



City of Colorado Springs

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

Meeting Minutes - Final Planning Commission

Thursday, February 15, 2018

8:30 AM

Council Chambers

- 4.E. [CPC MP 04-00254-A6 MN17](#) An appeal of the City Planning Commission's decision to recommend approval to the City Council the minor master plan amendment of the Farm Master Plan that updates the street network and locations and sizes of park sites, located west of Voyager Parkway off Ridgeline Drive.

(QUASI-JUDICIAL)

Related files: CPC PUD 17-00133, CPC PUZ 17-00132

Presenter:

Peter Wysocki, Director Planning and Community Development

Daniel Sexton, Senior Planner, Planning and Community Development

Items pulled off Consent Calendar

4.E. CPC MP 04-00254-A6MN17: The Farm Master Plan minor amendment updating the street network and location and size of park sites, located west of Voyager Parkway off Ridgeline Drive.

4.F: CPC PUZ 17-00132: The Farm Filing 5 zone change of 28 acres of land from (A) Agricultural to (PUD) Planned Unit Development (Single-Family Detached Residential; Maximum Density of 3.29 dwelling units per acre; and Maximum Building Height of 35 feet), located west of the future alignment of Secretariat Drive.

4.G CPC PUD 17-00133: The Farm Filing 5 PUD Development Plan for 28 acres of land to be developed with a single-family residential development consisting of 93 single-family detached lots, located west of the future alignment of Secretariat Drive.

Staff presentation:

Dan Sexton, Senior Planner, gave a PowerPoint Presentation for the scope and intent of the project

Applicant Presentation:

La Plata gave a PowerPoint Presentation regarding the intent of the project.

Supporters:

None

Opponents:

Colonel Pat Carley, 10th Air Base Wing Vice-Commander from USAFA. They do not really oppose this development but have a couple of concerns. The current layout was seen November of 2017 and sent a letter regarding those

concerns to City Planning in late November 2017. They met with Mr. Wysocki and Ms. Herington January 2018, to request they meet with the Planning Staff and the developer to come up with some mitigating measures in the current master plan to address their concerns. They're confident when they meet with the developer they believe they will come up with an agreement. He was there to request the items be tabled until the March meeting.

Commissioner Markewich asked if the items in the letter sent to planning had been addressed to any extent. Colonel Carley stated the FAA was making sure the city is aware of their requirement but the other items need more clarification regarding their concerns.

Commissioner Markewich stated when the project was originally was master planned he didn't recall hearing anything about emergency landing concerns so are these new concerns. Colonel Carley stated the 2014 Master Plan had diagrams showing additional open park space for an emergency landing measures if needed. The current Master Plan does not show this and therefore they'd like some mitigating measure to be accommodated that previously existed in the 2014 Master Plan.

Questions of Staff:

None

Rebuttal:

Mr. Humphrey from La Plata referenced the 2014 letter and there was no mention of a consideration of emergency landing at that time and nothing was brought up. The previous plan doesn't show much difference except for changes where Secretariat comes through. The park area between the two high density areas has shifted. At no point did they understand or have any communication where an emergency landing would be considered for this area.

Commissioner Walkowski stated it was awkward to vote on something with a meeting for after the fact. Why hasn't this been solved? What is your impression for the outcome of the meeting because the presentation says it's resolved and USAFA says it's not? Mr. Humphrey stated city staff recommended they continue to move forward but issued haven't been resolved.

Commissioner Walkowski asked Mr. Humphrey if he had any objections to postponing. Mr. Humphrey stated yes. Things are moving quickly and they want to stay ahead of the approvals. This is a huge constraint to Filing No. 5. So they'd object to tabling the item.

Peter Wysocki, Planning Director, stated they diligently tried getting the meeting scheduled which took about a month. If you look at the applications before you it will still be zoned single-family residential and almost the same density. The PUD Development Plan if there minor changes we could approve the project. If significant changes, it would be brought back to the Commission. The project meets City Code and we are going to try and resolve the issues. They felt the applications were complete enough for your

review but ultimately it will go to City Council who will make the final approval. They hope to have the issues resolved by the council meeting.

City Attorney Marc Smith stated if an opponent requests postponement of an agenda item at the meeting the Commission shall consider the request and deem if the action seems fit. That should be the first issue to address.

Commissioner Smith asked for clarification of what was being requested. Was it street widened, a dedicated street, and if landing an airplane on one of these streets how are residents notified. Mr. Humphrey deferred that to AFA. What they understand is a 50-ft wide paved road would be required, but he doesn't know the length but some of those details will be discussed at the meeting. But that would be a massive change to make that wide of road and have it'd have to be straight.

