections are. That doesn't have to be elaborate and extended. We also need to see if there are public comments on the item to be sure there is some type of public process.

STAFF PRESENTATION: None

Applicant Presentation: None

Supporters: None

Opponents: None

Rebuttal: None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

City Attorney Marc Smith stated whoever makes the motion, if it's to approve, state why it meets the review criteria. He wants to be sure a record is established for the different points of view.

Commissioner Fletcher asked about any required geological study for the slope, and if the sewer connection was an unresolved issue. Mr. Schultz stated a study it wasn't required and the he applicant studying two possibilities for the sewer connection.

Motion by Henninger, seconded by Satchell-Smith, to Recommend approval to City Council the amendment to the 2020 Land Use Plan changing the land use designation of 20.93 acres from Employment Center to General Residential, based upon the findings that the amendment follows City Code Section 7.1.108 and complies with the objectives, policies and strategies outlined within Comprehensive Plan. The motion passed by a vote of 5:0:4.

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

4.E.2. [CPC PUZ 17-00065](#)

Ordinance No. 17-93 amending the zoning map of the City of Colorado Springs pertaining to 20.9281 acres from OC/SS/AO (Office Complex with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development with Streamside and Airport Overlays), located at the southwest corner of Woodmen Road and Lee Vance Drive.

(Quasi-Judicial)

Related Files: CPC LUM 17-00064, CPC PUP 17-00066

Presenter:

Peter Wysocki, Director Planning and Community Development
 Michael Schultz, Principal Planner, Planning and Community Development

Motion by Henninger, seconded by Fletcher, to Recommend approval to City Council the zone change from OC/SS/AO (Office Complex with Streamside and Airport Overlay) to PUD/SS/AO (Planned Unit Development: Small Lot Single-Family Detached Residential; Maximum Density of 5.3 dwelling units per acre; and Maximum Building Height of 35 feet with Streamside and Airport Overlay), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603. The motion passed by a vote of 4:1:4.

Aye: 4 - Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

No: 1 - Henninger

Absent: 4 - Graham, Smith, Raughton and Walkowski

4.E.3. [CPC PUP 17-00066](#)

A concept plan for the Midtown Collections at Cottonwood Creek proposing a small lot PUD concept for 111 single-family detached dwelling units at 5.3 dwelling units per acre with a maximum building height of 35 feet.

(Quasi-Judicial)

Related Files: CPC LUM 17-00064, CPC PUZ 17-00065

Presenter:

Peter Wysocki, Director Planning and Community Development
Michael Schultz, Principal Planner, Planning and Community Development

Motion by Henninger, seconded by Markewich, to Recommend approval to City Council the PUD Concept Plan for Midtown Collection at Cottonwood Creek, based upon the findings that the PUD Concept Plan meets the review criteria for granting a PUD concept plan as set forth in City Code Section 7.3.605 and meets the review criteria for granting a concept plan as set forth in City Code Section 7.5.501(E). The motion passed by a vote of 4:1:4.

Aye: 4 - Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

No: 1 - Henninger

Absent: 4 - Graham, Smith, Raughton and Walkowski

5. UNFINISHED BUSINESS

6. NEW BUSINESS CALENDAR

Appeal of Notice of Order

6.A.1. [CPC AP 17-00104](#)

An appeal of the Planning Commission decision to deny the appeal of a Notice and Order to Abate a sign code violation at 1624 North Academy Boulevard.

(Quasi-Judicial)

Presenter:

Kurt Schmitt, Sign Specialist
Meggan Herington, Assistant Director, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

STAFF PRESENTATION:

Meggan Herington gave a Power Point presentation outlining the details of the Notice and Order to Abate.

Appellant Presentation:

Kit Jacobson with AIM Home Health, AIM Diagnostics and AIM Integrated Medicine gave a presentation outlining their reasoning for appealing the Notice and Order to Abate.

