



# City of Colorado Springs

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

## Meeting Minutes - Draft Planning Commission

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Thursday, July 16, 2020

8:30 AM

Remote Meeting

Ph: 720-617-3426 Conf ID: 311 296 53#

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### 1. Call to Order

- Present:** 7 - Vice Chair Scott Hente, Commissioner James McMurray, Chair Reggie Graham, Commissioner John Almy, Commissioner Marty Rickett, Commissioner Natalie Wilson and Commissioner Rhonda McDonald
- Absent:** 2 - Commissioner Alison Eubanks and Commissioner Jim Raughton

### 2. Approval of the Minutes

- 2.A. [CPC 20-363](#) Minutes for the June 18, 2020 City Planning Commission

Presenter:

Reggie Graham, Chair, City Planning Commission

**Motion by Commissioner Rickett, seconded by Vice Chair Hente, to approve the minutes for the June 18, 2020 City Planning Commission meeting. The motion passed by a vote of 6:0:2:1**

- Aye:** 6 - Vice Chair Hente, Chair Graham, Commissioner Almy, Commissioner Rickett, Commissioner Wilson and Commissioner McDonald
- Absent:** 2 - Commissioner Eubanks and Commissioner Raughton
- Recused:** 1 - Commissioner McMurray

### 3. Communications

Peter Wysocki - Director of Planning and Community Development

Mr. Wysocki thanked Commissioner Rhonda McDonald for her service and dedication to the Planning Commission for the last six years. Commissioner McDonald would be missed and always remembered for her insight, hard work and great sense of humor.

Chair Graham echoed Mr. Wysocki words and said he was grateful for the guidance Commissioner McDonald provided to him and appreciated her dedication and contributions made to the Planning Commission.

Ms. McDonald thanked everyone and said she has been on the commission for six years, and while she is totally on board to continue, that it was time for new people to come on board. Commissioner McDonald said that she was completely impressed and proud of the City's Planning Department and that it had been great working with all the different commissioners.

**4. CONSENT CALENDAR**

- Present:** 7 - Vice Chair Scott Hente, Commissioner James McMurray, Chair Reggie Graham , Commissioner John Almy, Commissioner Marty Rickett, Commissioner Natalie Wilson and Commissioner Rhonda McDonald
- Absent:** 2 - Commissioner Alison Eubanks and Commissioner Jim Raughton

**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.)**

Larry Driver, a call-in citizen, asked for the Cottages at Woodmen Heights (Items 4.A. and 4.B.) to be taken off the Consent Calendar.

**Austin Bluffs Heights**

- 4.C.**    [CPC ZC 19-00131](#)    An Ordinance amending the zoning map of the City of Colorado Springs pertaining to 1.13-acre from Single-Family Residential (R1-6000) to Intermediate Business with Conditions of Record (C-5/cr), located south of Austin Bluffs Parkway to the southwest of the Austin Bluffs Parkway/Meadow Lane/Regent Circle intersection.

(Quasi-Judicial)

Related Files: CPC ZC 19-00131, CPC DP 19-00132

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

**This Ordinance was referred on the Consent Calendar to the City Council**

- 4.D.**    [CPC DP 19-00132](#)    A Development Plan for Austin Bluffs Heights to allow construction of a multi-tenant commercial building.

(Quasi-Judicial)

Related Files: CPC ZC 19-00131, CPC DP 19-00132

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

**This Planning Case was referred on the Consent Calendar to the City Council**

**U-Haul at Tiffany Squares**

- 4.E. [CPC UV 19-00145](#) A Use Variance Development Plan establishing an accessory equipment rental use with a maximum of six (6) rental vehicles located at 6805 Corporate Drive.

(Quasi-Judicial)

Presenter:  
Gaby Serrano, Planner II, Planning & Community Development

**This Planning Case was approved on the Consent Calendar.**

- 4.F. [PD DP 81-306-A7M N19](#) A minor development plan amendment for U-Haul at Tiffany Square for construction of a new 8,245 square foot self-storage building located at 6805 Corporate Drive.

(Quasi-Judicial)

Presenter:  
Gaby Serrano, Planner II, Planning & Community Development

**This Planning Case was approved on the Consent Calendar.**

Approval of the Consent Agenda

**Motion 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 7:0:2:0**

**Aye:** 7 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner Almy, Commissioner Rickett, Commissioner Wilson and Commissioner McDonald

**Absent:** 2 - Commissioner Eubanks and Commissioner Raughton

**ITEMS CALLED OFF CONSENT**

**Cottages at Woodmen Heights**

This item was removed from the Consent Calendar from a member of the public.