Commissioner McDonald confirmed most of what would be discussed today would also be discussed at the meeting and figured out at that time. Mr. Humphrey said yes.

Commissioner Markewich stated the Colonel mentioned the FAA approval process and if they went through that. Mr. Humphrey said they didn't nor have they done so with any of the earlier filings. Commissioner Markewich asked how far was 20,000 feet. Mr. Humphrey said it impacts a large portion of Colorado Springs like in North Fork and out to Pine Creek High School.

Commissioner Markewich asked if this was that brought to their attention for any of the other areas they've developed. Mr. Humphrey said no. Commissioner Markewich asked if they knew what it involves. Mr. Humphrey said they did not.

Mr. Wysocki stated no development in the Northgate, Briargate, or north Powers area has gone through that FAA process that we're aware of. It's not a city requirement. The letter was an FYI to the City and the applicant regarding the FAA standard.

Commissioner Markewich stated if it's a requirement the city would want to have the FAA review development plans, for a general finding from the FAA. Mr. Wysocki stated areas around the AFA do not have the Airport Overlay that's done around aviation easements. But La Plata has voluntarily agreed to plan their development with an aviation easement. That type of easement is done by the airport staff close to the airport. But we are evaluating this on a global scale and his understanding of the requirement is not for development but more for height.

Commissioner Markewich stated if the City was even vaguely aware of it, it presents a liability issue and if we approve something like this with this knowledge and the FAA says no you can't do that and he doesn't know if they have the ability to stop it but there's a liability question in his mind. Mr. Wysocki said we don't have the answer but they are researching it. Mr. Humphrey also stated this was the first time they were aware it.

Commissioner Fletcher he's confused about whether this project meets FAA requirements. Mr. Wysocki stated he didn't know how to answer because this isn't the first phase of a development or the only development in the area. His answer is the project meets city code. Previous projects have been approved with no issue and there's been no complaints filed by the FAA. Commissioner Fletcher stated he doesn't know if this project meets or doesn't meet FAA requirements.

City Attorney Smith interjected their decision is based on the city code review criteria and they didn't have authority to review FAA requirements. Commissioner Fletcher stated the development plan review criteria has safety of the citizens and that's what he's looking at.

Mr. Wysocki added this area is not in the Airport Overlay, it's not in the different levels of the airport protection zone. However we're aware now and what the city's role is. He echoed Mr. Smith's comment that they believe this meets City Code criteria and because of that they feel the project can move forward.

Ms. Meggan Herington stated staff met with Colorado Spring Airport when they received the comment and met with the Airport Planners to review their process. They look at building heights for penetration into the upper flight area and they do not do that much at the initial entitlement phase but they work with contractors in the vein of vertical height. Mr. Sexton added this is consistent with the City's Airport Planner's process in complying with FAA requirements. In the City's Airport Overlay we'd institute an avigation easement. The developer has willingly complied with that and in addition they've imposed as previously asked by AFA there be a notice be with the entitlement that would run with the land. That entitlement would go on everything including the final plat. This way any future owner would be aware of this avigation easement

Commissioner Graham wanted clarification of this emergency landing road being requested and if this is the first time this has been brought up to the City or the Developer. Colonel Carley stated previously they didn't feel there was a concern and they're not requesting a road surface. They are looking for an open relatively flat surface approximately 50-ft wide and with a long length to allow for a safe emergency landing. The development right now is directly underneath their primary take off area. Therefore for the safety of both the pilots and those on the ground that the open space needs to be there.

Commissioner Smith stated due to the location of the takeoff he's concerned about how an emergency landing situation will be a safe situation. Everyone in the community appreciates the AFA and what it does for Colorado Springs and he believes we need to accommodate the AFA in any way they can. But he's having a hard time understanding the safety they're after because it'll impact the safety of the residents. Colonel Carley stated the last course of action would be for a pilot to do an emergency landing. In this situation there'd be less than 500-ft. above ground and if they needed to go down whether to a designated area to go down or not they'd still go down. It's unlikely but still a possibility. The best case scenario for both the pilot and the residences would be to have an open area they could direct the plane to instead of a

populated area.

Commission Fletcher asked if the Colonel aware if the Academy or Federal Government has filed any formal legal request for remedy or action against the City to require this open space legally. Colonel Carley stated he was not and this is the first time they've brought this issue up. Commission Fletcher asked City Attorney Smith if he was aware of any filings by the Academy or the Federal Government for requiring this safety zone. Mr. Smith he was not.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner McDonald stated the first thing would be to decide if we need to postpone. City Attorney Smith stated that was correct.