Questions of the Appellant: None**Supporters:** None**Opponents:** None**Questions of Staff:**

Commissioner Markewich raised questions about the part of the code they were cited for, the number of EMC's, where they were located, what direction they faced, if there was one on each sign of the building, the monument sign's location, and the EMC's only being available for the owner and not tenants. He was concerned that the specific code section seemed to be missing in their packets for the exact violation.

City Attorney Marc Smith read the code regarding EMC's and banners: 7.4.409(B)(3)(g) reads: ***“Temporary signage shall be prohibited on any property that has an approved EMC”***.

Commissioner Markewich discussed possibly siding with the applicant allowing the banners to remain and questioned then if the appellant would have violations of other Code allowances such as not meeting the size allowances. Ms. Herington said the banners weren't allowed per the code and that prohibition based on the site being permitted for an electronic message center trumped any other Code provisions.

City Attorney Marc Smith provided direction for the Commission on what criteria to use to analyze this situation. The violation was for 7.4.409(B)3(g). Under the Appeals Criteria 7.5.906(A)4(b), one of definitions has to be met, if so move to 7.5.906(A)4(c) for further analysis.

Commissioner Markewich clarified if all areas have to be met or is the ambiguity what they determine. Mr. Smith said essentially yes. They had to determine if the criteria is met in 7.5.906(A)4(b), if it does, it's a violation of the zoning. A strong case would be needed why 7.5.906(A)4(c): *Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the*

burdens placed on the appellant outweigh the benefits accrued by the community. trumps 7.5.906(A)4(b): Show that the administrative decision is incorrect because of one or more of the following: (1) It was against the express language of this zoning ordinance, or (2) It was against the express intent of this zoning ordinance, or (3) It is unreasonable, or (4) It is erroneous, or (5) It is clearly contrary to law.

Commissioner Markewich questioned if the appellant could apply for a variance to allow the banners. Ms. Herington indicated variance application is always an option. A variance would not be supported by staff and therefore could be appealed by the property owner or tenant and the request would still be before the City Planning Commission.

Chair McDonald asked what avenues should new businesses follow and if there was any leeway? Ms. Herington discussed what's allowed per City Code and clarified those options, such as the utilization of window signage, was given to the tenant. Chair McDonald confirmed it was a landlord/tenant issued to be resolved. Ms. Herington indicated that since the property owner applied for the electronic message center and signed the EMC affidavit that it would be a private agreement that determined what allowances they were provided for utilization of the EMC. The owner agreed to no banners and should inform the tenants of the allowances.

Commissioner Markewich asked for verification on how long the signs have been up and how long the code allows for temporary signs explaining that his line of questioning is to find a way to allow the banners to remain for 90-days. Ms. Herington clarified that the banners had been up for approximately 60 days as of the date of the hearing where 90 days is the maximum allowance for temporary signs on properties that do not have electronic message center signs.

Commissioner Markewich suggested a scenario for declining the appeal, having their decision appealed to City Council, thus giving the appellant more time, costing them extra money to file the appeal but getting them to the 90-day goal since they're so close to it now. He stated he was looking for ways get them to the 90-day goal by appealing the City Planning Commission decision to City Council. Ms. Herington indicated that was an option but she wouldn't recommend it because that is against the purpose and intent of the Zoning Code.

Rebuttal: Mr. Jacobson said they just wanted to have the banners up another 30-days and he'd comply with what he needs to. His questioned how a for lease banner remained and wasn't cited since that was a banner too. Commissioner Markewich stated the sign code is relatively new for EMC's and the city has limited resources to monitor signage it could be you're a victim of circumstance and regarding the lease sign, the sign code enforcement officer may have just missed it.

Mr. Jacobson stated where the EMC was located; Chair McDonald confirmed there was a monument sign as well. Ms. Herington explained real estate signs are categorized differently, have different requirements, are categorized separately and allowed to be displayed until the property is sold.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

None

Motion by Fletcher, seconded by Satchell-Smith, to Deny the appeal and uphold the Notice and Order to Abate the sign code violation issued at 1624 North Academy Boulevard, based on the finding that the Notice and Order complies with the appeal review criteria as outlined in City Code Section 7.5.906(A)(4). The motion passed by a vote of 5:0:4.