- 4.A. [CPC PUZ 20-00053](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 38.98 acres generally located south of Woodmen Road and east of the Adventure Way and Nevada Lane intersection from A/SS/AO (Agriculture with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: 45-foot maximum height; PBC land uses and multi-family; 9.15 dwelling units per acre with Streamside and Airport Overlays).

(Quasi-Judicial)

Related file: CPC PUD 20-00054

Presenter:

Hannah Van Nimwegen, Senior Comprehensive Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

**This item was pulled from the Consent Calendar from a citizen wishing to discuss the drainage of the property and the upkeep of Adventure Way.**

**Staff presentation:**

Hannah Van Nimwegen, City Planning, presented a PowerPoint with the scope and intent of this project.

- 38.98-acre site
- Proposed to be rezoned to a PUD for multi-family and commercial uses
- Part of the Woodmen Heights Master Plan and designated for multi-family (8-11.99 du/ac), office, and commercial uses

**Applicant Presentation:**

Andrea Barlow, N.E.S. on behalf of Goodwin Knight, presented a PowerPoint with the scope and intent of this project.

**Master Plan**

**North:**

- 17 acres of Neighborhood Commercial/Office/ Multi-Family 8-11 du/ac

**South:**

- 14 acres of 8-11.99 du/ac Residential

**East:**

- Greenbelt/Open Space

**PUD Development Plan**

Site Area of 38.98 acres

- 1.2-acre Commercial Lot
- 6-acre Driving School
- 280 residential units
  - 202 for-lease cottages
  - 78 for-sale townhomes
  - 9.15 du/ac
- 12.1 acres of open space, drainage and trails
- Private Streets

202 for-lease "cottages"

- Unit sizes 350 sq. ft. to 1550 sq. ft
- One-story attached or two-story stacked units

- 20 studios, 76 one-bed, 96 two-bed, and 10 three-bed
- 359 surface parking spaces, 40 garage, 14 ADA spaces
- Open Space:
  - Required: 42,000 SF
  - Provided: 45,384 SF

78 for-sale townhomes units

- Minimum 1,850 SF lots with an average size of 2,200 SF
- 3 or 4 bedroom units
- 2-car garages with 2-car driveway
- 27 surface spaces for guests
- Open Space
  - Required: 46,800 SF
  - Provided: 74,741 SF

**Questions:**

None

**Supporters:**

N/A

**Opponents:**

Larry Driver, 7150 Nevada Lane

- Concerned that the drainage from the new development would impact the pond that waters his livestock
- Concerned about the deterioration of Adventure Way

**Rebuttal:**

Hannah Van Nimwegen

- **Drainage** - Ms. Van Nimwegen spoke to stormwater engineer, Anna Bergmark, about the specific way the drainage patterns would happen on the property. Ms. Van Nimwegen explained the tributary to Mr. Driver's pond comes from the Mountain Spring Ranch church area to the northwest. The topography leads itself a natural swale that works its way southeast leading to the two ponds that are on the bottom of the aerial (photo). The subject site will flow directly southeast eventually to Sand Creek. Stormwater engineering has been working consistently with the property owner directly to the south. The actual tributary to Mr. Driver's pond would not be from this subject site; the water would have to flow uphill in order to accomplish that. There is a breaking point between several of those ponds along Sand Creek, but the specific pond being talked about gains water from the northwest near Mountain Springs Ranch church. According to the stormwater engineer, Mr. Driver's pond should not be affected unless there was ever development in El Paso County, which might alter those flows.

- Adventure Way** - Ms. Van Nimwegen said Adventure Way is within the City's jurisdiction to maintain. A traffic impact analysis was completed for the subject property, and the subject proposal would realign a portion of Adventure Way. As far as the maintenance goes with the remainder portion of Adventure way leading to Black Forest, if there were ever an issue, we would encourage citizens to report potholes or anything along those lines on the GoCOS app. Ms. Van Nimwegen was going to check if the street was on the repaving plan at this time.

Mr. Driver said Ms. Van Nimwegen answered his questions and appreciated the consideration.

**Questions of Staff:**

None

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

No questions or comments.