Commission Markewich stated based on the review criteria for master plans he felt it wasn't met it due to outstanding issues unresolved, the zone change has outstanding questions so that criteria wasn't met and the development plan review criteria discusses harmoniousness and that is in question. He doesn't feel comfortable voting on any of the items as presented. He'd prefer a postponement until after the meeting before he can make any decision on this.

Commission Graham stated he felt with what he had in front of him he felt it's ok to go forward given when the meeting happens if there are major changes it will come back before the Planning Commission. He doesn't see a need to delay moving forward with the recommendations.

Commission Walkowski stated he was also in agreement they move forward on these items. The developer has put the package together. There are a few missing pieces with the AFA. He thought the detail it will be will be discussed and worked out so he's willing to let staff work out those details. He'd propose moving forward and not postpone.

Commission Smith stated he agreed with Commission Graham and Commission Walkowski. There is the opportunity for this to come back if they are major changes and he's in favor for moving forward.

Commission McDonald stated she was in favor of moving forward. The meeting will happen and it will be worked out and if there are major changes it will come back to them.

Commission Walkowski stated since the consensus of the board is to move forward, then having reviewed the development plans, the master plan amendment and rezone he thinks it substantially meets the criteria for the City Code. He'd be in support of moving it forward with the understanding and appreciation of the AFA with their concerns and the meeting of the staff and is hopeful that City Staff would bring it back to the Planning Commission if there are substantial changes.

Commission Markewich stated based on the majority this will not be tabled. However, based on the review criteria they have the unresolved issues and he has a responsibility to the community as well as look at liability. He does not

feel comfortable voting yes so he will vote no.

Commission Fletcher stated the meeting is coming up that should clarify any of remaining issues. He'd ask the Colonel, the AFA and the Federal Government to make legal requests of the City regarding any necessary changes. These are major requests to a developer that has been in progress for years so he recommends the AFA meet with their JAG officers and make some legal request of the City if the FAA requires it. He'd be with Commissioner Markewich that their job and protecting the safety and welfare of the citizens of Colorado Springs. With meeting that's schedule March 2, he'd like the Air Force and the Federal Government to have legal input. If no legal request is made then he'd assume the FAA and Federal Government believe this development is consistent with the safety and welfare of the citizens.

Commissioner Smith stated making a request for someone for a legal issue is not in front of them. There are applications in front of them for three things and that's the only thing that should be considered.

Motion by Vice Chair Smith, seconded by Graham, to Recommend approval to the City Council the minor amendment for The Farm Master Plan, based on the findings that the amendment request meets the review criteria for granting a master plan as set forth in City Code Section 7.5.408.. The motion passed by a vote of 4:2:3

Aye: 4 - Graham, Smith, Chairperson McDonald and Walkowski

No: 2 - Markewich and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

- 4.F. [CPC PUZ 17-00132](#) The Farm Filing 5 zone change of 28 acres of land from (A) Agricultural to (PUD) Planned Unit Development (Single-Family Detached Residential; Maximum Density of 3.29 dwelling units per acre; and Maximum Building Height of 35 feet), located west of the future alignment of Secretariat Drive.

(QUASI-JUDICIAL)

Presenter:

Daniel Sexton, Senior Planner, Planning & Community Development

Motion by Vice Chair Smith, seconded by Graham, to Recommend approval to City Council the zone change of 28 acres from (A) Agricultural to (PUD) Planned Unit Development (single-family detached residential; Maximum Density of 3.29 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 4:2:3

Aye: 4 - Graham, Smith, Chairperson McDonald and Walkowski

No: 2 - Markewich and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton

4.G. [CPC PUD
17-00133](#)

The Farm Filing 5 PUD Development Plan for 28 acres of land to be developed with a single-family residential development consisting of 93 single-family detached lots, located west of the future alignment of Secretariat Drive.

(QUASI-JUDICIAL)

Presenter:

Daniel Sexton, Senior Planner, Planning & Community Development

Motion by Vice Chair Smith, seconded by Graham, to Recommend approval to City Council the PUD development plan for The Farm Filing 5, 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 4:2:3

Aye: 4 - Graham, Smith, Chairperson McDonald and Walkowski

No: 2 - Markewich and Fletcher

Absent: 3 - Henninger, Satchell-Smith and Raughton