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

South Nevada Streetscape Design Standards

6.B.1. [17-1197](#)

Ordinance No. 17-97 adopting the South Nevada Urban Renewal Area Streetscape Standards (Legislative)

Presenter:

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

Jariah Walker, Executive Director, Colorado Springs Urban Renewal Authority

Staff presentation:

Ryan Tefertiller gave a Power Point Presentation describing the project for the area.

Jariah Walker, Executive Director with Urban Renewal Authority stated there's been a lot of involvement and they're pleased with outcomes thus far. The corridor needs to look and operate as a corridor within these streetscape designs standards and elevate the area to another level.

Supporters: none

Opponents: none

Questions of staff:

Commissioner Markewich stated he liked enthusiasm for the project. Regarding exceptions how would that work, how the URA approval process

happens, flexibility needs to be spelled out for what's granted by URA or City staff and how to grant exceptions and is a modification needed for that. Mr. Tefertiller they could say URA together with City staff could on a case by case basis make decisions about exceptions as long as documented in file. Commissioner Markewich if they needed a statement defining parameters of flexibility?

Mr. Wysocki, indicated the City doesn't do much with design guidelines, but are adopted by an ordinance some flexibility and interpretation or applying regulations are vested in administrative approval but to change the guidelines would require CPC and CC review.

Commissioner Markewich stated delaying wasn't his intention but put that in the motion and in meantime add if language was added before heard by City Council it wouldn't have to come to CPC for recommendation. Mr. Wysocki said it would as long as part of your motion it clearly states what the intent is. Commissioner Markewich asked should flexibility be with City staff, URA or both. Mr. Wysocki said probably both

Mr. Tefertiller discussed how administrative applications are processed, distributed for review, and how staff provides comments. A major application might be present it to the URA Board which is incorporated into Staff's review so there's a lot of coordination some clarifying language is helpful.

City Attorney Smith stated the City ultimately should be the approving since they are adopting the ordinance.

Commissioner Markewich said specific are recommended along with a specific light standard, if that's not available, what then? Mr. Tefertiller stated consistency was important but there's landscaping flexibility to create unique designs and focal interests also if disease occurs, entire landscapes aren't wiped out. Light standards have specific detailed review with CSU by identifying specific model types CSU could support those elements. Commissioner Markewich said if that was made by a company and they went out of business would the plan have to be amended and be brought back to CPC? Mr. Tefertiller said he's not as familiar with lights as Ms. Krager is so she might have answers.

Ms. Krager stated CSU only allows three types of light fixtures and rarely go out of style. If it does the light is terminated and replaced and CSU changes their guidelines but they look the same and city goes through process of accepting new light fixtures CSU approves. You could add an amendment to say use this light fixture or an approved replacement.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Fletcher stated he's very supportive of design guidelines and standards. They're consistent with Comp plan. The citizen input has been strong and clear about what they want to see in the future. Without minimal and flexible design guidelines officials will have more difficulty ensuring what the citizens want happens. He's a strong supporter of this.

Chair McDonald referenced all the acknowledgements of those who worked on these guidelines and thanked them for their work.

Commissioner Henninger said the standards established are good and valid. Those who manage this on a daily basis should have the ability to address issues as they come up. He didn't believe they needed to add specific language for specific items in the design standards. The standards are great and we need to support them and the people responsible for this take care of issues as needed.

Motion by Commissioner Markewich and seconded by Commissioner Fletcher to recommend to City Council the approval of the South Nevada Urban Renewal Streetscape Design Standards and additional recommendation to allow staff to draft a section of the plan that will account for any relief from these standards that may become necessary based on the conditions within the corridor and the language be up to City Staff and URA. He's not recommending any specific language except for he'd like it to say for specific fixtures or approved replacements.

Chair McDonald consults with City Attorney Smith this is an accurate motion. It was as far as Commissioner Markewich said it was and as long as staff understands the intent it should be okay. Mr. Tefertiller stated he thought they can come up with language, possibly prior to City Council that establish situations that need relief and add a couple of criteria of how to guide that, and the language is specific enough so what every developer asks for we don't have to add additional criteria. Commissioner Markewich stated he'd leave that up to them. He trusts they will come up with the correct language he wanted to make sure something is in there for difficult situations.