**Motion by Commissioner Rickett, seconded by Vice Chair Hente, to recommend approval to City Council the rezone of 38.98 acres from A/SS/AO (Agriculture with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: 45-foot maximum height; PBC land uses and multi-family; 9.15 dwelling units per acre with Streamside and Airport Overlays), 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 to the City Council. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner Almy, Commissioner Rickett, Commissioner Wilson and Commissioner McDonald

**Absent:** 2 - Commissioner Eubanks and Commissioner Raughton

- 4.B.** [CPC PUD 20-00054](#) The Cottages at Woodmen Heights Development Plan for 38.98 acres containing a mix of commercial and multi-family land uses generally located south of Woodmen Road and east of the Adventure Way and Nevada Lane intersection.

(Quasi-Judicial)

Related File: CPC PUZ 20-00053

Presenter:

Hannah Van Nimwegen, Senior Comprehensive Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

**Motion by Commissioner Rickett, seconded by Vice Chair Hente, to recommend approval to the City Council the development plan for the Cottages at Woodmen Heights based upon the findings the 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 to the City Council. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner Almy, Commissioner Rickett, Commissioner Wilson and Commissioner McDonald

**Absent:** 2 - Commissioner Eubanks and Commissioner Raughton

**5. UNFINISHED BUSINESS**

**5.A.** [CPC AP 20-00061](#) Postpone an appeal of the administrative 2-year extension of the temporary use permit for the Flying W Ranch office at 2870 Chuckwagon Road.

(Quasi-Judicial)

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

Ms. Meggan Herington, Assistant Director of Planning and Community Development, asked to postpone this item to the September 17 meeting. Ms. Herington reminded the commissioners this was the second postponement and that the applicants wanted to wait until the hearings are being held in person again.

**Motion by Commissioner Rickett, seconded by Commissioner Almy, that this Planning Case be postpone to a date certain Postpone the appeal until the September 17 Planning Commission meeting to the Planning Commission Informal. The motion passed by a vote of 6:0:2:1**

**Aye:** 6 - Commissioner McMurray, Chair Graham, Commissioner Almy, Commissioner Rickett, Commissioner Wilson and Commissioner McDonald

**Absent:** 2 - Commissioner Eubanks and Commissioner Raughton

**Recused:** 1 - Vice Chair Hente

**6. NEW BUSINESS CALENDAR**

**Hansen Ranch**

**6.A.** [CPC PUZ 19-00126](#) An ordinance amending the zoning map of the City of Colorado Springs relating to 12.89 acres located south and east of the Tutt

Boulevard and Templeton Gap Road roundabout from A/AO (Agriculture with an Airport Overlay) to PUD/AO (Planned Unit Development: 35-foot maximum height, single-family detached units, 5.04 dwelling units per acre with an Airport Overlay)

(Quasi-Judicial)

Related File: CPC PUZ 19-00126, CPC PUD 19-00127

Presenter:

Hannah Van Nimwegen, Senior Comprehensive Planner, Planning & Community Development

Peter Wysocki, Planning & community Development Director

**Staff presentation:**

Hannah Van Nimwegen, City Planning, presented a PowerPoint with the scope and intent of this project.

**Site Details:**

- 12.89-acre site
- Proposed to be rezoned to a PUD for single-family residential with a range of lot sizes
- Not part of a master plan

**Public Notification and Involvement:**

- Public notice was mailed to 256 property owners on two occasions: internal review and prior to the Planning Commission hearing
- The site was also posted on those two occasions
- A few public comments were received regarding concerns with traffic congestion and safety, buffering between neighborhoods, and park space

**Applicant:**

Mr. David Whitehead said Hannah has been great. The buffering has been worked out, the park, open space, has been relocated it to be contiguous with the property's trail to the east. After that, all comments have been addressed.

**Questions:**

Commissioner Rickett and Commissioner Hente both disclosed that they knew Mr. Whitehead and have worked with him professionally in the past. Both Commissioner Rickett and Hente said they had no ties to this project and their decisions would not be influenced.