Motion by Markewich, seconded by Fletcher, to Recommend approval of the South Nevada Urban Renewal Area Streetscape Standards to the City Council with two additional considerations.

1. Recommendation that staff draft a section of the plan that describes how relief from these standards is evaluated by City Staff and the Urban Renewal Authority, and;

2. To modify the standards where the plan indicates "specific fixtures" to add "or approved replacements."

The motion passed by a vote of 4:1:4.

Aye: 4 - Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

No: 1 - Henninger

Absent: 4 - Graham, Smith, Raughton and Walkowski

Banning Lewis Ranch Village 3

- 6.C.1.** [CPC MP 87-00381-A1 6MJ17](#) Major amendment to the Banning Lewis Ranch Master Plan changing the land use of 284 acres to Residential-Medium (3.5-7.99 dwelling units per acre)

(Legislative)

Related Files: CPC MP 87-00381-A16JM17, CPC PUP 17-00048, CPC PUZ 17-00047, CPC V 17-00049

Presenter:

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

Staff presentation:

Hannah VanNimwegen gave a Power Point Presentation discussing the project, the history of the area and how development occurred.

Applicant presentation:

Josh Roland with LAI Design Group representing Oakwood Homes gave a PowerPoint presentation discussing the design and scope of the project.

Support: none

Opposition: none

Questions of staff:

Commissioner Markewich discussed the age-restricted language and Ms. VanNimwegen provided comment on how that would be achieved working with the City Attorney to make sure it's not violating any laws. City Attorney Smith wasn't aware of anything and couldn't respond. Commissioner Markewich referenced the language in the write up under the concept plan identifying age restrictive, active adult. He wants to ensure there's nothing in writing to get the City in trouble.

Mr. Wysocki said from land use perspective they'd strike any reference to age delineation on a concept plan. Attorney Smith said it'd be appropriate to allow applicant to comment regarding this.

Mr. Roland stated the applicant is removing the language since it's a marketing thing and you have to allow for some inclusion and there are ways to restrict without restricting entirely. The School District wanted assurances that in 20 years covenants don't change allowing for a large influx of school age children. Commissioner Markewich stated covenants were different from a City approved document.

We could recommend approving the project, add a technical modification striking all language for age-restriction and make sure the Planning Department agrees to that. Mr. Roland said that was fine. Mr. Wysocki stated they agreed and marketing or project design for active adults is fine but not to be held accountable later for that type of enforcement for a note on and type of planning document. Commissioner McDonald said she didn't see that note on Concept Plan.

Mr. Roland clarified they were working on a draft note and the appropriate time would be during the DP and plat. They're fine with language related to age restriction being stuck. Commissioner McDonald said as long as it's not in the proposed motions.

Commissioner Fletcher liked the simplification of the zoning but why 40' height, if the zone change reduce the affordability housing through multi-family units and why the reduction in park size. Ms. VanNimwegen indicated the height consistent with Village 2, they don't regulate affordable housing as part of the zone district and the park is based on overall density. There are private amenities that don't count to the credit amount.

Commissioner Fletcher asked how is Village 3 is the nearest grocery store? Mr. Roland stated a grocery store is planned at Marksheffel and Woodmen within a mile once completed but right now it's in Falcon or on the west side of Powers and Woodmen.

Commissioner Henninger asked about access to Dublin and timing of other streets and the parkway construction? Kathleen Krager, City Transportation Division Manager, stated Banning Lewis Parkway is planned for eastern edge of this filing but is on hold until a new annexation agreement with Banning Lewis Ranch is reached. The road system set up in 1988 was a very intense development with significant commercial property and to accommodate that intense traffic they planned for a freeway. That didn't happen so Banning Lewis Parkway will change to principal arterial with regular spaced signalized intersections.

Commissioner Henninger asked what's the plan for the area south of Stetson Hills. Ms. Krager said Stetson Hills has to go through other development and has no plans for Stetson Hills at this time. The Traffic

study for this development planned that everything would out to Dublin.

Commissioner Henninger said with building and expanding Banning Lewis it's starting to wrap around the County. Has there been discussion what will happen with County property? Ms. VanNimwegen said not with this application. Mr. Wysocki indicated there have been discussions but nothing being considered. Commissioner Henninger indicated blocking it in wouldn't make those people happy. Mr. Wysocki said there are challenges with regards to infrastructure, cost of service, at this point unless something changes to PlanCOS, current annexation plan is to leave it as is. Commissioner Henninger said okay

Rebuttal: none

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Markewich said based on review criteria for all the items the applicant has done a good job providing all the answers needed for the Master Plan Amendment, Right-of-Way Vacation, Zone Change, and Concept Plan. It fits all code criteria, comprehensive plan criteria. He'd like to make another technical modification on the concept plan that removes all notes regarding age restriction, active adult community.

Motion by Markewich, seconded by Satchell-Smith, to Recommend approval to City Council the major amendment to the Banning Lewis Ranch Master Plan, based upon the finding that the amendment meets the review criteria for granting a master plan amendment as set forth in City Code Section 7.5.408. The motion passed by a vote of 5:0:4.

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

6.C.2. [CPC V](#)
[17-00049](#)

Ordinance No. 17-95 vacating portions of Public Right-Of-Way known as Dublin Boulevard, Vista Del Tierra Drive, Circulo Del Sol Loop, and Stetson Hills Boulevard consisting of 19.91 acres located west and southwest of the Dublin Boulevard and Banning Lewis Ranch Parkway intersection

(Legislative)

Related Files: CPC MP 87-00381-A16JM17, CPC PUP 17-00048, CPC PUZ 17-00047

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

Motion by Markewich, seconded by Fletcher, to Recommend approval to City Council vacating City right-of-way along a portion Dublin Boulevard, Vista Del Tierra Drive from Dublin Boulevard to Stetson Hills Boulevard, Circulo Del Sol Loop, and a portion of Stetson Hills Boulevard based on the finding the request complies with the review criteria in City Code Section 7.7.402.C. The motion passed by a vote of 5:0:4

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

6.C.3. [CPC PUZ 17-00047](#)

Ordinance No. 17-96 amending the zoning map of the City of Colorado Springs pertaining to 284 acres located southwest of the Dublin Boulevard and Banning Lewis Ranch Parkway intersection from R-5/CR/AO/SS; R-5/CR/AO; R1-6000/AO/SS; PBC/CR/AO/SS to PUD/AO/SS (Planned Unit Development: single-family residential with a maximum building height of 40 feet and a gross density of 7.99 dwelling units per acre with Airport and Streamside Overlays)

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A16JM17, CPC PUP 17-00048, CPC V 17-00049

Presenter:

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

Motion by Markewich, seconded by Satchell-Smith, to Recommend approval to City Council the zone change from R-5/CR/AO/SS; R-5/CR/AO; R1-6000/AO/SS; PBC/CR/AO/SS to PUD/AO/SS (Planned Unit Development: single-family residential with a maximum building height of 40 feet and a gross density of 7.99 dwelling units per acre with Airport and Streamside Overlays), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603. The motion passed by a vote of 5:0:4.

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

6.C.4. [CPC PUP 17-00048](#)

Banning Lewis Ranch Village Three Concept Plan illustrating single-family residential development of 284 acres located southwest of the Dublin Boulevard and Banning Lewis Ranch Parkway intersection

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A16JM17, CPC PUZ 17-00047, CPC V 17-00049

Presenter:

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

Motion by Markewich, seconded by Fletcher, to Recommend approval to City Council the Banning Lewis Ranch Village 3 Concept Plan based upon the findings that the concept plan meets the review criteria for granting approval of a concept plan as set forth in City Code Section 7.5.501.E and the PUD Concept Plan criteria as set forth in City Code Section 7.3.605 subject to the below technical modification:

Technical Modification to the Banning Lewis Ranch Village 3 Concept Plan:

1. **General note to be added to the cover sheet detailing the parameters of the age-restricted portion of Village 3.**
 2. **Remove all language referencing age restrictions or active adult.**
- The motion passed by a vote of 4:1:4.**

Aye: 4 - Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

No: 1 - Henninger

Absent: 4 - Graham, Smith, Raughton and Walkowski

Reagan Ranch - Postponed to October 19

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

Presenter:

Meggan Herington, Assistant Director, Planning and Community Development

Motion by Fletcher, seconded by Satchell-Smith, that this Planning Case be postponed to a date certain, October 19, 2017 - Planning Commission Meeting. The motion passed by a vote of 5:0:4.

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

- 6.D.2.** [CPC ZC 16-00152](#) Reagan Ranch zone change of 162 acres from PIP-2/PBC/AO/APZ-1 (Planned Industrial Park/Planned Business Center with Airport Overlay and Accident Potential Zone-1) to PUD/AO/APZ-1 (Planned Unit Development with Airport Overlay and Accident Potential Zone-1)

located east of Marksheffel Boulevard, south of Space Village Avenue, and north and west of undeveloped property within the Banning Lewis Ranch

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

Motion by Fletcher, seconded by Satchell-Smith, that this Planning Case be postponed to a date certain, October 19, 2017 - Planning Commission Meeting. The motion passed by a vote of 5:0:4.

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

6.D.3. [CPC CP 16-00153](#)

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

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

Motion by Fletcher, seconded by Satchell-Smith, that this Planning Case be postponed to a date certain, October 19, 2017 - Planning Commission Meeting. The motion passed by a vote of 5:0:4.

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

Olesky Landfill

6.E.1. [CPC UV 14-00126](#)

A Use Variance for 3320/3330 Drennan Industrial Loop to allow a landfill for asphalt shingles within an M-2/SS (Heavy Industrial with Streamside Overlay) zone district

(Quasi-Judicial)

Presenter:
Mike Schultz, Principal Planner, Planning & Community Development

Staff presentation:

Mike Schultz gave a Power Point presentation discussing the project under

review and the plan for the site.

Applicant presentation:

Neil Olesky, owner of property gave a presentation discussed the site and history of the site and projected plans for the site.

Support: none

Opposition: none

Questions:

Commissioner Fletcher asked for reassurance the waivers are appropriate and don't endanger public welfare. Mike Thibault with T-Bone Construction recommended their Environmental Civil Engineer and Landfill Specialist offer comment for this.

Michael Cretti, SMA discussed landfills, what they contain, the type of waste at this site and plan for this particular site. Chair McDonald offered with all they're doing the Commission should be okay waiving the requirements which Mr. Cretti confirmed was correct. Mr. Cretti discussed what each waiver was for.

Commissioner Fletcher asked for Mr. Schultz and Brock Foster with CSU opinions on record whether they agree or disagree with explanations and Public Health and Environment recommendations. Chair McDonald asked for other professionals to speak first and if other questions go from there.

Mark Nolan an Environmental Professional and a Consultant in Environmental Business for 20 years.

Mr. Nolan discussed the project and the waivers and how they're needed because the conditions associated with the waivers don't exist on this site.

Mike Thibault with T-Bone Construction reference water run off at this site being no different than water running off a house, the shingles are just in a pile. Pile is partially on an easement for CSU, and must be moved out of the easement. They'll reutilize the area productively.

Commissioner Fletcher asked Mr. Schultz and Brock Foster about the information presented and if they were okay with it. Mr. Schultz said staff defers to professional at the State level for their expert opinion on these types of items.

Brock Foster with CSU Environmental Services offered comment why Mr. Bruskin with Public Health and Environment said the waivers were

acceptable. There's not a big concern having the shingles in one location and no other environmental concerns including no asbestos. The State has not approved #7 but made it a condition of approval depending how the on-site manager is trained and who trains them has the 40-hr qualification.