**Supporters:**



None

**Opponents:**

None

**Rebuttal:**

None

**Questions of Staff:**

None

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

None

**Motion by Commissioner Rickett, seconded by Vice Chair Hente, to recommend approval to City Council the rezone of 12.89 acres from A/AO (Agriculture with an Airport Overlay) to PUD/AO (Planned Unit Development: 35-foot maximum height, single-family detached units, 5.04 dwelling units per acre with an Airport Overlay), 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 McMurray, Chair Graham, Commissioner Almy, Commissioner Rickett, Commissioner Wilson and Commissioner McDonald

**Absent:** 2 - Commissioner Eubanks and Commissioner Raughton

**6.B.** [CPC PUD 19-00127](#) The Hansen Ranch Development Plan for 12.89 acres containing 65 single-family detached residential units generally located south and east of the Tutt Boulevard and Templeton Gap Road roundabout

(Quasi-Judicial)

Related File: CPC PUZ 19-00126, CPC PUD 19-00127

**Presenter:**

Hannah Van Nimwegen, Senior Comprehensive Planner, Planning & Community Development

Peter Wysocki, Planning & community Development Director

**Motion by Commissioner Rickett, seconded by Vice Chair Hente, to recommend approval to the City Council the development plan for 65 single-family detached residential 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 with the following technical modification:**

- 1. Change the subdivision plat name in "note 3" too "Hansen Ranch Filing No.**

1"

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

**Aye:** 7 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner Almy, Commissioner Rickett, Commissioner Wilson and Commissioner McDonald

**Absent:** 2 - Commissioner Eubanks and Commissioner Raughton

### Appeal of 506 Hawthorne

- 6.C. [CPC AP 20-00096](#) An appeal of the Planning Commission's decision to uphold the administrative denial of a single-family site plan for 506 Hawthorne Place.

(Quasi-Judicial)

Related Files: CPC AP 20-00096

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

#### Staff presentation:

Lonna Thelen, City Planning, presented a PowerPoint regarding the appeal of an administrative decision for a single-family site plan submittal.

- Existing Property
  1. Zoned R1-6
  2. Currently a vacant property
- Application:
  1. Appeal of a site plan denial. A geologic hazard report was not submitted with site plan submittal.
- Geologic Hazard reports are required unless exempted per City Code 7.4.503.A.
  1. This site is not exempted per 7.4.503.A.
- If a report is required, then the applicant has two options:
  1. Submit a geologic hazard report
  2. Submit a geologic hazard waiver
    - To qualify for a waiver the site must meet the following:
      - Master plans, development plans, or subdivision plats for which geologic hazard reports have been previously prepared and reviewed and which are still considered to be relevant.
      - Development proposals west of Interstate Highway 25 which exhibit none of the following

characteristics:

- Slopes (existing or proposed) exceeding thirty three percent (33%) or which are otherwise unstable or potentially unstable.
- Underground mining or subsidence activity.
- A history of a landfill or uncontrolled or undocumented fill activity.

General concerns raised by City Engineering and Colorado Geologic Survey:

- The site is underlain by Pierre Shale and has high swell potential.
- The site is in the Landslide Susceptibility Layer
- Slopes appear greater than 3:1
  - The first 10 feet appear to be a 1:1 slope
  - The remaining portions of the site appear to have a 3:1 or 4:1 slope
- Site erosion must be managed due to the bedrock and soils derived from it.
- A full geologic hazard report and slope stability analysis is required to identify geologic hazards that may include expansive soils, failure planes, slope creep and unstable slopes.
- The geologic hazard report will provide analysis and construction recommendations for the lot so that the construction does not destabilize the slope and cause structural damage or failure to the public street and proposed house.

Landslide Susceptibility Zone

- This site is in the landslide susceptibility zone.
- A geologic hazard waiver or report is required for areas west of 1-25.
- A quote from a geotechnical firm confirmed that they would not support a waiver and backed the recommendations of City Engineering and CGS for a full geologic hazard report.

Cost of geohazard report as quoted to the appellant by leading geoen지니어ing firm:

• Subsurface Soil investigation	\$1,465
• Geologic Hazard Study	\$2,960
• Slope Stability Analysis	\$2,530
• Consultation & Professional Eng/Geo Services	\$650 - \$1,250
	<b>*Total: \$7,206</b>

\*Does not include additional consulting for the foundation design

**Steep Site:**

- A drilling rig would be required to gain samples for the geologic hazard report.
- The applicant does not want to construct a driveway to get to the site. This driveway is also shown as part of the site plan and would need to be constructed.