Commissioner Markewich said if you find more asbestos or other problems and we waive condition 7, will there be enough experience to identify if asbestos is found? Mr. Foster indicated there's no waiver, there's a section 8 of the Solid Waste Regulations dealing with asbestos and they're not exempt from the requirements in that section. They'd have to have an asbestos management plan in place and requirements would have to be followed along with State Regulations. The person on site should may not need 40-hrs but be aware of the training that person has had.

Commissioner Markewich asked about ground water and future construction close to a water table, how do you determine where the water table is and what happens with wetter environment? Mr. Dolan said the ground water is stable as show from weekly measurements from different wells in the area. It's been wet the last couple of years and all measurements have been dry or water level has gone down.

Commissioner Markewich said as a precaution should there be a liner in bottom? Mr. Dolan said normally the State would require a liner but this is shingle tiles so they waived the requirement. It's not needed. The shingles would still be on those houses if not for the hail. Commissioner Markewich confirmed State agencies comfortable with no liner, Mr. Dolan said yes.

Commissioner Markewich said most buildings require some sort of securing the building to ground. With what you're planning will it be enough for the future building get enough footing? Mr. Thibault with T-Bone Construction said yes there is enough. It'll be engineered correctly before being built.

Commissioner Satchell-Smith stated there was an estimated of two roofs equivalent that have asbestos, where did that amount come from and why you don't know the number of roofs in the pile?

Mr. Olesky said the asbestos is from paint that's on top of pile but couldn't address the two roof estimate. When Public Health and Environment saw silver paint reflecting the heat of sun, that's where asbestos was found. All the asphalt shingle samples have shown no asbestos.

Commissioner Satchell-Smith asked about the construction process and if the shingles would be pushed back before the hole is dug? Mr. Olesky said no, the south side of pile going towards Drennan Road is currently

vacant. Most of the hole will be going in that location. Commissioner Satchell-Smith asked what's the estimated from the time the hole is dug, when would it be filled? She's based that on the amount of water received this year she wanted to see the time frame because water will drain into the hole as it's dug. Mr. Olesky said the estimate is less than 40 days estimated to complete.

Mr. Olesky said the State has him under contract and they have only that amount of time to get the shingles underground, fines of \$10k per day if he goes over that time frame.

Rebuttal: none

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Henninger said he thank everyone for all the information. It's been very valid. Shingles put underground will not bother anyone. He's in support of the process and has no problems with the waivers.

Commissioner Markewich said he was empathetic to situation from before and what he's doing is very hard to do. But based on the Expert testimony, the information from the State he's comfortable with the plan and will be supporting Use Variance and Certificate of Designation.

Motion by Markewich, seconded by Henninger, to Approve the use variance and the development plan for the proposed landfill in the M-2/SS zone district based on the finding the request complies with the review criteria in City Code Section 7.5.803.B (Criteria for Granting a Use Variance) and Section 7.5.502.E (Development Plan Review Criteria) pending the following technical and informational modifications:

- 1. Show/Note fencing and/or signage around the landfill area notifying the presence of the landfill (to ensure emergency vehicles are aware the area may not be suitable for heavy apparatus).**

The motion passed by a vote of 5:0:4

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

- 6.E.2. [CPC UV 14-00126-C](#)** A Certificate of Designation for 3320/3330 Drennan Industrial Loop for the purpose of a landfill located at 3320 and 3330 Drennan Industrial Loop

(Quasi-Judicial)

Presenter:
Mike Schultz, Principal Planner, Planning & Community Development

Motion by Markewich, seconded by Fletcher, to Approve the Closure Document as presented allowing the City to issue a Certificate of Designation for an asphalt shingle landfill located at 3320 and 3330 Drennan Industrial Loop based upon the finding that the request complies with the factors outlined in City Code Section 6.3.106; approval is subject to the conditions of approval outlined by the Colorado Department of Public Health and Environment (CDPHE). The motion passed by a vote of 5:0:4.

Aye: 5 - Henninger, Satchell-Smith, Chairperson McDonald, Markewich and Fletcher

Absent: 4 - Graham, Smith, Raughton and Walkowski

7. Adjourn