**Development Cost:**

- The applicant notes the following costs for development:
  - \$7,500 geologic hazard report
  - \$12,000 driveway
  - \$25,000 infrastructure
  - Total - \$44,500
- The infrastructure and driveway costs are part of development. The additional costs is \$7,500.
- The site clearly exhibits potential geologic hazard issues. In order to safely develop a geologic hazard report is needed to analyze the site.

**Appellant Presentation:**

Mr. Michael Lowery, owner and appellant, presented a PowerPoint with the problems with the Landslide Susceptibility Zone methodology.

**Questions:**

Commissioner McDonald asked Mr. Lowery if he has owned the land for an extensive period of time. Mr. Lowery replied that he has owned the property for almost 20 years. Commissioner McDonald asked if he had ever built on this property prior to this and if there was a reason for that.

Mr. Lowery said there were three reasons why the land was not built on:

1. After buying the lot city planning, sent Mr. Lowery to the fire department who said there was not a fire hydrant within 200 feet of the front door. After consulting with Utilities and the Stratton Meadows fire department, it was discovered that the fire hydrant at Square Park was only 1,300 gallons per minute. Seven years later a fire hydrant was installed within 50 feet of the proposed front door.
2. Four or five years ago gas and water service was finally obtained on Hawthorne so that it could be brought into the proposed home.
3. The reason for the variance that was filed was to get the house high enough so that the sewer would drain properly through the existing lot at 121 Alsace Way, which Mr. Lowery owns.

Commissioner McDonald asked if the intention was to sell the home to someone else, and Mr. Lowery said they intended on keeping the house for the

family, which adjoins the lot at 121 Alsace Way, which is also owned by Mr. Lowery.

Commissioner McDonald expressed her concern that if for some reason this requirement was overturned and there was no longer a requirement to have the geohazard report that down the road at some point, these homes are going to be sold to someone. Commissioner McDonald said that was one of her hesitations in releasing that requirement.

Mr. Lowery said he would be happy to include a document in the title that the geohazard survey was not completed for the site. Mr. Lowery said he would file with his own engineering so that anyone who buys the house, it will pop up with the title document, which should be sufficient to alert future buyers.

Commissioner McDonald said her second concern was that this would set a precedent for the City, which creates issues with the City Planning Department requirements as they stand currently. Mr. Lowery stated he understood that.

Mr. Lowery stated his thoughts were that anybody in the neighborhood that wanted to add or rebuild a garage and extend it by 30 square feet would have to pony up \$7,500 for a soil test. Mr. Lowery said the way he sees the law written is that anyone who wanted to add a spare bedroom would have to put up \$7,500 and in a lot of cases you could build it for twice that.

Mr. Lowery said he agreed with Commissioner McDonald that it could set a precedence and that is really one of the reasons that he was appealing the decision. Mr. Lowery said if he loses this appeal, he would appeal to the City Council, and if he lost at City Council, he would appeal it to district court.

Mr. Lowery stated when you add \$7,500 to a mortgage, and amortize it over 30 years, it turns into about \$35,000. It does reduce the risk of plaster cracking, but someone can replaster their house three times for \$7,500. Mr. Lowery said he understood the concerns but he was willing to accept whatever outcome today, but that he is just trying to get the house built.

Commissioner McDonald explained to Mr. Lowery that the commission's job was to make a decision based on the criteria that was already approved and not to debate what is approved. Commissioner McDonald said she understood what Mr. Lowery was saying and appreciated it, but that the commission could only go by the criteria.

Mr. Lowery said he fully understood that.

Commissioner Hente commented that he agreed with Commission McDonald

and said that he believed what was really being asked was not so much the waiver, but to turn aside or even ignore the ordinance. Commissioner Hente said he did not believe that was in the purview of the Planning Commission. Commissioner Hente explained this was an item that City Council passed and they would have to make the decision on whether to ignore the ordinance or do something opposed to it, but it would not be appropriate for the Planning Commission to override the ordinance. Commissioner Hente said because of those reason he would not be supporting the appeal.

Commissioner Rickett said he concurred with his fellow commissioners and commented that the ordinance was actually developed with geotechnical engineers. So this was not something that was just put together, but was actually developed with geotechnical engineers. Commissioner Rickett explained he would not be supporting the appeal because the Planning Commission was there to review the law and uphold it.

Commissioner Almy said he agreed with the conversation so far, but what was really being asked is to change the code and not save money here for the individual. Commissioner Almy said Mr. Lowery had a well-documented case, but it wasn't a case that the Planning Commission could adjudicate. What needs to happen is to get a complete waiver from the code for this neighborhood based on the fact there is 100 years of history that shows the risk is relatively low, if it is. Commissioner Almy restated that was not the Planning Commission's place to do that.

Commissioner Rickett asked Mr. Lowery if he was going to eventually have to have a soils report to be able to understand what the foundation is. Mr. Lowery said he already had a soils report, that it was seven or eight pages long and it was done in 1996. There were two borings taken and nothing has been built on it since 1996. Mr. Lowery said if the financial circumstances of the permit could be brought to some reasonable level and he decided to go forward with the house, the lot would be excavated and another soil sample would be conducted at that point in the area that will actually be built upon. Mr. Lowery said he would consult with the professional engineer regarding both of the soil reports, and they would do the consulting work and put the stamp on the foundation.

Commissioner Rickett said he was just curious because Mr. Lowery had noted that he was going to have to bore again anyway and wondered why it was such a big deal at the moment.

Mr. Lowery said it was such a big deal because the current requirement is spending \$96,000 before a permit is even submitted and if any complaints or problems arise, he would be out \$100,000 or more and never end up with a house.

**Supporters:**

None

**Opponents:**

Dan Santistevan, 504 Hawthorne Place right next door to Mr. Lowery's property

- Lived at his residence since 2000
- No Google maps or any picture shows the true geological challenge of the proposed site
- Mr. Santistevan said Mr. Lowery told him he was going through a variance of the setbacks because of the triangular shape of the property and that he would not be able to feasibly build the home without it
- Mr. Santistevan objects to that because he has the same issue and would not be able to put a garage or carport or anything because of that ordinance, which he said he commended
- Neighbors were relieved this was denied because Mr. Lowery wanted to build a structure with a tower and the only way he could do that is if he pushes that up against the Hawthorne Place abutment
- The reason the property has never been developed is because of the setback ordinance
- Mr. Lowery is trying to use the soil report from 1996 before he even owned the property and the property has changed a lot in the last 20 years with Mr. Lowery removing several old elm trees and a lot of shrub oak that stabilized the property
- One picture Mr. Lowery showed was a hundred year old ditch that goes through Mr. Santistevan's yard, and putting a house on that drainage will disrupt the whole hydrodynamic flow of the area
- Mr. Santistevan requested that a geological survey be done to see if the property should be developed

**Rebuttal:**

Mr. Lowery wanted to correct the fact Mr. Santistevan mentioned:

- The hundred year old ditch runs across the lot does not run into Mr. Santistevan's yard or anywhere near the yard
- The difference between Mr. Santistevan's house, Mr. Lowery's house and the proposed house is that Mr. Santistevan's house has the sewer draining into the common sewer that was built 70 years ago
- The reason this lot has not been built on previously was because the sewer had to have the variance to be higher up on the lot to be able to drain through Mr. Lowery's lot at 121 Alsace Way to go under a 70 foot spruce tree to hit the sewer on Alsace Way
- Nothing has changed on the lot since 1981 when Mr. Lowery bought his

house

- The tower is only half a story above the two stories that are proposed
- Mr. Santistevan has opposed everything because he does not want a house built where he has a view of a vacant lot to look out on

**Questions of Staff:**

None

**DISCUSSION AND DECISION OF PLANNING COMMISSION:**

Commissioner Rickett said everyone did a great job on their presentations. Commissioner Rickett said it would be interesting what the geohazard study may bring up that also may not show, as Mr. Santistevan noted, that this would be even possible to build on due to whatever those things could be.

Chair Graham said he echoes some of the same comments of the other commissioners and stated this is something that City Council has to weigh in on.

**Motion by Commissioner Rickett, seconded by Vice Chair Hente, to deny the appeal, thus upholding the administrative denial of the single-family site plan for 506 Hawthorne Place, based upon the findings that the appeal does not meet the appeal criteria set forth in City Code Section 7.5.906.A.4. The motion passed by a vote of 7:0:2:0**

**Aye:** 7 - Vice Chair Hente, Commissioner McMurray, Chair Graham, Commissioner Almy, Commissioner Rickett, Commissioner Wilson and Commissioner McDonald

**Absent:** 2 - Commissioner Eubanks and Commissioner Raughton

**7. PRESENTATIONS/UPDATES - None**

**8. Adjourn**